

**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. 28/15

Date to Members: 17/07/15

Member's Deadline: 23/07/15 (5.00pm)

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:

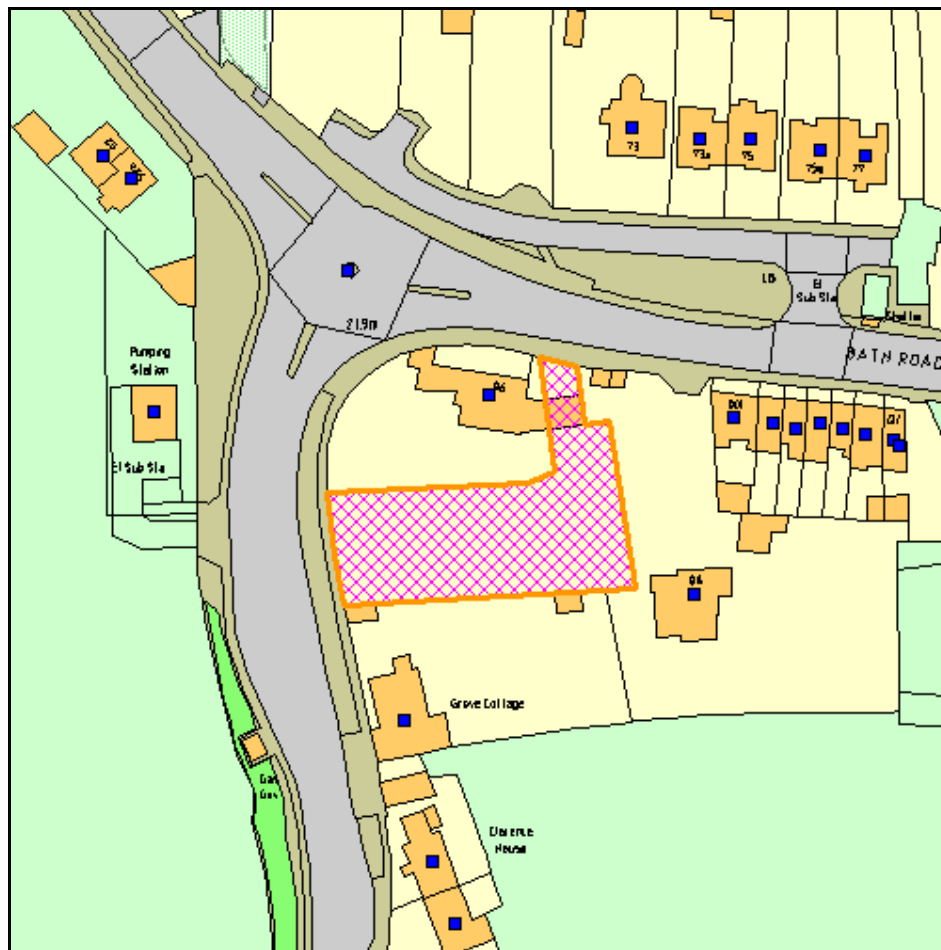
- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s) 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 -17 JULY 2015

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK14/4435/O	Approved - Unilateral Agreement	96 Bath Road Willsbridge South Gloucestershire BS30 6EF	Bitton	Bitton Parish Council
2	PK15/1288/F	Approve with Conditions	Great Western Business Park Armstrong Way Yate South Gloucestershire BS37 5NG	Ladden Brook	Iron Acton Parish Council
3	PK15/1339/F	Refusal	Beech Hill Farm Westerleigh Road Westerleigh South Gloucestershire BS37 8QF	Westerleigh	Westerleigh Parish Council
4	PK15/1363/F	Approve with Conditions	Dorset House Downend Road Kingswood South Gloucestershire BS15 1SE	Kings Chase	None
5	PK15/2030/F	Approve with Conditions	Mulberry Tree Cottage Catchpot Lane Old Sodbury South Gloucestershire BS37 6SQ	Cotswold Edge	Sodbury Town Council
6	PK15/2055/FDI	Approve	Near Jenner Boulevard Emersons Green South Gloucestershire BS16 7FQ	Boyd Valley	Emersons Green Town Council
7	PK15/2337/R3F	Deemed Consent	The Park Primary School Hollow Road Kingswood South Gloucestershire BS15 9TP	Woodstock	None
8	PK15/2414/F	Approve with Conditions	40 Stoneleigh Drive Barrs Court South Gloucestershire BS30 7BZ	Parkwall	Oldland Parish Council
9	PT15/0687/F	Approve with Conditions	Land Off Redham Lane Pilning South Gloucestershire BS35 4HQ	Severn	Olveston Parish Council
10	PT15/0842/F	Approve with Conditions	Land Off Redham Lane Pilning South Gloucestershire BS35 4HQ	Severn	Olveston Parish Council
11	PT15/0886/F	Approve with Conditions	Prep Centre Laurel Court Cribbs Causeway Almondsbury South Gloucestershire BS10 7TU	Patchway	Almondsbury Parish Council
12	PT15/1608/F	Approve with Conditions	Woodburn House Wolfridge Lane Alveston South Gloucestershire BS35 3PG	Thornbury South And	Alveston Parish Council
13	PT15/2099/F	Approve with Conditions	Garage Site Adjacent To 24 Coalville Road Coalpit Heath South Gloucestershire	Westerleigh	Westerleigh Parish Council
14	PT15/2294/O	Refusal	Land At Station Road Pilning South Gloucestershire	Almondsbury	Pilning And Severn Beach Parish Council
15	PT15/2332/F	Approve with Conditions	Pond Farm The Common Patchway South Gloucestershire BS34 6AU	Bradley Stoke Central And Stoke Lodge	Stoke Lodge And The Common
16	PT15/2382/F	Approve with Conditions	7 Thicket Walk Thornbury South Gloucestershire BS35 2JN	Thornbury North	Thornbury Town Council
17	PT15/2448/TRE	Approve with Conditions	North Gate 13 Old Aust Road Almondsbury South Gloucestershire BS32 4HJ	Almondsbury	Almondsbury Parish Council

CIRCULATED SCHEDULE NO. 29/15 – 17 JULY 2015

App No.:	PK14/4435/O	Applicant:	The Trustees Of The Michael Ferguson No2 And No3 Discretion
Site:	96 Bath Road Willsbridge Bristol South Gloucestershire BS30 6EF	Date Reg:	14th November 2014
Proposal:	Demolition to part of existing dwelling. Erection of 2 No. dwellings (Outline) with access and layout to be determined all other matters reserved.	Parish:	Bitton Parish Council
Map Ref:	366643 170335	Ward:	Bitton
Application Category:	Minor	Target Date:	7th January 2015



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100023410, 2008. N.T.S. PK14/4435/O

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application has been submitted to the Council's Circulated Schedule procedure due to the S106 Unilateral Undertaking entered into by the applicant, as well as objections from the Parish Council and a local resident, which are contrary to the recommendation detailed in this report.

1. THE PROPOSAL

- 1.1 The application seeks outline permission for the erection of 2 no detached dwellings with access and layout to be determined and all other matters reserved.
- 1.2 The application relates to the residential curtilage of 96 Bath Road, Willsbridge, which is within the Bristol East urban fringe area. The partial demolition of an extension to no. 96 will provide the access to the proposed dwellings.
- 1.3 Amendments have been submitted during the course of the application. On 15th December 2015 at the officers request, an amended Block Plan was submitted to show adequate parking. Following several versions being submitted, a final bat survey and mitigation strategy was received on 30th July 2015. A neighbour re-consultation was not deemed necessary.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Policy Guidance

2.2 Development Plans

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

H4	Development within Existing Residential Curtilages, Extensions and New Dwellings	Including
L1	Landscape	
L9	Protected Species	
L11	Archaeology	
T7	Cycle parking	
T12	Transportation Development Control	

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS5	Location of Development
CS8	Improving Accessibility
CS9	Environmental Resources and Built Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS29	East Fringe of Bristol Urban Area

- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted 2007)
South Gloucestershire Residential Parking Standards (adopted) 2013
Waste Management SPD (Adopted) 2015

3. RELEVANT PLANNING HISTORY

- 3.1 There is no planning history at the site.

4. CONSULTATION RESPONSES

- 4.1 Bitton Parish Council
Objection.

- 4.2 Oldland Parish Council
No comment received.

- 4.3 Other Consultees

Lead Local Flood Authority

No objection subject to Sustainable Urban Drainage System being agreed by condition.

Archaeology Officer

A programme of archaeological work should be undertaken and a condition applied to any consent granted.

Sustainable Transport

No objection subject to amendments to the access and contributions to a Traffic Regulation Order being sought.

Landscape Officer

No comment received,

Coal Authority

No objection subject to informative.

Tree Officer

Requests arboricultural statement is sought by condition.

Ecology Officer

No objection to amended bat survey and mitigating measures, subject to conditions.

Other Representations

- 4.4 Local Residents

One letter of objection has been received from a nearby property, stating the following:

- Overbearing and loss of privacy, as houses proposed are 8.5 metres to the ridge and garden wall is only 4 metres tall.

- Traffic and access issues on Bath Road and Keynsham Road, adjacent to very busy roundabout
- Impact on nature conservation – particularly bats
- English heritage is houses with large gardens, this is losing our heritage and creating mini housing estates
- Pedestrian access means that visitors will park on grass verge outside, obstructing visibility

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The principle of residential development within the urban fringe areas is considered acceptable under saved policy H4 of the Local Plan (Adopted 2006) and policy CS5 of the Core Strategy (Adopted 2013) subject to a detailed assessment of matters relating to residential amenity, design, highway safety and the environment. This application seeks outline consent with only the access and layout to be determined, with scale, appearance and landscaping to be reserved for future application(s).

5.2 Residential Amenity

The application site consists of the rear garden of no. 96 Bath Road, Willsbridge, which is also known as Beaufort House. It is a large two-storey detached property with a rendered finish, and it fronts onto Bath Road. It has a large two-storey side extension to the east side, accommodating a triple garage with living accommodation above. This extension is proposed to be removed to create the access into the rear garden to facilitate this development.

5.3 The provision of two dwellings and their associated access and parking will significantly reduce the amount of private amenity space available to the host dwelling. The remaining space is considered to be acceptable, and the property still has access to a relatively generous plot. The two proposed units will have access to approximately 75 square metres of useable amenity space, which is considered appropriate. Whilst the rear windows of the existing dwelling face towards the proposed amenity space, this is at a distance of over 15 metres in the case of the closest proposed unit. This is considered acceptable. Although the positioning of windows is a reserved matter, the Design and Access Statement states that the principal rooms are likely to have outlooks to the east and west, which would provide indirect views common into the neighbouring properties, which are common in residential areas.

5.4 The occupiers of the adjacent property, Grove Cottage, have objected on the grounds that the development is overbearing and will overlook their property. Only indirect views into the garden are likely, and the reserved matters application will assess the need to prevent windows in the southern elevation of the dwellings. The scale of the properties and whether they are overbearing will also be considered at reserved matters stage, however it is noted that the maximum height is 8.5 metres to the ridge as detailed in the Design and Access Statement. This is acceptable and as a taller height may impact upon the adjacent existing dwelling which is of a lesser height, a condition on the decision notice will ensure that the dwellings do not exceed this height.

5.5 Design

The outline application requests that appearance, landscaping and scale are determined at reserved matters stage, and as such only the general principles of design can be assessed. The siting is unlikely to cause any significant issues and the layout shows adequate plots for each dwelling is possible within the site. The dwellings are shown to be associated with Keynsham Road, and should be able to blend in to the street scene subject to a high quality design. The stone wall along the western boundary is considered to provide a positive contribution to the character of the area, and a condition on the decision notice will ensure its retention. The layout is considered to accord with policy CS1 of the Core Strategy (Adopted) December 2013.

5.6 Transport

Whilst objections regarding the closeness of the development to the roundabout have been noted, the visibility from the site access onto the public highway meets the current visibility guidance. The relocation of parking for the existing dwelling from adjacent to the highway to the rear of the site is considered to be an improvement on the extant situation, due to the large turning area that is proposed to prevent drivers from reversing back out onto the public highway.

5.7 The development will cause additional traffic movements in and out of the site access. With this in mind, it is recommended that the access is widened to allow two cars to pass at the junction to the public highway. Currently the proposed access is 4 metres wide but there is scope within the red line to amend this to 5 metres. This will be achieved by way of a condition on the decision notice.

5.8 There are often queues of traffic waiting at the adjacent roundabout, and it is likely that these queues will sometimes extend past the site entrance. It is therefore considered necessary to seek funds for a Traffic Regulation Order to keep the access clear with 'Keep Clear' markings, to ensure that free flow of traffic is maintained near the junction onto the public highway. Furthermore, the proposal includes two separate pedestrian accesses (one existing and one proposed) from the new dwellings onto Keynsham Road. Given the proximity of these pedestrian entrances to the roundabout, there are concerns over potential on-street parking on Keynsham Road, which is part of the A4175, a principal classified road. It is considered that any additional parking at this location would be detrimental to safe and free flow of traffic and it must be prevented. For this reason, mitigating measures are required to promote waiting restriction at this location. In this respect therefore, the applicant is also required to make adequate financial contribution towards implementation of "Traffic Regulation Order" (TRO) for waiting restriction at this location. A Section 106 Unilateral Undertaking has been submitted by the applicant to ensure this upon the commencement of development.

5.9 Plans submitted with the application show total of 7 car parking spaces on site. Two parking spaces are provided for each new dwellings and three spaces for the existing house and this meets the Council's adopted parking standards. Subject to the aforementioned condition and a financial contribution being secured, there is no transportation objection to the proposal.

5.10 Archaeology

Although the Design and Access statement suggests that the building itself is not an archaeological consideration, the land adjacent to it is. There is evidence for historic mining activity noted nearby and it is adjacent to the line of a putative Roman road and within the core of the historic settlement. Ordinarily these would lead to the requirement for pre-determination archaeological assessment.

- 5.11 However, the site does appear to have been altered at various stages in the past including the removal of part of the southern extent on the building post-1921 and the planting of trees. As such, in this instance the archaeology could be dealt with by way of condition, and this will be added to any consent granted.

5.12 Ecology

The site consists of an existing building set in a large garden, mainly laid to amenity grassland. Willsbridge Valley Local Nature Reserve and Cleeve Wood Site of Special Scientific Interest lie within 500m of the site, but both are extremely unlikely to be negatively impacted by the proposal. Ecology appraisals have been provided (Ecological Walkover and Bat Building Assessment and Survey October 2014; Bat Survey and Assessment June 2015, both by Just Ecology Limited). The Council's Ecology officer has no objection to these amended appraisals, subject to an ecological mitigation and enhancement plan being submitted prior to commencement of development, based on the recommendations provided in section 5 of the Ecological Walkover and Bat Building Assessment and Survey (Just Ecology, dated October 2014), and that a Natural England European Protected Species Licence is applied for and adhered to. This information will be secured by condition.

- 5.13 The ecological mitigation and enhancement plan will also include recommendations for avoidance of harm to great crested newts and the European hedgehog, in the unlikely event of any being encountered. Subject to the above, the development is in accordance with policy L9 of the Local Plan and CS9 of the Core Strategy.

5.14 Vegetation

A tree survey was carried out in July 2014 and, subsequently, a substantial number (seven individual trees and a group of 5-10 Apple trees) were removed from the southern part of the site. The proposal requires the removal of parts of three other groups of trees and two more individuals.

- 5.15 The tree protection fencing proposed extends to the sides of the access road that runs in off of Bath Road. No dig construction of this access road is proposed in the Root Protection Areas (RPA) of the retained trees. Some methodology for the installation of this road is included in the outline Protection Method Statement. There is no indication on the submitted plans as to the location of a site hut, material storage area or mixing area. These are important elements that need to be considered as these items should not be included within RPAs. Furthermore, at this stage there are no proposals for mitigation

planting for the trees removed to facilitate the development. It is therefore recommended that a condition be added to the decision notice requiring that the submission and approval of a detailed Arboricultural Method Statement and landscape plan is required prior to commencement.

5.16 Planning Obligations

As mentioned in the 'Transport' section of this report, a Section 106 Unilateral Undertaking to ensure £9000 is contributed towards two Traffic Regulation Orders has been submitted by the applicant, and significant weight has been applied to this in the decision making process. The use of a section 106 agreement must pass the following three tests as detailed in the National Planning Policy Framework 2012

:

- Necessary to make the development acceptable in planning terms
- Directly related to the development
- Fairly and reasonable related in scale and kind to the development

It is considered that the agreement is necessary to make the development acceptable in planning terms, as without it there would be highway safety issues including inappropriate parking on a grass verge leading to a lack of visibility and the obstruction of a classified highway adjacent to a roundabout. The Keep Clear and parking restriction works that the financial contribution is to fund are directly related to the development, due to the intensification of the access and the installation of new pedestrian accesses. The works are of a reasonable scale given the close proximity of the development to a busy roundabout. Therefore, the Section 106 Unilateral Undertaking is considered to meet the three tests.

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, and in conjunction with the Section 106 Unilateral Undertaking agreement signed on 1st July 2015.

Contact Officer: Trudy Gallagher
Tel. No. 01454 862217

CONDITIONS

1. Approval of the details of the scale and appearance of the building(s), 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 scale and 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 & Country Planning Act 1990 (as amended).

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

Reason

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

5. No development shall commence until surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection have been submitted and approved by the Local Planning Authority. The development shall then proceed in accordance with the agreed details.

Reason

To comply with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and National Planning Policy Framework 2012. This is required prior to commencement due to the physical nature of surface water.

6. Prior to the commencement of development, an Ecological Mitigation and Enhancement Plan will be submitted to the Local Planning Authority for approval in writing, based on recommendations provided in Section 5 of the Ecological Walkover and Bat Building Assessment and Survey (Just Ecology, dated October 2014). This plan will also include recommendations for avoidance of harm to great crested newts

in the event of any being encountered. In addition it will include provision for the European hedgehog. Development shall then proceed in accordance with the agreed details. Evidence will be provided post-construction that these requirements have been carried out and submitted in writing to the Local Planning Authority prior to the occupation of the development hereby approved.

Please note: bats will be dealt with separately under condition 7, apart from the provisions for the soft felling of the tree with bat roost potential should its removal be necessary.

Reason

In order to prevent harm to protected species and to accord with policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006 and policy CS9 of the South Gloucestershire Core Strategy (Adopted) December 2013. This information is required prior to commencement of development, as any development at all may harm the protected species.

7. No development shall take place until provision is made for bat mitigation under a Natural England (NE) European Protected Species Licence, in line with the outline method statement which is set out in Appendix 4 of the Bat Survey and Assessment Report (Just Ecology, dated June 2015).

Reason

In order to prevent harm to protected species and to accord with policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006 and policy CS9 of the South Gloucestershire Core Strategy (Adopted) December 2013. This is required prior to commencement of development, as any development at all may harm the protected species.

8. 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.

Reason

In the interest of archaeological investigation or recording, and to accord with Policy L11 of the South Gloucestershire Local Plan (Adopted) January 2006 and policy CS9 of the South Gloucestershire Core Strategy (Adopted) December 2013.

9. The existing stone wall enclosing the western boundary of the site shall be retained and shall not be altered without the prior written consent of the Local Planning Authority, with the exception of the installation of the pedestrian accesses hereby approved.

Reason

In the interests of visual amenity and to accord with policy CS1 of the South Gloucestershire Core Strategy (Adopted) December 2013.

10. The off-street parking facilities shown on the Block Plan hereby approved (received 15th December 2014) shall be provided before the buildings are first occupied, and thereafter retained for that purpose.

Reason

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

11. Notwithstanding the submitted details, the access from Bath Road shown on the Block Plan shall be at least 5 metres in width at a distance of 8 metres from the highway. This access will be implemented prior to the first occupation of the dwellings hereby approved.

Reason

In order to allow two vehicles to pass each other in the interests of highway safety and visibility, and to accord with policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and policy CS8 of the Core Strategy (Adopted) December 2013.

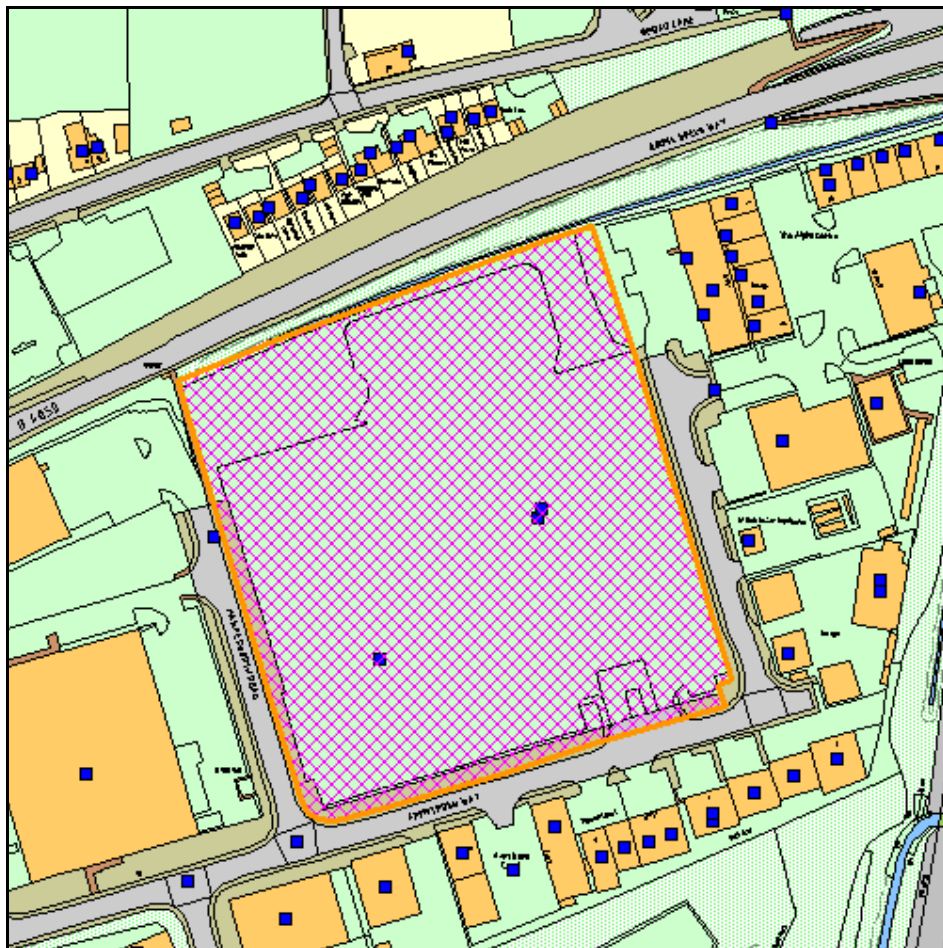
12. The dwellings hereby approved shall not exceed 8.5 metres in height.

Reason

In order to prevent overbearing and overshadowing onto neighbouring properties, and to accord with policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 29/15 – 17 JULY 2015

App No.:	PK15/1288/F	Applicant:	Chancerygate (Yate) Ltd
Site:	Great Western Business Park Armstrong Way Yate South Gloucestershire BS37 5NG	Date Reg:	13th April 2015
Proposal:	Erection of 17no. industrial units for (Class B1c) and (Class B8) use as defined in Town and Country Planning (Use Classes) Order 1987 (as amended).	Parish:	Iron Acton Parish Council
Map Ref:	369956 183429	Ward:	Ladden Brook
Application Category:	Major	Target Date:	7th July 2015



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REASON FOR REFERRAL TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule due to the receipt of one letter of objection from a neighbouring business.

Members may recall that this application appeared on the Circulated Schedule last week and was not called to committee. However, during the course of the circulation process, the applicants chose to submit slightly amended elevations showing the upgrading of fire walling and the introduction of white and green flashings on the buildings. Other than the condition listing the plans and paragraphs 5.12 the report remains exactly the same as previous considered by members.

1. THE PROPOSAL

- 1.1 This application seeks full planning permission for the redevelopment of 2.66 hectares of vacant employment land within the Greater Western Business Park in Armstrong Way, Yate. The proposal is to erect a total of 17 industrial units of varying size. Each unit is to have a mixed B1c and B8 use with ancillary office space. The site will then be divided to provide each unit with parking and turning space.
- 1.2 The proposed new buildings, ranging in size from 328m² to 3,000m², will be arranged in 6 blocks. A new access junction will be created to construct a central estate road that will lead to parking and servicing areas of each unit with the exception of unit 18 that will be accessed from the existing access junction on Armstrong Way.
- 1.3 The site sits within a safeguarded area for economic development and was previously occupied by a cold store warehouse. This previous warehouse was demolished in 2008 and the site has since stood vacant.
- 1.4 During the course of the application additional information (particularly to address Air Quality and Ecology) has been submitted at your officers request.
- 1.5 Just to clarify, the proposal is for the erection of 17 units although there is one unit numbered 18 - this is because there is no unit 13. The applicants have explained that the development will be brought forward in two phases – units 1 to 12 in phase one and units 14 to 18 in phase two. The end occupier of unit 12 is known but the remaining units are being bought forward on a speculative basis.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

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

L9 Species Protection

E3 Proposals for Employment Development within the Urban Area

EP2 Flood Risk and Development

- T7 Cycle Parking
- T8 Parking Standards
- T12 Transportation Development Control

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

- CS1 High Quality Design
- CS4A Presumption in Favour of Sustainable Development
- CS5 Location of Development
- CS8 Improving Accessibility
- CS9 Managing the Environment and Heritage
- CS11 Distribution of Economic Development Land
- CS12 Safeguarded areas for Economic Development

- 2.3 Emerging Policy
PSP26 B8 Storage and Distribution Uses

3. RELEVANT PLANNING HISTORY

Although there is a more detailed history to the site, the most recent and relevant application is:

- 3.1 PK05/2304/O Demolition of former Excel Coldstore to facilitate mixed use development for the erection of gospel hall and industrial units comprising B1, B2 or B8.
Refused January 2006

4. CONSULTATION RESPONSES

- 4.1 Iron Acton Parish Council
No objection
- 4.2 Highway Structures
No objection
- 4.3 Environment Agency
No objection subject a condition
- 4.4 Wales and West Utilities
No objection
- 4.5 Urban Design Officer
No objection but recommend the inclusion of more renewable energy
- 4.6 Crime Prevention Officer
No objection
- 4.7 Landscape Officer
No Objection but recommends a condition

- 4.8 Economic Development Officer
Supports the proposal
- 4.9 Ecological Officer
Following the receipt of additional information has no objection
- 4.10 Wessex Water
No Objection
- 4.11 Lead Local Flood Authority
No Objection subject to the attachment of a condition
- 4.12 Transportation Development Control
No objection subject to the attachment of conditions

Other Representations

- 4.13 Local Residents
One letter of concern has been received from an adjacent business raising concerns about increased traffic movements on Armstrong Way and litter.

5. ANALYSIS OF PROPOSAL

- 5.1 The NPPF clarifies that the purpose of the planning system is to contribute to the achievement of sustainable development. At paragraph 7 it is clarified that one of the key threads to sustainable development is contributing to building a strong, responsive and competitive economy and supporting growth and innovation. The NPPF clarifies that significant weight should be placed on the need to support economic growth through the planning system. The principle of development is therefore wholly and strongly supported by the NPPF. It is noted that Policy E3 of the South Gloucestershire Local Plan does seek to restrict the floor area of B8 premises on this site to 1,000 sq.m and therefore proposed units 11, 12 and 18 exceeds this threshold and are in theory contrary to Policy E3. This issue is discussed in more detail in paragraph 5.4 below.
- 5.2 The application site lies within the safeguarded area for economic development. The purpose of such areas is to provide employment opportunities, generate wealth and produce or generate and economic output or product. Policies CS11 and CS12 of the South Gloucestershire Local Plan Core Strategy specifically seek to try and retain this site for economic re-development. The principle of development is therefore in accordance with the requirements of these policies.
- 5.3 Other policies as listed in section 2 above, seek to ensure that development does not have any adverse impact on existing levels of residential amenity, highway safety, the environment and ecology. Subject to the detailed assessment below, the principle of development is acceptable.

- 5.4 Conflict between the NPPF and Policy E3 of the South Gloucestershire Local Plan (Adopted) January 2006
Policy E3 is a saved policy and so is still relevant in the determination of the application in so far as it is consistent with the NPPF. The purpose of Policy E3 is to drive large scale B8 uses to either Severnside, Cribbs Causeway or Emersons Green Area B. For the purposes of Policy E3, 'large scale' employment uses are defined as having a floor space of more than 1,000 square metres.
- 5.5 This application seeks consent to allow 3 units – 11, 12 and 18 to exceed this 1,000 square metre limit. Unit 11 will have a floor area of 1,520 square metres, Unit 12 will have a floor area of 1,865 square metres and Unit 18 will have a floor area of 2,845 square metres. These three units are therefore contrary to the requirements of Policy E3 of the South Gloucestershire Local Plan (Adopted). However, there are other material considerations that need to be given weight and consideration.
- 5.6 A primary material consideration in the consideration of this application is the NPPF. The NPPF makes it clear that the presumption is in favour of sustainable development. One of the core principles of the NPPF as set out at para 17 is that 'planning should *proactively drive and support sustainable economic development*'. It is specifically set out at paragraph 19 of the NPPF that '*planning should operate to encourage and not act as an impediment to sustainable growth.*' The application site is within the defined urban area and is considered to be sustainable in terms of proximity to the homes which may provide the workforce. The principle of allowing economic development is therefore in accordance with the requirements of the NPPF.
- 5.7 Further to the above, weight is also being given to the emerging Policies, Sites and Places Development Plan Document. Policy PSP26 of this emerging document relates to B8 Storage and Distribution Units. Policy PSP26 increases the threshold for 'large scale' B8 employment uses from 1,000 square metres to 3,000 square metres. Although the emerging PSP DPD has yet to go to public inquiry and has not yet been Adopted, on 18th March 2015 the Council endorsed the contents of the document. The emerging policy is therefore a clear indication that the Council fully intends to increase the limit on 'large scale' B8 uses. The application would be fully in accordance with emerging policy PSP26.
- 5.8 In determining this application, your officer will give primary weight to the NPPF with reduced weight to the South Gloucestershire Local Plan (Adopted) because of the slight conflict between the two. A strong material consideration is also the Council endorsed emerging PSP that shows a clear intention to relax the rigid 1,000 square metre limit. The application is therefore deemed to be in accordance with the requirements of the NPPF.
- 5.9 Layout and Design
The appearance of the buildings and the layout of the site is somewhat functional - entirely in keeping with the character of the area. The site will have two distinct areas – unit 18 which will be the largest unit having its own

separate access and the remaining 16 units which will have a shared access point from Armstrong Way.

- 5.10 Units 1 – 10 are located in the south west corner of site and form 2 terraces. Collectively their gross external areas (GEA) makes up 4,030 square metres. Units 11 and 12 are located to the north west of the site and their GEA is 1630 square metres and 1980 square metres respectively. Both units will have secure yards with 2.1m high black coated weldmesh Paladin type fencing and a sliding gate separating them from the rest of the site. Units 14 – 17 are located in the north east corner of the site and form a terrace along the eastern boundary. Collectively they have a GEA of 3,640 square metres. Finally, Unit 18 is the largest of the units with a GEA of 3,000 square metres and is located in the south eastern corner of the site. Unit 18 will also have a secure yard surrounded by 2.1m high black coated weldmesh Paladin type fencing and a sliding gate.
- 5.11 Despite the comment in the planning statement submitted with the application which refers to a contemporary appearance, your officer considers the design of all buildings to be somewhat typical led by their functionality. Units 1-5 will have a lean-to style roof with all of the other buildings having a traditional pitched roof. All of the buildings are predominantly single aspect with windows and main doors on one elevation with only minor personnel doors on the other elevations.
- 5.12 All buildings are to utilise the same pallet of materials – with grey and silver cladding and grey roller shutter doors. Since this application previously appeared on the circulated schedule, a suite of revised elevations have been received to introduce green flashings around the windows and doors of 15 of the units and white flashings around the windows and doors of the remaining 2. These colours will not be visually prominent but add some visual interest to the buildings and help improve legibility around the site. Given the character and appearance of the area, this is considered to be an acceptable design approach that will not detract from the visual amenity of the area.
- 5.13 Policy CS1 of the South Gloucestershire Local Plan Core Strategy advocates the incorporation of renewable energy features. Many of the roof slopes on the proposed buildings face south and therefore there is potential for solar panels to be fitted in the future. During the course of the application, the applicants have submitted additional plans to show that solar panels will be fitted to the roofs of units 12 and 18 at the time of construction. Although it is regrettable that further renewable features are not be included as part of the scheme, the lack of renewable energy features is not a reason for refusal.
- 5.14 Overall, it is considered that the proposal by reason of its form, scale, layout, colour and materials are informed by and respects the character of both the site and its context. The application therefore complies with the requirements of Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) and Policies L1 and E3 of the South Gloucestershire Local Plan (Adopted).

- 5.15 Parking, Access and Highway Safety
In considering the highway impacts of the proposal, weight is being given to the historical activities that have taken place on site. The site is currently derelict but previously including warehousing, offices and a vehicle maintenance unit. The old buildings were demolished (circa 2008) for Health & Safety and security reasons.
- 5.16 The site is considered to be in a sustainable location being easily accessed by foot, cycle and bus. Yate train station is located 1km from the site, within acceptable commuting distance. The proposal includes the creation of a new access to facilitate the construction of a central estate road that will lead to the parking and servicing areas of each unit (with the exception of unit 18 that will be accessed from the existing access on Armstrong Way).
- 5.17 Tracking diagrams have been submitted in order to demonstrate that the site can suitably accommodate lorry movements. A transport statement has been submitted in support of the application which has been assessed by the highway officer. In this transport statement, a comparison has been made between the traffic movements from the former use of the site as well as the current proposed mixed B1 c (light industry) and B8 (warehousing). It is concluded that, relative to the previous development on site, a small number of additional movements can be expected in the AM peak hour and a small reduction of movements in the PM peak hour. Highway officers consider the traffic figures presented in this report are robust and reasonable. On balance, the overall impact on the highway network will be acceptable.
- 5.18 In parking terms, policy T8 of the South Gloucestershire Local Plan (Adopted) provides details of the maximum number of car parking spaces required. According to policy, one space per 35m² GFA B1 can be provided and 1 space per 200m² GFA B8. For the proposed development, the maximum parking requirement (including 5% disabled spaces) equates to a total provision of up to 161 spaces. The submitted plans shows the provision of 156 car parking spaces and this conforms with the Council's maximum parking standards. The application therefore complies with the requirements of Policy T8 of the South Gloucestershire Local Plan (Adopted).
- 5.19 In addition to the car parking on site, there is also separate provision for HGV parking and turning on site. Cycle parking will be within the units. The framework of a "Travel Plan" has also been submitted with this application and this would form the basis of a condition.
- 5.20 Subject to compliance with planning conditions to secure the submission of travel plans for each unit, the provision of the parking and turning space on the approved drawings, and the creation of the new access and footpath reinstatement, there is not considered to be any significant or demonstrable harm to highway safety arising from the development and the proposal accords with policies E3, T8 and T12 of the South Gloucestershire Local Plan (Adopted) and Policy CS8 of the South Gloucestershire Local Plan Core Strategy (Adopted).

5.21 Flooding, Drainage and Contamination

The application is supported by a detailed flood risk assessment. Wales and West utilities confirm they have no objection to the proposal and the use of existing infrastructure. The Environment Agency were consulted on the application and their initial set of comments suggested a condition of investigative works to identify any on site contamination. This condition was supported by the environmental protection officer. However, given the existence of a contamination report, both the Environment Agency and the Environmental Protection Officer agreed that a pre-commencement investigative condition is not necessary. However, there are some comments in the contamination report that are unclear and there is still a slight risk of as yet unidentified contamination. A precautionary condition is therefore necessary requiring the cessation of work and the submission of further information in the event that previously unidentified contamination is found during the construction phase.

5.22 It is stated in the Flood Risk Assessment that storage tanks are the most suitable method to provide storage and reduce peak flows from the developed site. The storage volume required is large, and space for these substantial storage tanks, any water quality measures and maintenance plans need to be considered and agreed before construction. The Councils drainage engineer initially requested that these details be submitted for consideration as part of the application but the applicant has been unable to provide these details at this stage. It has therefore been agreed that drainage details will be secured through the use of a suitably worded condition.

5.23 Subject to the two conditions mentioned above, the proposed development is not realistically expected to be at risk of contamination and flooding and drainage matters can be satisfactorily addressed. The application is therefore in compliance with the requirements of Policy EP2 of the South Gloucestershire Local Plan (Adopted).

5.24 Residential Amenity, Noise and Environmental Protection

Although lying in the safeguarded area for economic development, the site does lie less than 50 metres from the residential properties on the opposite side of Goose Green Way to the North. Although your officers appreciate that the site is separated from these neighbours by the road and its embankments, consideration must still be given to the level of amenity afforded to these neighbours.

5.25 The acoustic report submitted with the application uses methodology in accordance with BS4142: 1997 (as opposed to the more recent BS4142: 2014). It is noted that this is largely a speculative development, and therefore no details available of the location and type of any fixed plant and machinery that would be installed within the proposed units. For this reason a condition relating to plant and machinery will be proposed. In addition to the above, a further condition will be attached preventing the running of refrigerated vehicles between the hours of 23.00 to 7.00 daily.

5.26 In terms of physical overlooking, overbearing and loss of privacy, due to the separation distance of the proposed buildings and the nearest residential

dwelling, it is not considered that the proposed development would have any unacceptable adverse level of impact on the nearest residential properties.

5.27 Air Quality

During the course of the application a revised air quality statement was requested as the impact of construction dust was omitted from the originally submitted Air Quality Statement. An updated statement was duly submitted as requested.

5.28 The potential impacts of traffic arising from the development have been screened out using recognised guidance (Environmental Protection UK "Development Control: Planning for Air Quality (2010 Update) current at the time of application and it is concluded that the development traffic is unlikely to result in a significant effect on air quality. It is noted that while the need for mitigation has not been identified, a travel plan will be developed to encourage employees to use sustainable forms of transport to travel to and from the site. This will further help to reduce any adverse impact on existing levels of air quality.

5.29 The potential for construction dust to impact on nearby receptors is assessed in the revised air quality statement and appropriate mitigation to minimise the risk of dust emissions has been identified in line with recognised guidance produced by the Institute of Air Quality Management (IAQM); "Guidance on the Assessment of dust from demolition and construction" (Feb 2014).

5.30 A condition will be attached to ensure that the development takes place in accordance with the highly recommended dust mitigation measures as set out in table 9 of the Air Quality Statement dated 1st July 2015. Subject to compliance with such a condition, the application is compliant with Policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) and Policy E3 of the South Gloucestershire Local Plan (Adopted).

5.31 Ecology

The 2.5ha site consists of previously developed land, although the northern section has not been subject to development since at least the early 1990s. There are light industrial units on all sides except the north, where a wooded bank rises to adjoin Goose Green Way. The site itself has no designations, but there are eight Sites of Nature Conservation Interest (SNCI) within 1km, three lying within 200m. These latter are Broad Lane Council Depot, Goose Green Way and parts A and B of River Frome. There is connectivity between the site and Goose Green Way SNCI and the River Frome via the wooded road embankment in the north of the site. None of the SNCIs are anticipated to be adversely affected by the proposal.

5.32 During the course of the application an updated Ecological Appraisal and Reptile survey was submitted to address the issues raised by the ecologist. The report identifies the presence of slowworms on the site and suggests appropriate mitigation measures. Subject to a condition ensuring that all development takes place exactly in accordance with the recommendations contained within the Ecological Appraisal and Reptile Survey dated June 2015

the application is in accordance with the requirements of Policy L9 of the South Gloucestershire Local Plan (Adopted).

5.33 Landscaping

The Councils landscape architect has assessed the scheme and confirms that the planting plan submitted shows a sufficient level of landscape mitigation for the scheme. However there are existing trees around the site boundary that are to be retained, so to ensure they are not damaged, a condition ensuring the erection of protective fencing in accordance with BS 5837:2012 is installed as shown on the submitted landscaping plan will be attached. Subject to the attachment of such a condition, the application is compliant with the requirements of Policy L1 of the South Gloucestershire Local Plan (Adopted)

5.34 Other Issues

It is noted that the letter of objection raises the issue of litter. Given that each unit will have their own internal bin store, there is no reason to presume that the proposed development would result in any issues of increased litter in the locality.

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 following conditions:

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.

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

2. Prior to the first occupation of any of the individual units hereby approved, an Occupier travel plan specific to that individual unit and based on a the Travel Plan Framework received by the Council on 26th March 2015 shall be submitted to and

approved in writing by the Local Planning Authority. Development must be carried out exactly in accordance with the details so agreed.

Reason

In order to promote sustainable modes of transport in accordance with the requirements of Policy CS8 of the South Gloucestershire Local Plan Core Strategy (Adopted) and Policy T12 of the South Gloucestershire Local Plan (Adopted).

3. Prior to the first occupation of any of the individual units hereby permitted, the associated parking, access and turning spaces associated with that individual unit and as shown on drawing 1377-TP-01rev E and set out in section 3 of the Planning statement must be provided and retained at all times thereafter.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policies T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS8 of the South Gloucestershire Local Plan Core Strategy (Adopted).

4. Prior to the first occupation of any of the units numbered 1 to 17 inclusive, the new vehicular access shall be installed and the footway that lies within the application site shall be instated in accordance with a specification to be agreed with the Councils Street care department.

Reason

To ensure that safe and suitable access is provided to the site sufficient to meet the needs of pedestrians and vehicles. Also to accord with Policies T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS8 of the South Gloucestershire Local Plan Core Strategy (Adopted).

5. If unexpected contamination is found after the development is begun, development shall immediately cease upon the part of the site affected. The Local Planning Authority must be informed immediately in writing. A further investigation and risk assessment should be undertaken and where necessary an additional remediation scheme prepared. The findings and report should be submitted to and agreed in writing with the Local Planning Authority prior to works recommencing. Thereafter the works shall be implemented in accordance with any further mitigation measures so agreed.

Reason

To prevent risk of contamination to land, water or air and in accordance with the requirement of Policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted).

6. No construction operations may commence until a surface water drainage scheme, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before any of the units are first occupied. The scheme shall also include details of how the scheme shall be maintained and managed after completion. For the avoidance of doubt, construction

operations are not considered to include site clearance, ecological works, and ground levelling.

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with policy EP2 of the South Gloucestershire Local Plan (Adopted). This is a pre-commencement condition to ensure the drainage details for the whole site and works are agreed and undertaken at the appropriate stage of the development.

7. The cumulative rating level of the noise emitted from the fixed plant associated with the development shall not exceed 0dBA above the existing background noise level at the boundary of the nearest residential property. The measurements and assessment shall be made according to BS4142:2014.

Reason

To limit possible noise pollution to neighbouring residential units and to satisfy the requirements of Policy CS9 of the South Gloucestershire Core Strategy (Adopted).

8. Between the hours of 23.00 to 07.00, refrigerated vehicles visiting the site shall ensure that engines and refrigerated units are switched off except for the purpose of access and egress from the site.

Reason

To limit possible noise pollution to neighbouring residential units and to satisfy the requirements of Policy CS9 of the South Gloucestershire Core Strategy (Adopted).

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

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy CS9 of the South Gloucestershire Core Strategy (Adopted) December 2013.

10. All development must be carried out in accordance with the highly recommended dust mitigation measures as set out in table 9 of the Air Quality Statement dated 1st July 2015.

Reason

To protect nearby homes and business from unacceptable levels of dust contamination, and to accord with Policy CS9 of the South Gloucestershire Core Strategy (Adopted) December 2013.

11. All works must take place exactly in accordance with the recommendations contained within the Ecological Appraisal and Reptile Survey dated June 2015.

Reason

To protect existing ecology on the site and satisfy the requirements of Policy L9 of the South Gloucestershire Local Plan (Adopted); and policy CS9 of the South Gloucestershire Local Plan: Core Strategy (adopted) December 2013.

12. Prior to the commencement of development of phase one (that is units 1 to 12 inclusive) the temporary protective fencing as shown on drawing 658.19.02 shall be erected around phase one in accordance with BS 5837:2012. The fencing shall remain in place around phase one until the completion of development.

Reason

In order that the existing vegetation on site is protected at all stages in accordance with the requirements of Policy L1 of the South Gloucestershire Local Plan (Adopted).

13. Prior to the commencement of development of phase two (that is units 14 to 18 inclusive) the temporary protective fencing as shown on drawing 658.19.02 shall be erected around phase two in accordance with BS 5837:2012. The fencing shall remain in place around phase two until the completion of development.

Reason

In order that the existing vegetation on site is protected at all stages in accordance with the requirements of Policy L1 of the South Gloucestershire Local Plan (Adopted).

14. The development must be carried out in accordance with the following plans:

Received by the Council on 26th March 2015 - Design and Access Statement, Planning statement, Transport Statement, Energy and Sustainability Statement, Flood Risk Assessment, Environmental Assessment, Noise Assessment, Ground Investigations Report, Framework Travel Plan, LP-01 - Site Location Plan, 658.19.02 - Planting Layout

Received by the Council on 22nd June 2015 1377-TP-01revE - Site Layout, E300T2 - Units 1-10 Roof Plan, E301T2 - Units 11 and 12 Roof Plan, E302T2 - Units 14-17 Roof Plan, E303T2 - Unit 18 Roof Plan, Ecological Appraisal

Received by the Council on 2nd July 2015 - Revised Air Quality Statement

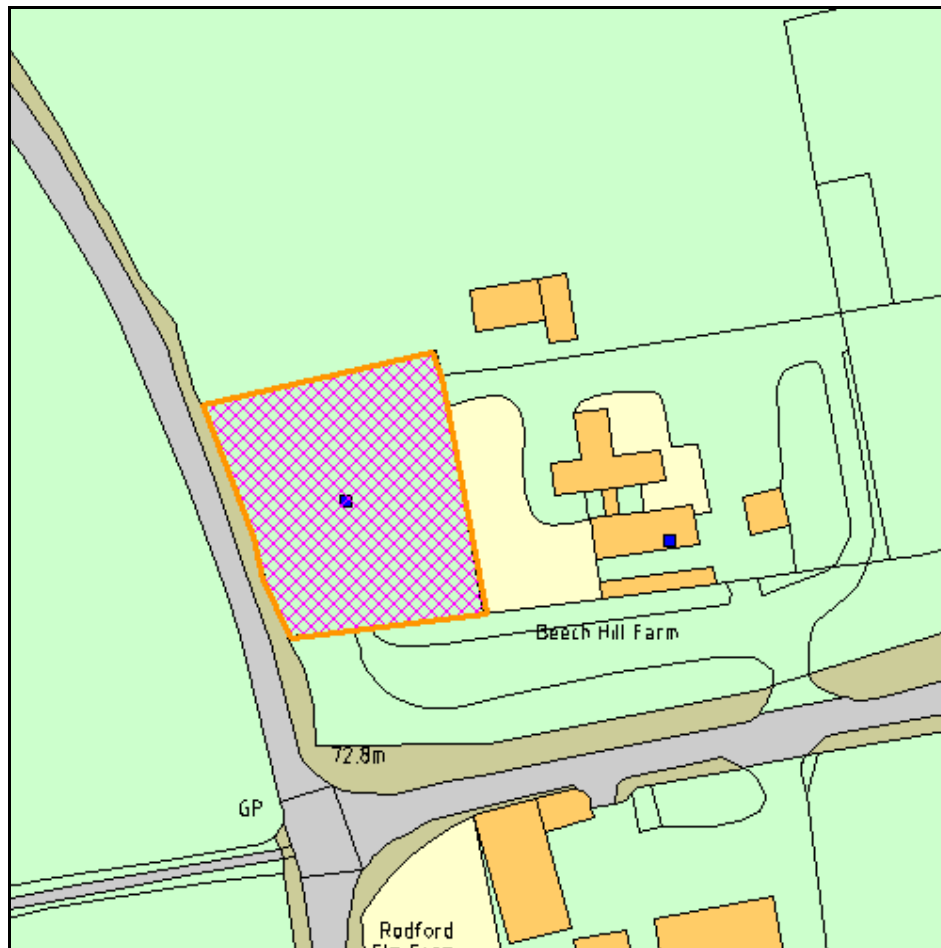
Received by the Council on 15th July 2015 - 1377-20-01revC - Units 1 - 5, 1377-20-02revC - Units 6 to 10, 1377-20-03revD - Unit 11, 1377-20-04revD - Unit 12, 1377-20-05revC - Units 14 - 17, 1377-20-06revC - Unit 18

Reason

For the avoidance of doubt

CIRCULATED SCHEDULE NO. 29/15 – 17 JULY 2015

App No.:	PK15/1339/F	Applicant:	Mrs D Martin
Site:	Beech Hill Farm Westerleigh Road Westerleigh Bristol South Gloucestershire BS37 8QF	Date Reg:	16th April 2015
Proposal:	Change of Use of land from agricultural land to caravan storage (Sui Generis) as defined (as defined in the Town & Country Planning (Use Classes) Order 2005).	Parish:	Westerleigh Parish Council
Map Ref:	369932 180942	Ward:	Westerleigh
Application Category:	Minor	Target Date:	25th May 2015



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 100023410, 2008. N.T.S. PK15/1339/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is listed on the circulated schedule because the officer recommendation to refuse is contrary to many letters of support for the application including support from Dodington Parish Council.

1. THE PROPOSAL

- 1.1 The application is a full planning application for the 'Change of use of land from agricultural land to caravan storage (Sui Generis) (as defined in the Town & Country Planning (Use Classes) Order 2005)'.
- 1.2 The site is formerly agricultural land in the Green Belt and outside any settlement boundary. Beech Hill Farm is served by the Westerleigh Road as it winds round the junction with Nibley Lane and meets the Shire Way roundabout on the outskirts of the Yate settlement boundary.
- 1.3 Beech Hill Farm covers a large area of land between the settlement boundary to the east and Nibley Lane to the west. The application site is a parcel of land best described as a yard area. It has a hardstanding base, primarily comprising of loose hardcore. It is bound along the front (south) and Nibley Lane (west) boundary by metal sheet fencing, painted green on the outward-facing side. The north boundary is a thick hedgerow and the east boundary of the yard is defined by heras fence panels. The yard area is approximately 0.2 hectares and is estimated to be capable of accommodating 80-100 caravans. There were approximately 40 caravans on site at the time of the site visit.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)
L1 Landscape Protection and Enhancement
T12 Transportation Development Control Policy for New Development

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
CS5 Location of Development
CS9 Managing the Environment and Heritage
CS34 Rural Areas

Policy Sites and Places: Development Plan Document

The plan has not yet been subject to a formal consultation, under the Regulations and no representations have been received in respect of the soundness of the plan. Therefore although a material consideration for development management purposes little weight can be placed on the Plan at this stage.

PSP2 Landscape
PSP7 Development in the Green Belt
PSP29 Rural Economy

3. RELEVANT PLANNING HISTORY

- 3.1 PT11/0339/MW - Importation of clay, subsoil and topsoil to improve land for agricultural use. (Resubmission of PT07/2338/F) – Approved with conditions – 14 September 2012
- 3.2 PT11/007/SCR - Importation of clay, subsoil and topsoil to improve land for agricultural use. (Resubmission of PT07/2338/F). Screening opinion for PT11/0339/MW – EIA Not Required -
- 3.3 PT07/2338/F - Importation of clay, subsoil and topsoil to improve land for agricultural use – Refusal – 16 March 2009
- 3.4 **Enforcement Notice - CAW/05/0041 – The storage of caravans and containers on site – 14 October 2005 – Appeal withdrawn 29 March 2006**
- 3.5 Enforcement Notice – CAW/05/0041 – The use of land for residential purposes and purposes ancillary to residential use; the erection of a single dwellinghouse, ancillary structures associated with the single dwellinghouse and the installation of children’s playground equipment on the site. – 14 October 2005 – Appeal succeeds in part and Enforcement Notice upheld in part.
- 3.4 **PT05/2901/F - Use of land for storage of touring caravans – Refusal – 17 November 2005**
- 3.5 PT05/2444/CLE - Application for Certificate of Lawfulness for retention of residential dwelling – Refusal – 15 December 2006
- 3.6 **PT04/1182/F - Change of use from agricultural to farm shop (class A1) as defined in the Town & Country Planning (Use Classes) Order 1987), also retention of land to be used for the storage of containers and caravans (Sui Generis) – Refusal – 1 June 2004 – Appeal Dismissed 17 March 2005**
- 3.7 PT00/2818/F - Use of land for stationing of one mobile home in connection with agricultural needs, and retention of earth bunds (retrospective) – Finally Disposed of 13 August 2009
- 3.8 P97/1649 - Stationing of one mobile home (in connection with agricultural needs) – Refusal – 26 February 1999

4. CONSULTATION RESPONSES

4.1 Westerleigh Parish Council

Objection – Access and Highway matters. The site is located on a narrow road, in close proximity to a dangerous bend. The location is not suitable for the resultant increase in traffic movements of this application.

4.2 Dodington Parish Council

Support – Provides a valuable service for our parishioners. Prevents caravans being parked on the streets. Local knowledge tells us the site does not cause highways issues.

4.3 Other Consultees

Highways - The application site is accessed off a classified road. Little or no details have been submitted about the site access, visibility, parking and manoeuvring area.

Having visited the site it is considered that adequate visibility is available to the right of the access when leaving but the driver's vision is somewhat limited to the left due to overgrown verge as well as the vertical and the horizontal alignment of the approach road. Although the verge can be maintained to improve visibility to a degree, the road alignment is such that visibility for approaching drivers is impeded and that the increased manoeuvring of larger/slower vehicles (circa 75 caravan) using the access will represent additional risks to the travelling public and such is unacceptable. It is considered that lack of information on visibility and the increased vehicular turning movements through a substandard access can be used as a refusal reason.

In this case however, the planning history of the site is also a matter for consideration when deciding on this current application. From the planning history of the site - it is noted that neither the Council's decision on the planning application PT04/1182/F (for c/u of from agricultural and farm shop (A1) and retention of land for use for storage of containers and caravan) nor the subsequent planning appeal decision on this included any highway refusal reason. To impose a highway refusal reason to this application now may therefore be unreasonable particularly that visibility standards have been relaxed since the earlier decision in 2004.

In view of all the above-mentioned therefore, this may be considered a balance judgement in respect of transportation terms.

Drainage and Flood Risk Management – An original objection has been withdrawn upon clarification that there is no septic tank in this scheme.

Other Representations

4.3 Local Residents

62 letters of support have been received from the public (some people have written more than one submission) with regard to this application. The majority

of these letters are from caravan owners. The content and salient points of these letters are summarised below;

- We have a caravan on the land
- There is a shortage of this storage in the Yate area
- Closure would mean caravans parked in back gardens, streets or parking areas around the locality. There is not enough room and this will cause conflict with neighbours and highway users and is unsightly.
- The site is close to home
- The site is easily accessible
- The site is very secure so caravans are less likely to be stolen than if kept at home. It has CCTV operational 24/7 and the owners living next door
- If a caravan is kept at home, then its departure advertises the property being empty at holiday times undermining security
- Caravan insurance is expensive
- The site is not obviously visible from roads or dwellings
- Its an important service to the Community
- The site is on contaminated land built on a mixture of factory waste and domestic waste. This is a positive use of a brownfield site
- Other storage businesses are full to capacity
- A site like this encourages people to continue holidaying in this country
- Many people are unaware of the site even being there
- Closing this site would be discriminatory when others are allowed to stay
- The solar farm opposite is more of an eyesore, is not agricultural and takes up far more land
- It is not a site where people are living
- The entrance is clear and safe
- A business paying taxes and business rates is better than an empty wasteland
- It is not appropriate to consider the land agricultural when it is surfaced with hardcore
- You might find more important flora and fauna in the scrubby ground than in an agricultural field
- The site provides local economic activity and employment
- Waste disposal sites rarely return to viable economic production and storage offers an alternative use avoiding the risk of contaminants getting into the food chain
- We would miss out on family holidays if it is closed
- Sites further afield cost 4/5 times the price of storage at Beech Hill Farm
- The land cannot be used for housing or food
- There is the added bonus of servicing and repairs on site
- What about the traveller caravans in Nibley or the Lorries in Yate Trading Estate?
- There is one other facility in Yate and it is broken into regularly
- Will the Council provide a replacement site?
- Shouldn't the Authority support businesses in times of austerity
- There are other businesses more visible along Westerleigh Road and Nibley Lane

- 4.4 Five sworn statements have also been received stating that the land has been used to site caravans since February 2004.

5. ANALYSIS OF PROPOSAL

Planning History

- 5.1 In order to understand the policy assessment of this application it is sensible to first examine the planning and enforcement history in greater detail and beginning with the application registered in 2004;

PT04/1182/F - Change of use from agricultural to farm shop (class A1) as defined in the Town & Country Planning (Use Classes) Order 1987), also retention of land to be used for the storage of containers and caravans (Sui Generis) – Refusal – 1 June 2004 – Appeal Dismissed 17 March 2005.

- 5.2 There was a Green Belt policy objection to the application and a landscape objection to the application, which was also made retrospectively. There is therefore no dispute that the activity was operational in 2004. An appeal was lodged against the Council's decision to refuse the application, however the Inspector concurred with the Council's interpretation that the use for caravan storage was inappropriate development in the Green Belt and that the screen fencing also had a harmful affect on the openness of the Green Belt.

- 5.3 There followed a revised planning application in 2005;

PT05/2901/F - Use of land for storage of touring caravans – Refusal – 17 November 2005

This application was similarly refused on Green Belt and landscape objections, but also a highway objection was introduced on the basis that the site was now proposing the storage of more than 30 caravans. The previous assessment appeared to have been made on an assumption of fewer than 30 caravans being stored on the land. Consideration was given to the history of waste use and contamination and the need for the facility in the area but it was held that these did not amount to very special circumstances to outweigh the harm to the Green Belt.

- 5.4 The Enforcement Notice was served on 14 October 2005 against the storage of caravans and containers on site. The notice required;

'Remove all caravans; containers and any associated building /engineering operations from the site and restore the land to its previous state (agricultural field)'

The compliance period was 3 months and an appeal originally lodged against the notice was withdrawn on 29 March 2006.

- 5.5 The Enforcement Notice took effect on this date and the compliance period expired on 29 June 2006. Thereafter; the storage of caravans and containers

on the land, the failure to remove the hardstanding and boundary fences and the failure to return the land to an agricultural field has amounted to a series of offences of non-compliance with an Enforcement Notice. It is evident however that prosecution action has not been taken until a further investigation was initiated by the Planning Enforcement Team in 2014.

- 5.6 Although the applicant has submitted some statutory declarations to demonstrate an on-going use of the land for the storage of caravans since 2004, a certificate of lawfulness cannot be granted to a use that is existing, in breach of an Enforcement Notice. The use would amount to a criminal offence.
- 5.7 A separate Enforcement Notice was also served on the same day and the consequence of the appeal has been drawn to the attention of the officer in the applicant's submissions. The notice addressed 'the use of the land for residential purposes and purposes ancillary to residential use; the erection of a single dwellinghouse, ancillary structures associated with the single dwellinghouse and the installation of children's playground equipment on the site'.
- 5.8 In his appeal judgement on 2 April 2007, the Inspector concluded that the single dwellinghouse was lawful, having been substantially completed on or before 12 September 2001.
- 5.9 The application submissions infer from the appeal decision that because the Enforcement Notice had covered the entirety of the site, the decision to grant lawfulness of the dwelling under a part (d) appeal and grant planning permission for an extension under part (a) has in turn permitted a residential use of the whole of the site.
- 5.10 Closer examination of the appeal decision suggests that this is not the case however and that the Inspector clearly identified that the land the subject of the caravans and containers and the subject of the withdrawn application, is agriculture. In paragraph 5 of the decision, he concludes that 'by the time of the Inquiry, matters had changed significantly', that 'it is clear on the site where the residential accommodation is and which buildings enjoy the benefit of planning permission'. The Inspector also very deliberately removed from the notice, the allegation of 'the use of the land for residential purposes and purposes ancillary to residential use'. The Council's interpretation of this is that the grant of lawfulness was clearly constrained to the dwellinghouse and the planning permission constrained to the extension. The Inspector did not see fit to identify any curtilage and deemed the notices together to clearly identify the breaches on the land. The Authority therefore remain of the view that the land the subject of this application has a lawful agricultural use. This was accepted by the withdrawal of the appeal against the enforcement notice and this has never been contested by the applicant until submission of this application.

Principle of Development – Green Belt

- 5.11 The land is in the open countryside and lies within the Bristol and Bath Green Belt and the Government attaches great importance to Green Belts. National Planning Policy is established by the National Planning Policy Framework

(2012) which seeks to prevent urban sprawl by keeping land permanently open and asserts that the essential characteristics of Green Belts are their openness and their permanence. The Green Belt serves five purposes, one of which is to safeguard the countryside from encroachment.

- 5.12 The NPPF provides some exceptions to 'inappropriate development' in the Green Belt, but the change of use to the storage of caravans does not meet any exception criteria and is inappropriate development in the Green Belt.
- 5.13 Paragraph 87 of the NPPF confirms that 'as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'.
- 5.14 Paragraph 88 adds that, 'when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations'.
- 5.15 The development is inappropriate development in the Green Belt and provides a site capable of storing between 80 and 100 caravans / mobile homes covering some 0.2 hectares. Whether these are visible from the public realm or not, this development has a significantly detrimental impact on the openness of the Green Belt. The area now used by caravans is covered by hardstanding material and comments have been received in support of the application drawing attention to this. The Enforcement Notice however, required removal of any associated building/engineering operations from the site and restoration of the land to its previous state (agricultural field). The hardstanding area is also therefore not lawful and no weight is attributed to this having any existing impact on the openness of the Green Belt. The development is therefore contrary to the National Planning Policy Framework (2012) and it will fall to the Council to consider whether there are very special circumstances to outweigh this harm to the Green Belt.
- 5.16 Policy CS5 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, identifies potential exemptions for locating development in the Green Belt where it amounts to small-scale infill within settlement boundaries, or development brought forward through a Community Right to Build Order, however it further states that other proposals for development in the Green Belt will need to comply with the provisions in the NPPF or relevant local plan policies in the Core Strategy.

Principle of Development – Open Countryside

- 5.17 The development site is outside any defined settlement boundary and is within the open countryside. Policy CS5 – Location of Development, explains that in the rural areas, communities will have empowerment to shape their future through opportunities presented by neighbourhood planning but that the principle remains that in open countryside, new development will be strictly limited and the development is contrary to Policy CS5.

- 5.18 Policy CS34 – Rural Areas, supports development proposals which will protect, conserve and enhance the rural area's distinctive character, beauty, wildlife, landscape, biodiversity and heritage. The policy recognises the unique and valuable setting of the rural areas and reinforces the need to protect the Green Belt from inappropriate development.
- 5.19 The development site is thoroughly screened from the public realm and conditions could be imposed to protect or enhance this screening. The design of the metal fence boundary screening has consistently been held to be harmful to the landscape and harmful to the openness of the Green Belt and whilst the surrounding hedgerow might now be more substantial, the boundary fencing is not in keeping with the rural character of the site and its surroundings. That said, fencing could be erected to 2m without the requirement for planning permission and owing to the extent of the vegetation a refusal reason could not now be upheld on the basis of the fencing alone.
- 5.20 The site was previously a waste site, but it has since been subject to remediation. It is hard to argue that caravan storage in a rural area on this scale can be considered to protect, conserve or enhance the rural character of the area. Whilst the screen fencing is not particularly appropriate, it does minimise the far greater harm that would be imposed by views of up to 100 caravans in the Green Belt, however the development is contrary to Policy CS34 of the Core Strategy.
- 5.21 There may be some views afforded of the site from higher ground further across Westerleigh and whilst the caravans could be considered harmful in these views, many of the letters of support have drawn attention to the immediate surroundings which include a large solar farm and established industrial land so again, a refusal reason could not be supported on this alone.

Principle of Development – Design and Landscaping

- 5.22 Policy CS1 of the South Gloucestershire Council Local Plan Core Strategy (Adopted) December 2013 requires developments to meet the highest possible standards of design and site planning with siting and scale to respect and enhance the character, distinctiveness and amenity of the site and its context.
- 5.23 In the context of the proposal there is little that could be done to improve the design of the yard. It could be that the harm to landscape and openness of the Green Belt could be reduced by increased planting to screen the fencing from the road boundaries, however the design and landscape concerns are very much secondary to the fundamental Green Belt objection.

Very Special Circumstances

- 5.24 The NPPF provides that where development is inappropriate in the Green Belt, substantial weight should be given to the harm arising and the application may not be approved unless very special circumstances exist to outweigh that harm.

- 5.25 The application puts forward a number of circumstances which it purports, amount to very special circumstances. Some of these have also been raised in the numerous letters of support for the development.

Very Special Circumstances – Changed context from agricultural to residential

- 5.26 The Council has considered this submission in the assessment of the planning history and do not accept that there has been an established change of use of the land to residential.

Very Special Circumstances – the need for this facility and unavailability of suitable alternative sites

- 5.27 Many of the letters of support have indicated that there is a lack of alternative facilities for the storage of caravans. Some have said that there are alternative facilities but that they are full, too expensive, or have poor security histories. Many of the consultees have stated that they would have no alternative but to sell their caravans or park them on streets outside their properties.

- 5.28 Given the number of caravans that are stored on this land there is little doubt that it is fulfilling a genuine local demand. The applicant has not provided evidence of a lack of alternative provision beyond the letters from the public, however there is no requirement for the applicant to evidence this. Simple searches conducted on the internet identify self storage opportunities in the area, the majority of which appear to advertise caravan storage amongst existing industrial units, however no further detailed examination of availability has been conducted.

- 5.29 Whilst the Authority is well aware that parking of caravans at residential properties and on highways can pose obstructions and cause complaints, such an approach is not uncommon, is not illegal and does not contravene planning regulations. It is considered that one of the influential reasons for the lack of sites on this scale and with this accessibility to the community is existing planning policy which is there to protect against such sites in the open countryside and the Green Belt. This is an industrial use and would be expected in such locations and on comparative scale.

- 5.30 Given that there would be some alternatives for caravan owners to sell or relocate caravans lawfully, it is not considered that the need for this facility constitutes a very special circumstance that can be attributed such weight as to outweigh the harm arising in the Green Belt. Nevertheless some weight is attributed to this.

Very Special Circumstances – the personal circumstances of the applicant and her family

- 5.31 The application refers to the considerable local support for the caravan storage facility and this has been demonstrated by the letters of support that have been received. The business however, is rather more of value to individuals of a community than a community in itself. It does not serve a community function and there is nothing to suggest that there is a club or mutual community benefit

from this business activity. The benefit is solely to the individuals storing caravans on the land.

- 5.32 The application refers to the tragic death of Mr Martin on 12 April 2014 and the difficulty the family have in presenting the emotional where-with-all to deal with the planning and enforcement issues. The family live at the site and describe the storage business as the family's only source of income.
- 5.33 Clearly the death of Mr Martin will have had an unimaginable impact on the family and this report will not even begin to investigate that impact on any family. To attempt to do so could be disrespectful. The family have been competently engaging with the Council in regard to these matters for many months now however and have sought to take a well-considered and reasonable approach in that negotiation. The Martins have conducted themselves respectfully and confidently and have evidently engaged the users of the land in a positive and co-ordinated fashion. They have not come across as lacking the where-with-all to deal with the circumstances.
- 5.34 Whilst some weight is given to the circumstances that the family now find themselves in, considerable weight must also be attributed to the history and the fact that the use has been a breach of planning control for some ten to twelve years and has amounted to a criminal offence of non-compliance with the Enforcement Notice for some 9 years. In the course of the investigation the Authority has provided a further 12 months for the breach to be addressed and that has resulted in this application. The weight attributed to personal circumstances is considered to be balanced by the longstanding awareness of the planning circumstances and as such, it is also considered that a temporary planning permission is not a reasonable justification in the context of the fundamental Green Belt policy objection. Human rights and Equalities legislation are considered further below.
- 5.35 It is also not insignificant that the applicants are in the process of implementing a separate planning application to import clay, subsoil and topsoil to the farm to improve the land for agricultural use. This will leave the majority of the land fit for cultivation and presumably, a viable farming business offering some income for the family.

Very Special Circumstances – Local support and letters of support

- 5.36 It is recognised that there is considerable local support for the development from persons with caravans on the land. This is not a surprise given the benefit from the facility and weight is attached to this considerable support and to the evident benefits the site provides for caravan owners in terms of flexibility, insurance costs, security and accessibility. The benefit of a development for the users of that development however, does not amount to very special circumstances to outweigh the Green Belt harm arising.

Very Special Circumstances – Support from Parish Councils

- 5.37 It is claimed that the application site is supported by both of the local Parish Councils, however Westerleigh Parish Council, wherein the site lies, have

objected to the application. The Authority therefore attach little weight to this and do not consider this to amount to very special circumstances.

Very Special Circumstances – Length of time the use has continued

- 5.38 It is accepted that this use has been operational since 2004 and that it has been subject to very few complaints in recent years. The use appears to have been continuing at a substantial scale for the majority of this time with relatively little impact on neighbouring land users and little apparent impact on the highway from the anecdotal evidence available. That said, the planning position has been very clear since the withdrawal of the appeal against the Enforcement Notice in 2006 and the use since this time amounts to an offence of non-compliance with the notice. It is not accepted that the Authority not taking prosecution action or direct action to cease the use, is quantifiable as very special circumstances or even any reasonable justification for the use to be permitted.

Very Special Circumstances – Consequences of Refusal

- 5.39 The report has addressed consequences of refusal including; the sale or relocation of caravans, the cessation of the business and the personal circumstances and these have been considered above in the assessment of the very special circumstances.

Very Special Circumstances – Degraded use of the application site area

- 5.40 The site is presently covered in hardcore, however the permitted use is for agriculture and the enforcement notice requires the land to be returned to an agricultural field. It is understood that despite remediation after the previous waste use of the land, the land is not in condition for a viable agricultural use. Whilst the poor condition of the land might be a material consideration, it does not amount to a very special circumstance to be afforded such weight to override the Green Belt objection. This would be to establish an extraordinary precedent for agricultural land that is lacking in quality.
- 5.41 It is also noted that an application (referred to above) has been granted in 2012 to further remediate a large area of the farmland with imported clays and soils. It is noted that the agricultural land quality report submitted with this application advised that the proposed works will significantly improve the cropping and productivity of the land. The land is to be upgraded to category 3a and the Officer was advised on site that this permission will be implemented shortly. This suggests that there would similarly be scope to upgrade the application site, should the applicants wish to expand the agricultural enterprise.

Very Special Circumstances – Cumulative Impact

- 5.42 The above matters have been considered in the context of very special circumstances put forward in the application. For the reasons explained above, few of these are considered to legitimately be considered as very special circumstances and it is considered that relatively little weight can be attached to

these when weighed against the fundamental harm to the Green Belt by way of inappropriate development and harm to the openness of the Green Belt.

Human Rights

- 5.43 Article 8 of the Human Rights Act 1998 protects the rights of individuals in four areas: private life, family life, home and correspondence. It is a qualified right, which means that the right to respect in these areas can be infringed in certain circumstances and where the interference is justified there will be no breach of Article 8.
- 5.44 For an interference to be justified it must meet the set criteria. It must be in accordance with the law; pursue a legitimate aim and be necessary in a democratic society. There must be good reasons for the interference with the right and the interference must be proportionate i.e. no more than is necessary.
- 5.45 In this instance, the use of the land is not lawful and is in breach of an existing Enforcement Notice. The applicant does not occupy the application site for residential accommodation and there is no evidence of any residential occupation of the application site. A decision to refuse this application would not impose a greater restraint upon the applicant's enjoyment to his private life, family life, home and correspondence than the position before the application was submitted.
- 5.46 The Council's consideration is that the harm to the Green Belt and any other harm is such that the refusal of the application is a necessary and proportionate assessment in the discharge of its planning functions in the public interest.
- 5.47 Attention should also be committed to the Equalities Act 2010 which states that the public sector must in the exercise of its functions have due regard to the need to:
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 5.48 In considering the implications of the Equalities Act the Authority has a duty to consider the equality implications for those parties with a protected characteristic.
- 5.49 The Authority has considered the application on its merits and in accordance with national and local Planning Policy and with full regard to the rights of the individuals involved.

Highways

- 5.50 There has been a highway objection from the Parish Council commenting on the dangerous bend and the increase in traffic movements. The Council's Highways Officer has provided a fairly balanced assessment of the highways

situation, influenced in part by the history of applications and highway's assessments already made on this site.

- 5.51 Little information has been submitted with the application about the access, visibility, parking etc. however it is very clear on site that there is a wide area at the front of the site that accommodates temporary parking and an ample turning area for vehicles and caravans. The size of the application site is such that vehicles and caravans would be entering and exiting the application site in forward gear.
- 5.52 The matter for contention is the visibility at the access to the classified road. Visibility is adequate to the right but is more restricted to the left where there is also a drop in the level of the land. The visibility for vehicles approaching from the Shire Way roundabout could be restricted by the quality of the splay and the change in ground level, particularly with large, slow vehicles exiting the site. A highways refusal reason was included on the 2005 refusal of planning permission on these grounds siting the number of caravans as excessive for this access.
- 5.53 The planning officer was advised on site that the majority of users exiting the site do so by turning left to go on to access the motorway via Yate and Chipping Sodbury. Consideration could be given to restricting the exit to a left turn only for vehicles leaving with caravans.
- 5.54 The Highways Officer has also drawn attention to the preceding application in 2004, which was subsequently heard at appeal. Neither the Council nor the Inspector found a highway objection on these assessments. More recently, the Authority has approved the importation of materials to improve the condition of other land on the farm for agricultural use. This permission allows for some 5,295 lorry movements at approximately ten per day which is evidently a more intensive use of the access that presently arising from the caravan storage use.
- 5.55 On the balance of the highway circumstances and the history of the site, it is not considered that a highway objection could be upheld and that a condition could be considered to restrict caravans from turning right out of the access. Whilst this might be difficult to enforce, signage could be conditioned in the interests of highway safety. This would also deter caravans from the fairly narrow Nibley Lane route.

Other

- 5.56 An original drainage objection has been withdrawn after the applicant clarified that the application did not involve the provision of a septic tank.
- 5.57 Security - Much of the public support focuses on the security benefit which has been touched on above and is clearly a success of this site. It is evidently a very secure storage site and this does feature as a policy consideration, not least in the requirements of Core Strategy Policy CS1 - to take account of personal safety, security and crime prevention. The development does appear to offer a favourable alternative to on-street parking, or driveway parking for security and insurance purposes, even potentially for personal safety as

outlined by some of the supportive consultation. In this respect, the development does accord with Policy CS1 but this does not override the presumption against inappropriate development in the Green Belt.

- 5.58 Comparisons have been drawn in consultation with caravan owners about the solar farm which is in the vicinity of this site. This also amounts to inappropriate development in the Green Belt and was required to demonstrate very special circumstances to outweigh the harm to the Green Belt. There is an extensive officer report on this application which explains the assessment, but in summary; attention can be drawn to paragraph 91 of the NPPF which stipulates that very special circumstances can include the wider environmental benefits associated with increased production of energy from renewable sources; and to a series of criteria identified in the application which make that site specifically viable above other alternatives.
- 5.59 A comparison has also been drawn to nearby traveller caravans. A retrospective application at Top Yard, Westerleigh, which is a bit further down the road has recently been refused for 5 showman pitches and 4 containers. This has also been refused as inappropriate development in the Green Belt.
- 5.60 Attention has been drawn to the benefit to the Authority from the business paying Business Rates and Council Tax however this is not a matter to be considered in the planning merits of the development and is entirely separate part of local government. Comments have also been received highlighting the impact on a business at a time of austerity and a national agenda to encourage business. The application must be assessed on the planning merits however and whilst there is a presumption in favour of sustainable development, this application fails to meet that definition by virtue of being inappropriate development in the Green Belt.
- 5.61 Attention has been drawn to the provision of service and repairs on the site. This has not been referred to in the application and communication with the Enforcement Officer indicates that this activity has previously been denied by the applicants.
- 5.62 A question has been asked about whether the Council would provide an alternative site in the event of a refusal however there is no such requirement for the Authority to deliver these sites.

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

7. RECOMMENDATION

- 7.1 That permission be REFUSED for the following reasons;
- 7.2 The development does not meet any of the exception criteria provided by the National Planning Policy Framework and represents inappropriate development in the Green Belt that is, by definition, harmful. As set out in paragraph 79 of the NPPF, great weight has been attached to the importance of Green Belts - the most important features being the openness and permanence. The proposal would result in considerable loss of openness contrary to the fundamental aim of Green Belt policy to prevent urban sprawl and keeping land permanently open. It is for the applicant to demonstrate that very special circumstances exist so as to outweigh the presumption against such inappropriate development. In the context of this development, the Council does not accept that the need for the facility, level of support, the length of time it has been operational and the otherwise degraded condition of the land amount to very special circumstances to outweigh the harm arising from the inappropriate development and the Council does not accept that the applicant has demonstrated personal circumstances to outweigh the harm arising from the inappropriate development. The cumulative impact is also not of sufficient merit to outweigh the harm arising from inappropriate development. Consideration has been given to whether a temporary consent would meet the test of very special circumstances but it has been concluded that this would not be the case. The proposal is therefore contrary to the advice of the National Planning Policy Framework (2012) and Policies CS5 and CS34 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

Contact Officer: James Cooke
Tel. No. 01454 863429

REFUSAL REASONS

1. The development does not meet any of the exception criteria provided by the National Planning Policy Framework and represents inappropriate development in the Green Belt that is, by definition, harmful.

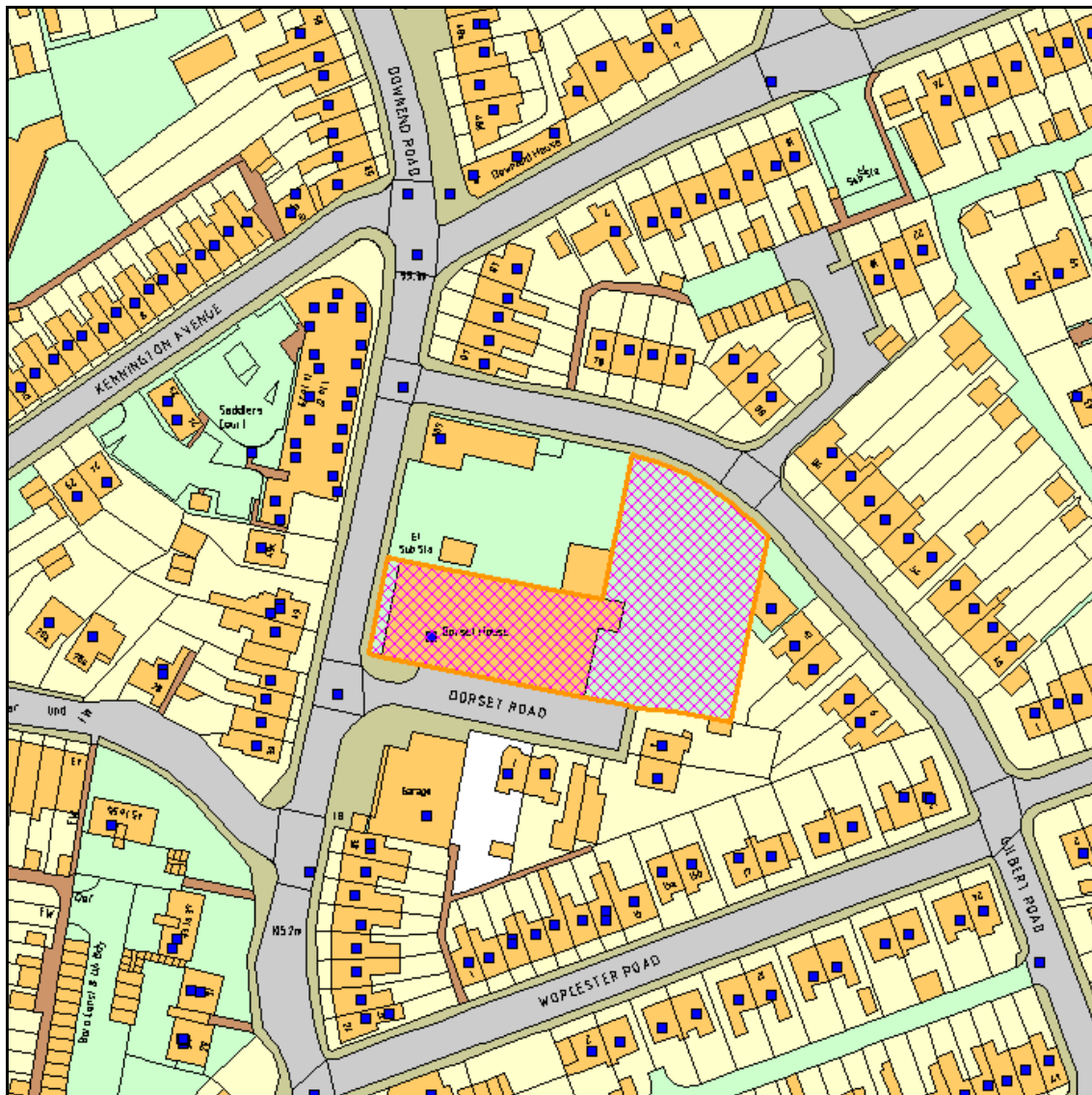
As set out in paragraph 79 of the NPPF, great weight has been attached to the importance of Green Belts - the most important features being the openness and permanence. The proposal would result in considerable loss of openness contrary to the fundamental aim of Green Belt policy to prevent urban sprawl and keeping land permanently open.

It is for the applicant to demonstrate that very special circumstances exist so as to outweigh the presumption against such inappropriate development. In the context of this development, the Council does not accept that the need for the facility, level of support, the length of time it has been operational and the otherwise degraded condition of the land amount to very special circumstances to outweigh the harm arising from the inappropriate development and the Council does not accept that the applicant has demonstrated personal circumstances to outweigh the harm arising from the inappropriate development.

The cumulative impact is also not of sufficient merit to outweigh the harm arising from inappropriate development. Consideration has been given to whether a temporary consent would meet the test of very special circumstances but it has been concluded that this would not be the case. The proposal is therefore contrary to the advice of the National Planning Policy Framework (2012) and Policies CS5 and CS34 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

CIRCULATED SCHEDULE NO. 29/15 – 17 JULY 2015

App No.:	PK15/1363/F	Applicant:	S J Curtis
Site:	Dorset House Downend Road Kingswood Bristol South Gloucestershire BS15 1SE	Date Reg:	20th April 2015
Proposal:	Demolition of building to facilitate erection of 9no.mixed use industrial units (Use Classes B1 (b), (c), B2 and B8), conversion of ground floor of Dorset House to business use (Use Class B1a) and conversion of upper floors to 6no. flats.	Parish:	None
Map Ref:	364641 174166	Ward:	Kings Chase
Application Category:	Minor	Target Date:	8th June 2015



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 100023410, 2008. **N.T.S.** **PK15/1363/F**

REASON FOR REFERRAL TO CIRCULATED SCHEDULE

The application is circulated as a result of the neighbours' concerns which are contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the demolition of a central part of an existing commercial building to facilitate the creation of ground floor managed office space (Use Class B1a) with six flats at first and second floors, conversion of part of the original building into three mixed use industrial units (Use Classes B1 (b), (c), B2 and B8), and erection of six further mixed use industrial units (Use Classes B1 (b), (c), B2 and B8), with associated access, and parking.
- 1.2 The site is located approximately 300m from Regent Street Kingswood in the town centre and is surrounded predominantly by two storey housing. A B2 garage use occupies the southern junction site on Dorset Road. A car/van rental/sales business occupies the adjoining site to the north of Dorset House.
- 1.3 The scheme follows a refusal of consent for the erection of nine new houses and partial retention of the original building which was refused for a number of reasons but relating largely to the creation of housing on an employment site.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
Section 6 Delivering a wide choice of high Quality homes
Section 7 Requiring good design

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

T12	Transportation Development Control Policy for New Development
T7	Cycle Parking
T8	Parking standards (non-residential)
L1	Landscape
LC2	Education Provision

South Gloucestershire Local Plan Core Strategy Adopted December 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
CS16	Housing Density
CS 17	Housing Diversity
CS18	Affordable Housing

- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Supplementary Planning Document)
Adopted 2007
South Gloucestershire Council Affordable Housing Supplementary Planning
Document (Adopted) September 2008
Residential Parking Standards Supplementary Planning Document adopted
December 2013.

3. RELEVANT PLANNING HISTORY

- 3.1 PK14/1102/PND Prior notification of the intention to demolish a building. No objection 24.04.2014
- 3.2 PK14/0005/F Demolition of existing single storey building, creation of car park for retained Class B2 use at Dorset House and erection of 9 no. dwellings, with associated access, parking and associated works. Refused 12.03.2014
- 3.3 PK07/0224/O Demolition of existing single storey workshops and garaging to facilitate the erection of 13no. dwellings (Outline). All other matters to be reserved. Outline consent approved subject to all matters being sought within three years of the consent. No reserved matters were received.
- 3.4 PK00/0839/F Change of use at ground floor from car-body shop (B2) and clothing workshop (B1) to car-body repair and paint spraying (B2). Change of use at first floor from gym/fitness centre (D2) to motorcycle repairs (B2), and change of use at second floor from gym/fitness centre (D2) to storage (B8). Approved 2000 Conditions limited hours of operation of
- 3.5 K4112/3 Change of use of first and second floors to a fitness centre approved with time limited to 9am to 10pm.

4. CONSULTATION RESPONSES

- 4.1 Kingschase Ward – no Parish Council
- 4.2 Other Consultees

Economic development Officer

No objections to this application on economic grounds. The proposed development of 6 new build and 3 existing units will help retain and attract local business to the area by offering flexible floorspace. The development of this employment land would be beneficial to the local area as it has the potential to create a number of new jobs as businesses begin to occupy the site, as well as retaining/safeguarding the current jobs with existing site occupants.

Dorset House has been, and continues to be, subject to comprehensive market research that indicates that the site has been vacant for some time, with no interest or demand in development.

This application informs that the vacant space will be utilised by converting it to 6 flats, which will create a work-live environment, which would help employment retention.

As a result of the market research there are no issues with the change of use, as the ground floor is to be utilised as valuable office space to compliment the units in close proximity.

In conclusion, this development would be beneficial to the local economy in a priority neighbourhood, by creating jobs and increasing local income. As a result of this, the Strategic Economic Development Team would support this application.

Urban design

The proposal should incorporate good quality materials and will not use upvc in the Dorset house alterations.

Conservation Officer

No objection but this is a non-designated heritage asset. The windows in Dorset House should certainly be retained as metal as they are a distinctive feature of the building and their loss would seriously degrade the appearance of the building. uPVC would not be able to reflect the character and appearance of the existing windows as the sections would be far bulkier than the existing elegant metal profiles. Ideally windows would be restored and maintained with secondary glazing or use or be changed to an aluminium powder coated frame product if not retained, similar colour to the windows, i.e. with much thinner frames set in a deep reveal (70-100mm). uPVC balconies are similarly unacceptable.

Transportation

No objection – subject to conditions relating to :

- Not to occupy the buildings on site until parking and manoeuvring areas are provided in accordance with the submitted and approved plans and all to be maintained free from any obstruction and free for use for their intended parking and turning thereafter.
- As a minimum, total of 7no. parking spaces (one per each flat plus one visitor's parking) must be allocated to the residential flats all to be marked out and thereafter maintained satisfactorily.
- There shall be no outside storage unless specific and written approval is first obtained from the Planning Authority. This is to ensure that adequate off-street parking and turning area is maintained on site.

Drainage

No objection - subject to a SUDS condition and a reduction in run-off from when compared with the existing development.

The Coal Authority

The site is located within the defined Development High Risk Area. The Coal Authority considers that the content and conclusions of the a supplemental Coal Mining Risk Assessment are broadly sufficient for the purposes of the

planning system and meets the requirements of the NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore does not object to the proposed development subject to the imposition of a condition.

Archaeology

No objection

Environmental Protection

No objection subject to a condition relating to potentially contaminated land and informatics during construction. Regarding hours of operation and noise conditions are considered necessary to restrict the office use, other business uses and deliveries. An acoustic survey and condition to control noise is also required.

Children and Young People Team

No response received

Tree Officer

A tree report by Hillside Trees provides appropriate levels of protection for the trees to be retained on site. There is mention in paragraph 3.3.5 of the report of the provision of a detailed Arboricultural Method Statement (AMS) to cover the removal and replacement of the existing hard surface within the nominal Root Protection Areas of the retained trees. This should be subject of a condition.

Ecology Officer

The application will have negligible impact on biodiversity. However, the opportunity should be taken to include biodiversity enhancement within the new development. As such there is no objection subject to a revised landscaping scheme with native species.

Highway structures

No comment

Other Representations

4.3 Local Residents

Objecting responses have been received from 8 local households on the following grounds:

- Gilbert Road is a very busy road, full to capacity now with cars parked all week, by shoppers and office workers working in Kingswood and the van sales on the Downend Rd and Gilbert Rd. this would get worse.
- Dorset Road currently provides, on the North side, on-street parking for approximately 16 cars and these places are invariably fully occupied during both the day and overnight. During the day the main users of this facility are the residents of Dorset Road, visitors to residents in Dorset Road, residents and their visitors from Downend Road & Cross Street and Halfords Auto Centre (a considerable number when they are busy). Overnight the main users are the residents in Dorset Road, Downend

Road & Cross Street. The loss of a significant part of this facility (how many spaces to be lost is unclear from the planning application submitted), with no re-provision of any description for the existing residents of Dorset Road and their visitors, is totally unacceptable and will lead to safety issues as well as severe inconvenience.

- Concern that the highway is adopted and that it should continue to provide for the parking of vehicles belonging to Dorset Road residents.
- Concern that the writer in Gilbert Road already has to park on the curb.
- Concern at more traffic congestion.
- Concern about the uses proposed working long hours when yard is surrounded on three sides with residential premises and is not suited to this type of development.
- Concern about the potential effect house prices in the surrounding areas
- concern about increase in noise for local residents
- concern that current on street parking is taken away
- concern that the application does not enhance the local environment, economy or residents of the local area.
- Concern that the site access is insufficient
- Concern that Dorset Road is not suitable to handle the massive increase in traffic flow that will occur.
- Dorset Road on to Downend Road will also present a safety issue due to the blind bend to the North of the exit, the fact that there is a bus stop directly opposite the Dorset Road exit and the speed at which cars travel using Downend Road.
- Concern that the Transport Statement states that Dorset Road is a primary distributor Road this is not true as it is a cu-de-sac with a footway only to the south and east and is clearly unsuitable to support the very large increase in traffic flow that is proposed within this planning application and will cause real safety issues for residents and others.
- Concern at the projected 150 trips per day arising from the development. Allowing for the traffic that is currently generated from the site (approximately 25 trips per day), this is likely to lead to a staggering 600% increase in traffic flow.
- Concern at the proposed hours of operation. The businesses currently located in the area (Halfords, S J Curtis and EEKOFIX) operate from 08.00 hrs to 17.30 hrs Monday to Friday and Halfords 08.00 hrs to 17.00 hrs Saturday.
- Concern at the loss of trees.
- Concern at loss of privacy
- Concern that the deeds for the houses in Dorset Road contain a number of codicils that prevent certain developments. Can the Council confirm that similar codicils do not exist for the land on which it is proposed this development will take place?
- If the Council permit this application to be approved, despite the objection of the local residents, then we must ask that at the very least the developer is instructed to make provision for at least one private on-street parking space for each of the existing residences (5) in Dorset Road.
- Deliveries could be made at night causing noise and light pollution.

- Concern about flooding from heavy rain into Gilbert road. Currently the land under the conifers offers a means of water attenuation. The buildings are two stories high so it would seem that they will overshadow the houses opposite in Gilbert Road which are at a lower level.
- There doesn't appear to be much landscaping of the site and as the conifers will be removed there will be a loss of habitat and cover for birds. At the moment there are sparrows, blackbirds and wood pigeons nesting in the conifers and they also provide cover for robins, blue and great tits, collared doves, blackcaps and chiff chaffs, which is much needed as there are magpies in the area.
- Concern that the outbuildings attached to Dorset House all have extensive and aged asbestos roofs. No mention is made of this in the application and no information is provided as to how it is intended to remove these roofs without contaminating residents and residents properties.
- The Application Form replies No to the question whether or not the proposal involves the need to dispose of trade effluents or waste. Without knowing the nature of the businesses that are likely to occupy the proposed new General Industrial units, how can this statement be made?
- The Planning Statement states that there are 4 residences in Dorset Road. There are in fact 5 residences, albeit one is currently completing construction.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Paragraph 14 of the NPPF refers to the presumption in favour of sustainable development which is 'at the heart' of the NPPF. For local authorities and its decision making role, paragraph 14 states that this means (unless material considerations indicate otherwise):

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out of date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.

5.2 According to paragraph 17 of the NPPF, a set of core land planning principles, which among others include proactively driving and supporting sustainable economic development to deliver the homes, business and industrial units; always seeking to secure high quality design and encouraging the effective use of land by reusing land that has been previously developed (brownfield land) should underpin both plan-making and decision-taking.

5.3 Regard should also be had to paragraph 22 of the NPPF which states:

Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

5.4 Moving to the development plan the Council adopted the Core Strategy on 11 December 2013. In accordance with S38(6) of the Planning and Compulsory Purchase Act 2004, this application falls to be considered in accordance with Policies CS4A, CS13, CS16 and CS18 of the South Gloucestershire Local Plan: Core Strategy as adopted. Therefore in terms of applying the NPPF, Government policy is clear, this application, in order to comply with the presumption in favour of sustainable development, falls to be considered against the council's adopted Core Strategy. The policy basis for this is set out as follows:

5.5 Policy CS4A – gives S38(6) expression to the NPPF presumption in favour of sustainable development. As set out above, as the up to date development plan the relevant policies of the Core Strategy form the basis to determine this application.

5.6 Policy CS13 relates to non-safeguarded economic development sites and states that change of use on non-safeguarded sites within the settlement boundaries of the urban areas will not be allowed unless it can be clearly demonstrated that all reasonable attempts have failed to secure a suitable economic development re-use.

5.7 Policy CS13 goes on to state that where all reasonable attempts have failed to secure a suitable economic development re-use, then priority will be given to alternative uses in the following sequence:

1. a mixed use scheme;
2. a residential only scheme.

5.8 Furthermore, in accordance with Policy CS16 of the Core Strategy (Housing Diversity), housing development is required to make efficient use of land.....particularly in and around town centres and the density of new development should be informed by the character of the local area. This proposal is for conversion of the upper two floors of the building to be six modest flats and this is considered to be sufficiently efficient use of part of the building which has struggled to find other business interest.

5.9 Policy CS18 of the Core Strategy relates to the provision of affordable housing in South Gloucestershire. 'Providing decent and affordable housing in accessible locations' as a part of creating mixed and balanced communities is recognised as one of the high level objectives contained within the Council's Core Strategy however as only six units are proposed this is under the

threshold of more than 11 units in urban areas or 0.33ha. for affordable housing.

- 5.10 Policy is in favour of commercial redevelopment on existing commercial sites and as such an increase in housing numbers on site is against policy given that the rest of the land needs to be used for commercial use. As such affordable housing is not achieved or justified on this site.

5.11 Employment

The current number of employees at the site are limited although the site has not been used efficiently as it has been in the past for a number of years. The proposal would bring new commercial uses in small units to the site in a variety of uses. A managed office space (B1a) (206m²) would be provided in the ground floor of Dorset house with flats above in the less business marketable part of the building. A mix of business uses within class B1(b and c) , B2 general industrial and B8 Storage and distribution would provided valuable and more flexible replacement for the underused B2 use at the site. The agent has demonstrated that the site has been well marketed and reuse and redevelopment is welcomed for economic prosperity of the area.

As such the application complies with policy CS13 of the Core Strategy and policy CS29 which seeks to “manage change on economic development sites so as to maximise job opportunities within the local area”.

5.12 Design
Context

The surrounding roads are characterised by predominantly 1950's semi-detached and 19th century terraced properties. Some 70's terraced infill development is located on Gilbert Road, north of the site. Plot sizes in the locality are generally small. Downend Road is a bus route and Kingswood Town Centre is a couple of minutes walk to the south. The site area is 0.25ha, including the retained B2 use and parking area. The site itself is an existing employment shed and car parking. Trees rising some 15 metres from the western boundary are worthy of retention for public amenity value and Dorset house is retained marking the front of the site. Other than existing adjoining properties there are no other substantial constraints.

Dorset House is a late 19th century industrial building originally constructed as a Boot and Shoe Factory. It is a three storey, red-brick and render building with buff bricks used for quoins and detailing and a mixture of original metal windows and uPVC replacements. It occupies a corner plot opposite a 20th century flat roof industrial building and late 19th/early 20th century two storey semi-detached villas and terraces. Its scale, massing and distinctive architectural form and appearance make it an industrial landmark building in the area so although it has not been identified as a locally listed building, it would still be considered a non-designated heritage asset in the scope of the NPPF. To the rear of the building, a single storey range of brick workshops have been added in the mid 20th century sharing the building line of the factory building. This creates a strong northern edge to this block of buildings.

5.13 Layout & Amount

The scheme retains the main Dorset House and part of the lower level factory buildings whilst also providing six two storey units of a similar scale to the surrounding housing. Parking is generally provided to the front of the units within the site and a new, additional access is created from a new parking area close to the office and flats. The form of development, in so far as it is largely terraced, is characteristic of the locality. The site is located in close proximity to the town centre and on a bus route, therefore a higher density of development, incorporating a mix business uses is appropriate and achievable without undermining local character and adjoining residential amenity.

5.14 Appearance

The surrounding streets are characterised by 19th century terraced dwellings in local pennant stone, with characteristic brick and stone detailing, and rendered 1950's semi's with bay windows and hipped roofs. The retention of the majority of the old buildings on site respects the industrial character of the site and the new modern units are considered an acceptable balance between old industrial and the more modern housing locally subject to good quality materials being agreed by conditions.

It is recognised that the scheme is heavily car dominant and that there is little landscaping of any note. Landscaping is dealt with separately below.

5.15 Sustainability

CS1(8) requires that the design...helps to achieve energy conservation, the protection of environmental resources and assist the siting of the renewable technology. The agent has provided details of a range of Photovoltaic panels to be attached to the roofs of each of the buildings and data suggest that 18682kw per annum would be provided. Additionally the properties are generally constructed with plenty fenestration to utilize natural light. It is considered that the application would therefor achieve energy conservation.

5.16 Design Summary

Officers consider that the retention of the buildings is a significant positive design statement and the additional buildings are a suitable fit within the space available offering interest to the Gilbert Road in place of the conifer hedge. Whilst it is acknowledged that some greenery is to be removed from the site this is limited essentially to conifer hedging along the extremity of the site, around the edge of the expansive tarmac car park/ car storage area. The proposal is a more efficient use of the site with a positive impact on economic prosperity within this priority neighbourhood offering job creation and increased income.

5.17 Landscape

Policy CS1(6) of the Core Strategy also requires that schemes 'make a net contribution to tree cover...encourages biodiversity and local food cultivation objectives as opposed to pure visual amenity. It is noted that a number of trees are proposed to be removed which are not native trees and offer little visual amenity, rather these appear to screen some of the site from surrounding properties.

There is a row of Beech trees on the western boundary which are proposed to be retained. There is currently car parking beneath the trees and it is proposed to have car parking within their RPA and very close to their stems in the new scheme. An Arboricultural Report was submitted during the course of this application which satisfies the tree officer that the trees will remain after the development has been carried out. Further detail would be required if the tarmac under the trees were to be lifted and this can be adequately controlled by a condition.

New planting is loosely indicated. This needs to be increased and firmed up in detail via a landscape planting plan. Where new trees are proposed within hard surfaced areas or proximate to underground services and buildings root guards will need to be used and the tree pits properly specified to provide space and conditions suitable for the trees to thrive.

5.18 Privacy and Residential amenity

The development is generally not considered to cause a loss of privacy as windows generally face away from or are located a reasonable distance away from neighbours, or on the opposite side of a road from neighbours. The main impact on neighbours would be that of noise and consideration has been given to the existing use of the site within the remit of condition 2 of PK00/0839/F which allows motor body repairs and fitting of vehicle parts between the hours of 8-6pm and 9-1 on Saturdays. It is considered reasonable to allow 8-6 and 8-1pm for B1b and c, B2 and B8 uses subject to a noise survey and mitigation if required. The B1a Office space proposed is likely to be a quiet use with only the comings and goings having potential to disturb neighbours. As such and given the relatively small amount of office use and ancillary parking, it is considered acceptable to allow the 7am to 10pm office use in Dorset house. Times of proposed uses and deliveries are proposed to be controlled by conditions as set out at the end of the report.

5.19 Transportation

Dorset Road is an adopted highway, not a private parking area, although local residents and seemingly business users use the area to park. The applicant is seeking permission for redevelopment of an existing brownfield site and in demolishing part of the building creating an additional vehicular access point (also on Dorset Road) which would prevent part of the road being available for informal parking. It is proposed that the upper floors of an existing industrial building (Dorset House) be converted into residential accommodation (6 units), with the ground floor of it being converted to office use. Additionally, it is proposed to construct 9no. [small] industrial units on the remainder of the site. The units will be flexible incorporating B1 (b), B1 (c), B2 and B8 uses. Vehicular and pedestrian access to these units will be via Dorset Road and frontage car parking/servicing will be provided for each unit.

5.20 The current use of the site is employment with access off Dorset Road in Kingswood and it is intended to continue mainly as employment use. The site is considered to be easily accessed by foot, cycle and bus.

- 5.21 The proposed new units vary in size. Overall, the total floor area of these (i.e. 9no. individual units) are 1080 m² B1/B2 and B8 uses. The site gains access from Dorset Road and it is proposed to be constructed as cul-de-sac with a central turning area. A vehicular tracking diagram has been submitted with this application and this provides evidence that the access and turning area is adequate for service/delivery vehicle. Accessing the wider highway network will be via Downend Road junction where visibility splays are considered acceptable.
- 5.22 A “transport statement” has been submitted with this application and it has been assessed by the highways officer. In traffic terms, it is forecast that the development would result in around 23 trips during the morning peak and 19 trips during afternoon peak. This equates to about 1 vehicle every 3 minutes during the AM and PM peak periods. Having assessed the data, the officer concludes that the traffic figures as presented in the applicant’s transport statement are reasonable and as such, the potential impact of the proposed development in this location to be small.
- 5.23 In parking terms, the residential and office accommodation within Dorset House will be provided with a dedicated parking area to the rear. The Industrial units will be provided with parking, conveniently located immediately adjacent to the front entrance of each building. As part of the proposal, it is intended to provide total of 41no. parking spaces plus sufficient space for turning of service vehicles on site. Proposed level of car parking is considered acceptable and in line with the Council’s parking standards. Cycle parking will also be provided on site. Kingswood Town Centre is approximately 300m south of this site and therefore provides access to all day to day facilities. There are bus stops on Downend Road within 100m of the site as well as others on Regent Street within 400m of the site. These services provide excellent access to a wide range of employment, leisure, education, health and retail facilities. It is concluded therefore, that the site is in an extremely sustainable location.
- 5.25 Education and community facilities
Policy LC2 of the Local Plan seeks to secure provision or contributions to ensure that educational facilities are available for the future occupiers of the development proposed. However in this case the six small flats fall below the threshold for justifying such a provision.
- 5.26 Affordable Housing
The Council is committed to improving affordable housing provision to meet housing need in South Gloucestershire. This will be achieved through: Requiring developers to achieve 35% on-site affordable housing on all new housing developments, normally without public subsidy, in urban areas of 11 or more dwellings, or 0.33 hectares irrespective of the number of dwellings...”
- 5.27 As this application is for a site with a gross area of 0.25 hectares and proposes to provide a total of 6 dwellings, it falls below the threshold for an affordable housing contribution. Therefore, there is no requirement for affordable housing for this scheme. Further the site is an existing commercial site where business rather than housing provision is promoted by policy CS13 and as such the site is not considered to be an appropriate site to facilitate additional dwellings.

5.28 Drainage

It is considered that with appropriate SUDS detailing, and modern drainage requirements that this proposal would not detract from the amenity of water or neighbours. Indeed the car park is currently covered in tarmac and the introduction of green areas should also assist in using and slowing the flow of surface water. This can be adequately dealt with by conditions.

5.29 Coal Mining

The application site falls within the defined Development High Risk Area and the Coal Authority previously objected to this planning application in a letter to the LPA dated 30 April 2015 as although some coal mining information had been submitted it was not considered that this adequately addressed issues of coal mining legacy on the site.

5.30 The planning application is now supported by an Appraisal of Soil Conditions Report dated 8 May 2015 and prepared by Engineering Concepts Ltd. This report is relatively brief but does make recommendations for further site investigations, in the form of rotary boreholes drilled on site in order to establish the presence, or not, of shallow coal mine workings beneath the site. The findings of these intrusive site investigations should inform any mitigation measures which may be required. This can adequately be conditioned.

5.31 Contaminated land

Historic uses of the site as a boot and shoe factory and vehicle body shop may have caused contamination which could give rise to unacceptable risks to the proposed development. A condition is therefore required to ensure that proper consideration and mediation of the risks are carried out in order to protect the future residents of the site.

5.32 Other issues raised by objectors

Concern has been raised by neighbours regarding asbestos being in the buildings. This is dealt with under other legislation but an informative has been attached to the draft decision notice.

Concern has been raised that there may be codicils in the deeds of the site that prevent the development taking place. Legal matters between parties are civil matters and should not influence this planning application. The applicant and any future occupants may need to satisfy themselves that no binding legal issues relate to the development.

6. CONCLUSION

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

The proposed development with the conditions proposed would make a positive contribution to the economic prosperity of the area without material harm to neighbouring properties.

- 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 Core Strategy set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

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

Contact Officer: Karen Hayes
Tel. No. 01454 863472

CONDITIONS

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

Reason

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

2. Prior to the setting out of foundations and further to the Appraisal of Soil Conditions Report dated 8 May 2015, prepared by Engineering Concepts Ltd the following actions shall be undertaken and agreed with the Local Planning Authority:

- * The submission of a scheme of intrusive site investigations for written approval;
- * The undertaking of that scheme of intrusive site investigations;
- * The submission of a report of findings arising from the intrusive site investigations;
- * The submission of a scheme of remedial works for written approval; and
- * Implementation of those remedial works.

Reason

To establish the exact situation regarding coal mining legacy issues on the site and to ensure the safety and stability of the proposed development and to accord with policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

3. EC05A - Potentially contaminated land

A) Previous historic uses(s) of the site (shoe/boot factory/leather tanning, metal heel factory, and more recently a vehicle repair workshop) may have given rise to contamination. Prior to commencement, an investigation (commensurate with the nature and scale of the proposed development) shall be carried out by a suitably qualified person into the previous uses and contaminants likely to affect the development. A report shall be submitted for the written approval of the Local Planning Authority prior to the commencement of development.

B) Where potential contaminants are identified, prior to the commencement of development, an investigation shall be carried out by a suitably qualified person to ascertain the extent, nature and risks the contamination may pose to the development in terms of human health, ground water and plant growth. A report shall be submitted prior to commencement of the development for the written approval of the Local Planning Authority setting out the findings (presented in terms of a conceptual model) and identify what mitigation measures are proposed to address unacceptable risks. Thereafter the development shall proceed in accordance with any agreed mitigation measures.

C) Prior to occupation, where works have been required to mitigate contaminants (under section B) a report verifying that all necessary works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.

D) If unexpected contamination is found after the development is begun, development shall immediately cease upon the part of the site affected. The Local Planning Authority must be informed immediately in writing. A further investigation and risk assessment should be undertaken and where necessary an additional remediation scheme prepared. The findings and report should be submitted to and agreed in writing to the Local Planning Authority prior to works recommencing. Thereafter the works shall be implemented in accordance with any further mitigation measures so agreed.

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

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

Reason

To ensure the health and safety of the proposed development and to accord with policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013. This is a pre-commencement condition as it is necessary for the health and safety of the site.

4. Tree protection on site shall be carried out during any development on the site in accordance with the report by Hillside Trees.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the trees, and to accord with policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and policy L1 of the South Gloucestershire Local Plan adopted January 2006.

5. There shall be no removal of old surfacing materials or laying down of new surfacing material within the Root Protection Areas shown in Appendix B of the Hillside Trees report dated March 2015 and received by the Council on 26 March 2015, until such time as a detailed Arboricultural Method Statement (AMS) to cover the removal and replacement of the existing hard surface within the Root Protection Areas of the retained trees, as stated in paragraph 3.3.5 of the report, has been submitted to and agreed in writing by the Local Planning Authority.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the trees, and to accord with policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and policy L1 of the South Gloucestershire Local Plan adopted January 2006.

6. Prior to first occupation of the commercial units the car and cycle parking and manoeuvring areas shown on 'Site Plan Proposed First Floor' received 26 March 2015 shall be provided in accordance with the submitted and approved plans and shall be maintained free from any obstruction and free for use for their intended parking and turning uses 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, T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006, policy CS8 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013 and the Residential Parking Standards Supplementary Planning Document adopted December 2013.

7. Prior to first occupation of the flats, seven of the parking spaces (one per each flat plus one visitor's parking) must be permanently marked and allocated to the residential flats and this marking shall thereafter be maintained.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policies T7 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006, policy CS8 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013 and the Residential Parking Standards Supplementary Planning Document adopted December 2013.

8. There shall be no outside storage.

Reason

In the interest of the visual amenity of the area, to ensure that the parking and manoeuvring areas are maintained available for use and to accord with Policies T7, T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006, policies CS1 and CS8 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013 and the Residential Parking Standards Supplementary Planning Document adopted December 2013.

9. Prior to the setting out of foundations, surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection shall be submitted for written approval by the Local Planning Authority. Thereafter the scheme shall accord with the agreed details.

Reason

To comply with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and National Planning Policy Framework 2012.

10. Prior to the setting out of foundations on site, details of a scheme to reduce surface water run off rates from this previously developed site, through good practice in the proposed scheme, should be submitted to and agreed in writing by the Local Planning Authority.

Reason

To comply with South Gloucestershire Council's Level 2 Strategic Flood Risk Assessment December 2011. To comply with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and National Planning Policy Framework 2012.

11. No machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from units 1 to 9 or in the associated parking and manoeuvring areas associated with those units outside the following times: 08.00 to 18.00 hours Monday to Friday, 08.00 to 13.00 on Saturdays and not at any time on Sunday or Bank Holidays.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.

12. No deliveries shall be taken at or despatched from the B1 office use outside of the following times: 08.00 to 18.00 hours Monday to Friday, 08.00 to 13.00 on Saturdays and not at any time on Sunday or Bank Holidays.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.

13. The B1(a) Office use shall only be used during the following times: 07.00 to 22.00 hours Monday to Friday, 07.00 to 17.00 on Saturdays, 08.00 to 16.00 on Sundays and not at any time on Bank Holidays.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.

14. Prior to the setting out of foundations and drainage a scheme of landscaping, which shall include details of all proposed planting (and times of planting); boundary treatments and areas of hardsurfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

Reason

To protect the character and appearance of the area to accord with Policy of the L1 the South Gloucestershire Local Plan (Adopted) January 2006 and CS1 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013

15. Notwithstanding the details submitted and prior to the setting out of foundations, samples of the roofing, external facing materials and all fenestration proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy Adopted December 2015.

16. Prior to occupation of units 1 to 9, an Acoustic report shall be submitted in accordance with British Standard 4142:2014 Method for Rating Industrial Noise affecting Mixed Residential and Industrial Areas, detailing how noise from the proposed use will effect nearby residential properties. The rating level shall not exceed the existing background noise level both day and night as defined in BS4142 at the boundary of the nearest residential property.

The applicant should be aware of and guided by the Planning and Noise document SG1, available on website: www.southglos.gov.uk/documents/Specific-Guidance-Note-1-Planning-and-Noise.pdf

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.

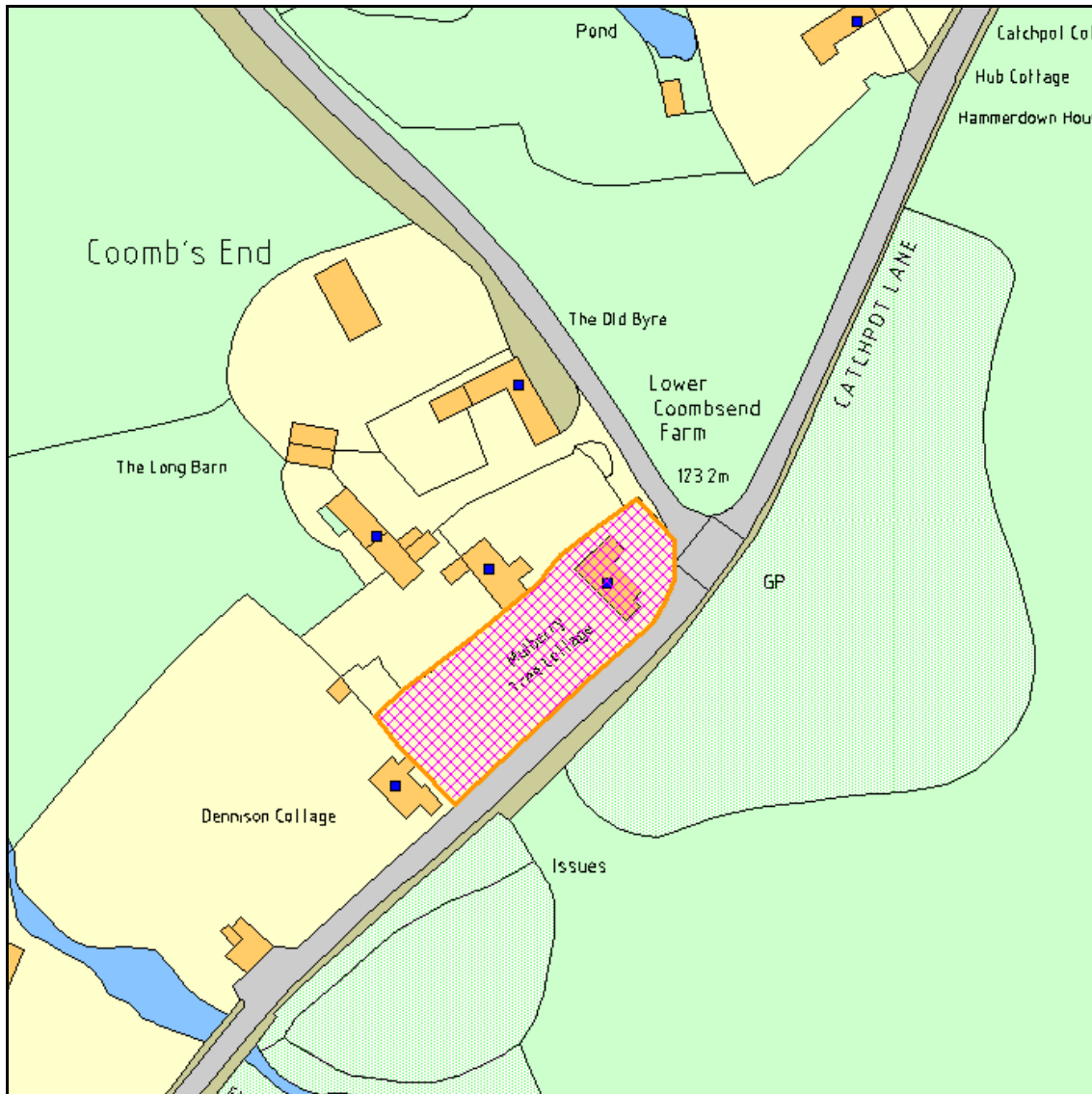
17. The development shall proceed in accordance with the scheme of solar PV panels submitted to support the application on 16/6/2015. The panels shall be operational within two months of first occupation of the related unit.

Reason

In order to help achieve energy conservation and to accord with policy CS1 (8) of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.

CIRCULATED SCHEDULE NO. 29/15 – 17 JULY 2015

App No.:	PK15/2030/F	Applicant:	Mr & Mrs N Ashman
Site:	Mulberry Tree Cottage Catchpot Lane Old Sodbury South Gloucestershire BS37 6SQ	Date Reg:	18th May 2015
Proposal:	Conversion of detached garage to residential annexe, ancillary to main dwelling.	Parish:	Sodbury Town Council
Map Ref:	375369 180566	Ward:	Cotswold Edge
Application Category:	Householder	Target Date:	13th July 2015



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REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule for determination in order to take into account comments of objection received; the case officer recommendation is one of approval.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the conversion of the existing detached garage into a residential annex at a cottage in Old Sodbury. The cottage is located outside of any defined settlement boundary in land designated as part of the Bristol and Bath Green Belt and the Cotswolds Area of Outstanding Natural Beauty. The site is situated opposite Dodington Park Estate which is a significant nationally important heritage asset. A grade II listed building is to the northwest of the site. The garage itself is a timber framed timber clad outbuilding. It is formed by two parts each with their own gable roof.
- 1.2 A planning application is required as the resulting living accommodation would be ancillary in nature rather than incidental.
- 1.3 From aerial photographs held by the Local Planning Authority it is clear that the garage building has stood in some form for more than 4 years. Therefore, the existing structure is likely to be considered lawful even if it was found that it was not erected as permitted development. It must be noted that no formal assessment of the planning history of the existing garage or its lawfulness has been conducted as part of this planning application.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
Town and Country Planning (General Permitted Development) (England) Order 2015
- 2.2 Development Plans
South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS15 Housing Distribution
CS16 Housing Density
CS17 Housing Diversity
CS34 Rural Areas

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)
L1 Landscape
L2 Cotswolds Area of Outstanding Natural Beauty
L10 Historic Parks and Gardens

- L13 Listed Buildings
- EP2 Flood Risk
- T12 Transportation
- H3 Residential Development in the Countryside
- H4 Development within Existing Residential Curtilages
- H10 Conversion of Rural Buildings for Residential Purposes

- 2.3 Supplementary Planning Guidance
 Development in the Green Belt (Adopted) June 2007
 South Gloucestershire Design Checklist (Adopted) August 2007
 Residential Parking Standard (Adopted) December 2013
 Revised Landscape Character Assessment (Adopted) November 2014

3. **RELEVANT PLANNING HISTORY**

- 3.1 P87/1740 Approval of Full Planning 24/06/1987
 Use of existing double garage as music room and erection of extension at first floor level to provide bedroom and bathroom.
- 3.2 N4989 Refusal 26/10/1978
 Erection of dwelling. Construction of new vehicular and pedestrian access (Outline).

4. **CONSULTATION RESPONSES**

- 4.1 Sodbury Town Council
 Objection: (1) concern regarding Highway safety (2) support for 2 neighbour objection letters (3) no previous planning application for the existing building (4) no main sewer
- 4.2 Archaeology
 No comment
- 4.3 Conservation
 No objection in principle. Concern that development may lead to replacement garages and the subdivision of the curtilage, and development would lead to the loss of vegetation.
- 4.4 Lead Local Flood Authority
 No objection
- 4.5 Transportation
 Request plan to indicate parking for the site

Other Representations

- 4.6 Local Residents
 Three comments of objection have been received against this application - two from the same resident. These comments raise the following matters:
- access is poor
 - additional foul waste needs to be disposed of

- applicants and not intending to stay in Mulberry Tree Cottage
- application should be determined in the same manner as other applications nearby
- building is not suitable for residential use
- impact of additional noise and light
- lead to loss of light
- lead to loss of privacy/overlooking
- not in keeping with character of the area
- set a bad precedent for other conversions
- site location plan is inaccurate

5. **ANALYSIS OF PROPOSAL**

5.1 This application seeks planning permission for the conversion of an existing rural building into a residential annex.

5.2 Principle of Development

A number of factors are important in establishing the principle of development. Starting with development at an existing residential dwelling, policy H4 is supportive subject to an assessment of design, amenity and transport. This policy may deem the development appropriate, however it is also necessary to consider how the annex and the main dwelling would relate to one another and what alternatives could be erected as permitted development.

5.3 On initial inspection, the proposed building itself could be erected as permitted development. Although this is not a formal position equivalent to a certificate of lawfulness. The reason planning permission is required is that the use as an annex is independent from not incidental to the use of the dwellinghouse. An annex must have a physical and functional relationship to the main dwelling to function truly as an annex. The proposed annex has a physical relationship so far as it is location with the curtilage of the main dwelling and a functional relationship insofar as it would share the garden space.

5.4 If it was considered that the annex was not in fact an annex but a separate dwelling then the new house must be considered against policy CS5. This policy seeks to direct development to the existing urban areas and defined settlements unless the NPPF directs that the development may be appropriate. The NPPF would support the conversion of a building to a dwelling but not necessarily the erection of a new dwelling.

5.5 No structural survey has been supplied with the application. A basic assessment has been provided by the agent but this is inconclusive as to whether the development could be undertaken as a conversion or whether it would require major reconstruction. Paragraph 55 of the NPPF does not stipulate a limit on the extent of operational development required to convert a disused or redundant building into a dwelling, only that the proposal must lead to an enhancement of the immediate setting.

- 5.6 Considering that a building of this size and in this location may be permissible as permitted development, that the conversion of the building is not necessarily be inappropriate, and that there is some limited relationship between the proposed annex and the house, the main issue remaining is the use.
- 5.7 Use of the annex as a separate residential dwelling is unlikely to pass the tests of paragraph 55 of the NPPF as the application has not identified what enhancements the proposal would make to the immediate setting of the application site. In order to be able to permit the annex, the Local Planning Authority must attempt to secure that the annex is used solely in connection with the existing dwelling. If this is possible, the conversion becomes appropriate development.
- 5.8 Through the use of a planning condition that restricts the occupancy of the annex to being solely in association with the main dwelling, there is no material change of use - i.e. the application site does not become two planning units. Should the annex be occupied independently then it would be in breach of such a condition. It is considered that the use of a condition to restrict the use of the annex is an appropriate way in which to manage the occupancy and with such a condition imposed the principle of development would be established by policy H4. Therefore the development is acceptable in principle and should be determined against the analysis set out below.
- 5.9 As significant weight has been given to the ability of the building to be constructed without the need for planning permission, the property's permitted development rights should be removed so that future development can be adequately managed.
- 5.10 Design
The design of the proposed annex has been prepared so that it retains the ancillary and lightweight nature of the existing garage buildings. New fenestration is one of the most significant changes to the building. Where large amounts of glazing are proposed it reflects that openings designed for vehicles. Whilst the other fenestration is more domestic in appearance it must be noted that the site has been found to be in a domestic use.
- 5.11 Details of the materials would be secure through condition in order to ensure that the development has a satisfactory external appearance. This is particularly important given the heritage assets in close proximity to the application site and the rural and unspoilt nature of the landscape.
- 5.12 Residential Amenity
Development should not be permitted that has a prejudicial impact on residential amenity. It is not considered that the proposal would adversely affect the amenities of the application site.
- 5.13 Neither is it considered that the development would have a prejudicial impact on the amenities of nearby occupiers. The proposal would not lead to additional overlooking, a loss of privacy, or be overshadowing or overbearing.

5.14 Transport

The application has failed to demonstrate where parking will be provided should the garage conversion take place. However, it is clear from the site visit that the site is capable of accommodating a minimum of three off-street parking spaces (which is the maximum required for one residential unit under the Residential Parking Standard SPD).

5.15 This therefore should not be a reason for refusal but details of the parking arrangements should be covered by an appropriately worded planning condition.

5.16 It is considered that should the application provide sufficient off-street parking the conversion of the building to a residential annex would not result in a severe impact on highway safety and therefore is acceptable.

5.17 Landscape and Heritage

The conservation officer has raised concern that the creation of a separate independent residential unit would lead to domestication of the site. A condition is recommended that prevents the site from being used in a manner unconnected with Mulberry Tree Cottage. This is considered by the case officer to adequately address the concerns of the conservation officer.

5.18 In terms of landscape, the site is not prominent or isolated. It forms a small cluster of buildings. As such, it is not considered that the proposal would have an adverse impact on the character or amenity of the landscape.

5.19 Drainage

The agent has confirmed that there is existing capacity in the septic tank and therefore the Lead Local Flood Authority has removed its objection.

5.20 Other Matters

The planning system cannot control whether or not the applicants stay on site during conversion works. Whilst the accuracy of the site location plan has been questioned, the plan is sufficient to enable the local planning authority to make a full assessment of the proposal. Every planning application must be assessed on its own merits and therefore permitting this conversion cannot be considered to set a precedent for other conversions to come forward.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 It is recommended that planning permission is GRANTED subject to the conditions listed below.

Contact Officer: Griff Bunce
Tel. No. 01454 863438

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) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, D, and E), 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

The application has been approved on the individual circumstances of the case and the permitted development 'fall-back' position. The constraints on the site mean that future development should be considered in the interests of the character and appearance of the area, the landscape and heritage impacts of further development, residential amenity and transport and highways in order to accord with Policy CS1, CS8, CS9, CS16, CS17, and CS34 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, Policy L1, L2, L13, T12, H3, H4 and H10 of the South Gloucestershire Local Plan (Adopted) January 2006, the provisions of the National Planning Policy Framework, the Development in the Green Belt SPD (Adopted) June 2006, the Revised Landscape Character Assessment SPD (Adopted) November 2014, and the Residential Parking Standard SPD (Adopted) December 2013.

3. The annex conversion hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Mulberry Tree Cottage.

Reason

The development has been permitted on the particular circumstances of the case and the development would be unsuitable for use as a separate residential dwelling because further consideration would be required against Policy CS5, CS15, CS16, CS17 and CS34 of the South Gloucestershire Local Plan Core Strategy, Policy H3, H4 and H10 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies) and the provisions of the National Planning Policy Framework.

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

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies). This is required prior to commencement to avoid remedial works.

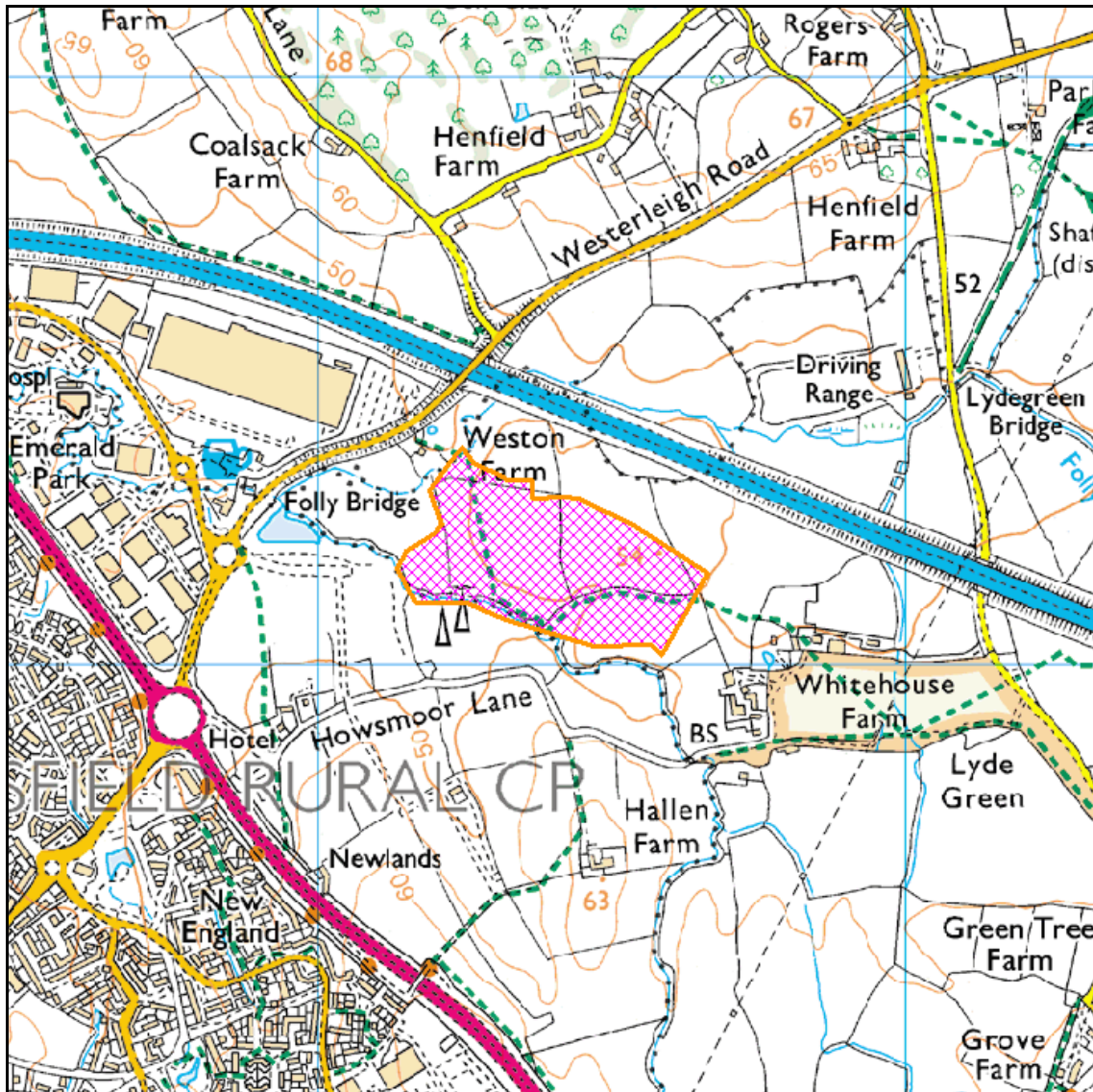
5. Prior to the first occupation of annex hereby permitted plans showing the provision of car parking facilities in accordance with the Residential Parking Standard SPD for the whole site shall be submitted to and approved in writing by the Local Planning Authority. The parking facilities shall thereafter retained for that purpose.

Reason

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

CIRCULATED SCHEDULE NO. 29/15 – 17 JULY 2015

App No.:	PK15/2055/FDI	Applicant:	Emersons Green Urban Village Ltd
Site:	Near Jenner Boulevard Emersons Green South Gloucestershire BS16 7FQ	Date Reg:	13th May 2015
Proposal:	Diversion of footpaths LWE/76/10 and LPU/1/10	Parish:	Emersons Green Town Council
Map Ref:	367032 177851	Ward:	Boyd Valley
Application Category:		Target Date:	6th July 2015



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

Under the current scheme of delegation all footpath diversion orders are required to be determined by the circulated schedule process. Due to time constraints, this application appears on the circulated schedule whilst the consultation period for revised plans is still active. However, if any consultation responses are received which raise new issues that have not been considered the application will be re-circulated.

1. THE PROPOSAL

- 1.1 The application is made under Section 257 of the Town and Country Planning Act 1990 (as amended) for the diversion of footpaths LWE/76/10 and LPU/1/10.
- 1.2 The proposed diversion is required to facilitate the implementation of development approved under outline application PK04/1965/O for a mixed use development of up to 2250 dwellings at Emersons Green East.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
Town and Country Planning Act 1990 (as amended) Section 257
Circular 01/2009 Rights of Way
- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)
LC12 Recreational Routes
T6 Cycle Routes and Pedestrian Routes
T12 Transportation Development Control Policy for New Development

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
CS9 Managing the Environment and Heritage

3. RELEVANT PLANNING HISTORY

- 3.1 PK04/1965/O
Urban extension on 99 hectares of land comprising of :- Residential development of up to 2550 dwellings; up to 100,000m² of B1, B2, B8 and C1 employment floorspace. Up to 2,450 m² of small scale A1, A2, A3, A4 and A5 uses. One, 2 - form entry primary school, a land reservation for a second 2 - form entry primary school and a land reservation for a secondary school. Community facilities including a community hall and cricket pavillion (Class D1) and health centre. Transportation infrastructure comprising connections to the Folly roundabout on Westerleigh Road and the Rosary roundabout on the Ring Road and the construction of the internal road network. A network of footways and cycleways. Structural landscaping. Formal and informal open space. Surface water attenuation areas. (Outline) with means of access to be determined.

Approved June 2013.

- 3.2 PK14/0727/RM (Roads 4&5)
Construction of roads 4 and 5 (Approval of Reserved Matters to be read in conjunction with Outline Planning Permission PK04/1965/O).
Approved 11/09/14.
- 3.3 PK14/3540/RM (Parcels 13/14)
Erection of 118 no. dwellings with landscaping, car parking and associated works (Reserved Matters application to be read in conjunction with outline planning permission PK04/1965/O).
Approved 19/06/15.
- 3.4 PK14/4110/RM (Parcel 12)
Erection of 99 dwellings with garaging, parking, landscaping and associated works. (Reserved Matters to be read in conjunction with outline planning permission PK04/1965/O).
Approved 31/03/15
- 3.5 PK15/0681/RM (Parcel 11)
Erection of 96no. dwellings with associated roads, drainage, landscaping, garages and parking. (Approval of reserved matters to be read in conjunction with Outline planning permission PK04/1965/O).
Approved 02/06/15

4. **CONSULTATION RESPONSES**

- 4.1 Emersons Green Town Council
No objection
- 4.2 PROW Officer
This scheme appears to provide a generally off carriageway route for pedestrians through the site and the minimum width to be provided must be at least 2 metres. The early discussions regarding this path indicated that it would form part of a link east west through the landscape corridor of the development that residents and local people could follow near the stream and off road. This must be adhered to where possible.
- 4.3 Transportation Officer
No objection
- 4.4 Avon and Somerset Police
No objection
- 4.5 Coal Authority
No objection
- 4.6 Archaeological Officer
No comment

Other Representations

4.7 Local Residents

One letter of support has been received from a member of the public. The following is a summary of the letter of support:

- The footpath to be diverted has been unusable for some time;
- The proposed new route along the Folly Brook ought to be attractive to walkers and runners;
- There is an opportunity to deliver an active footpath network to occupiers of the new development;
- Links to the wider network should be put in place.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The diversion of a Public Right of Way is not development as defined in the Town and Country Planning Act. As such a diversion order can only be considered within planning legislation when the diversion of the footpath is required in order to allow the implementation of a planning permission. The nature of the assessment should consider the proposed route and its suitability in terms of the amenity of the public right of way and whether or not the diversion is reasonably necessary in respect of the planning permission it relates to.

5.2 The Proposal

The existing public right of way currently extends through residential development associated with the Emersons Green urban extension which has outline consent. The proposed diversion is required to allow the implementation of residential parcels 13/14, 12, and 11 which have been granted reserved matters consent.

- 5.3 The proposed diversion differs from the route shown on the masterplan and design code approved under application PK04/1965/O, which extended along the main spine road across the northern area of the Emersons Green East development; however, the proposed diversion, through POS and retained vegetation and watercourses, will provide a greener route and a greater level of amenity for users of the footpaths. The proposed diversion route accords with the comments made by the Council's PROW Officer in terms of the need to provide a generally off carriageway route and there is no objection on this basis.

The total length of the diversion route is 641 metres, and just a 93 metre section between points G and H will be an urban route extending along the spine road. The purpose of this is to provide a safe crossing point; views of the attenuation pond to the north will provide an element of amenity value to this section of the diversion.

- 5.4 The majority of the route extends along paths of approximately 3 metres in width, which accords with the comments made by the PROW Officer; however, between points I and J the route will extend along a more informal narrow stone dust path approximately 1.6 metres in width. This is due to issues relating to the topography and vegetation along the stream corridor such that a formal segregated path 3 metres in width cannot be provided acceptably. Notwithstanding this, a shared edge residential lane directly to the north will provide acceptable alternative safe provision for cyclists, and the informal pathway will provide an attractive green pedestrian route adjacent to the stream.
- 5.5 The proposal links acceptably to the wider PROW network.
- 5.6 Given the above, it is considered that the diversion is suitable in terms of amenity and utility and is necessary due to existing planning permission and development of the site.

6. CONCLUSION

- 6.1 The recommendation to raise no objection has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.
- 6.2 The proposal is considered to satisfactorily comply with Circular 01/09 and Policy LC12 of the South Gloucestershire Local Plan (adopted) January 2006 as the utility and amenity of the proposed route would be acceptable.

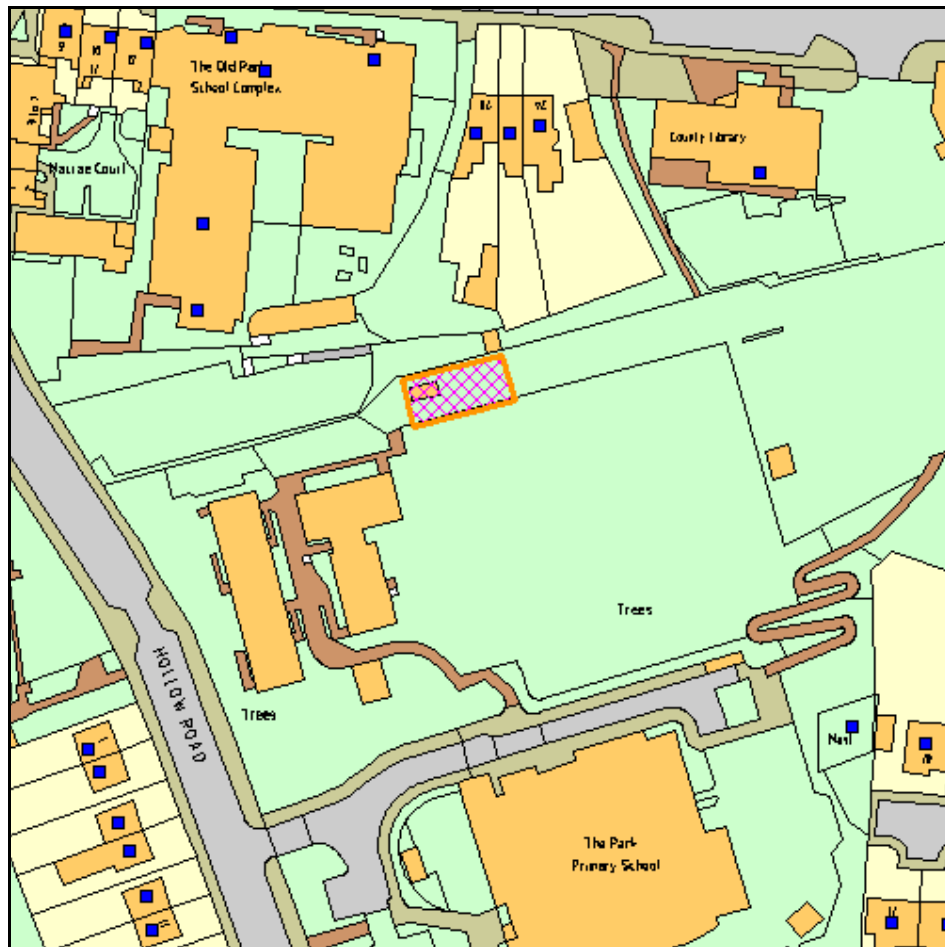
7. RECOMMENDATION

- 7.1 That no objection be raised to the proposed diversion of footpaths LWE76/10 and LPU/1/10 and that the Head of Legal and Democratic Services be instructed and authorised to make an Order under Section 257 of the Town and Country Planning Act 1990 for the diversion of footpaths LWE/76/10 and LPU/1/10 as illustrated on the location plan received by the Council on 6th July 2015.

Contact Officer: Jonathan Ryan
Tel. No. 01454 863538

CIRCULATED SCHEDULE NO. 29/15 – 17 JULY 2015

App No.:	PK15/2337/R3F	Applicant:	South Gloucestershire Council
Site:	The Park Primary School Hollow Road Kingswood South Gloucestershire BS15 9TP	Date Reg:	12th June 2015
Proposal:	Erection of single storey, out of school club, building.	Parish:	None
Map Ref:	365333 173756	Ward:	Woodstock
Application Category:	Minor	Target Date:	3rd August 2015



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule in accordance with the Councils Scheme of Delegation as the applicant is South Gloucestershire Council itself.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the installation of a new Elliott style building within the grounds of the existing Primary School. The proposed new building will be used to house the existing out of school club and for other teaching activities during the school day.
- 1.2 The application site comprises The Park Primary School, which is primarily access off Hollow Road although there is also a pedestrian access from Kingswood High Street through the Library car park. The site is located within the established residential area of Kingswood

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

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

T12 Transportation Development Control Policy for New Development

LC4 Proposals for Educational and Community Facilities within Existing Urban Areas

L1 Landscape Protection and Enhancement

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS8 Improving Accessibility

CS9 Managing the Environment and Heritage

- 2.3 Supplementary Planning Guidance
The South Gloucestershire Design Checklist SPD (adopted)

3. RELEVANT PLANNING HISTORY

There is a long history to the site with the most recent applications being as follows:

- 3.1 PK03/0177/R3F Variation to proposed external layout in respect of the creation of access and erection of associated wall and gate to telecom mast. Creation of ramped access from Orchard Road. Siting of bin store and cycle rack. Amendment to previously approved scheme PK00/2563/R3F. Deemed consent March 2003

4. CONSULTATION RESPONSES

4.1 Town/ Parish Council
The area is un-parished

4.2 Wales and West Utilities
No Objection

Other Representations

4.3 Local Residents
None received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development
Planning policy LC4 of the South Gloucestershire Local Plan (adopted) January 2006 (saved policy) allows for the principle of the development. The main issues to consider are the appearance/form of the proposal and the effect on the visual amenity of the area; the transportation effects, including whether the site is accessible by non-car modes of travel, and the off street parking effects; the effect in terms of residential amenity; and the environmental effects.

5.2 Appearance/Form and Impact on the Visual Amenity of the Area
The proposal is for the erection of a new detached Elliott building within the grounds of the existing school. The proposed building will have a length of 17.5 metres, a width of 8.7 metres and a maximum height to the ridge of 3.9 metres. Externally the unit would be served by two access points – one ramp and one set of steps. There is no objection to the style, design or location of the proposed canopy. The building is to be located to the rear of the existing building well screened from the surrounding public highway.

5.3 Although having a somewhat functional appearance, Elliott buildings are common sight in school grounds. Information on the application form confirms that the external walls of the building will be coloured green to match other existing buildings on the site. In light of the above, the design and visual impact is deemed to be entirely acceptable.

5.4 Transportation
The provision of the Elliott will not impact on existing car parking or access arrangements. Similarly, it will not result in an increased number of pupils or staff attending the school as it is to accommodate an existing out of school club. Although delivery vehicles and construction vehicles will be necessary in the short term, it is likely that the works will take place over the school holidays. The proposal will therefore have no impact on the existing parking and access arrangements.

5.5 Residential Amenity

Due to the distance of the building from the nearest residential dwellings and the fact that it will not change the way the site is used, impact on existing levels of residential amenity is deemed to be entirely acceptable.

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 Planning permission is GRANTED subject to the condition on the decision notice.

Contact Officer: Marie Bath
Tel. No. 01454 864769

CONDITIONS

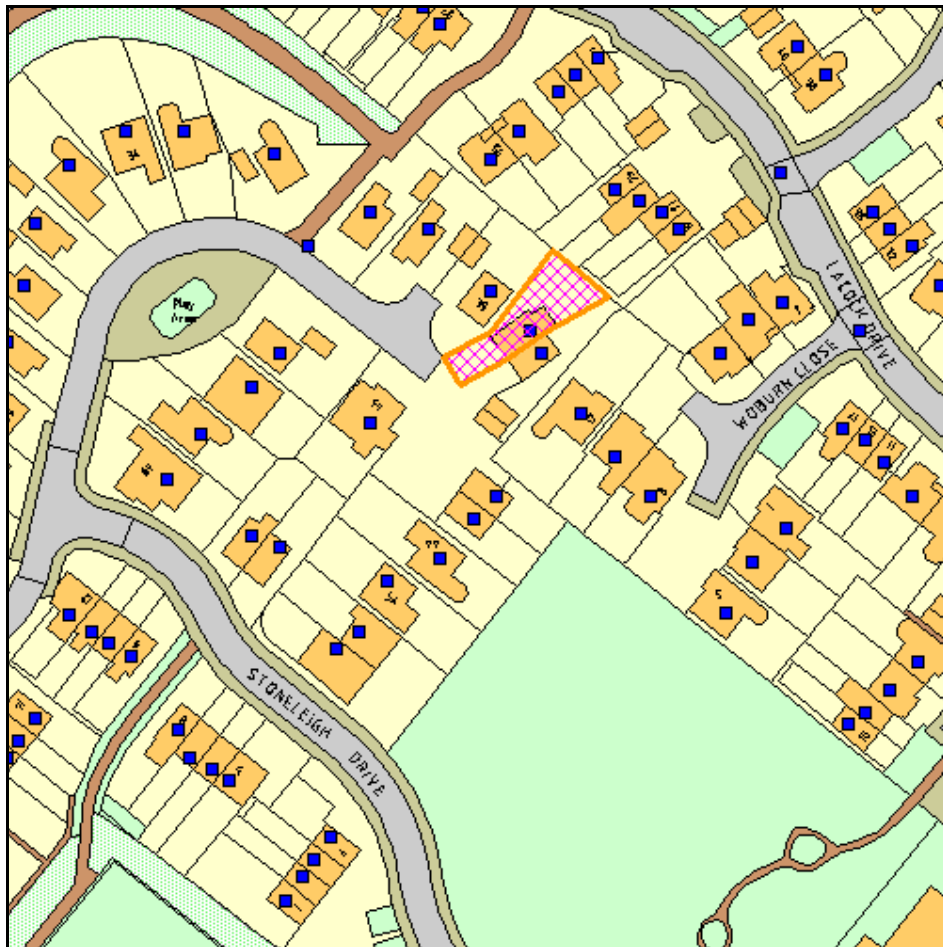
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 29/15 – 17 JULY 2015

App No.:	PK15/2414/F	Applicant:	Mr Rich Jeffery
Site:	40 Stoneleigh Drive Barrs Court Bristol South Gloucestershire BS30 7BZ	Date Reg:	5th June 2015
Proposal:	Demolition of conservatory and erection of two storey side and single storey rear extension to form additional living accommodation.	Parish:	Oldland Parish Council
Map Ref:	365714 172397	Ward:	Parkwall
Application Category:	Householder	Target Date:	29th July 2015



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This report appears on the Circulated Schedule following an objection from a local resident.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the demolition of an existing conservatory and the erection of a two-storey side and rear extension and single storey rear extension to form additional living accommodation.
- 1.2 The application site relates to a two-storey semi-detached dwelling house part of a modern estate in Barrs Court.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)

CS1	High Quality Design
CS4a	Sustainable Development
CS5	Location of Development

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

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

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

3. RELEVANT PLANNING HISTORY

- 3.1 P96/4306 Erection of rear conservatory
Approved 25.7.96
- 3.2 K1124/166 Erection of 53 dwellings with associated works
Approved 21.9.94

4. CONSULTATION RESPONSES

- 4.1 Oldland Parish Council
No objection

4.2 Other Consultees

Lead Local Flood Authority

No comment

Sustainable Transport

No objection:

Planning permission is sought to extend the existing dwelling to provide additional living accommodation. After development the dwelling will have four bedrooms. The existing vehicular parking for the dwelling is unaffected by this development. The level of parking available complies with the Council's residential parking standards. On that basis, there is no transportation objection to the proposed development.

Other Representations

4.3 Local Residents

One letter has been received from a neighbour. The comments are summarised as:

- Plan shows the foundation line extending beyond the boundary onto my property. Proposed wall is right up to the boundary. Not prepared to have any foundations on my property and concerned it will be necessary to remove my fence during construction. Do not want scaffolding on my property or my security jeopardised during building work. If the new build touches my fence damage will occur and maintenance will be impossible

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The proposal stands to be assessed against the above listed policies and all other material considerations. Of particular importance is the overall appearance and its impact on the host property and area in general (CS1); the impact on the residential amenity of existing and future occupiers and that of closest neighbours (H4); impact on highway safety and off-street parking (T12, CS8).

The proposal is considered to accord with the principle of development and this is discussed below.

5.2 Design and Visual Amenity

The application site is a modest semi-detached property located within a small cul-de-sac in Barrs Court. Properties here vary in size, materials and design and include coloured brick and mock Tudor detailing. The application site is one of the smaller and simpler properties situated close to the head of the cul-de-sac.

- ### 5.3
- The property benefits from a rear conservatory which would be removed to facilitate the proposal. A two-storey extension would be positioned to the northern side and would continue out to meet the building line of a proposed single storey rear extension. The two-storey element would utilise the area to the side of the house which is tapered, splaying out in a north easterly direction. This extension would measure approximately 2.7 metres wide, 6.6

metres long, 4.6 metres to eaves and 6 metres to ridge. New openings are proposed on all four sides: a ground floor study window in the north side, a ground floor kitchen window in the east side, one first floor window in the east elevation and one in the south elevation serving one of the new bedrooms and a first floor window to the west serving the other new bedroom. The extension would be subservient to the main dwelling being set back from the front building line and lower than the main roof line, following good design principles.

5.4 Moving on to the single storey part, this would extend out from the rear of the house by approximately 3.4 metres, be 4.3 metres in length, 2.3 metres to eaves and 3.4 metres maximum height. Openings of full height would be located in the east elevation with three rooflights bringing in additional natural light. Materials for both the two-storey and single storey would be to match those of the existing dwelling. In terms of the overall design, scale, massing and materials the proposal is considered to accord with policy and can be supported.

5.5 Residential Amenity

The application site is separated from neighbours to the rear and sides by fencing with a maximum height of approximately 1.8 metres. To the south the attached neighbours at No. 41 would be unaffected by the single storey given there would be no openings in this opposing elevation. However, the two-storey element has a proposed window in the south side that would introduce a window directly overlooking this neighbour. It is acknowledged that some views could be attained from the upper windows of the application site, however, the difference is that these windows would give an angled rather than a direct view. The residential amenity of these neighbours would therefore be compromised to an additional extent over and above the existing situation. This would be unacceptable. Given this room would be a bedroom with a window facing the garden to the north east it is considered not unreasonable that a condition be attached to the decision notice declaring that this second window to the south elevation be excluded from the planning permission. For the avoidance of doubt this window in the south elevation of the two-storey extension is not allowed and should be either blocked up or removed from the plans.

5.6 Neighbours to the rear would be unaffected by the single storey extension and although the building line of the two-storey extension would be closer to them than the existing house, given the distance of over 20 metres between the two properties it is considered that they would not suffer any inter-visibility or over-looking from the development.

5.7 To the northwest neighbours at No. 39 have expressed concern regarding the proposed two-storey side extension. As mentioned above the curtilage of the application site is an irregular shape. The house is angled away to the east from No. 39 and a such the side extension would at its most western corner be very close to No. 39. The neighbour has expressed concerns regarding encroachment. Officers have subsequently contacted the agent and suggested this part of the extension be reduced in length to avoid issues with the neighbouring property. The agent has resisted and has instead supplied plans which confirm in writing that the gutters and eaves would not overhang the

neighbour's property. Providing this is the case the proposal would not be unacceptable in these terms. Further comments received relate to not having footings or scaffolding on this neighbouring property and concerns relating to maintenance or damage to the existing fence. It is acknowledged that these are civil matters to be taken up between the relevant parties and cannot form part of the remit of a planning report. Again the agent has cited the Party Wall Act (1969) with regard to being able to build footings under a neighbour's property, however, Officers would emphasise the Party Wall Act (1969) states that agreement between the two parties is required and the relevant notices must be served. The neighbouring property has one first floor obscure glazed window in its southern elevation, serving it is assumed a bathroom. It is acknowledged that the extension would bring the built form closer to this neighbour but as the room is not of primary habitation, the impact of the development on this room is given less weight.

- 5.8 On balance, the impact on residential amenity can be protected with the aid of a condition regarding the side window facing neighbours to the south. The proposal is therefore considered acceptable.

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 conditions attached to the decision notice.

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CONDITIONS

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

Reason

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

2. The hours of working on site during the period of construction shall be restricted to 7:30 to 18:00 Monday to Friday and 8:30 to 13:00 on Saturdays; and no working shall

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

Reason

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) December 2013.

3. Notwithstanding the scheme is acceptable in principle, the first floor window in the south elevation of the approved extension is to be expressly excluded from the development. For the avoidance of doubt the window as shown on proposed side elevation B on plan Proposed Elevations 597-P3, should be removed from the plans or blocked up.

Reason

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

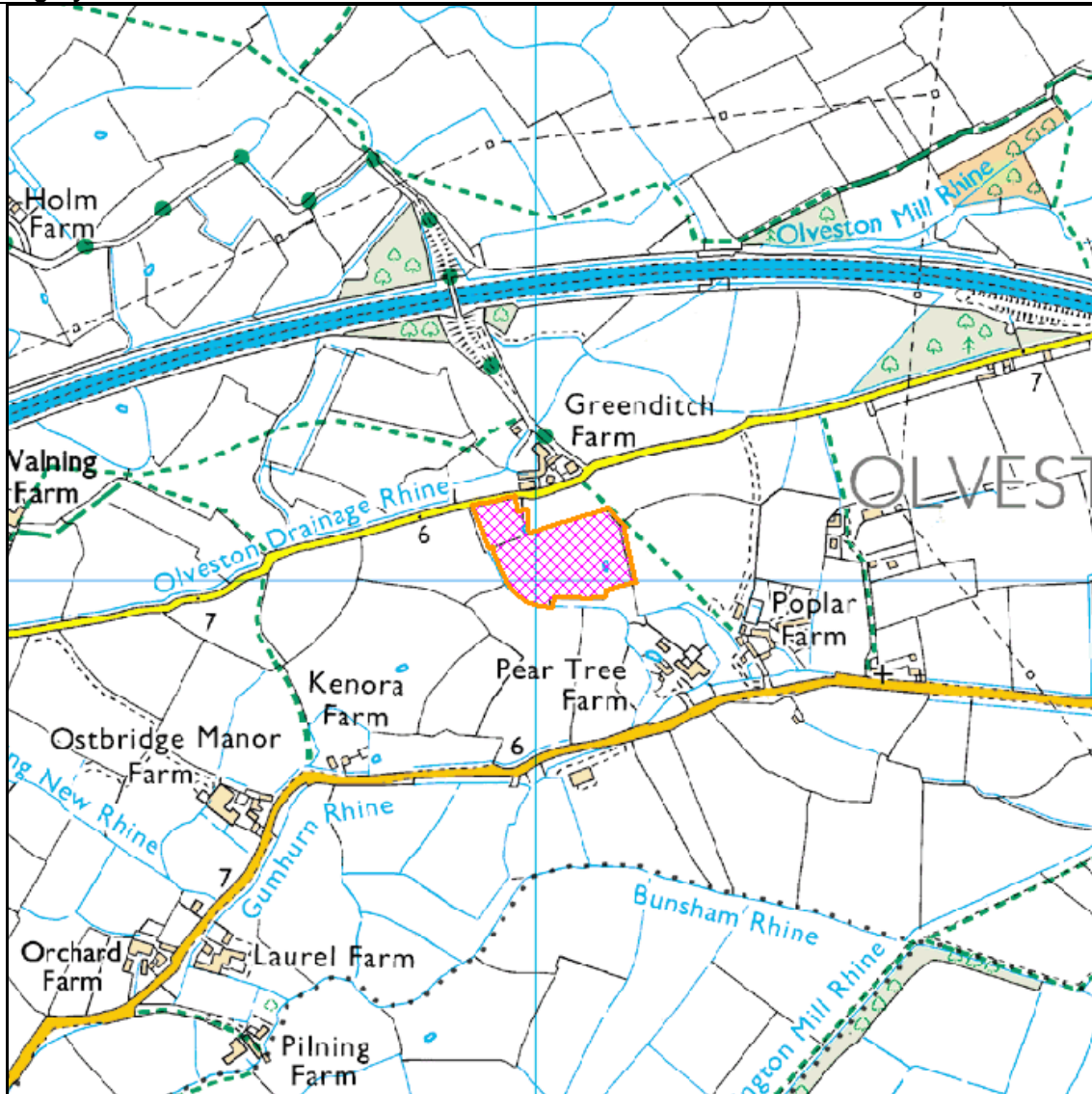
CIRCULATED SCHEDULE NO. 29/15 – 17 JULY 2015

App No.: PT15/0687/F
Site: Land Off Redham Lane Pilning Bristol South Gloucestershire BS35 4HQ
Proposal: Change of use of agricultural land to riding school (Use Class D2) and land for the associated keeping of horses with access including erection of 1.1m high gates, parking and associated works. Erection of 2no. stable blocks and 10,000 litre water tank. (Retrospective). (Resubmission of PT14/4049/F).

Applicant: Miss Carrie Vinson
Date Reg: 12th March 2015
Parish: Olveston Parish Council

Map Ref: 358036 186211
Application Category: Major

Ward: Severn
Target Date: 8th June 2015



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 100023410, 2008. N.T.S. PT15/0687/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule because it represents a departure from Development Plan Policy. The proposal involves development that is inappropriate development within the Green Belt (see NPPF paras. 89 & 90) which requires very special circumstances to justify the granting of planning permission. Furthermore, representations have been received from Olveston Parish Council and local residents that are contrary to the officer recommendation.

1. THE PROPOSAL

- 1.2 The application relates to two fields, comprising in total 3.239 ha (8.0 acres) of land which is laid to grazing. The fields are located immediately to the south of Redham Lane, Pilning. The application site lies in open countryside and forms part of the designated Bristol/Bath Green Belt. Vehicular access is from Redham Lane.
- 1.3 Until recently the fields formed part of Willbeards Farm and comprised grazing land as part of a planning permission PT01/0531/F for equestrian use (see para. 3.3 below). The current applicant previously operated her riding school from Willbeards Farm but upon cessation of this arrangement, subsequently bought the land the subject of this application PT15/0687/F and moved her operation accordingly on 26th July 2014, albeit in breach of planning control; in this respect the application is retrospective. To date one stable block has been erected and the access and gates introduced from Redham Lane. The all weather riding arena (the subject of a separate application PT15/0842/F) has for most part been constructed. A static caravan for use as an office was previously located on the site but this has since been removed and deleted from the application. A shipping container for storage remains on the site but this no longer forms part of the proposal and would not be required if planning permission is forthcoming, there being tack rooms in the stables; its removal can be secured by condition. The proposed parking areas have been modified/reduced since the original submission. It is also now proposed to site a 10,000 litre water tank between the two stable blocks.
- 1.4 Notwithstanding the previous unauthorised activities that have taken place on this site, the applicant has now confirmed that the sole use now proposed is for Riding School; horses are no longer sold from the site and any liverys are working liverys for horses in the applicant's care only. There would be a maximum of 8no. horses kept on the site. There is no breeding of horses on the site. There is a customer limit of 60. The riding school only operates 10.00hrs to 16.00hrs on Wednesday, Thursday, Saturday and Sunday with an average of 20 customers throughout these days i.e. 8 on Sat. & Sun. and 4no. mid-week..
- 1.5 The application should be read in conjunction with a separate application PT15/0842/F for the construction of an all weather riding arena on an adjoining plot; the application also appears on this Circulated Schedule.

1.6 The application is supported by the following documents:

- Design and Access Statement
- Situation Statement
- Flood Risk Assessment
- Ecological Appraisal

2. **POLICY**

2.1 National Guidance

The National Planning Policy Framework (NPPF) March 2012
National Planning Practice Guidance (NPPG) 2014
Technical Guidance to the NPPF March 2012

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) 6th January 2006

L1 - Landscape Protection and Enhancement
L9 - Species Protection
L16 - Protecting the Best Agricultural Land
EP2 - Flood Risk and Development
E10 - Horse related development
T8 - Parking Standards
T12 - Transportation
LC5 - Proposals for Outdoor Sports and Recreation outside Existing Urban Area and Defined Settlement Boundary
LC12 - Recreational Routes

2.3 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
CS8 - Parking and Accessibility
CS9 - Managing the Environment and Heritage
CS34 - Rural Areas

2.4 Emerging Plan

Proposed Submission : Policies Sites and Places Plan – March 2015

PSP2 - Landscape
PSP7 - Development in the Green Belt
PSP11 - Development Related Transport Impact Management
PSP16 - Parking Standards
PSP20 - Flood Risk, Surface Water and Watercourse Management
PSP21 - Environmental Pollution and Impacts
PSP27B - Horse Related Development

2.5 Supplementary Planning Guidance

The South Gloucestershire Design Checklist (SPD) – Adopted August 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PT14/4049/F - Change of use of agricultural land to land for the keeping of horses with access including erection of 1.1m high gates, parking and associated works. Erection of 2no. stable blocks and storage container, siting of a static caravan for use as a site office. (Retrospective).
Withdrawn 9 Dec. 2014
- 3.2 PT15/0842/F - Construction of an outdoor equestrian arena. (Retrospective)
(Re-submission of PT14/4048/F)
Pending

The Following Relates to neighbouring Willbeards Farm to which the application site was, until recently, part of.

- 3.3 PT01/0531/F - Change of use of land to equestrian. Erection of stable block and construction of access track, retention of manege and stationing of caravan for use as office.
Approved 17 August 2001

4. CONSULTATION RESPONSES

- 4.1 Olveston Parish Council
Olveston Parish Council strongly object to this application for the following reasons:

The entrance/exit to the property is onto a narrow single track road. There will be an increase in traffic using this road and it is not suitable for horses riding out of the stables. There has already been an increase in mud on the road. The land is low lying and it is questionable if there is sufficient land for the number of horses requiring to be kept there.

- 4.2 Other Consultees

Highway Structures
No comment

Lead Local Flood Authority

No objection : The development lies within a flood zone as defined on the Environment Agency Section 105 flood maps and Environment Agency Standing Advice Developments and Flood Risk Matrix (January 2009).

It is assessed as Development category "Change of use of land" (High Risk) within Flood Zone 3b however a FRA has been provided in support of this application. This FRA must be forwarded to the Environment Agency with a request that they confirm their approval.

Wessex Water
No response

Avon Fire and Rescue

No response

Police Community Officer

No response

Avon Wildlife Trust

No response

The Environment Agency

No response

Transportation D.C.

No objection, subject to conditions to secure the car parking spaces plus a horse box turning area; and the access to be culverted and hard surfaced for first 5m and provided with drainage.

The British Horse Society

No response

Ecology Officer

No objection subject to a condition to secure an Ecological Mitigation and Enhancement Plan.

Landscape Officer

No objection subject to a condition to secure additional planting.

Other Representations

4.3 Local Residents

5no. letters/e-mails of objection have been received from local residents; the concerns raised are summarised as follows:

- Horses escaping onto neighbouring land.
- Horses eating hedges.
- Excessive noise will disturb cattle.
- Dangerous access.
- Narrow lane with deep rhines either side.
- Mud on the road.
- Insufficient land for the number of horses proposed.
- Land is liable to flood.
- Would set a precedent for similar proposals.
- Loss of agricultural land.
- Excess surface water runoff.
- Adverse impact on other riding schools.
- No water supply.
- Commercial development in the countryside.
- Could lead to a later application for a house on the site.
- There are adequate riding schools in the area.
- The water tank should be screened.

- British Horse Society not consulted.
- Environment Agency not consulted.

3no letters/e-mails of support were received. The comments can be summarised as follows:

- The horses are well looked after.
- The stables are needed to better manage the land.
- There are no other riding schools in the vicinity that cater for children – Kingsweston is closing in August.
- Provides unique service to local community.
- In-keeping with surroundings.
- Tall hedges screen the site.
- Would generate a limited amount of traffic.
- The applicant used to operate from a nearby site using same lane for access.
- The tack room is needed for security.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

5.2 The South Gloucestershire Local Plan: Core Strategy was adopted by the council on 11th December 2013. By virtue of Section 38(6) of the Planning and Compulsory Purchase Act, the starting point for determining any planning decision will now be the Core Strategy, as it forms part of the adopted Development Plan and is generally compliant with the National Planning Policy Framework 2012 (NPPF). The “saved” policies of the South Gloucestershire Local Plan (adopted 2006) also form part of the extant Development Plan.

5.3 The Policies, Sites & Places Plan is an emerging plan only. Whilst this plan is a material consideration, only very limited weight can currently be given to the policies therein.

5.4 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.

5.5 Chapter 4 of the NPPF promotes sustainable transport and states that development should only be prevented on transport grounds where the residual cumulative impacts of development are severe.

5.6 Saved 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.

- 5.7 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.

The analysis of the proposal in relation to these criteria is considered below.

5.8 Impact on the Openness of the Green Belt and Landscape Issues

Paragraph 79 of the NPPF states that the government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

- 5.9 Inappropriate development is by definition harmful to the openness of the Green Belt and should not be approved except in very special circumstances (para. 87).
- 5.10 Para. 89 of the NPPF states that planning authorities should regard the construction of new buildings as inappropriate in the Green Belt but lists exceptions which include *"provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it."* The proposal includes the erection of two stable blocks and a water tank but these are considered to be entirely appropriate facilities for a riding establishment, which is a recreational pursuit, of the scale proposed.
- 5.11 The NPPF at para. 90 goes on to say that *"certain other forms of development are also not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt"*. A list of those developments that are not considered to be inappropriate is given but these do not include the change of use of land.
- 5.12 The acceptance in principle of the use of the land for an "equestrian use" was previously established under planning permission PT01/0531/F, however it was only intended to use the fields for grazing purposes in association with the use.

Although the applicant has confirmed that the fields were sold to her with the intention of using them as grazing land, the application form indicates that the application is for a change of use from agricultural land to the keeping of horses and on this basis officers have interpreted the proposal as a change of use, albeit that the previous authorised use is a material consideration in the determination of the current application. Officers must therefore conclude that the proposed change of use is inappropriate development. Furthermore case law has established that changes of use are inappropriate. On this basis therefore, very special circumstances are required if the application is to be approved.

- 5.13 In this case the proposed use is a recreational one i.e. equestrianism, which retains the open nature of the fields and would not compromise any of the five purposes listed at para. 80 of the NPPF for designating land as Green Belt. The actual impact on openness is negligible, and can be further protected by the use of conditions. Officers consider that this clearly outweighs any harm to openness by reason of inappropriateness and amounts to very special circumstances to justify a departure from Development Plan Policy.
- 5.14 In general landscape terms, due to the flat topography and network of hedgerows, the visual impact would be to a very limited area. With the deletion of the static caravan and shipping container from the scheme, the only unsightly views would be through the wide entrance to the parking area. The proposed planting scheme can however be improved to screen this area and a planting plan can be secured by condition.
- 5.15 Since the applicant moved her horses onto the land the fields have been severely poached to the detriment of the visual amenity of the landscape. This was caused by a combination of lack of stabling, very wet winter, excessive number of horses i.e. significantly more than proposed, clay soil and low lying topography within the flood-plain. If planning permission is granted, the number of horses kept on the site would be limited to 8no. max. and additional stabling erected to house the horses during periods of inclement weather. This would allow the site to be better managed and thus prevent poaching. Given its nature and location, the proposed use would not have a significant adverse impact on the landscape in general and as such accords with Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
- 5.16 Ecology
The land has no special ecological designation and is laid to pasture. Horses previously grazed the land. It lies within 2.25km south-east of the Severn Estuary, which is a Ramsar site, a Special Area of Conservation and a Site of Special Scientific Interest. The site supports no species or habitats associated with these designations, and so the Severn Estuary will not be adversely affected by the proposal. An Ecological appraisal of the site has been submitted to officer satisfaction. The appraisal demonstrates that no protected species, including newts, would be adversely affected. There are therefore no ecological constraints on the proposal and subject to a condition to secure an Ecological Mitigation and Enhancement Plan, there are no objections on ecological grounds.

- 5.17 E10: Would the development have unacceptable Environmental Impacts?
The Council's Drainage Engineer has stated that the site lies in Flood Zone 3b which is an area at 'high risk' of flooding as defined in the NPPF Table 1, however, it is noted that the site lies within an area protected by flood defences and there are a significant network of rhines and ditches within the vicinity of the site. The Lower Severn Internal Drainage Board manages water levels within the district to ensure that flood risk is reduced. A SUDS drainage scheme would be secured by way of condition should planning permission be granted.
- 5.18 The Environment Agency were consulted but did not offer to comment; stables are generally considered by the EA to be water compatible development. A Flood Risk Assessment has been submitted to officer satisfaction. The development will not require personnel to be present at the site during any potential period of flooding. The site is located within a flood warning area so any personnel would be informed of the flood warning and would evacuate the site as appropriate (including movement of livestock if applicable) to land within Flood Zone 1 located 1.2km to the east of the site.
- 5.19 Table 2 of the NPPF Technical Guidance sets out a schedule of land uses based on their vulnerability to flooding. The proposed development is considered to fall into the category of outdoor sports and recreation which is listed as 'water compatible development'. Referring to table 3 of the Technical Guidance 'water compatible' land uses are considered appropriate within flood zone 3b without the need for the Exception Test, the Sequential Test should still be applied.
- 5.20 In this instance, the land has previously been granted for horse keeping uses and there are no sequentially preferable sites within the immediate vicinity of the site (i.e. land within Flood Zones 2 or 3) or within the ownership of the applicant. The development is therefore considered to pass the Sequential Test on flooding.
- 5.21 All matters of erection of loose jumps and fences, floodlighting, use of horse-boxes or portable buildings or trailers would be controlled by the conditions attached to any consent granted. There are in fact no proposals to erect floodlighting.
- 5.22 The disposal of foul waste should be undertaken in accordance with the DEFRA Code of Good Agricultural Practice for the Protection of Water and would be the subject of Environment Agency and Environmental Health controls. The plans show the manure heap conveniently located adjacent to the access. The applicant has stated that muck is regularly removed by a local farmer, who visits the site every other day delivering hay.
- 5.23 In terms of noise, this would be limited, especially given the small scale of the operation. The site lies adjacent to Greenditch Farm but is a sufficient distance away and is on the opposite side of the road and behind a substantial boundary hedge. The applicant has confirmed that there would be a maximum of 8 horses/ponies on the site. There is a customer limit of 60 but some of these

only ride once a year. The riding school is only open to the public 10.00hrs to 16.00hrs Wednesday, Thursday, Saturday and Sunday. These hours could be controlled by condition. Over the 4 days there would be on average only 20 customers broken down as 8 on Sat. and Sun. respectively and 4 during mid-week. It is therefore considered that subject to a condition to control the hours of opening, this criterion of policy E10 is met.

5.24 E10: Impact on Residential Amenity

The only residential property likely to be affected is Greenditch Farmhouse, which lies some 80/90m from the proposed stable block, on the opposite side of the road and behind a substantial boundary hedge. Given the rural location of the site, the previous approval for equestrian use, the small scale of the proposed use, and the surrounding agricultural uses, it is considered that, subject to conditions, using the land for the purpose proposed would be acceptable in terms of impact on residential amenity. It is therefore considered that the proposal accords with this criterion of policy E10.

5.25 E10: Vehicular access, Parking and Highway Safety

Since the original submission, the number of proposed parking spaces has been reduced from 15 to 7 and further information provided as to the proposed use of the site as a Riding School. Given the proposed number of horses (8no.) and stables (8no) and number of proposed parking spaces (7no.) the TRICS data base suggests that an average daily vehicle trip rate would be in the region of 17 which equates to 8/9 from each direction over a 12 hour period i.e. less than 1 per hour.

5.26 The approach from the east is along a single track road for just over 1 kilometre with passing places and generally there is good forward visibility between each passing place. The approach from the west is also single track but for a greater distance of around 1.8 Kilometres. There are also passing places although less frequent but there is generally good forward visibility between them. There are also the added features of the rhines or deep ditches either side of the single track road to the west of the site. Officers have checked the accident record and there are no injury collisions recorded over the last 5 years. One additional vehicle trip per hour does not present any demonstrable highway safety issue. Furthermore, given the small number of customers and limited hours of use, which are outside the peak period and that could be controlled by condition, this also weighs in favour of the application.

5.27 The access itself is provided with adequate visibility for emerging vehicles and the gate is shown set back 10m from the highway to allow vehicles to pull off the road, however the existing works to the access are sub-standard. In the event of consent being granted, a condition is required to secure within two months of any consent being granted, the access is to be culverted, surfaced with a consolidated material (not loose stone or gravel) for the first 5m from the road edge and provided with surface water drainage in accordance with details to be submitted to and approved in writing by the Local Planning Authority. A further condition could secure the parking and turning area.

5.28 Concerns have been raised about mud on the road. This has occurred due to the existing uncontrolled use of the site and lack of suitable hard-standing and parking areas. These matters would be resolved should planning permission be granted.

5.29 Subject to the above-mentioned controls, this aspect of the proposed development is considered to accord with policy E10.

5.30 E10: Access to Bridleways

There are no direct links from the site to bridleways, however a manege has already been constructed on the adjacent land and this is the subject of a separate application (see PT15/0842/F) to secure its retention. A condition would restrict the number of horses (8no.) that could be kept at the site and to limit the hours of opening to customers. It is noted that Redham Lane is identified in the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 as a recreational route. Officers consider it the norm for such rural routes to be used by horse riders. Given that the applicant previously operated from nearby Willbeards Farm, it would be difficult to substantiate a refusal reason for this application on the grounds of lack of bridleways. It is considered that the situation as proposed is sufficiently satisfactory to accord with this criterion of policy E10.

5.31 E10: Preferred use of other existing buildings on the site

This criterion is not relevant to this proposal, there being no other buildings in the field.

5.32 Welfare of Horses

The applicant is experienced in equestrianism. The proposed stables are appropriately designed and scaled. Concerns have been raised about the number of horses kept on the site. It is now proposed to limit the number of horses to 8no. and given that 8no. stalls would be provided this is appropriate. Furthermore the 8no. acre site is considered to provide adequate grazing land in accordance with British Horse Society recommendations. An adequate water supply would be available for the horses from the proposed water tank. This can be filled by a hand pump using water sourced from a static and mobile bowser.

5.33 Other Issues

Although the proposal represents a departure from the Development Plan, the application does not need to be referred to the Secretary of State as under the appropriate Circular and Direction 02/2009 para. 4 (b) the development, by reason of its nature and location would not have a significant impact on the openness of the Green Belt.

5.34 Of the issues raised by local residents that have not been addressed above:

- As each application is determined on its individual merits, the proposal would not set a precedent for future similar proposals in the area.

- Local Plan policy L16 seeks to protect the best agricultural land. The land the subject of this application is not considered to fall into that category, being grazing land in the flood-plain.
- Regarding impact on other riding schools; the planning system operates in the wider public interest and competition is considered to be in the public interest.
- No house is proposed on the site and should an application be received for such development on this site, it would be assessed on its individual merits at that time; full justification would be required. This is not grounds to refuse the current proposal.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 The application be advertised as a departure from the Development Plan.
- 7.2 That planning permission be GRANTED subject to the conditions listed on the Decision Notice, once the period of advertising the application as a departure from the Development Plan has expired.

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CONDITIONS

1. Apart from working livery in association with the riding school, at no time shall the land the subject of this permission be used for general public livery purposes whatsoever.

Reason

To protect the character and appearance of the Green Belt and landscape in general, and to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006, Policies CS5 and CS34 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013 and the requirements of The National Planning Policy Framework March 2012 and the South Gloucestershire Council SPD - 'Development in the Green Belt' June 2007.

Reason

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

2. The number of horses kept on the site edged in red on the plans hereby approved, shall not exceed 8.

Reason

In the interests of the welfare of horses, to accord with the guidance of the British Horse Society; and Policy E10 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

Reason

To protect the amenities of the occupiers of the nearby dwellings, and to accord with Policy E10 of the South Gloucestershire Local Plan (Adopted) January 2006.

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. Other than those shown on the plans hereby approved, no jumps, fences, gates or other structures for accommodating animals and providing associated storage shall be erected on the land.

Reason

To protect the character and appearance of the Green Belt and landscape in general, and to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006, Policies CS5 and CS34 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013 and the requirements of The National Planning Policy Framework March 2012 and the South Gloucestershire Council SPD - 'Development in the Green Belt' June 2007.

4. Any temporary jumps erected on the land shall be stored away to the side of the associated stable, immediately after use.

Reason

To protect the character and appearance of the Green Belt and landscape in general, and to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006, Policies CS5 and CS34 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013 and the requirements of The National Planning Policy Framework March 2012 and the South Gloucestershire Council SPD - 'Development in the Green Belt' June 2007.

5. At no time shall horse boxes, trailers, van bodies and portable buildings or other vehicles be kept on the land other than for the loading and unloading of horses.

Reason

To protect the character and appearance of the Green Belt and landscape in general, and to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006, Policies CS5 and CS34 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013 and the requirements of The National Planning Policy

Framework March 2012 and the South Gloucestershire Council SPD - 'Development in the Green Belt' June 2007.

6. Within three months of the date of this decision, or to a programme otherwise agreed with the Local Planning Authority, the stable blocks hereby approved shall be provided and the existing shipping container shall be permanently removed from the site.

Reason

To protect the character and appearance of the Green Belt and landscape in general, and to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006, Policies CS5 and CS34 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013 and the requirements of The National Planning Policy Framework March 2012 and the South Gloucestershire Council SPD - 'Development in the Green Belt' June 2007.

Reason

In the interests of the welfare of the horses and in accordance with Policy E10 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

7. At no time shall there be any burning of foul waste upon the land the subject of the planning permission hereby granted.

Reason

To protect the amenities of the occupiers of the nearby dwellings, and to accord with Policy E10 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. Within two months of the date of this permission, an Ecological Mitigation and Enhancement Plan shall be submitted to the Local Planning Authority for approval in writing, based on the recommendations provided in the Extended Phase 1 Habitat Survey (Seasons Ecology, dated Feb. 2015). This will include inter alia hedgerow protection (all hedgerows bordering the application site to be retained within the scheme and protected during development by erecting temporary fencing around a standard root protection zone and maintaining it during the works in accordance with BS5837 2012 'Trees in Relation to Design, Demolition and Construction', species, length and location of new hedgerow planting (to consist of native species), lighting design and location and types of bird nesting boxes; to be carried out in accordance with a programme to be agreed with the Local Planning Authority. All works will be subject to and carried out in strict accordance with the provisions of the approved plan.

Reason

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

9. Within two months of the date of this decision, details of surface water disposal incorporating Sustainable Drainage Systems (SUDS) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the drainage scheme shall be implemented in accordance with the approved details and to a programme to be agreed with the Local Planning Authority.

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 and Policies CS1 and CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013..

10. Within two months of the date of this decision, the approved car parking and turning arrangements (shown on the Proposed Block Plan) shall be provided for the purposes hereby approved 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 E10, T8 and T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and The South Gloucestershire Council Parking Standards SPD (Adopted) 2014 and Policy CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013.

11. Within two months of the date of this permission, the access shall be culverted, surfaced with a consolidated material (not loose stone or gravel) for the first 5m from the road edge and provided with surface water drainage in accordance with details to be submitted to and approved in writing by the Local Planning Authority beforehand.

Reason

In the interests of highway safety, to accord with Policies T12 and E10 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013.

12. The riding school hereby permitted shall not be open to customers outside the following times : 10.00hrs to 16.00hrs Mon to Sun. inclusive and on Bank Holidays.

Reason

In the interests of highway safety, to accord with Policies T12 and E10 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

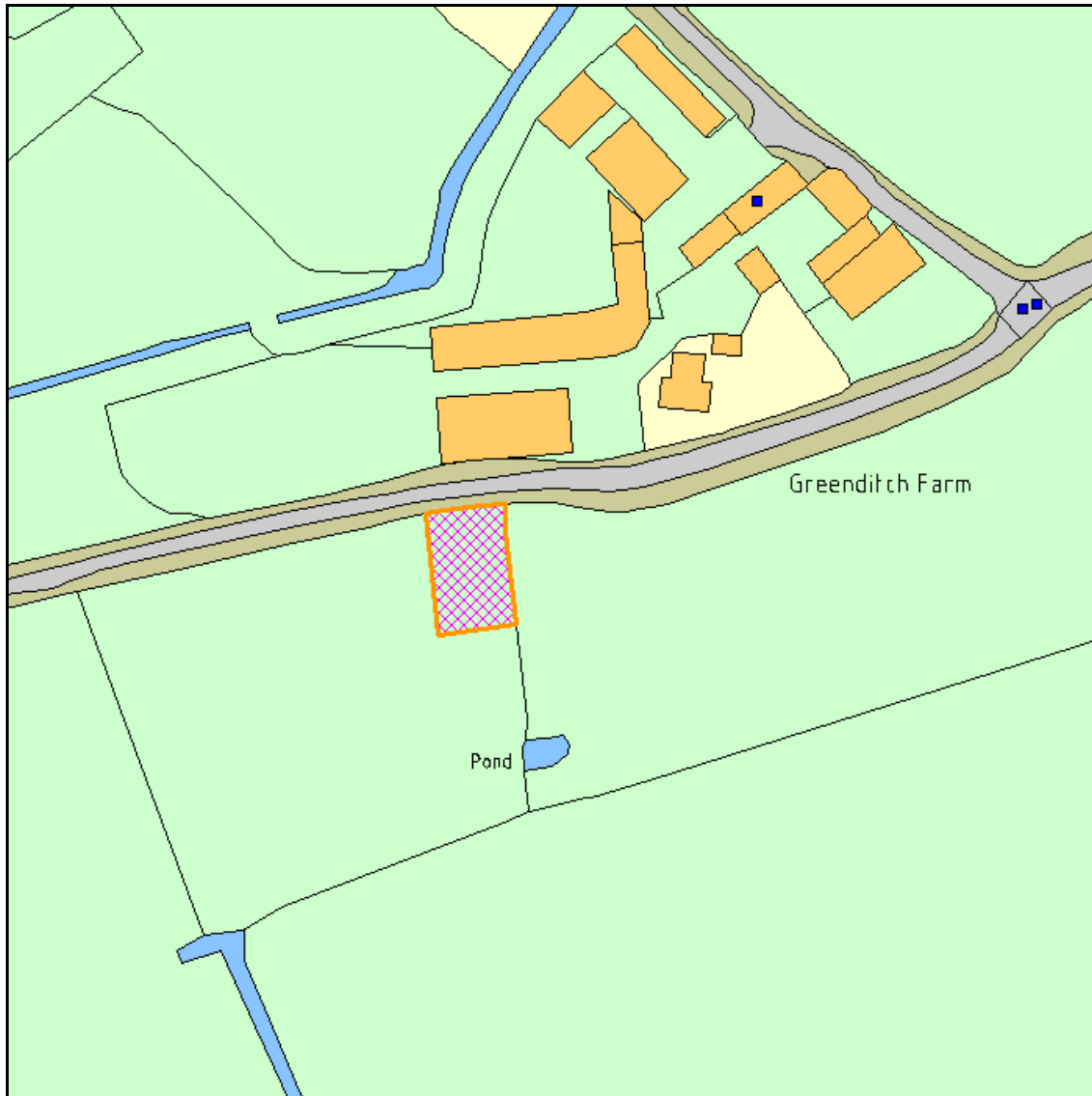
13. Within 2 months of the date of this decision, a scheme of additional screen planting, which shall include proposed planting (and times of planting) and a 5 year maintenance plan, shall be submitted to the Local Planning Authority for approval. The agreed planting plan shall be carried out in accordance with the agreed details.

Reason

To protect the character and appearance of the Green Belt and landscape in general, and to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006, Policies CS5 and CS34 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013 and the requirements of The National Planning Policy Framework March 2012 and the South Gloucestershire Council SPD - 'Development in the Green Belt' June 2007.

CIRCULATED SCHEDULE NO. 29/15 – 17 JULY 2015

App No.:	PT15/0842/F	Applicant:	Ms Carrie Vinson
Site:	Land Off Redham Lane Pilning Bristol South Gloucestershire BS35 4HQ	Date Reg:	12th March 2015
Proposal:	Construction of an outdoor equestrian arena. (Retrospective). (Resubmission of PT14/4048/F).	Parish:	Olveston Parish Council
Map Ref:	358036 186211	Ward:	Severn
Application Category:	Minor	Target Date:	4th May 2015



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 100023410, 2008. **N.T.S.** **PT15/0842/F**

REASON FOR REFERRING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule because it represents a departure from Development Plan Policy. The proposal involves development that is inappropriate development within the Green Belt (see NPPF paras. 89 & 90) which requires very special circumstances to justify the granting of planning permission. Furthermore, representations have been received from Olveston Parish Council and local residents that are contrary to the officer recommendation.

1. THE PROPOSAL

- 1.2 The application relates to an approx. 759 sq.m. area forming the north eastern part of two fields which themselves comprise in total 3.239 ha (8.0 acres) of land which is laid to grazing. The fields are located immediately to the south of Redham Lane, Pilning. The application site lies in open countryside and forms part of the designated Bristol/Bath Green Belt. Vehicular access is from Redham Lane.
- 1.3 Until recently the fields formed part of Willbeards Farm and comprised grazing land as part of a planning permission PT01/0531/F for equestrian use (see para. 3.3 below). The current applicant previously operated her riding school from Willbeards Farm but upon cessation of this arrangement, subsequently bought the land the subject of this application PT15/0687/F and moved her operation accordingly on 26th July 2014, albeit in breach of planning control; in this respect the application is retrospective. To date one stable block has been erected and the access and gates introduced from Redham Lane (see PT15/0687/F). The all weather riding arena (the subject of this application PT15/0842/F) has already been constructed. The proposed parking areas and access are covered under PT15/0687/F and do not form part of this application.
- 1.4 Notwithstanding the previous unauthorised activities that have taken place on this site, the applicant has now confirmed that the sole use now proposed and to include the all weather riding arena the subject of this application, is for a Riding School.
- 1.5 The application should be read in conjunction with a separate application PT15/0687/F for Change of use of agricultural land to riding school (Use Class D2) and land for the associated keeping of horses with access including erection of 1.1m high gates, parking and associated works. Erection of 2no. stable blocks and 10,000 litre water tank. (Retrospective) (Re-submission of PT14/4049/F) on the adjoining 2 fields; the application for which also appears on this Circulated Schedule. Notwithstanding the proposal on the adjoining land, this application PT15/0842/F must be determined on its individual merits.
- 1.6 The proposal is for the construction of an all weather riding arena measuring approx. 33m x 23m and enclosed on three sides by a 1.5m high 3-bar timber fence and kickboard and bounded to the east by a mature boundary hedge. The arena has already been constructed and in this respect the application is retrospective.

1.7 The application is supported by the following documents:

- Design and Access Statement
- Situation Statement
- Flood Risk Assessment
- Ecological Appraisal

2. **POLICY**

2.1 National Guidance

The National Planning Policy Framework (NPPF) March 2012
National Planning Practice Guidance (NPPG) 2014
Technical Guidance to the NPPF March 2012

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) 6th January 2006

L1 - Landscape Protection and Enhancement
L9 - Species Protection
L16 - Protecting the Best Agricultural Land
EP2 - Flood Risk and Development
E10 - Horse related development
T8 - Parking Standards
T12 - Transportation
LC5 - Proposals for Outdoor Sports and Recreation outside Existing Urban Area and Defined Settlement Boundary
LC12 - Recreational Routes

2.3 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
CS8 - Parking and Accessibility
CS9 - Managing the Environment and Heritage
CS34 - Rural Areas

2.4 Emerging Plan

Proposed Submission : Policies Sites and Places Plan – March 2015

PSP2 - Landscape
PSP7 - Development in the Green Belt
PSP11 - Development Related Transport Impact Management
PSP16 - Parking Standards
PSP20 - Flood Risk, Surface Water and Watercourse Management
PSP21 - Environmental Pollution and Impacts
PSP27B - Horse Related Development

- 2.5 Supplementary Planning Guidance
The South Gloucestershire Design Checklist (SPD) – Adopted August 2007
Development in the Green Belt SPD – Adopted June 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PT14/4049/F - Change of use of agricultural land to land for the keeping of horses with access including erection of 1.1m high gates, parking and associated works. Erection of 2no. stable blocks and storage container, siting of a static caravan for use as a site office. (Retrospective).
Withdrawn 9 Dec. 2014

- 3.2 PT15/0687/F - Change of use of agricultural land to riding school (Use Class D2) and land for the associated keeping of horses with access including erection of 1.1m high gates, parking and associated works. Erection of 2no. stable blocks and 10,000 litre water tank. (Retrospective) (Re-submission of PT14/4049/F)
Pending

The Following Relates to neighbouring Willbeards Farm to which the application site was, until recently, part of.

- 3.3 PT01/0531/F - Change of use of land to equestrian. Erection of stable block and construction of access track, retention of manege and stationing of caravan for use as office.
Approved 17 August 2001

4. CONSULTATION RESPONSES

- 4.1 Olveston Parish Council
Olveston Parish Council strongly object to this application for the following reasons:

In addition to the concerns raised in relation to PT15/0687/F i.e.

The entrance/exit to the property is onto a narrow single track road. There will be an increase in traffic using this road and it is not suitable for horses riding out of the stables. There has already been an increase in mud on the road. The land is low lying and it is questionable if there is sufficient land for the number of horses requiring to be kept there.

The Council also has specific issues relating to the drainage of this land and the possibility of light pollution.

- 4.2 Other Consultees

Highway Structures
No comment

Lead Local Flood Authority

No objection : The development lies within a flood zone as defined on the Environment Agency Section 105 flood maps and Environment Agency Standing Advice Developments and Flood Risk Matrix (January 2009).

It is assessed as Development category "Change of use of land" (High Risk) within Flood Zone 3b however a FRA has been provided in support of this application. This FRA must be forwarded to the Environment Agency with a request that they confirm their approval.

Avon Fire and Rescue

No response

The Environment Agency

No response

Transportation D.C.

No transport objection is raised subject to the following condition. The development shall not be brought into use until planning application PT15/0687/F has been granted permission and the access and parking conditions have been discharged.

The British Horse Society

No response

Ecology Officer

No objection subject to a condition to secure an Ecological Mitigation and Enhancement Plan.

Landscape Officer

No objection subject to a condition to secure additional planting.

Other Representations

4.3 Local Residents

4no. letters/e-mails of objection have been received from local residents; the concerns raised are summarised as follows:

- Horses escaping onto neighbouring land.
- Horses eating hedges.
- Excessive noise.
- Dangerous access.
- Narrow lane with deep rhines either side.
- Mud on the road.
- Insufficient land for the number of horses proposed.
- Land is liable to flood.
- Would set a precedent for similar proposals.
- Loss of agricultural land.
- Excess surface water runoff.
- Adverse impact on other riding schools.
- No water supply.

- Commercial development in the countryside.
- Could lead to a later application for a house on the site.
- There are adequate riding schools in the area.
- The water tank should be screened.
- British Horse Society not consulted.
- Environment Agency not consulted.

3no letters/e-mails of support were received. The comments can be summarised as follows:

- The horses are well looked after.
- The stables are needed to better manage the land.
- There are no other riding schools in the vicinity that cater for children – Kingsweston is closing in August.
- Provides unique service to local community.
- In-keeping with surroundings.
- Tall hedges screen the site.
- Would generate a limited amount of traffic.
- The applicant used to operate from a nearby site using same lane for access.
- The tack room is needed for security.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

5.2 The South Gloucestershire Local Plan: Core Strategy was adopted by the council on 11th December 2013. By virtue of Section 38(6) of the Planning and Compulsory Purchase Act, the starting point for determining any planning decision will now be the Core Strategy, as it forms part of the adopted Development Plan and is generally compliant with the National Planning Policy Framework 2012 (NPPF). The “saved” policies of the South Gloucestershire Local Plan (adopted 2006) also form part of the extant Development Plan.

5.3 The Policies, Sites & Places Plan is an emerging plan only. Whilst this plan is a material consideration, only very limited weight can currently be given to the policies therein.

5.4 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.

- 5.5 Chapter 4 of the NPPF promotes sustainable transport and states that development should only be prevented on transport grounds where the residual cumulative impacts of development are severe.
- 5.6 Saved 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.
- 5.7 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.

The analysis of the proposal in relation to these criteria is considered below.

- 5.8 Impact on the Openness of the Green Belt and Landscape Issues
Paragraph 79 of the NPPF states that the government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 5.9 Inappropriate development is by definition harmful to the openness of the Green Belt and should not be approved except in very special circumstances (para. 87).
- 5.10 Para. 89 of the NPPF states that planning authorities should regard the construction of new buildings as inappropriate in the Green Belt but lists exceptions which include "*provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.*" The proposal is not however for the construction of a building.
- 5.11 The NPPF at para. 90 goes on to say that "*certain other forms of development are also not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt*".

A list of those developments that are not considered to be inappropriate is given and these include “engineering operations” but do not include the change of use of land.

- 5.12 The acceptance in principle of the use of the land for an “equestrian use” was previously established under planning permission PT01/0531/F, however it was only intended to use the fields for grazing purposes in association with the use. The applicant has confirmed that the fields were sold to her with the intention of using them as grazing land, officers therefore consider that the proposal is an engineering operation to facilitate the construction of an all weather riding arena, which represents a change of use which is inappropriate development. Furthermore case law has established that changes of use are inappropriate. On this basis therefore, very special circumstances are required if the application is to be approved.
- 5.13 In this case the proposed use is a recreational one i.e. equestrianism, which retains the open nature of the fields and would not compromise any of the five purposes listed at para. 80 of the NPPF for designating land as Green Belt. The actual impact on openness is negligible. Officers consider that this clearly outweighs any harm to openness by reason of inappropriateness and amounts to very special circumstances to justify a departure from Development Plan Policy.
- 5.14 In general landscape terms, due to the flat topography and network of hedgerows, the visual impact would be to a very limited area. The car parking area on the adjoining field would still need additional screen planting, which can be secured by condition. The all weather arena allows the wider site to be better managed and thus prevent poaching. Given its nature and location, the proposed use would not have a significant adverse impact on the landscape in general and as such accords with Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
- 5.15 Ecology
The land has no special ecological designation and is laid to pasture. Horses previously grazed the land. It lies within 2.25km south-east of the Severn Estuary, which is a Ramsar site, a Special Area of Conservation and a Site of Special Scientific Interest. The site supports no species or habitats associated with these designations, and so the Severn Estuary will not be adversely affected by the proposal. An Ecological appraisal of the site has been submitted to officer satisfaction. The appraisal demonstrates that no protected species, including newts, would be adversely affected. There are therefore no ecological constraints on the proposal. A condition to secure an Ecological Mitigation and Enhancement Plan, would be secured under the associated application PT15/0687/F for the Riding School but this condition is not justified for the riding arena alone. There are no objections on ecological grounds.
- 5.16 E10: Would the development have unacceptable Environmental Impacts?
The Council’s Drainage Engineer has stated that the site lies in Flood Zone 3b which is an area at ‘high risk’ of flooding as defined in the NPPF Table 1, however, it is noted that the site lies within an area protected by flood defences and there are a significant network of rhines and ditches within the vicinity of

the site. The Lower Severn Internal Drainage Board manages water levels within the district to ensure that flood risk is reduced.

- 5.17 The Environment Agency were consulted but did not offer to comment; outdoor sports and recreation facilities are generally considered by the EA to be water compatible development. A Flood Risk Assessment has been submitted to officer satisfaction. The development will not require personnel to be present at the site during any potential period of flooding. The site is located within a flood warning area so any personnel would be informed of the flood warning and would evacuate the site as appropriate (including movement of livestock if applicable) to land within Flood Zone 1 located 1.2km to the east of the site.
- 5.18 Table 2 of the NPPF Technical Guidance sets out a schedule of land uses based on their vulnerability to flooding. The proposed development is considered to fall into the category of outdoor sports and recreation which is listed as 'water compatible development'. Referring to table 3 of the Technical Guidance 'water compatible' land uses are considered appropriate within flood zone 3b without the need for the Exception Test, the Sequential Test should still be applied.
- 5.19 In this instance, the land has previously been granted for horse keeping uses and there are no sequentially preferable sites within the immediate vicinity of the site (i.e. land within Flood Zones 2 or 3) or within the ownership of the applicant. The development is therefore considered to pass the Sequential Test on flooding.
- 5.20 The all weather arena was constructed by a specialist company. Due to the clay soil, to attain the best drainage the arena was built up as opposed to dug out. A small amount of top soil was removed, then a membrane with soak away was laid, with 200 tonne of hard-core. The hard-core acts as a soak-away point to hold the water and allow natural drainage. Then a trilican membrane was laid again with a soak away with a 200 tonne equine specific silicon sand and rubber surface layer approx. 6 inch thick. There have been no drainage problems, even throughout the wet winter months.
- 5.21 All matters of erection of fences, use of horse-boxes or portable buildings or trailers would be controlled by the conditions attached to any consent granted. There are in fact no proposals to erect floodlighting and should floodlights be required at some time in the future, these would require planning permission in their own right.
- 5.22 In terms of noise, this would be limited, especially given the small scale of the operation. The site lies adjacent to Greenditch Farm but is a sufficient distance away and is on the opposite side of the road and behind a substantial boundary hedge. Cattle are housed in a large agricultural building. The applicant has confirmed that there would be a maximum of 8 horses/ponies on the wider site. There is a customer limit of 60 but some of these only ride once a year. The riding school is only open to the public 10.00hrs to 16.00hrs Wednesday, Thursday, Saturday and Sunday. These hours would be controlled by condition attached to any permission granted under PT15/0687/F. Over the 4 days there would be on average only 20 customers broken down as 8 on Sat. and Sun.

respectively and 4 during mid-week. It is therefore considered that this criterion of policy E10 is met.

5.23 E10: Impact on Residential Amenity

The only residential property likely to be affected is Greenditch Farmhouse, which lies some 50m from the riding arena, on the opposite side of the road and behind a substantial boundary hedge. Given the rural location of the site, the previous approval for equestrian use, the small scale of the proposed use, and the surrounding agricultural uses, it is considered that, subject to conditions, using the land for the purpose proposed would be acceptable in terms of impact on residential amenity. It is therefore considered that the proposal accords with this criterion of policy E10.

5.24 E10: Vehicular access, Parking and Highway Safety

The access and parking facilities would be controlled by conditions via the Riding School Application PT15/0687/F. Officers consider that this application for the riding arena should only be granted subject to the approval of PT15/0687/F however this cannot be guaranteed and cannot be secured by condition. To take account of a possible scenario whereby the riding school application is refused but this application for the riding arena were approved, conditions can be imposed to secure the access works and parking provision as for PT15/0687/F, the two sites being in common ownership. A further condition could be imposed to ensure that the riding arena could not be used in isolation as a riding school. This aspect of the proposed development is therefore considered to accord with policy E10.

5.25 E10: Access to Bridleways

There are no direct links from the site to bridleways, however the proposed riding arena would provide an all weather facility for the exercising of horses which in part would negate the need to use bridleways. Horses are also turned out in the adjacent fields. It is noted that Redham Lane is identified in the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 as a recreational route. Officers consider it the norm for such rural routes to be used by horse riders. Given that the applicant previously operated from nearby Willbeards Farm, it would be difficult to substantiate a refusal reason for this application on the grounds of lack of bridleways. It is considered that the situation as proposed is sufficiently satisfactory to accord with this criterion of policy E10.

5.26 E10: Preferred use of other existing buildings on the site

This criterion is not relevant to this proposal.

5.27 Welfare of Horses

The applicant is experienced in equestrianism. The arena is of an appropriate size for its purpose.

5.28 Other Issues

Although the proposal represents a departure from the Development Plan, the application does not need to be referred to the Secretary of State as under the appropriate Circular and Direction 02/2009 para. 4 (b) the development, by

reason of its nature and location would not have a significant impact on the openness of the Green Belt.

- 5.29 Of the issues raised by local residents that have not been addressed above:
- As each application is determined on its individual merits, the proposal would not set a precedent for future similar proposals in the area.
 - Local Plan policy L16 seeks to protect the best agricultural land. The land the subject of this application is not considered to fall into that category, being grazing land in the flood-plain.
 - Regarding impact on other riding schools; the planning system operates in the wider public interest and competition is considered to be in the public interest.
 - No house is proposed on the site and should an application be received for such development on this site, it would be assessed on its individual merits at that time; full justification would be required. This is not grounds to refuse the current proposal.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 The application be advertised as a departure from the Development Plan.

7.2 That planning permission be GRANTED subject to the conditions listed on the Decision Notice, once the period of advertising the application as a departure from the Development Plan has expired.

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CONDITIONS

1. Other than those shown on the plans hereby approved, no fences, gates or other structures for accommodating animals and providing associated storage shall be erected on the land.

Reason

To protect the character and appearance of the Green Belt and landscape in general, and to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006, Policies CS5 and CS34 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013 and the requirements of The National Planning Policy Framework March 2012 and the South Gloucestershire Council SPD - 'Development in the Green Belt' June 2007.

2. At no time shall horse boxes, trailers, van bodies and portable buildings or other vehicles be kept on the land other than for the loading and unloading of horses.

Reason

To protect the character and appearance of the Green Belt and landscape in general, and to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006, Policies CS5 and CS34 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013 and the requirements of The National Planning Policy Framework March 2012 and the South Gloucestershire Council SPD - 'Development in the Green Belt' June 2007.

3. Within two months of the date of this decision, the car parking and turning arrangements (shown on the Proposed Block Plan) shall be provided for the purposes hereby approved 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 E10, T8 and T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and The South Gloucestershire Council Parking Standards SPD (Adopted) 2014 and Policy CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013.

4. Within two months of the date of this permission, the access shall be culverted, surfaced with a consolidated material (not loose stone or gravel) for the first 5m from the road edge and provided with surface water drainage in accordance with details to be submitted to and approved in writing by the Local Planning Authority beforehand.

Reason

In the interests of highway safety, to accord with Policies T12 and E10 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013.

5. Within 2 months of the date of this decision, a scheme of additional screen planting, which shall include proposed planting (and times of planting) and a 5 year maintenance plan, shall be submitted to the Local Planning Authority for approval. The agreed planting plan shall be carried out in accordance with the agreed details.

Reason

To protect the character and appearance of the Green Belt and landscape in general, and to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006, Policies CS5 and CS34 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013 and the requirements of The National Planning Policy

Framework March 2012 and the South Gloucestershire Council SPD - 'Development in the Green Belt' June 2007.

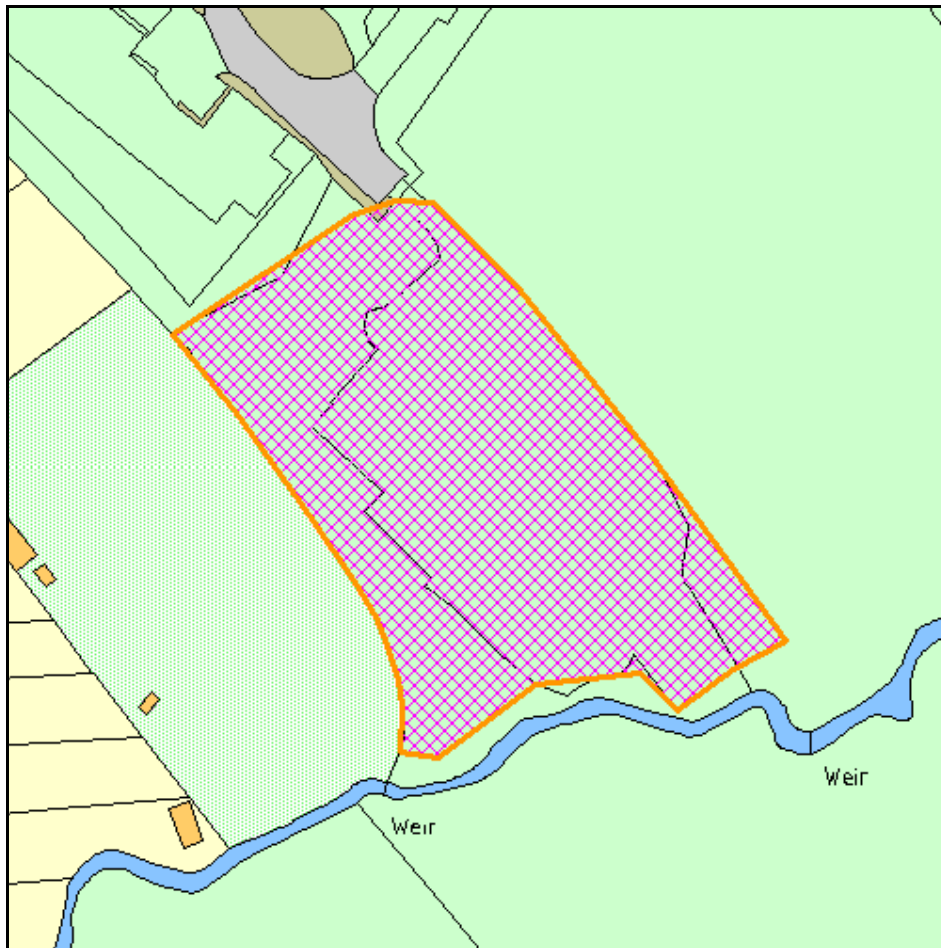
6. The all weather riding arena hereby approved shall at no time be used in isolation as a riding school.

Reason

There would be insufficient facilities to support a riding school operation and in the interests of the welfare of the horses, to accord with Policy E10 of The South Gloucestershire Local Plan (Adopted) 6th Jan. 2006.

CIRCULATED SCHEDULE NO. 29/15 – 17 JULY 2015

App No.:	PT15/0886/F	Applicant:	Dick Lovett Companies Ltd
Site:	Prep Centre Laurel Court Cribbs Causeway Almondsbury South Gloucestershire	Date Reg:	6th March 2015
Proposal:	Erection of building for vehicle preparation and minor body repair centre with associated car washing and vehicle storage facility (Retrospective)	Parish:	Almondsbury Parish Council
Map Ref:	357198 180445	Ward:	Patchway
Application Category:	Major	Target Date:	1st June 2015



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been listed on the Circulated Schedule because the officer recommendation to approve is contrary to objections from two local residents.

1. THE PROPOSAL

- 1.1 This application is a full, revised application for the erection of a building for vehicle preparation and minor body repair centre with associated car washing and vehicle storage facility. The application has arisen because the building differed significantly in construction from the building which was previously permitted under planning permission ref. PT10/1949/F. Further to an investigation by the Planning Enforcement Team this full retrospective application has been submitted.
- 1.2 The identified changes for consideration in this application are as follows;
- Re-siting of the main building 2m to the north-west.
 - Omission of soft landscaping at the front.
 - Previously proposed gates removed from the compound.
 - Palisade fence line of the compound has moved back.
 - There is a small first floor area over the wash bay.
 - Spray-booths have moved to a more central position.
 - Cladding is now of a horizontal orientation rather than vertical.
 - Reduction in floorspace by moving the car wash area and integrating this into the main building rather than an extended block.
 - The car wash area now has glazed doors around the corner of the front and side elevation (SE corner). These doors open fully and are kept open in the day during the hours of operation.
 - The shutter doors at the north end of the front elevation have been removed and replaced with three small windows and a door fronting the reception/office area. There is a shutter door in a more central position in this elevation.
 - The side elevation (north) has seen the shutter door move further to the west and a single door added centrally.
 - The proposed single door has been removed from the rear elevation.
 - The side elevation (south) has an additional shutter door and an adjacent single door, along with the car wash openings already referred to above.
 - The number of roof vents has reduced from 3 to 2.
- 1.3 The application relates to land to the rear of the existing car sales centres on the east side of Cribbs Causeway, Almondsbury. The site lies within the built up area and formerly provided for a mushroom farm. The site was previously home to some old industrial sheds which were in a very poor condition. The previous permission PT10/1949/F was described as 'erection of replacement single storey building to form car body repair centre and PD1 use with car parking, car storage and associated works'.

2. **POLICY CONTEXT**

2.1 National Guidance

National Planning Policy Framework March 2012

2.2 Development Plans

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

E1 Criteria for Assessing Employment Proposals

L1 Landscape Protection and Enhancement

L9 Species Protection

EP2 flood Risk and Development

T7 Cycle Parking

T8 Parking Standards

T12 Transportation Development Control Policy for New Development

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS9 Managing the Environment and Heritage

CS26 Cribbs / Patchway New Neighbourhood

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted)

3. **RELEVANT PLANNING HISTORY**

3.1 PT10/026/SCR - Erection of single-storey building to form car body repair and pre-delivery inspection use with car parking, car storage and associated works. Environmental Impact Statement not required: 19 August 2010.

3.2 PT10/1949/F - Erection of replacement single storey building to form car body repair centre and PD1 use with car parking, car storage and associated works – Approved 19 November 2010.

4. **CONSULTATION RESPONSES**

4.1 Almondsbury Parish Council

No objection but seek advice as to whether there was a previous application (*nb. Officer provided a response explaining the planning history and previous permission and reason for this application*).

4.2 Other Consultees

Sustainable Transport – No objection as there is no material change in transportation terms from the permission PT10/1949/F.

Environmental Protection – No adverse comments (*nb. A combined site visit was undertaken by the Planning Officer and the Environmental Protection Officer. This is documented in the report*).

Highway Drainage – No objection.

Highway Structures – No comment.

Wessex Water – No objection subject to provision of advice note.

Environment Agency – No objection subject to conditions on car park levels and surface water drainage.

Other Representations

4.3 Local Residents

Three submissions have been received from two local residents with the following comments;

- The changes should have been noticed earlier and stopped.
- The shutter door has been moved nearer to the property and is almost permanently open such that we can clearly hear mechanical air tools, loud music and occupants shouting at each other.
- It was conditioned that no work should take place outside the building but this is a bit superfluous with the door always open.
- No attempt has been made to stop noise penetration such as tree planting.
- Anyone accessing the door can see into rear bedrooms and the kitchen.
- Noisy fans / outlets run 24 hours and sound like small aircraft engines disturbing sleep.
- Air conditioning units make an unbearable noise.
- Floodlights are on continuously flooding nearby gardens with light and causes continual light pollution.
- The occupiers have continually flouted conditions.
- The mini showroom opens on Sunday in breach of condition.
- The proposed alterations to this development have already had a negative impact on our amenity, through noise, overlooking, overshadowing, smells, light pollution, loss of daylight, loss of privacy, dust, vibration or late night activities.
- The proposed development includes insufficient landscaping.
- The fans create unacceptable noise in the neighbouring Apiary.
- The noise from the fan blade can disturb bees.
- Bees could be sucked into the fans and the release of the alarm pheromone could cause bees to become aggressive.
- The 'dry' ditch is a drainage ditch which keeps the site free from surface water.
- Increased ground water levels have been experienced on the Apiary site.
- Ask that the owner be required to contribute to clearing the ditch.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The principle of the development has already been established with the grant of planning permission for the car body repair centre and PD1 use with car parking, car storage and associated works (PT10/1949/F). This report will not therefore re-examine the basic principle of the development, save for the

implications of policy changes since that decision and of course, the implications of the changes made to the design in the construction phase.

5.2 Principle of Development – National Planning Policy Framework

The NPPF was adopted in 2012, after the previous grant of planning permission and must be considered in the assessment of the revised scheme. The Framework sets out Government policy to do everything it can to support sustainable economic growth. Significant weight should be placed on the need to support economic growth. The NPPF places emphasis on requiring good design and refusing development of poor design and on conserving the natural environment. The principle of this development remains in accordance with national policy and in accordance with the NPPF, pending the more detailed assessment of design and amenity implications.

5.3 Principle of Development – South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

A pre-submission publication draft of the Core Strategy was considered in assessment of the previous planning permission and the plan has since been adopted. There has been no material change in the drafting that would require re-examination of these policies beyond the assessment of the material changes in design and the implications of these for visual and residential amenity.

5.4 Principle of Development - Design

The alterations from the previously approved scheme include;

- Re-siting the building 2m further to the north-west.
- Reduction in floorspace by moving the car wash area and integrating this into the main building rather than an extended block.
- The car wash area now has glazed doors around the corner of the front and side elevation (SE corner). These doors open fully and are kept open in the day during the hours of operation.
- The shutter doors at the north end of the front elevation have been removed and replaced with three small windows and a door fronting the reception/office area. There is a shutter door in a more central position in this elevation.
- The side elevation (north) has seen the shutter door move further to the west and a single door added centrally.
- The proposed single door has been removed from the rear elevation.
- The side elevation (south) has an additional shutter door and an adjacent single door, along with the car wash openings already referred to above.
- The number of roof vents has reduced from 3 to 2.

5.5 The re-positioning of the building a further 2m north-west is not something that had been picked up by the Planning Enforcement Team and given the size of the building and the size of the site, this is not considered to have a significant impact on design or amenity. There could be some debate over whether this amendment is even material in the context of the scale of the site. This sets the building back slightly from the Henbury Trym and is beneficial to the landscape setting in this respect. The building measures an equal distance from the

western boundary and the neighbouring properties as that previously approved. The implications of the proximity to these properties are considered further in the 'residential amenity' consideration below.

- 5.6 The reduction in the floorspace and incorporation of the car wash area into the core rectangular building is an improvement to the design, removing the extension which otherwise appeared tacked on to the end of the building.
- 5.7 The materials used for the shutter doors, windows and car wash glazed frontage are in keeping with the materials originally approved and give the design a smart and modern appearance despite its commercial nature. The open glazed frontages also reduce the bulk of the building in views from the car park and residential properties that face the building across the car park (albeit over a long distance anyway). In the context of the original approval, the visual appearance of the design has certainly not been diminished and has in the Officer's view, been improved.
- 5.8 Principle of Development – Residential Amenity
There is a residential property and a Beekeepers Apiary to the west of the development and representations have been received on behalf of both of these properties. Amenity objections have principally been received in regard to noise with open doors, fans, vents, air-conditioning units, mechanical tools, loud music and people shouting at each other all cited as sources of noise disturbance.
- 5.9 The Planning Officer has made three visits to the site, all un-announced and one, accompanied by the Environmental Protection Officer. The first two visits were made in the morning when the unit was fully operational and during the visit with the Environmental Protection Officer, a member of staff was approached in the office and all noise-producing features were discussed.
- 5.10 On walking around the exterior of the building the noise of the vents was just about audible but considerably quieter than the noise from the surrounding road network. We spent some time on the north-west corner of the building close to objector boundaries and the noise was minimal here. Radios could not be heard and whilst machinery could be heard now and again, this was also much quieter than the background noise. The shutter doors were open for the duration of the visit.
- 5.11 Officers discussed the objections with a Member of Staff in order to ascertain details of the working of equipment on site. These conversations were then corroborated formally in communication with the Agent and are addressed under the following specifics;
- 5.12 **Heating** – We were advised that there is a gas-powered heating system but this would only be operational between the hours of 7am and 6pm. It is programmed to maintain a minimum temperature of 16°C but owing to the nature of operations in the building and the level of insulation, it is reported that the need for the heating system to be firing is infrequent. It may also come on if temperatures reached 5°C. There are two flue gas exhaust fans on the eastern elevation, however these are guarded externally and attenuated inside the

building, such that there is little or no sound emanating from these flues. Evidence to support this has been submitted from 'Enertech' who designed the system. Heating system noise was not audible above the surrounding road network at the time of any of the three visits.

- 5.13 **Spray booths** - The overwhelming noise at the time of our visit was the fairly constant drone which, officers were advised, was coming from the spray booths. Although noisy inside the building, the noise was not significant outside the building and was notably quieter than the motorway and dual carriageway traffic. Again we were advised that these are non-operational after 6pm or before 7am. Details from the Agent confirm that from inside the building, the noise level is as high as 80 decibels and that these units are by far the loudest noise source on the site.
- 5.14 **Radio** – We were shown the hanging-sphere radio speakers but at the time we arrived the radios were not on. The staff member arranged for these to be turned on and the clearest they could be heard was outside the open shutter car wash area to the south of the site. Radio volume is controlled within the unit and was not noticeable on the western boundary at the time of our visit.
- 5.15 **Vents** - There were 2 ventilation inlets fitted against the western elevation. These were open at the time of the visit and again were audible from close range outside the western elevation but were not noisy and were very much subservient to the noise of the roads. The ventilation is a statutory requirement to provide fresh air to the gas fired heating system.
- 5.16 **Air-conditioning** – The member of staff arranged for the air-conditioning units to be turned on and we witnessed this from outside in the compound, immediately in front of the units. These were very, very, quiet and scarcely audible from a few metres away. We were advised that these do not operate after 6pm or before 7am.
- 5.17 **Lights** - The lights in the main compound are light-sensored and are switched off at 8pm. The additional floodlighting all appeared to be low-level and directed at the ground to minimise overspill.
- 5.18 Officers had witnessed the noise levels with all machinery operational and with shutter doors open and could not find evidence to substantiate the noise claims received from the objections. The surrounding noise from the road network was considerably above anything coming from the building. There has been no objection from the Environmental Protection Team and they do not have record of any noise nuisance complaints since the operation of the unit commenced. There is no evidence of a noise nuisance to substantiate a refusal reason on the grounds of harm to neighbouring amenity. In the event that future noise disturbance is experienced then this can be investigated by the Environmental Protection Teams and their powers in respect of statutory nuisance.
- 5.19 The applicants arranged for sound readings to be taken on the boundary, close to surrounding properties recording levels of 60-63 decibels. The primary noise source is the road network. There is then substantial screening and a distance of several metres to the boundary of the gardens.

- 5.20 An objection has been received on the grounds of overlooking of bedroom windows and the kitchen area at 328 Passage Road. The Planning Officer stood on the elevated grass mound in front of the yard and was unable to even see the roof tiles of the property 328 Passage Road, owing to the fence and vegetation screening. Having walked around the rear elevation, again there was no view to the property and in fact the property was only visible by walking along the bank of the ditch at the rear, which is outside the confines of the site. There is no overlooking afforded from the development which poses a harm to residential amenity. The Beekeepers Apiary is also very well screened by the thick vegetation on the western boundary.
- 5.21 Other Matters – Previous Permission and Conditions
The previous planning permission PT10/1949/F - Erection of replacement single storey building to form car body repair centre and PD1 use with car parking, car storage and associated works has been implemented. The car park area will continue to benefit from that planning permission and be subject to the conditions attached to it. This planning permission deals solely with the building as confined by the red edge for the application.
- 5.22 Landscaping – The previous planning permission imposed conditions requiring a scheme of landscaping including trees and hedgerows to be retained; proposed planting; boundary treatments and areas of hardstanding. All hard and soft landscaping was required to be carried out in accordance with the approved details. A 5-year scheme of landscape maintenance was also required. That landscaping condition will remain on the majority of the site, however a small area of landscaping before the front elevation of the building has been removed. There has been no objection from the Landscape Officer and it is noted that the application retains the substantial landscaping screening to the immediate site boundaries to the south and west. The removal of the landscaping before the front elevation is not considered to be so detrimental to amenity as to merit a refusal of planning permission.
- 5.23 Drainage – Drainage details were also previously required by a planning condition. These were received and were discharged on 23 May 2014.
- 5.24 A Travel Plan was approved as part of the previous application and has been resubmitted with this application. There is no highway objection to the proposed travel plan and a condition will be imposed to require the ongoing implementation of this travel plan.
- 5.25 Ecology and Archaeology – Whilst the previously discharged reports for Ecology and Archaeology have been resubmitted for consideration with this application, it is noted that these were previously agreed and that the mitigation measures have been undertaken in the construction phase. The building is now standing and no further protective measures are required with regard to these matters.
- 5.26 Working Hours – A similar condition to that attached to the previously approved scheme will be imposed to protect against works or deliveries taking place outside reasonable working hours.

- 5.27 Engineering and car wash working shall be restricted to being undertaken inside the building.
- 5.28 Floodlighting – A condition will be imposed to protect against any additional floodlighting being installed without the prior approval of the Local Planning Authority
- 5.29 Flood risk – The Environment Agency has requested that a condition be imposed to protect against any work to alter the finished ground levels of the car park. The car park work was permitted by the previous application and whilst this application proposes alterations from that previously approved, the previous application has been implemented insofar as the car park is concerned and as such, the existing conditions from that permission remain extant.
- 5.30 Other Matters – Objections
Comment has been made that the changes should have been noticed earlier and stopped. Whilst South Gloucestershire Council is one of few Local Planning Authorities that does deliver a Monitoring Compliance Service to proactively monitor some developments, the existing resource is confined to minor developments. In the main, the Authority relies on contact from the public to identify alleged breaches of planning control and will respond to these as efficiently as possible and in accordance with the South Gloucestershire Council Planning Enforcement Policy 2013. The applicant is within his rights to register a retrospective planning application and this application must be assessed on its planning merits.
- 5.31 Allegations that there have been further breaches of conditions are being investigated separately by the Planning Enforcement Team.
- 5.32 It has been requested that the applicant be invited to assist in cleaning the ditch, however this is a matter for the parties who are responsible for the ownership and maintenance of the ditch. The drainage has been deemed acceptable and is subject to a condition attached to the original planning permission.
- 5.33 Other Matters – Impact on Bees
The principle of this building has been established and the fan vents were included within the original planning permission. There is evidently some dispute between parties as to the extent of any threat to the bees but little in the way of material evidence from either party. The Agent has submitted that when the mesh filters and netting of the vents were emptied when the units were serviced, there was no evidence of bee carcasses.
- 5.34 The Planning Officer has sought some independent advice from the British Beekeepers Association but has not received a response.
- 5.35 There has been insufficient evidence to suggest that there is a noise nuisance arising from the development and insufficient evidence that the building is harmful to the bees such that this becomes a material consideration to overturn

the original principle support for the application. There is also a potential fall-back position to reconstruct the Unit to the original plans which would still include the existing heating system and vents. Taking account of the original permission, there is not sufficient evidence to uphold a refusal on the impact that the development might or might not have on the immediate Apiary.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 That planning permission be granted subject to the following conditions;
- 7.2 The travel plan hereby approved as part of this application shall be implemented within 5 working days from the date of this decision.

Reason

In the interests of highway safety and to accord with Planning Policies T7, T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

- 7.3 No Engineering works shall take place and no deliveries shall be taken at or despatched from the site, outside the hours of:
07.30 - 18.00 on Monday to Friday
08.00 - 13.00 on Saturday
nor at any time on Sundays, Bank or Public Holidays.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Planning Policy E3 of the South Gloucestershire Local Plan (Adopted) January 2006.

- 7.4 No engineering works to vehicles or machinery shall take place outside of the building hereby approved. No other works to vehicles (including washing and valeting) shall take place outside of the building hereby approved.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Planning Policy E3 of the South Gloucestershire Local Plan (Adopted) January 2006.

- 7.5 Floodlighting and/or external illuminations shall not be installed without the prior written approval of the Local Planning Authority. Submissions should include measures to control light spillage and development shall only be carried out in accordance with the approved details.

Reason

In the interests of visual amenity, to protect the amenity enjoyed by those living in the locality and to safeguard the Henbury Trym all to accord with Planning Policies D1, E3 and L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

Contact Officer: James Cooke
Tel. No. 01454 863429

CONDITIONS

1. The travel plan hereby approved as part of this application shall be implemented within 5 working days from the date of this decision.

Reason

In the interests of highway safety and to accord with Planning Policies T7, T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006, Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) 2013 and the advice of the National Planning Policy Framework (2012).

2. No Engineering works to vehicles or machinery, no car washing or valeting and no deliveries shall take place, or be despatched from the site, outside the hours of:
07.30 - 18.00 on Monday to Friday
08.00 - 13.00 on Saturday
nor at any time on Sundays, Bank or Public Holidays.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Planning Policy E3 of the South Gloucestershire Local Plan (Adopted) January 2006 and the advice of the National Planning Policy Framework (2012).

3. No engineering works to vehicles or machinery shall take place outside of the building hereby approved. No other works to vehicles (including washing and valeting) shall take place outside of the building hereby approved.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Planning Policy E3 of the South Gloucestershire Local Plan (Adopted) January 2006 and the advice of the National Planning Policy Framework (2012).

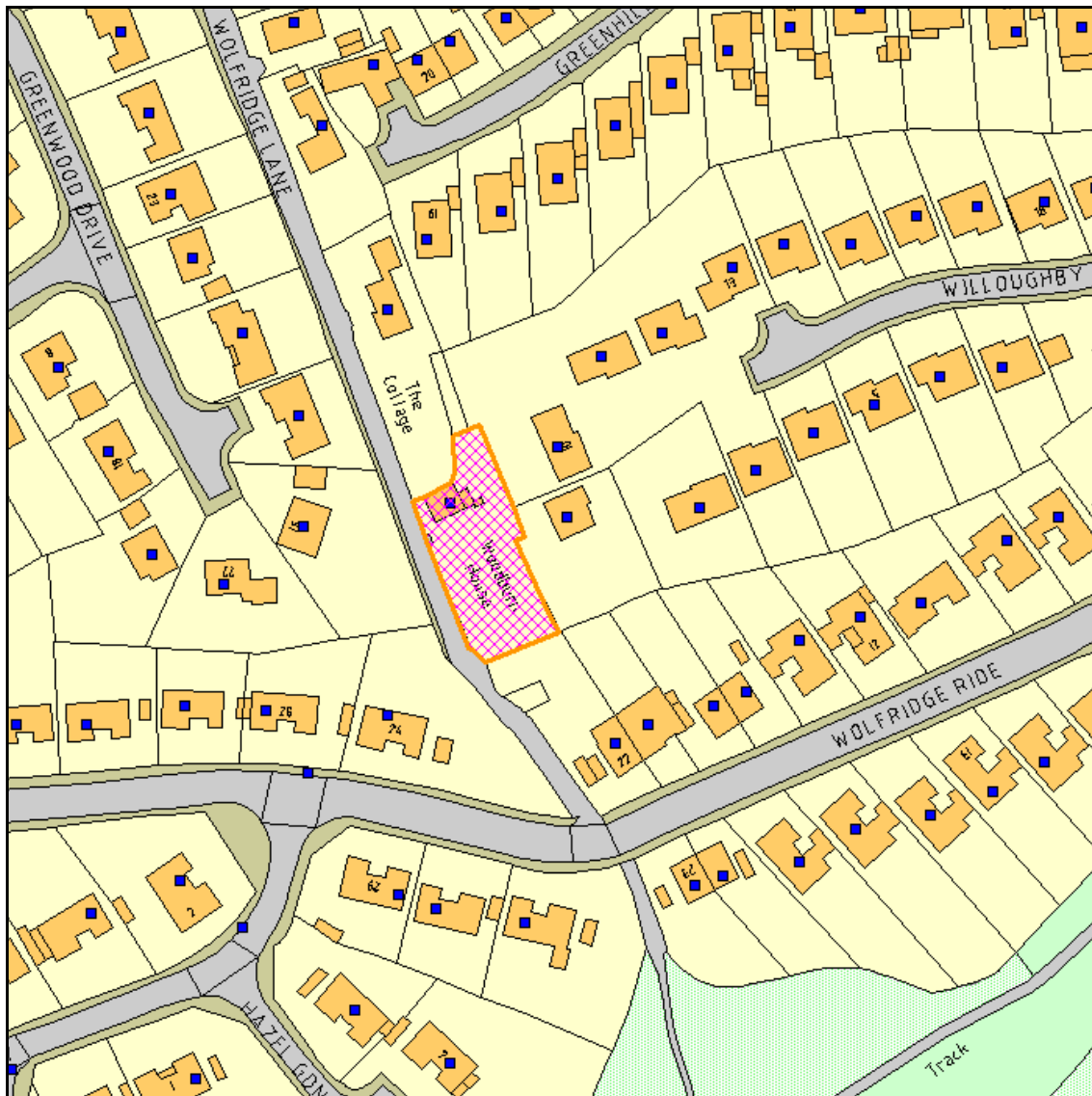
4. Floodlighting and/or external illuminations shall not be installed without the prior written approval of the Local Planning Authority. Submissions should include measures to control light spillage and development shall only be carried out in accordance with the approved details.

Reason

In the interests of visual amenity, to protect the amenity enjoyed by those living in the locality and to safeguard the Henbury Trypton all to accord with Planning Policies D1, E3 and L9 of the South Gloucestershire Local Plan (Adopted) January 2006, Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) 2013 and the advice of the National Planning Policy Framework (2012).

CIRCULATED SCHEDULE NO. 29/15 – 17 JULY 2015

App No.:	PT15/1608/F	Applicant:	Mr And Mrs R Cowland
Site:	Woodburn House Wolfridge Lane Alveston Bristol South Gloucestershire BS35 3PG	Date Reg:	27th April 2015
Proposal:	Erection of first floor rear extension and ground floor rear extension to provide additional living accommodation.	Parish:	Alveston Parish Council
Map Ref:	363022 187811	Ward:	Thornbury South And Alveston
Application Category:	Householder	Target Date:	10th June 2015



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 100023410, 2008. **N.T.S.** **PT15/1608/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application is for the erection of a first floor rear extension and ground floor rear extension to provide additional living accommodation. The first floor extension would be a gable end roof whilst the single storey extension would consist of a lean-to style construction against the side wall of the extended house.
- 1.2 The property is a detached property set in a relatively large curtilage, located at the end of Wolfridge Lane lane, located within the residential area of Alveston. Alveston is washed over by Green Belt designation.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework
National Planning Practice Guidance
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
T12 Transportation Development Control Policy for New Development

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)
CS1 High Quality Design
CS5 Location of Development
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist
South Gloucestershire Council Residential Parking Standards
South Gloucestershire Green Belt SPD

3. RELEVANT PLANNING HISTORY

- 3.1 PT07/0504/F – Erection of 1no detached dwelling with associated works. Withdrawn 30th March 2007.
- 3.2 PT07/3722/F – Erection of 1no detached dwelling with associated works. (Resubmission of PT07/0504/F). Withdrawn 8th February 2008..
- 3.3 PT08/2435/F – Erection of 1no detached dwelling with associated works. Construction of access. (Resubmission of PT07/0504/F). Refused 21ST October 2008.

4. CONSULTATION RESPONSES

4.1 Alveston Parish Council

No objection

Lead Local Flood Authority

The proximity of a public sewer may affect the layout of the development. Refer the application Wessex Water for determination. Private sewers were transferred to the water and sewerage company (Wessex Water PLC) on 1 October 2011 and are now of public sewer status. Maintenance of these sewers are now the responsibility of Wessex Water and will therefore be subject to 'building over' or 'building in close proximity to' restrictions. The applicant or agent is recommended to discuss this matter with Wessex Water.

Office For Nuclear Regulation

I have consulted with the emergency planners within South Gloucestershire Council, which is responsible for the preparation of the Oldbury off-site emergency plan required by the Radiation Emergency Preparedness and Public Information Regulations (REPPiR) 2001. They have provided adequate assurance that the proposed development can be accommodated within their off-site emergency planning arrangements.

The proposed development does not present a significant external hazard to the safety of the nuclear site.

Therefore, ONR does not advise against this development.

Tree Officer

Arboricultural survey details were initially suggested due to the proximity of trees, - a line of conifers along the shared boundary. The trees are not however protected. It is acknowledged that the applicants wish to carry out works and improvements and the removal of rock/stone and aggregate to the ground base of the garden in this area due to a perceived lack of soil, and not necessarily associated with the requirement for this planning permission, and these works would occur nearer to the boundary than the proposed side of the extension. These works would be carried out ahead of any planned development, of the site, exercising their common law right in doing so and thus any disturbance to the trees would occur nearer to the boundary ahead of any extension.

Public Rights of Way

No comment

Other Representations

4.2 Local Residents

One letter of objection has been received as follows:

Objection to the planning application on the grounds of potential loss of privacy and subsequent overlooking.

- The existing screening between the two properties, a row of tall conifers, would undoubtedly be damaged by the foundations of the new building
- This would result in the total loss of screening in the near future

- The application land is higher and this would result in habitable rooms (2 bedrooms, kitchen and lounge) would undergo a major loss of privacy.
- Without the trees all that would be left would be an oppressive brick wall.
- The trees would also result in the loss of privacy on a recently approved first floor balcony which would be visible from the adjacent property as well the public pathway on Wolfridge Lane
- It is also considered that the existing elevation plans are inaccurate as they do not show existing chimney cases or three dormers in the roof, and it is not clear if these will remain or be removed
- It would be interesting to know how building supplies will be delivered given the narrowness of Wolfridge Lane

One letter has also been received offering full support of the application

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

5.2 Green Belt

Green Belt policy allows for limited extension of dwellings provided that it does not result in disproportionate additions over and above the original building. The property is located within the residential area of Alveston, although washed over by the Green Belt. It is considered in this instance that the proposed extension is of an acceptable scale and that the proposals are therefore acceptable in Green Belt terms.

5.3 Design / Visual Amenity

The proposed extension is of an appropriate standard in design and is not out of keeping with the character of the main dwelling house and surrounding properties. The extension is of an acceptable size in comparison to the existing dwelling and the site and surroundings. Materials used will match those of the existing dwelling. Sufficient private amenity space will remain to serve the property.

5.4 Residential Amenity

No new first floor rear facing windows are proposed and one ground floor window will be lost. Two velux/rooflights will be located in the lean-to ground floor roof. The nearest element of the proposed extension to the shared boundary will be the single storey extension which extends to within around 1 metre of the shared boundary. The height of the side wall of this element is approximately 2.6 metres, this is located approximately 13 metres from the rear of the adjacent dwelling in this direction. A wall could be constructed on the boundary of the site to 2 metres without the need for planning permission. Beyond this single storey extension is a lean-to roof which connects to the two storey element in a side gable form.

The only part of any side wall is a small part of the side gable showing above the single storey lean-to roof. The two storey element is located approximately 15.5 metres from the rear wall neighbouring property in this direction, with no new windows proposed. The whole extension on the rear elevation is approximately 4.8 metres wide. Given these circumstances and given the overall scale of the extension and its design and relationship with the existing dwelling and surrounding properties it is not considered that it would give rise to a significant or material overbearing impact upon neighbouring properties such as to warrant or sustain a reason for refusal of the application. It is considered therefore that the proposal would be acceptable in terms of residential amenity.

- 5.5 Reference to specific details on the plans is noted. What are located on the roof elevation are in fact velux rooflights, their inclusion in the existing and proposed elevations (where required), along with details of the chimney cases have been requested from the applicants and amended plans are awaited for the purposes of accuracy, prior to any decision being issued. However it is not considered that they are a material concern in terms of amenity impact in the determination of this application, already exist, and would not require planning permission in their own right.
- 5.6 The practicalities of the construction of the development or delivery of materials will be for the applicants and their contractors to determine, suffice to say the granting of planning permission does not grant consent to enter or use land not within their control or unlawfully block a public highway.
- 5.7 The amenity considerations of the proposal are discussed above, in terms of the trees, it is stated by the applicants that their retention is desirable, however unrelated works separate of any proposed extension would be occurring nearer to the boundary of the property as material is to be removed to around a metre deep nearer the shared boundary for ground improvements and this would disturb the land beyond the proposed extension. The trees themselves are not protected. The extension itself will be further away from the boundary at approximately 1 metre and unrelated groundworks will be occurring nearer to the border, as is the common law right. These works can be done with or without this planning permission. Disturbance attributable to the extension will be set back from the boundary.
- 5.8 Sustainable Transportation
Sufficient off-street parking, in line with the Council's current requirements would remain to serve the property

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The proposed extension is of an appropriate standard in design and is not out of keeping with the main dwelling house and surrounding properties.

Furthermore the proposal would not significantly or materially harm the amenities of the neighbouring properties by reason of loss of privacy or overbearing impact. Sufficient off-street parking would remain. As such the proposals accord with Policies D1, H4 and T12 of the South Gloucestershire Local Plan (Adopted) 2006, Policy CS1 of the South Gloucestershire Local Plan Core Strategy adopted December 2013, The NPPF and the provisions of the South Gloucestershire Green Belt SPD.

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

7. RECOMMENDATION

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

Contact Officer: Simon Ford
Tel. No. 01454 863714

CONDITIONS

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

Reason

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

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

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

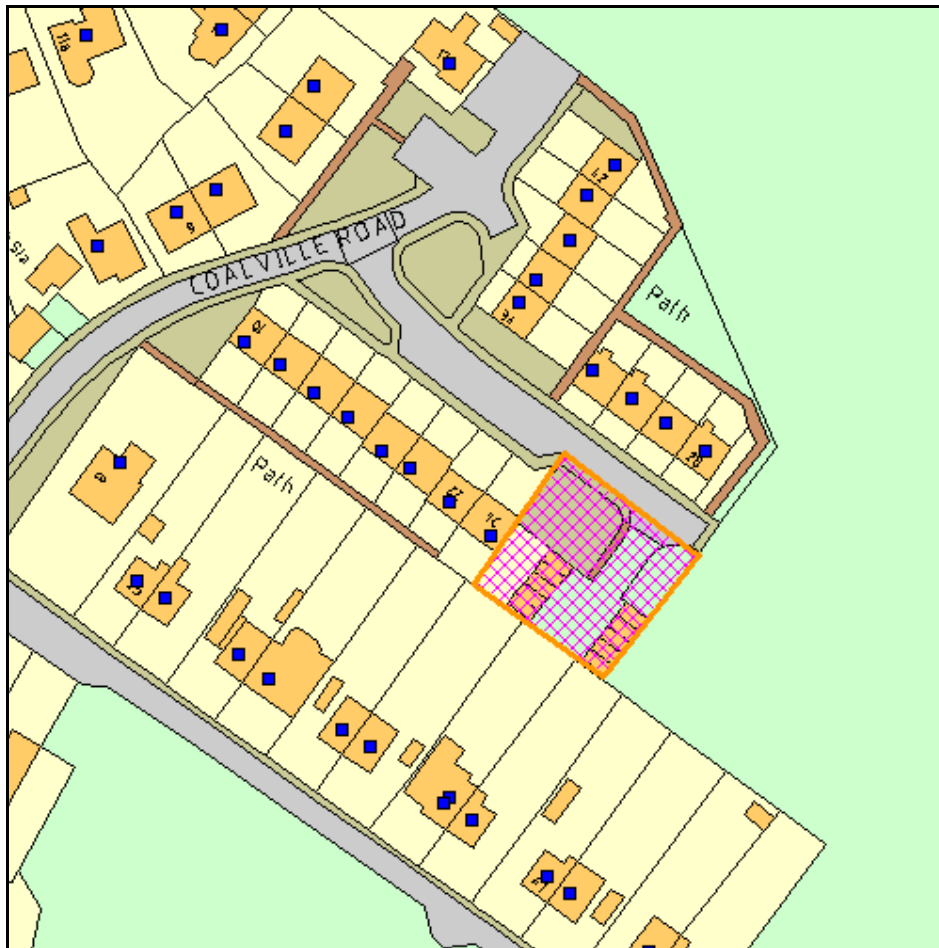
3. The hours of working on site during the period of construction shall be restricted to 08.00 to 18.00 hours on Mondays to Saturdays; 08.00 - 13.00 on Saturdays and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition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

Reason

In the interests of visual amenity and to protect the amenity enjoyed by those living in the locality to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 29/15 – 17 JULY 2015

App No.:	PT15/2099/F	Applicant:	Ms Sally Gilbert Merlin Housing Society
Site:	Garage Site Adjacent To 24 Coalville Road, Coalpit Heath South Gloucestershire BS36 2QS	Date Reg:	21st May 2015
Proposal:	Demolition of garages to facilitate erection of 4no dwellings with access and associated works	Parish:	Westerleigh Parish Council
Map Ref:	368002 181130	Ward:	Westerleigh
Application Category:	Minor	Target Date:	14th July 2015



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule for determination in accordance with the Council's scheme of delegation; objections from local residents and the parish council have been received which are contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the demolition of two existing garage blocks and the erection of four dwellings. The dwellings would be in the form of one pair of semi-detached two-bedroom bungalows and a two-storey building containing two one-bedroom flats.
- 1.2 The site is located within, but on the edge of, the settlement boundary of Coalpit Heath. The settlement boundary runs along the east of the site. This is also the boundary of the Bristol/Bath Green Belt. No further land use designations or planning constraints cover the site.
- 1.3 Around the site stand terraces of bungalows with some two-storey dwellings located to the rear and on the entrance to and the northern terminus of Coalville Road.
- 1.4 This application has been submitted by Merlin Housing Society. Merlin is a registered provider of affordable housing and is in the Homeswest Partnership as a housing delivery partner to provide affordable housing for the Council.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS4a Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS15 Distribution of Housing
CS16 Housing Density
CS17 Housing Diversity
CS18 Affordable Housing
CS34 Rural Areas

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

L1 Landscape
L9 Species Protection
EP2 Flood Risk
T7 Cycle Parking
T12 Transportation

- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) August 2007
Residential Parking Standard (Adopted) December 2013
Revised Landscape Character Assessment (Adopted) November 2014
Frampton Cotterell and Coalpit Heath Village Design Statement

3. RELEVANT PLANNING HISTORY

- 3.1 There is no planning history for this site

4. CONSULTATION RESPONSES

- 4.1 Westerleigh Parish Council
Objection: 2-storey dwellings are not in keeping with the surrounding bungalows; roof line should match that used in the rest of the road; occupancy should be restricted by condition to those over 60 years of age.
- 4.2 Affordable Housing
Proposal would provide 100% affordable housing, however, the site falls below the threshold where affordable housing can be secure through a legal agreement by the Council. A section 106 agreement is not required in this instance.
- 4.3 Environmental Protection
Condition requested to control construction hours.
- 4.4 Landscape Officer
Landscape scheme is required by condition
- 4.5 Lead Local Flood Authority
SUDS scheme is required by condition
- 4.6 Transportation
No objection
- 4.7 Tree Officer
No objection but would seek a replacement tree to mitigate the loss of the silver birch.

Other Representations

- 4.8 Local Residents
Two letters of objection from local residents have been received which raise the following matters -
- 2-storey building is not in keeping with the area
 - bungalows should be developed instead
 - development is out of character with the rural location
 - development of this size is not wanted in Westerleigh parish

- height of building blots/blocks the landscape
- road is used by older people

5. ANALYSIS OF PROPOSAL

5.1 This application seeks planning permission for the demolition of two ranks of disused garages and the erection of one pair of semi-detached bungalows and one two-storey building containing two flats. The site is located within the settlement boundary for Coalpit Heath.

5.2 Principle of Development

Policy CS5 directs development to the existing urban areas and defined settlements. The application site is within, albeit on the edge of, the settlement boundary for Coalpit Heath. The proposal amounts to the redevelopment of previously developed land to increase housing density and availability. It is considered that directing development to the existing settlements is a sustainable means of growth and therefore this proposal is acceptable in principle subject to the issues discussed below.

5.3 Site Context

Coalville Road is a cul-de-sac access from Woodside Road to the south east of Badminton Road. The settlement boundary for Coalpit Heath runs along the rear gardens of properties to the south of Badminton Road before travelling along the front of the properties on Woodside Road and linking into the rear boundary of properties on Rose Oak Lane. The site is included within the settlement boundary. To the east of the boundary land is designated as part of the Bristol and Bath Green Belt. The properties on Woodside Road, Rose Oak Drive and Rose Oak Lane are two-storey in nature, as are the buildings at the entrance to Coalville Road. A two-storey building stands at the north-eastern end of Coalville Road in a situation that mirrors the application site. The rest of the properties in Coalville Road are terraces of bungalows. The site has a low and open feel with views out of the road terminus into open countryside. Wide verges are located on some parts of Coalville Road which also contribute to the sense of place. Materials are a mix of render and brick with concrete roof tile. Parking in Coalville Road is most provided on-street rather than on-plot.

5.4 Design: Layout

Four dwellings are proposed in the form of a pair of semi-detached two-bedroom bungalows and a two-storey building to house two one-bedroom flats. The bungalows are located between the existing bungalows and the proposed two-storey building. The two-storey building is located at the end of the application site. Car parking spaces would be located at the front of the proposed buildings with two small areas of landscaping beside.

5.5 The layout is considered to reflect the existing layout of the locality, with low-level bungalows leading to a taller building at the ends of the roads. Care has been taken to protect the building line created by the existing dwellings and the proposed buildings help to provide a step along this line. Whilst parking in the area is mostly provided on-street, the proposed on-plot parking is appropriate as it allows the development to comply with the Council's parking standards.

- 5.6 Overall, the layout is considered to reflect a high quality approach to design that has been informed by and respects the existing character of the area.
- 5.7 Design: Appearance
The existing bungalows on Coalville Road are finished externally with a soft coloured brick, cream painted render and a flat concrete tile. An red brick is used for boundary walls. A mix of red brick, cream and stone coloured render, and roof tiles are used on the proposed dwellings. Subject to a condition for the precise details of these materials, the proposed finish is acceptable.
- 5.8 Comments have been received which suggest efforts should be made for the roofs of the proposed buildings to match those of the existing bungalows. The existing bungalows have quite a shallow roof pitch where as the semi-detached dwellings to the rear of the application site have a significantly steeper pitch. The design of the proposed bungalows is acceptable as it respects the street scene albeit that the roof pitch and structure is different to those around it.
- 5.9 Turning to the flats, the building is well proportioned with the same mix of materials as proposed for the bungalows. It is considered that the proposed development represents a good standard of design that respects the character and appearance of locality.
- 5.10 Residential Amenity
Development should not be permitted that has a prejudicial impact on residential amenity. Amenity should be considered in terms of the living conditions of nearby occupiers and the future occupiers of the proposed buildings.
- 5.11 Taking the proposed buildings first, each dwelling has been provided with an area of private amenity space. With the exception of the first floor flat, each dwelling's amenity area is directly related to the property and provides adequate garden space compared to the size of the house.
- 5.12 With regard to the amenities of nearby occupiers, the buildings are broadly proposed to be in line with the existing buildings. It is not considered that the proposed buildings would be overbearing or overshadow existing properties. The bungalows are single storey only and are not considered to result in overlooking.
- 5.13 The first floor rear windows on the building to be used as flats have the potential to lead to a material loss of privacy. However, the distance between the rear elevation of the block of flats and the rear elevation of the nearest dwelling to the rear is approximately 38.5 metres. Over a distance as long as this is the ability to look from one dwelling into another is substantially reduced. It is therefore not considered that the proposal would have a prejudicial impact on residential amenity and is acceptable in this regard.
- 5.14 Landscape and Trees
Located on the edge of the settlement, it is important that buildings on this site manage the transition into the countryside. A field hedge runs along the

southeast boundary of the site. Boundaries along the southwest and northwest are domestic fences. The site is open to the street to the northeast. A silver birch tree stands on the verge at the front of the site. This tree has a forked stem and therefore the loss of the specimen is acceptable subject to a replacement. It is important that the established field hedge is retained and improved. In order to secure this (and the replacement tree) a landscaping scheme is required.

5.15 A five-year landscape maintenance condition has been requested by the landscape officer. This is considered to be an excessive length of time in relation to the scale of the development and the presence of the field hedge which already acts as a boundary. Therefore a period of three years is considered more reasonable.

5.16 Access and Parking

Access to the site would be gained from Coalville Road, although not from the existing site entrance. The areas for consideration with regard to transport are the loss of the garages, the provision of parking for the proposed dwellings, and general highway safety.

5.17 Taking general highway safety first, Coalville Road is very lightly trafficked and the increase of the road by four dwellings is not considered to result in a significant impact on highway safety.

5.18 Under the Council's Residential Parking Standard SPD, new dwellings are required to provide sufficient off-street parking to meet the needs arising from the development. For the two-bedroom bungalows, two parking spaces are required and for the one-bedroom flat, one parking space is required. This leads to a requirement for six parking spaces. No visitor parking spaces are required as the total number of new dwellings does not exceed five. The submitted plans indicate the provision of sufficient parking to meet the needs of the development and therefore there is not transportation objection to the proposal.

5.19 In order to erect the proposed dwelling, the existing garages must be demolished. These consist of ten garages in two ranks. Evidence from the site visit shows that the garages, and even their front parking court, are little used. It is dubious as to whether the garages would be recognised as a parking space due to their size. It is not considered that the garages are significantly used for parking and therefore it is not considered that their loss would be detrimental to the area or lead to an increase in on-street parking.

5.20 Ecology

A biodiversity assessment has been submitted with this application. The assessment checked the site for protected buildings and inspected the existing buildings. It is considered that the site offers low opportunities for biodiversity. The garages offer few roosting opportunities and the open areas are managed and maintained. Commuting bats may travel along the field hedge; the field hedge is considered to be adequately protected through the landscaping condition.

5.21 Affordable Housing

Merlin Housing Society, the applicant, is an affordable housing provider. This application proposes 100% affordable housing. Local Planning Authorities cannot secure the provision of affordable housing on sites that do not trigger a contribution as set out against the thresholds in the National Planning Policy Guidance. The threshold is 11 units or more than 1000 square metres of floorspace; this application does not trigger a contribution.

5.22 However, weight should be given to the provision of affordable housing units even if such units cannot be secured in perpetuity. Increasing the amount of housing is one of the Government's key issues and this proposal would provide four affordable houses to meet housing need and provide homes for those in most need.

5.23 As no legal agreement has been triggered, the planning system cannot exercise control over the age of the residents and there is no policy basis on which the Local Planning Authority can seek to do so. This would be a matter for the housing association.

5.24 Drainage

Although the Lead Local Flood Authority has requested a sustainable drainage system, it is not considered that one is required on this scale of development. New development must accord with Building Regulations which would adequately address drainage on this scale. Furthermore, the opportunity under this application is presented to remove the existing garages and hardstanding and replace it with a scheme where improve drainage systems can be implemented.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 It is recommended that planning permission is GRANTED subject to the conditions listed below.

Contact Officer: Griff Bunce
Tel. No. 01454 863438

CONDITIONS

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

Reason

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

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

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013. This is required prior to commencement to ensure the development is of satisfactory quality.

3. Prior to the commencement of development a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting (and times of planting), to include a replacement tree for the silver birch to be felled; boundary treatments and areas of hardsurfacing shall be submitted to and agreed in writing by the Local Planning Authority, as shall a schedule of landscape maintenance for a minimum period of three years. Development shall be carried out in accordance with the agreed details.

Reason

To protect the character and appearance of the area to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and Policy L1 and L9 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies). This is required prior to commencement to ensure adequate protection to the existing hedge.

4. The off-street parking facilities (for all vehicles, including cycles) shown on plan Proposed Site Plan shall be provided before the building is first occupied, and thereafter retained for that purpose.

Reason

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

CIRCULATED SCHEDULE NO. 29/15 – 17 JULY 2015

App No.:	PT15/2294/O	Applicant:	Mr Philip Fry and Mr Phil Chapman
Site:	Land At Station Road Pilning Bristol South Gloucestershire BS35 4JP	Date Reg:	2nd June 2015
Proposal:	Erection of 2no. detached dwellings (Outline) with access to be determined. All other matters reserved.	Parish:	Pilning And Severn Beach Parish Council
Map Ref:	356783 183995	Ward:	Almondsbury
Application Category:	Minor	Target Date:	27th July 2015



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REASON FOR SUBMISSION TO THE CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 This application seeks outline planning permission with access to be determined for the erection of 2no. detached dwellings. All other matters are reserved.
- 1.2 The application site is composed of a strip of land bound by a field to the west, residential dwellings to the north and south, and Station Road to the east. In addition to this, the host site is located within the Bristol/Bath Green Belt and also Flood Zone 3.
- 1.3 The site is located outside of a designated urban area or settlement boundary, accordingly, the proposal is considered to be located within the open countryside. The designated settlement of Easter Compton is to the south east and the designated settlement of Pilning is to the north west.
- 1.4 To the west of the application site lies Marsh Common Road. The western side of this road marks the western boundary of the Green Belt, and to the west of Marsh Common Road lies Severnside, an area safeguarded for employment and distribution uses as designated within policy CS35 of the adopted South Gloucestershire Local Plan Core Strategy.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS4A Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS15 Distribution of Housing
CS16 Housing Diversity
CS17 Housing Density
CS34 Rural Areas
CS35 Severnside

South Gloucestershire Local Plan Adopted January 2006 Saved Policies

EP2 Flood Risk and Development
T12 Transportation
H4 Development within Existing Residential Curtilages

- 2.3 Supplementary Planning Guidance
Residential Parking Standard SPD (Adopted) December 2013
South Gloucestershire Design Checklist SPD (Adopted) August 2007

3. RELEVANT PLANNING HISTORY

- 3.1 Reference: P87/2334
Applicant: D.R. Osborne ESQ.
Proposal: Erection of two detached dwellings and garages, construction of new vehicular and pedestrian access (outline)
Decision: Refusal of Outline Permission
Decision Date: 7 October 1987
Appeal Ref.: T/APP/A/87/79422/PS
Appeal Status: Appeal Dismissed
Appeal Date: 2 February 1988
- 3.2 Reference: P84/2322
Applicant: D.R. Osborne ESQ.
Proposal: Erection of two detached dwellings and garages. Construction of new vehicular and pedestrian access. (Outline).
Decision: Refusal of Outline Permission
Decision Date: 17 October 1984
- 3.3 Reference: P84/1794
Applicant: D.R. Osborne ESQ.
Proposal: Erection of two detached dwellings and garages. Construction of vehicular and pedestrian access. (Outline)
Decision: Refusal of Outline Permission
Decision Date: 18 July 1984
- 3.4 Reference: N956/2
Applicant: D.R. Osborne ESQ.
Proposal: Erection of two detached dwellings. Construction of vehicular and pedestrian access (outline)
Decision: Refusal
Decision Date: 14 May 1981
Appeal Ref.: T/APP/5119/A/81/11138/G2
Appeal Status: Appeal Dismissed
Appeal Date: 22 January 1982
- 3.5 Reference: N956/1
Proposal: Erection of two dwellinghouses. Construction of new vehicular and pedestrian access (Outline).
Decision: Refusal
Decision Date: 31 January 1977
Appeal Ref.: T/APP/A/87/79422/PS

3.6 Reference: N956
Applicant: D.R. Osborne ESQ.
Proposal: Establishment of residential caravan park (46 units) on approximately 1.5 hectares (3.75 acres). Construction of new vehicular and pedestrian access.
Decision: Refusal
Decision Date: 13 February 1975
Appeal Ref.: SW/APP/5119/A/75/4318
Appeal Status: Appeal Dismissed
Appeal Date: 12 December 1975

4. **CONSULTATION RESPONSES**

4.1 Pilning and Severn Beach Parish Council

The Parish stated they would support the application should the following points be addressed:

- This area is in flood zone 3. As it has flooded in the past and does not pass sequential test, the development will worsen the risk of flooding to the neighbours. It is possible however, to design using a hollow void under the houses which would reduce the flooding risk to the neighbours;
- The current design is not in keeping with the other properties on either side and the height is currently also not align to the other buildings;
- The local school is currently oversubscribed which does not match the applicants supporting evidence;
- Should the application for outline permission go through, the site should allow for safe passing of pedestrians to and from the bus stop which it currently does not.

Further telephone discussions with the Parish Council gave clarity to their consultation reply, the Parish Council do support the application.

4.2 Almondsbury Parish Council

The application site is not within Almondsbury Parish Council.

4.3 Environment Agency – Sustainable Places

Provided the Local Planning Authority is satisfied the requirements of the Sequential Test under the NPPF are met, the Environment Agency would have no objection, in principle, to the proposed development. A condition regarding mitigation measures detailed within the Flood Risk Assessment has been suggested, as well as this an informative note was advised.

4.4 Lead Local Flood Authority (LLFA)

The LLFA officer suggested a condition regarding SuDS. In addition to this, the officer commented on the Environment Agency's consultation reply, stating that the LLFA would not make final comments in relation to flood risk until clarity regarding proposed surrounding ground level, along with resilience measures were submitted and approved by the Environment Agency.

4.5 Sustainable Transport

No objection, subject to a condition to ensure that for a minimum of five metres from the carriageway, the access is formed of a permeable boundary material.

4.6 Planning Enforcement

There have been two enforcement cases relating to the site, one of which is still pending.

Reference: COM/15/0084/OD

Description: Clearance of brambles on the site.

Opened: 08/02/2015

Outcome: Case closed – not development.

Reference: COM/15/0413/OD

Description: Removal of topsoil from the site ready for the implementation of hardstanding.

Opened: 06/05/2015

Outcome: No enforcement issued as no development, the site is being monitored.

Other Representations

4.7 Local Residents

None received.

5. **ANALYSIS OF PROPOSAL**

5.1 This application seeks outline planning permission for the erection 2no. dwellings with associated access, all other matters a reserved. The application site is within the open countryside in the Bristol/Bath Green Belt and Flood Zone 3.

5.2 Principle of Development

Policy CS5 of the adopted Core Strategy directs where development should take place and states that development in the Green Belt will need to comply with the provisions of the NPPF or relevant Local Plan policies in the Core Strategy. Policy CS5 also notes that development within the open countryside will be strictly limited. Similarly, policy CS34 'Rural Areas' of the Core Strategy aims to protect the designated Green Belt from inappropriate development and maintain settlement boundaries defined on the Policies Map around rural settlements.

5.3 Paragraph 87 of the National Planning Policy Framework (NPPF) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. However, paragraph 89 of the NPPF sets out exception categories where the construction of new buildings within the Green Belt should be considered to be appropriate development. One of these exception categories is '*limited infilling in villages*', however, the proposal site is located outside of a recognised settlement boundary or urban area and therefore is considered to be within the open countryside. Therefore, the proposal would be considered to be inappropriate development.

- 5.4 Similarly, saved policy H3 'Residential Development in the Countryside' of the Local Plan only permits new residential development outside of existing urban areas and the boundaries of settlements in the following circumstances:
- Affordable housing on rural 'exception sites'; or
 - Housing for agricultural or forestry workers; or
 - Replacement dwellings.
- 5.5 It is noted that saved policy H3 is a dated policy, but it is nonetheless still relevant depending on its conformity to the Core Strategy and the NPPF. Paragraph 55 of the NPPF stated that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances, such circumstances are largely coherent with those exception circumstances laid out within saved policy H3. Accordingly, the proposal does not conform to any of the circumstances noted above, and therefore fails saved policy H3 of the adopted Local Plan.
- 5.6 The proposal is located in Flood Zone 3, meaning there is a high probability of flooding. Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. The NPPF states that a sequential, risk-based approach to the location of development should be undertaken to avoid possible flood risk to people and property and manage any residual risk, taking account of climate change. Policy CS5 of the adopted Core Strategy, and saved policy EP2 of the adopted Local Plan reflects this approach and states that the sequential and exception tests will be applied to direct development to areas with the lowest probability of flooding (Flood Zone 1). Accordingly, should the proposed development pass the sequential and exception tests, there would be no flood risk objections. The necessary tests will be applied within the remaining body of the report.
- 5.7 Flood Risk – Sequential Test
The agent has submitted a Sequential and Exception test within the submitted Flood Risk Assessment; the Sequential and Exception test was included within Appendix D of this report.
- 5.8 Paragraph 101 of the NPPF states the aim of the Sequential Test is to steer development to areas with the lowest probability of flooding. This paragraph then goes on to state development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The submitted Sequential Test sets the test area for finding sites for this proposed development with the lowest probability of flooding as not 'particularly extensive' only analysing Pilning and Easter Compton. The submitted tests conclude that 'there are no other sites suitable for residential development at Pilning and Easter Compton'. As such the Exception Test is then applied.
- 5.9 Although it may be true that there are no suitable residential development plots within the Pilning and Easter Compton area due to flood risk and other planning considerations, the geographical area for which the submitted Sequential Test analyses is far too narrow.

Officers consider the correct geographical area for the Sequential Test to constitute the whole district of South Gloucestershire. South Gloucestershire contains a significant amount of land in urban areas in Flood Zone 1, including the defined settlement boundaries of Yate, Thornbury, and the communities on the northern and eastern fringes of Bristol. The South Gloucestershire Local Development Framework Strategic Housing Land Availability Assessment Update (February 2013) (SHLAA) is a technical piece of evidence to support the South Gloucestershire Local Plan. The purpose of the SHLAA is to identify sites suitable for housing and to assess on a consistent basis their housing potential and whether they are likely to be developed.

- 5.10 The SHLAA states that over the past 10 years approximately 25% of housing has been delivered on small sites of less than 10 dwellings. Such small sites have historically made a significant contribution towards housing supply across South Gloucestershire, the SHLAA states an average of 300 new dwellings are submitted to the Local Planning Authority per annum, with an average completion rate of 200 dwellings per annum. Accordingly, it is considered that there are other sites within the South Gloucestershire Area that are less at risk of flooding, which could accommodate the 2no. proposed residential units. The proposal fails to meet the requirements of the Sequential Test and is contrary to national guidance contained within the NPPF and saved policy EP2 of the South Gloucestershire Local Plan (adopted) January 2006: policy CS5 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013. Locating 2no. new dwellings in an area at high risk of flooding when there are other sites available that are less at risk of flooding is considered to represent unsustainable development.
- 5.11 As the proposal fails the Sequential Test, there is no need for the Exception Test to be undertaken. Accordingly, the proposal fails all relevant flood risk policy representing a reason for refusal of outline planning permission.
- 5.12 Flood Risk – Flood Risk Assessment
The Environment Agency stated that they would have no objection to this development in principle, provided the Local Planning Authority was satisfied with that the proposal met the requirements of the Sequential Test. As stated above, the development fails the Sequential Test. The Environment Agency also commented on the submitted Flood Risk Assessment, the Environment Agency stated that the submitted flood risk assessment was largely acceptable subject to a condition regarding mitigation measures. Accordingly, the LLFA's comment suggesting the Environment Agency requires more information is not entirely correct. The LLFA did advise a SuDS condition.
- 5.13 Green Belt
Paragraph 87 of the NPPF sets out the general presumption against inappropriate development within the Green Belt. It states that such development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

- 5.14 The agent has argued that, although located outside of a designated settlement boundary, the proposal represents limited infilling within a village. However, officers disagree, the proposal does infill a section of land between houses fronting Station Road, but this group of houses does not represent a village. The NPPF does not define village, but a collection of approximately 20 dwellings with no facilities such as shop does not constitute a village, rather an isolate collection of dwellings.
- 5.15 Accordingly, the proposal represents inappropriate development and is therefore, by definition, harmful to the Green Belt, substantial weight must be given to this harm.
- 5.16 Within the submitted design and access statement very special circumstances have been put forward, these are summarised below:
- Pilning and Easter Compton are relatively small settlements, in order for the facilities within these settlements to remain open new development is required, the statement goes on to give an example of a primary school needing new residential development to provide enough children to the school to sustain the level of school age;
 - This application is only outline, the reserved matters would demonstrate how these house would be made sustainable, the statement gives an example of this by noting that the largest proportion of roof space is south facing to enable solar panels.
- 5.17 Although new residential development would aid the viability of the facilities within the villages of Pilning and Easter Compton, new residential development is supported in principle within the settlement boundaries of Pilning and Easter Compton. No information regarding the viability of such facilities has been submitted as part of this planning application. The officer also notes that the Parish Council has suggested that the local primary school is actually oversubscribed, which contrary to the information within the submitted design and access statement. As well as this, to suggest two houses approximately 1 mile from either of these villages would ensure the viability of facilities in these villages is unsubstantiated and an over-exaggeration. Accordingly, very little weight is attached to these circumstances and they are not considered to be 'very special'.
- 5.18 In addition to this, the submitted claim of 'very special circumstances' gives the example of the largest proportions of roof space being south facing in contributing to the proposed dwellings being sustainable. The NPPF and the adopted Local Plan Core Strategy both require and encourage new development to be sustainable in supporting the move to a low carbon future. Policy CS1 'High Quality Design' requires new proposals to achieve energy conservation through design, such as through orientating the proposal effectively. Accordingly, residential development which is sustainable by design is considered to represent a standard requirement, rather than an exceptional form of development. Therefore, the suggestion that the reserved matters application would include a sustainable design are not circumstances which are very special, rather this is a common policy requirement.

- 5.19 The proposed development represents inappropriate development, by definition, harmful to the Green Belt, substantial weight must be attributed to this harm. The suggested 'very special circumstances' are not considered to be 'very special' and do not outweigh the substantial weight arising from the harm the proposal would have on the Green Belt. As such, the proposal cannot be justified on the basis of very special circumstances. Accordingly, the proposal is contrary to Green Belt policy within the NPPF and the adopted South Gloucestershire Local Plan Core Strategy, and this therefore represents a reason for refusal.
- 5.20 Access and Highway Safety
The proposed dwellings would be accessed from Station Road, the transport officer has suggested this would be acceptable subject to a condition regarding materials.
- 5.21 Four bedrooms dwellings need to provide two off street car parking spaces, this could be achieved on the site. Similarly, saved policy T7 of the Local Plan requires developments of this kind to provide at least two secure undercover cycle parking spaces, this could be conditioned.
- 5.22 Design, Visual amenity and Layout
Details of design have not been submitted as part of this application, only an indicative street scene plan, which shows two identical detached dwellings with a 'sawtooth' roof pitch which is designed to achieve maximum solar gain through the southern elevation being as large as possible.
- 5.23 In terms of scale parameters, none have been submitted by the applicant; only the fact that the proposed dwellings would be four bedroom semi-detached dwellings.
- 5.24 The indicative layout appears acceptable, with the proposed dwellings being set back from the highway, if design and layout were being assessed as part of a planning application, the officer would seek revisions, however, as design and layout would likely be assessed at reserved matters stage, such revisions and considerations are not to be made at this stage.
- 5.25 Residential Amenity
The application seeks outline consent for the erection of 2no. detached dwellings, with access to be determined, all other matters, including would therefore be reserved for future application(s). It would be possible for two dwellings to be located on this plot without detrimentally harming the residential amenity of the nearby occupiers.

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

7. RECOMMENDATION

7.1 It is recommended that planning permission is **REFUSED** for the reasons included below/on the decision notice.

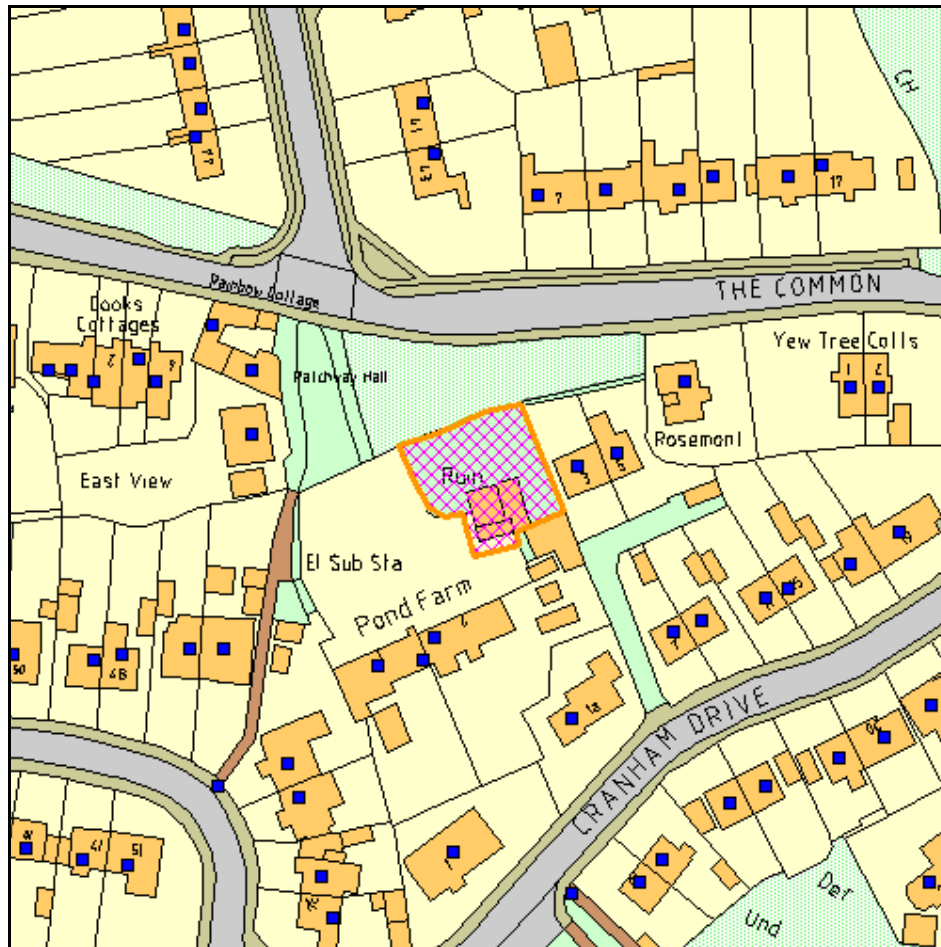
Contact Officer: Matthew Bunt
Tel. No. 01454 863131

REFUSAL REASONS

1. The application site is located in the open Green Belt outside of any defined settlement boundary and the proposed development does not fall within the limited categories of development normally considered appropriate in the Green Belt. In addition, the applicant has not demonstrated that very special circumstances apply such that the normal presumption against inappropriate development in the Green Belt should be overridden. The proposal is therefore, contrary to guidance contained in the National Planning Policy Framework; policies CS5 and CS34 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013; and the South Gloucestershire Development in the Green Belt SPD (adopted).
2. The application site is located in an unsustainable location within the open countryside and outside of any defined settlement boundary. Accordingly, the proposal is contrary to the aims of policy CS5 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013; and saved policy H3 of the South Gloucestershire Local Plan (adopted) January 2006.
3. The site is located in Flood Zone 3, which is an area where there is a high risk of flooding; the proposed development is classified as being 'more vulnerable' to flooding in the National Planning Policy Framework (NPPF). There Local Planning Authority has clear evidence suggesting there are other sites within South Gloucestershire that are reasonably available and in Flood Zone 1. The proposal therefore, does not pass the Sequential Test and is contrary to the overall strategic aims of the National Planning Policy Framework and policy EP2 of the South Gloucestershire Local Plan (adopted) January 2006 (saved policy); and policy CS5 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

CIRCULATED SCHEDULE NO. 29/15 – 17 JULY 2015

App No.:	PT15/2332/F	Applicant:	Mr D. Snow
Site:	Pond Farm The Common Patchway South Gloucestershire BS34 6AU	Date Reg:	5th June 2015
Proposal:	Erection of 1no detached dwelling with associated works	Parish:	Stoke Lodge And The Common
Map Ref:	361054 182356	Ward:	Bradley Stoke Central And Stoke Lodge
Application Category:	Minor	Target Date:	28th July 2015



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This is a full planning application for a proposed new dwelling within an existing residential curtilage. Two local residents have objected to this proposal which is contrary to the officer's recommendation.

1. SITE DESCRIPTION

- 1.1 The applicant seeks full planning permission to erect 1 no. detached dwelling with new access and associated works to replace a ruined building within the curtilage of Pond Farm.
- 1.2 The application site comprises two existing stone built semi-detached cottages with associated out building and a larger outbuilding to the north-east of the site which has fallen into disrepair.
- 1.3 The plot is set back from the main highway behind and stone type boundary wall, with an existing access across an area of common land into the residential curtilage of the existing dwellings.
- 1.4 The site is located within a defined settlement boundary and within an existing built up area of the north fringe of the Bristol urban area.
- 1.5 Following negotiations to reduce the impact on the residential amenity, revised plans were submitted and accepted on 14th July 2015. It is considered that there was not a need to re-consult.

2. PROPOSAL

- 2.1 The proposal consists of a detached independent property that will be built on the former site of an uninhabitable building to provide a separate two bedroom dwelling. To facilitate this the existing ruined building will be demolished and the residential curtilage split to create a corner plot within the site with vehicular access, parking and garden areas.

3. POLICY CONTEXT

3.1 National Guidance

National Planning Policy Framework March 2012

National Planning Policy Guidance 2014

3.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)

CS1 High Quality Design

CS5 Location of Development

CS8 Improving Accessibility

CS15 Distribution of Housing

CS16 Housing Density

Cs17 Housing Diversity

CS25 Communities of the North Fringe of Bristol Urban Area

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

L1 Landscape

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

T12 Transportation Development Control Policy for New Development

3.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted 2007)

Residential Parking Standards (Adopted)

Manuel for Streets (Adopted 2007)

4. RELEVANT PLANNING HISTORY

- 4.1 N975/1 Approved with Conditions 11.12.1975
Use of land for the stationing of a residential caravan.

5. CONSULTATION RESPONSES

- 5.1 Stoke Lodge and The Common
No Objection

5.2 Other Consultees

- 5.2.1 Sustainable Transport
No objection

- 5.2.2 Local Lead Flood Authority
No Objection

- 5.2.3 Highway Structures
No Comment

5.3 Other Representations

5.3.1 Local Residents

Two letters of objection have been received from neighbours these detail concerns regarding the potential overbearing affect and loss of light to neighbouring properties, the potential loss of privacy as a result of the first floor dormer windows to the rear of the dwelling, the possibility of repositioning the proposed dwelling within the plot and the removal of a hedge boundary to mitigate against it falling into a derelict state.

6. ANALYSIS OF PROPOSAL

6.1 Principle of Development

- 6.1.1 It is difficult to ascertain if the proposed new dwelling would fall within the existing residential curtilage of no's. 1 and 2 of Pond Farm due to its segregated nature by virtue of its position within the plot away from the existing dwellings and an existing boundary wall surrounding the ruin. As

such, Policy CS5 of the Local Plan allows the principle of new development within existing communities of the north and east fringes of Bristol.

6.1.2 Although the proposed site may not fall exclusively within an existing residential curtilage weight can be given to Planning Policy H4 which sets out the circumstances where new dwellings might be acceptable with the urban area and defined settlements.

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

6.1.4 Policy T12 advises that development will be permitted provided that, in terms of transportation, (considered relevant to this case) it:

- A) Provides adequate, safe, convenient and attractive access;
- B) Provides safe access capable of accommodating the traffic generated;
- C) Would not create, or unacceptably exacerbate traffic congestion, or have an unacceptable effect on road, pedestrian and cyclist safety.

6.1.5 Furthermore, policy CS9 of the Core Strategy seeks to ensure that non-designated heritage assets are respected and managed in a manner appropriate to their significance.

6.1.6 The proposal accords with the principle of development subject to the consideration below.

6.2 Site Characteristics and Density

6.2.1 To facilitate the implementation of a new dwelling within the proposed location the existing derelict remains of a former outbuilding/barn would be removed. It is considered that the ruin does not contribute significantly to the identity of the locality nor does it create a sense of place. Furthermore it is considered that the building itself would not be considered to demonstrate important features of architectural or historical merit that would be imperative to retain. As such it is considered that the demolition of the existing ruin would not be detrimental to the heritage of the building or area and is therefore acceptable.

6.2.2 The proposed development consists of a detached dwelling to be constructed within the north eastern corner of the existing curtilage. The proposed new dwelling would be situated approx. 1.5 metres away from an existing outbuilding associated with no.2 Pond Farm Cottage and

approx. 1.5 metres away from the boundary shared with no. 3 Cranham Drive. Other dwellings within the site are of a suitable distance from the proposed dwelling.

- 6.2.3 The design of the proposed new dwelling would differ from the character of the closest neighbouring properties within the streetscene. However it is considered that the new dwelling will match the character of the existing cottages within the site and that of the ruined building of which it will replace. It is considered this is acceptable as a typical two storey modern dwelling would appear out of character to the existing cottages and setting of the sub divided plot and due to the shared access into a rural courtyard type appearance it is considered that stone built cottage style dwelling is appropriate. It is also considered that there are many different styles of properties surrounding the proposed dwelling including detached chalet style bungalow properties and 60s style semi-detached dwellings development, and therefore will not appear incongruous or overly dominant within the streetsecne. The proposed dwelling will not exceed the original ridge height of the host dwelling or neighbouring dwellings.
- 6.2.4 Overall it is therefore considered that the proposed dwelling would not detract away from the overall character of the area nor would it impose negatively on the existing dwelling or streetscene.

6.3 Visual Amenity

- 6.3.1 The proposed development would be clad in stone and roof tiles to match that of the existing Pond Farm Cottages. After the submission of amended plans the principal elevation will consists of the primary entrance to the property set within a gable porch, along with 2 no. ground floor windows and 3 no. dormer style windows to the roof. To the rear elevation the 3 no. proposed roof dormers have been omitted and replaced with rooflights, there are 2 no. windows and 2 no. doors proposed to the ground floor rear elevation. The plot will be sub-divided along and existing wall which encompasses the north eastern corner of the site. It is considered that this will give the new dwelling an individual appearance from the host dwelling, whilst the materials and details would remain in keeping with the site.
- 6.3.2 Policy H4 also states that the size and location of development should ensure that satisfactory private amenity space and parking provisions are provided for the proposed new dwelling and retained for the existing dwelling in accordance with planning guidance. It is considered that with the creation of separated access and off-street parking along with garden areas allocated to the proposed new dwelling and existing dwellings would ensure that the existing and proposed dwelling would benefit from adequate amenity space and parking provisions.
- 6.3.3 Overall, it is considered that the proposed new dwelling has been appropriately designed and the site has been planned efficiently to

ensure that both the remaining and proposed dwelling would benefit from adequate amenity space, parking and a separate identity.

6.4 Residential Amenity

- 6.4.1 The proposed dwelling has close residing neighbours to the eastern and southern elevations, with neighbours to other elevations separated by garden and amenity spaces.
- 6.4.2 H4 requires that development would not unacceptably prejudice residential amenities. In terms of this development the main properties to consider would be the immediate neighbours' no. 3 Cranham Drive and the host dwelling 2 Pond Farm.
- 6.4.3 The closest neighbouring property to consider would be no. 3 Cranham Drive as the proposed dwelling would be approx. 2 metres from the closest residing wall of this property. Although this would be a close proximity between the two dwellings it is considered that as the pitch of the roof of the proposed dwelling would slope towards this boundary with a distance to the ridge height of approx. 6.5 metres the overbearing nature of a 2 metre proximity would be significantly mitigated. It is also considered that the adjacent property at no. 3 Cranham Drive has high level secondary windows and a side access door within their side elevation. As such it is considered that there would not be an unsatisfactory overbearing effect or loss of light to the inhabitants of no. 3 Cranham Drive. Furthermore as rooflights have been proposed within the rear elevation of the proposed new dwelling the potential for overlooking or loss of privacy to no. 3 Cranham Drive has been mitigated and would not result in an unacceptable loss of privacy.
- 6.4.4 It is also considered that the existing dwelling no. 2 Pond Farm within the site is of a suitable distance from the proposed dwelling and benefits from being at a side orientation with the interruption of built form to mitigate the possibility of a detrimental loss of privacy or overlooking. As such the proposed dwelling would be considered acceptable in relation to no. 2 Pond Farm.
- 6.4.5 It is therefore considered the new dwelling will not result in a detrimental loss of privacy or loss of light to any neighbouring dwellings. Overall, it is considered that the proposal would not harm the living conditions currently enjoyed by neighbouring dwellings and as such, is considered acceptable.

6.5 Sustainable Transport

- 6.5.1 Policy T12 requires that new development should not have an unacceptable effect on road, pedestrian and cyclist safety. It is considered that the development would not cause detrimental impact on road, cycle or pedestrian safety, this is due to the good visibility of the proposed access from the pavement and road.

6.5.2 The proposal must also meet the residential parking standards set out in the supplementary planning document. This states that for a 2 no. bedroom property at least 1.5 parking spaces should be provided within the residential curtilage for each dwelling. It is clear from the site plan submitted that adequate parking provisions have been made for the proposed dwelling. It is also considered that the proposed vehicular access from The Common for the proposed dwelling will remain unchanged from the current vehicular access onto the site.

6.5.3 It is also noted that adequate cycle storage is provided within the curtilage for the proposed new dwelling.

6.5.4 Overall it is considered that the proposal will not cause a detrimental impact upon the road, cycle or pedestrian safety currently enjoyed within or the immediate vicinity of the site, nor would it cause an adverse impact upon parking within the site or street.

7. CONCLUSION

7.1 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.

7.2 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.

8. RECOMMENDATION

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

Contact Officer: Jessica Robinson
Tel. No. 01454 868388

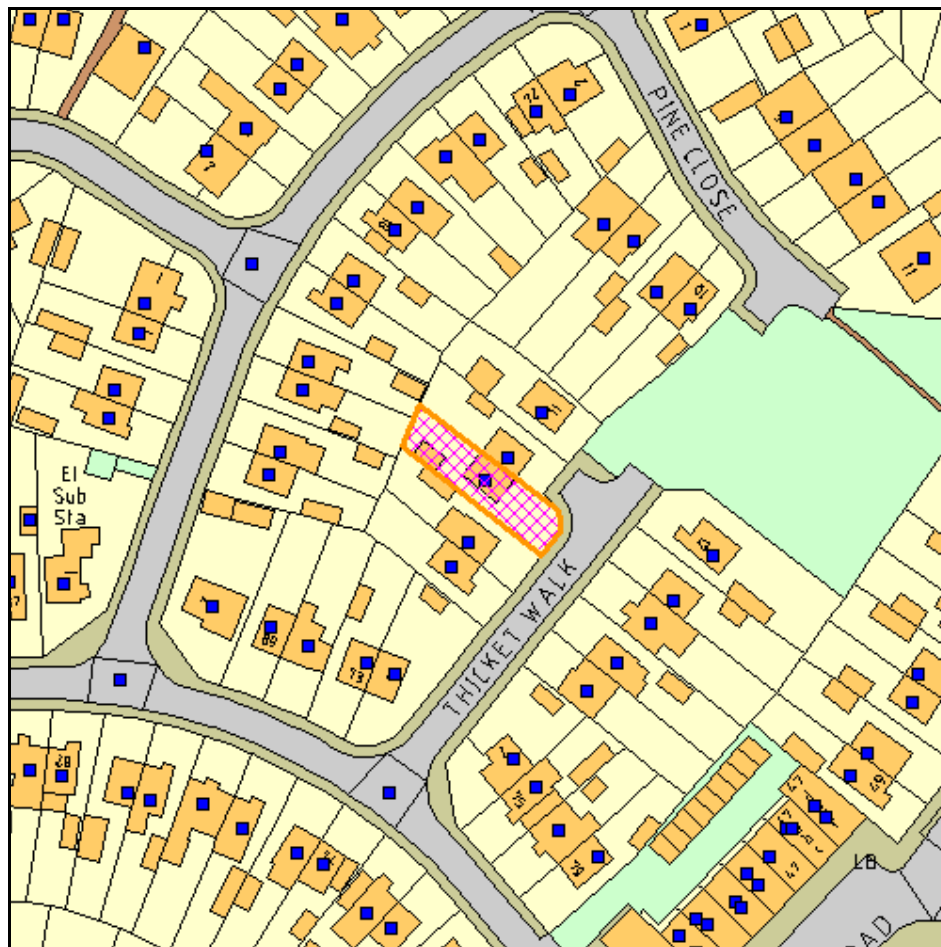
CONDITIONS

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

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

CIRCULATED SCHEDULE NO. 29/15 – 17 JULY 2015

App No.:	PT15/2382/F	Applicant:	Mr And Mrs B Annett
Site:	7 Thicket Walk Thornbury Bristol South Gloucestershire BS35 2JN	Date Reg:	4th June 2015
Proposal:	Erection of two storey side extension to form additional living accommodation and erection of front porch	Parish:	Thornbury Town Council
Map Ref:	364368 190287	Ward:	Thornbury North
Application Category:	Householder	Target Date:	27th July 2015



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule due to the receipt of a letter of objection from a neighbouring resident.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of a side extension and front porch to this semi-detached dormer bungalow. The house is one of a row of similarly designed houses located in Thicket Walk within the Thornbury settlement area.
- 1.2 The dwelling is currently finished in brick with brown hanging tiles. The application seeks to use matching materials.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework (NPPF)
- Development Plans
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
H4 Development within existing residential curtilages.
- South Gloucestershire Local Plan Core Strategy (Adopted) December 2013
- | | |
|-----|---------------------------------------|
| CS1 | Design |
| CS5 | Location of Development |
| CS8 | Improving Accessibility |
| CS9 | Managing the Environment and Heritage |
- 2.4 Supplementary Planning Document
Residential Parking Standards SPD (Adopted)
South Gloucestershire Design Checklist (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 PT02/2728/F Erection of replacement garage.
Approved October 2002

4. CONSULTATION RESPONSES

- 4.1 Thornbury Town Council
No objection
- 4.2 Other Consultees
- Transportation Development Control
No objection subject to the provision of two off street parking spaces.

Other Representations

4.3 Local Residents

One letter of objection has been received from a neighbouring resident raising concerns about being blocked in.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy CS1 'High Quality Design' of the South Gloucestershire Core Strategy (adopted December 2013) states development proposals will only be permitted if the highest possible standards of site planning and design are achieved. Meaning developments should demonstrate that they: enhance and respect the character, distinctiveness and amenity of the site and its context; have an appropriate density and well integrated layout connecting the development to wider transport networks; safeguard and enhance important existing features through incorporation into development; and contribute to strategic objectives.

5.2 Saved Policy H4 of the South Gloucestershire Local Plan (adopted January 2006) is supportive in principle of development within the curtilage of existing dwellings. This support is provided proposals respect the existing design; do not prejudice residential and visual amenity, and also that there is safe and adequate parking provision and no negative effects on transportation.

5.3 Residential amenity

Policy H4 seeks to protect neighbouring dwellings from overbearing, overlooking or loss of privacy. The proposed extension would sit to the side of the existing dwelling towards number 5 Thicket Walk. There are no primary room windows in the side elevation of this neighbour facing towards the application site that would be adversely affected. Furthermore, the extension is modest in size, would not project beyond the outline of the existing dwelling, and would be partially screened by the neighbours garage. The proposed porch due to its size and location at a central position within the curtilage, will not adversely affect residential amenity.

5.4 It is noted that a neighbour of Woodleigh to the rear has expressed concern about the impact on their property. The distance between the proposed side extension and the dwellings on Woodleigh is in excess of 25 metres. When this distance is combined with the limited size of the extension, and the various garages and garden outbuildings already in place, the impact on the dwellings facing Woodleigh is deemed to be entirely acceptable. The proposed porch will not be visible from the dwellings on Woodleigh. Impact on existing levels of residential amenity is therefore deemed to be entirely acceptable.

5.5 Visual Amenity & Design

This side extension and porch combination is very common in Thicket Walk. Very similar extensions already exist on the majority of the neighbouring properties - of 8 similarly designed dwellings in Thicket Walk, 6 already have very similar extensions in place. The design and proportions of the extension and porch proposed respects the massing, scale and proportions of the original dwelling. The materials proposed match those of the house and would also

have an acceptable appearance. The design and visual appearance of the extension is therefore deemed to be entirely acceptable

5.6 Transportation

In accordance with the Residential Parking Standards SPD (Adopted) the extended four bedroomed dwelling requires the benefit of two off street parking spaces. Although the garage is too small to count toward the parking allowance, two spaces will remain on the existing driveway.

6. **CONCLUSION**

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

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

7. **RECOMMENDATION**

7.1 That planning permission is granted subject to the condition below

Contact Officer: Marie Bath
Tel. No. 01454 864769

CONDITIONS

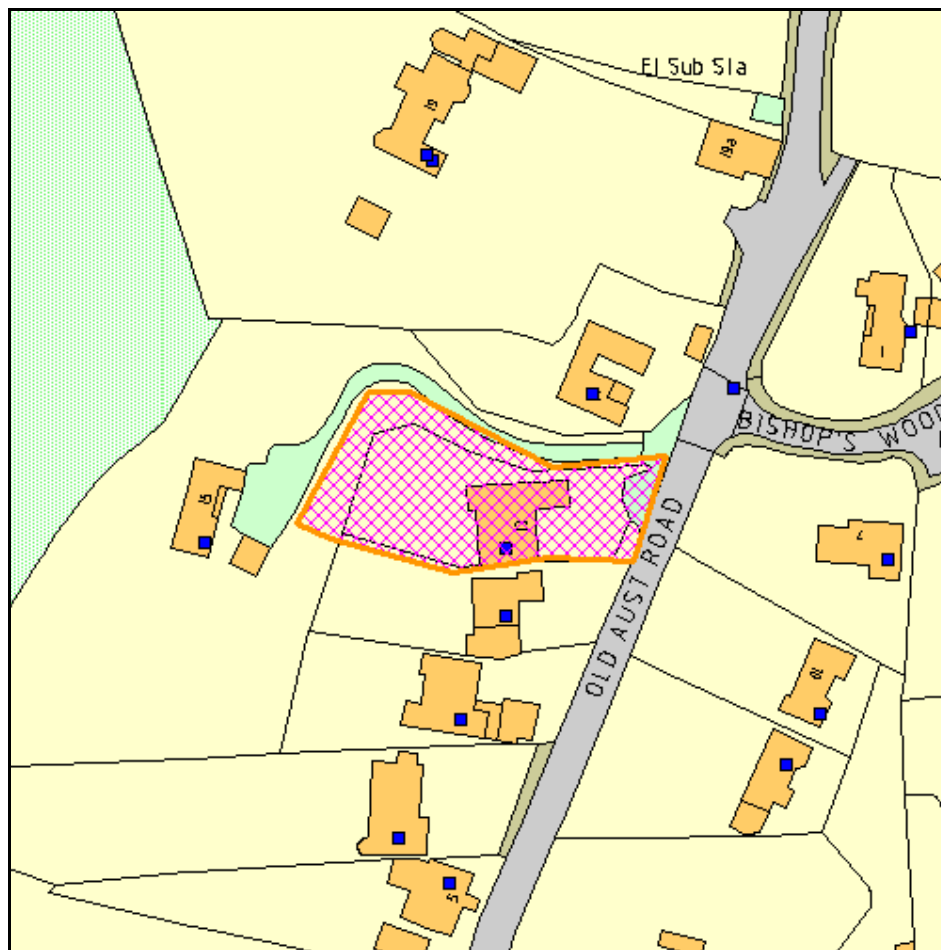
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 29/15 – 17 JULY 2015

App No.:	PT15/2448/TRE	Applicant:	Mr Northover
Site:	North Gate 13 Old Aust Road Almondsbury Bristol South Gloucestershire BS32 4HJ	Date Reg:	8th June 2015
Proposal:	Works to 1 no. Beech tree to remove lower branches to height of 5m, 1 no. Leyland Cypress reduce crown spread by 1m, Laurel group reduce crown and spread by 2m, mixed Cypress group prune top down by 2-3m height, fell 1 no. Holly tree and remove lower branches of 2 no. Cypress trees to 3m trees covered by SGTPO 09/10 and 12/10 dated 15th September 2010	Parish:	Almondsbury Parish Council
Map Ref:	361055 184645	Ward:	Almondsbury
Application Category:		Target Date:	31st July 2015



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

Comments of objection have been received which are contrary to the officer's recommendations. Therefore this application is being referred to the circulated schedule.

1. THE PROPOSAL

1.1 Works to 1 no. Beech tree to remove lower branches to height of 5m, 1 no. Leyland Cypress reduce crown spread by 1m, Laurel group reduce crown and spread by 2m, mixed Cypress group prune top down by 2-3m height, fell 1no. Holly tree and remove lower branches of 2 no. Cypress trees to 3m trees covered by SGTP0 09/10 and 12/10 dated 15th September 2010

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 PT14/2701/TRE, Site Address: The Marling 15 Old Aust Road Almondsbury Bristol South Gloucestershire BS32 4HJ, Decision: COND, Date of Decision: 18-SEP-14. Proposal: Works to 1no. Beech tree to crown lift to 5m, 1no. Horse Chestnut to crown lift to 7m, 1no. Sycamore and 1no. Beech tree to lift and balance to 7m, covered by Tree Preservation Order SGTP009/10 dated 15 September 2010.

4. CONSULTATION RESPONSES

4.1 Almondsbury Parish Council
No comments

Other Representations

4.3 Local Residents

A letter of objection has been submitted by a neighbour who is concerned as the boundary trees T2, T3 and T4 are in the ownership of 15 Old Aust Road. Concerns were raised with regards to the specification for T4.

5. ANALYSIS OF PROPOSAL

5.1 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.

5.2 Consideration of Proposal

T4, T5 and T6 are not covered by the Tree Preservation Order and so are exempt from the requirement for permission.

5.3 The copper beech tree (T1) has low limbs extending onto neighbouring property. Crown lifting to 5m will provide sufficient clearance without detriment to the tree's health or aesthetics.

5.4 T2 are boundary Leyland cypress trees and the proposals are to reduce the spread of the trees on the applicant's side by 1m. This is considered reasonable.

5.5 The proposals also include reducing a group of laurels by 2m in height and spread. Again, this work does not seem unreasonable.

5.6 To address the points raised by the neighbour, any works permitted through the Local Planning Authority must still be subject to permissions from the trees owner, other than cutting back to boundary lines. Laws of Trespass still stand.

5.7 The specifications for T4 was to reduce BY 2-3m and not TO 2-3m as was originally detailed on the validation sheet. This was a clerical error which has since been amended. The neighbour was then informed of this.

5.8 T4 lies outside the area TPO and so is exempt from this application.

6. **RECOMMENDATION**

6.1 That permission is GRANTED subject to conditions detailed in the decision notice.

Contact Officer: Phil Dye
Tel. No. 01454 865859

CONDITIONS

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

Reason

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

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

Reason

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