



**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.47/15

Date to Members:20/11/15

Member's Deadline: 26/11/15 (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 - 20 NOVEMBER 2015

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK15/0532/F	Approve without conditions	Golden Valley Mill Bath Road Bitton Gloucestershire BS30 6HJ	Bitton	Bitton Parish Council
2	PK15/3309/F	Approve with Conditions	27 Stanley Road Warmley South Gloucestershire BS15 4NU	Siston	Siston Parish Council
3	PK15/3388/F	Approve with Conditions	The Old Chapel Parkfield Road Pucklechurch South Gloucestershire BS16 9PS	Boyd Valley	Pucklechurch Parish Council
4	PK15/3516/F	Approve with Conditions	Downend Baptist Church Salisbury Road Downend South Gloucestershire BS16 5RA	Downend	Downend And Bromley Heath Parish Council
5	PK15/4056/CLE	Approve	The Barn Toghill Lane Doynton South Gloucestershire BS30 5SY	Boyd Valley	Doynton Parish Council
6	PK15/4144/F	Approve with Conditions	131 Jubilee Crescent Mangotsfield South Gloucestershire BS16 9BD	Rodway	Emersons Green Town Council
7	PK15/4198/TRE	Approve with Conditions	6 Gabriel Close Cadbury Heath South Gloucestershire BS30 8FG	Parkwall	Oldland Parish Council
8	PK15/4233/F	Approve with Conditions	23 Madison Close Yate South Gloucestershire BS37 5EZ	Yate North	Yate Town
9	PK15/4379/PN GR	Approve with Conditions	Land To North Of Shortwood Lodge Shortwood Hill Pucklechurch South	Boyd Valley	Pucklechurch Parish Council
10	PT15/0629/F	Approve with Conditions	Penates Main Road Easter Compton South Gloucestershire BS35 5RA	Almondsbury	Almondsbury Parish Council
11	PT15/2344/F	Refusal	The Kendleshire Henfield Road Coalpit Heath South Gloucestershire BS36 2XG	Westerleigh	Westerleigh Parish Council
12	PT15/2499/F	Approve with Conditions	Wickwar Playing Fields Adjacent To King George V Playing Field Wickwar Wotton Under Edge South Gloucestershire GL12 8JZ	Ladden Brook	Wickwar Parish Council
13	PT15/2655/F	Approve with Conditions	Land At Orchard Cottage Lower Common Rangeworthy South Gloucestershire BS37 7QE	Ladden Brook	Rangeworthy Parish Council
14	PT15/3374/RM	Approve with Conditions	University Of West Of England Coldharbour Lane Stoke Gifford South Gloucestershire BS16 1QY	Frenchay And Stoke Park	Stoke Gifford Parish Council
15	PT15/3607/F	Approve with Conditions	21 Gayner Road Filton South Gloucestershire BS7 0SP	Filton	Filton Town Council
16	PT15/3662/F	Approve with Conditions	Milbury House Whitewall Lane Buckover South Gloucestershire GL12 8DY	Thornbury North	Thornbury Town Council
17	PT15/3777/F	Approve with Conditions	5 Station Road Pilning South Gloucestershire BS35 4JT	Pilning And Severn Beach	Pilning And Severn Beach Parish Council
18	PT15/3870/F	Approve with Conditions	Eastwood Farm Gloucester Road Whitfield South Gloucestershire GL12 8EA	Charfield	Falfield Parish Council

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
19	PT15/3977/F	Approve with Conditions	Chapel Cottage 72 Gloucester Road Rudge Way South Gloucestershire BS35 3RT	Thornbury South And	Alveston Parish Council
20	PT15/4140/CLE	Approve	Copper Beech And Park Lodge Sheiling School Park Road Thornbury South Gloucestershire BS35 1HP	Thornbury North	Thornbury Town Council

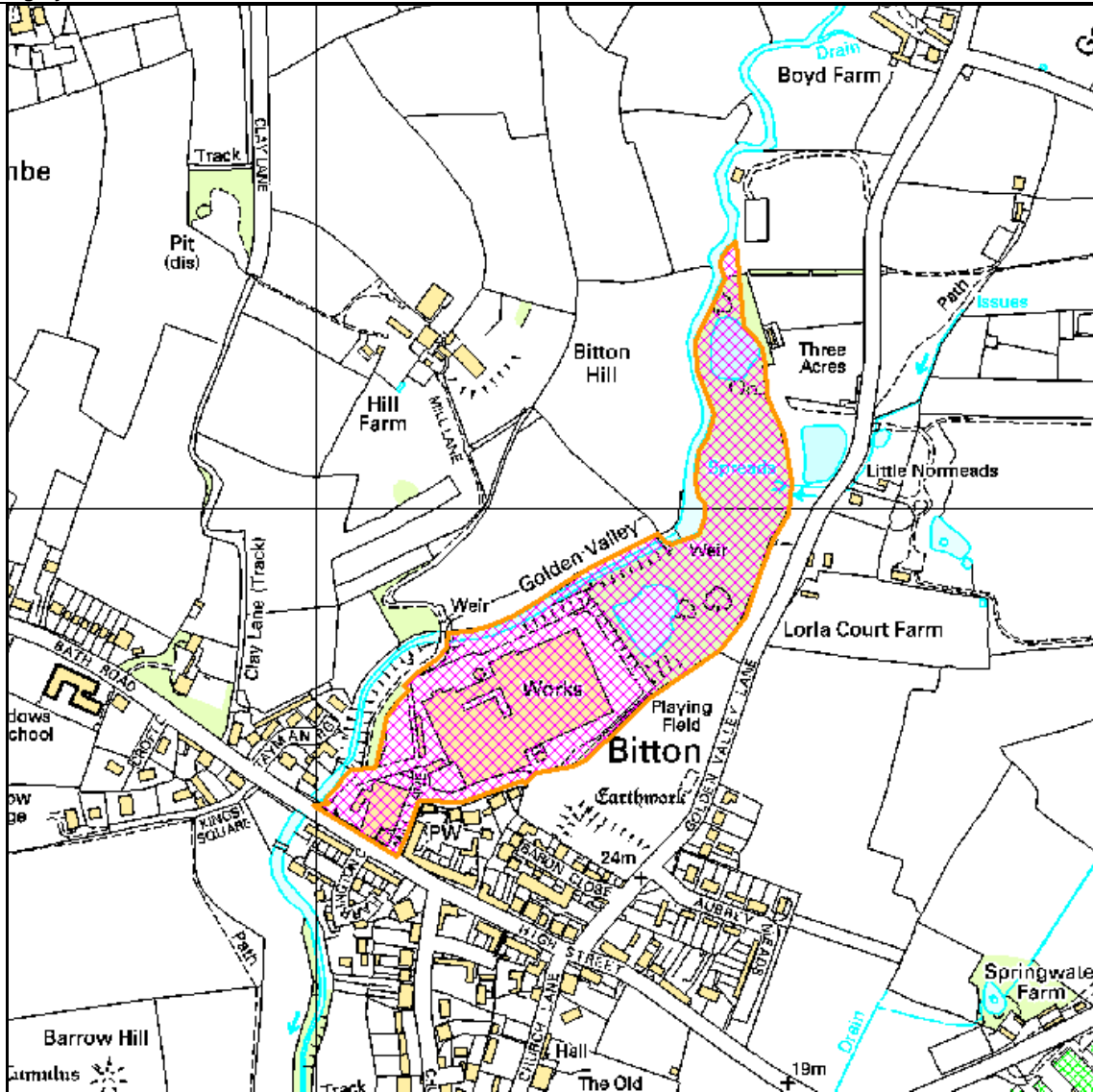
Dates and Deadlines for Circulated Schedule
Christmas & New Year Period 2015/16

Schedule Number	Date to Members 9am on	Members Deadline 5pm
51/15	Wednesday 16 December	Tuesday 22 December
52/15	Wednesday 23 December	Tuesday 05 January 2016
01/16 Back to usual days	Friday 08 January 2016	Thursday 14 January 2016

Highlighted above are details of the schedules that will be affected by date changes due to the Bank Holidays at Christmas & New Year 2015/16

CIRCULATED SCHEDULE NO. 47/15 – 20 NOVEMBER 2015

App No.:	PK15/0532/F	Applicant:	St Congar And Linden Homes
Site:	Golden Valley Mill Bath Road Bitton Gloucestershire BS30 6HJ	Date Reg:	16th February 2015
Proposal:	Mixed use development on 7.4 hectares of land comprising up to 115no new dwellings; change of use of the Gatehouse to commercial use (Use Class B1); change of use of existing 'canteen' building to commercial and community uses (Use Classes B1/D1); engineering works to raise the existing ground levels; associated landscaping and the retention of Ash House and Heather House in residential use (Use Class C3)	Parish:	Bitton Parish Council
Map Ref:	368191 169722	Ward:	Bitton
Application Category:	Major	Target Date:	11th May 2015



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100023410, 2008. N.T.S. PK15/0532/F

1. THE PROPOSAL

- 1.1 This application seeks full planning for a mixed use development on 7.4 hectares of land comprising of 115 new dwellings; a change of use of existing gatehouse to commercial use; and a change of use of existing “canteen” building to commercial and community uses (B1/D1). The application also seeks consent to undertake engineering works to raise the existing ground levels up to a maximum of 4 metres to address flood risk issues. The existing Ash House and Heather House on the Bath Road frontage are to be refurbished and reused for residential purposes.
- 1.2 The application site is referred to as “Golden Valley Mill”. The last occupiers were Intier who made car components before the site closed in 2006. The site lies to the north of the Bath Road and High Street, slightly to the west of the centre of the village of Bitton. The site stretches to north-east from Bath Road into open countryside. The River Boyd runs along with western and northern edges of the site and has been re-routed and adjoining the site, as in the 1970s it was set within a concrete and steel culvert (a process also referred to as “channelisation”) as a safety measure following a flood in 1968.
- 1.3 Golden Valley Mill was initially developed in the 18th Century as a Brass works but for most of its history was used as a paper mill and finished as a wood pulp mill making components for the auto industry. Little, if any evidence of the brass works remains on site although the ponds to the north east may date at least in part from that period. The original brass and paper mill buildings appear to have been destroyed by fire in the 19th century although paper production continued until the 1960s. The scale of the former manufacturing uses was surprising as records show at its peak that in 1881 the mill employed some 400 people manufacturing 30-35 tons of writing, envelope and government papers.
- 1.4 The Mill played a key role in the history and development of the village and its built form character, historical development and use are still apparent in the layout and landscape. Since 2006 a number of proposals have been submitted by a number of different landowners or agent, but all failed to make it to application stage due to either being considered unacceptable in terms of the scale, density or loss of character or weren’t simply feasible or viable. The scheme now proposed can be considered the result of almost a decade of formulation. Key stages in the process was the preparation of the Golden Valley Concept Statement in 2012 which then informed and was superseded by the Golden Valley Mill Development Brief in 2014, both of which was subject to public consultation and the proposed scheme has built on these documents. As discussed later in this report, through rigorous testing a number of aspirations for the site had to be reconsidered to ensure any scheme of redevelopment would be deliverable.
- 1.5 The most significant example of this was the Concept Statement stated that, in the interests of sustainability and the industrial heritage of the site, the main group of factory buildings were to be retained. However prior to the submission of the application, detailed discussions were undertaken and evidence

produced to demonstrate how this would not be feasible or viable. Due to the need to increase ground levels, the existing levels of contamination and the cost of conversion, the retention of the former factory buildings was not going to be achievable. The office building at the southern end with its distinctive north light roof could have been retained, but with all other buildings lost, there would have been very little merit in securing the retention of just one structure when the significance the building's possessed was considered to derive from their group value.

- 1.6 Golden Valley Mill lies within the Bitton Conservation Area and the main part of the site lies within the Bitton settlement boundary with only the proposed "nature conservation" to the north outside. The site also contained a number of locally listed buildings– the "canteen" building and the gatehouse. The proposed scheme would also affect the setting of listed buildings and a scheduled ancient monument which lies to the south. The main building group consists of five linked building which are a mixed of former industrial buildings and offices. All these structures have undergone numerous changes, modifications and remodelling over the years and their condition is one of collective decline. None of these buildings which once formed part of the paper mill are included on the statutory list but they can be regarded as surviving evidence of Bitton's industrial heritage and so are of significance.
- 1.7 The application site is also located within Flood Zone 3 as per the Environment Agency's Flood Map for Planning (Rivers and Seas), which is the highest probability of flooding. The South Gloucestershire Strategic Flood Risk Assessment identifies the site as Flood Zone 3a, although it can be noted that both maps do not take into account the flood defences which sees between the River Boyd and the main site a raised embankment which support the steel profiled sheeting that lines with the culvert. The result is that although the site remains in Flood Zone 3, the site is not considered to represent functioning flood zone. Therefore to address this issue, the levels of the site will be increased by up to 4 metres which will then enable a challenge to the flood zone map.
- 1.8 Although the application site area is 7.4 hectares, the developable area is only 3.129 hectares. This is largely due to the northern part of the site being a heavily wooded area that contains the remnants of the former mill ponds and drainage infrastructure. The intention is that this space is left largely as a nature reserved but controlled public access is provided as part of help retain the memory of the site with an appropriate scheme of interpretive material provided.
- 1.9 The proposed residential development has been broken down into 3 distinct character areas – "High Street/ Mill Lane", "The Mill" and "The Village.
- 1.10 Since submission a number of amendments have been made to the scheme which includes a reduction in the scale of development to Bath Road; a simplification of the layout for the main housing area and a change in design and a reduction in building heights.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
Planning (Listed Buildings and Conservation Areas) Act 1990

Planning Practice Guidance: Flood Risk and Coastal Change
Planning Practice Guidance: Air Quality
Planning Practice Guidance: Land Affected by Contamination
Planning Practice Guidance: Land Stability
Planning Practice Guidance: Hazardous Substances
Planning Practice Guidance: Design
Historic England: Managing Significance in Decision-Taking in the
Historic Environment (GPA 2)
Historic England: The Setting of Heritage Assets (GPA 3)

2.2 Development Plans

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

L1	Landscape Protection and Enhancement
L7	Sites of National Conservation Interest
L8	Sites of Regional and Local Nature Conservation Interest
L9	Species Protection
L10	Historic Parks and Gardens and Battlefields
L11	Archaeology
L12	Conservation Areas
L13	Listed Buildings
L15	Locally Listed Buildings
E1	Proposals for Employment Development and Mixed Use Schemes
EP2	Flood Risk and Development
EP4	Noise-Sensitive Development
EP6	Contaminated Land
T12	Transportation Development Control Policy for New Development
H5	Residential Conversions, Houses in Multiple Occupation and Re-use of Buildings for Residential purposes.
LC4	Proposals for Sports and Leisure Facilities within the Existing Urban Area and Defined Settlement Boundaries
LC5	Proposals for Outdoor Sports and Recreation Outside Existing Urban Area and Defined Settlement Boundaries

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS2	Green Infrastructure
CS4a	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS6	Infrastructure and Developer Contributions
CS7	Strategic Transport Infrastructure
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage.

CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS18	Affordable Housing
CS23	Community Infrastructure and Cultural Activity
CS24	Green Infrastructure, Sport and Recreational Standards

2.3 Supplementary Planning Guidance

Waste Collection
 Parking Standards
 Bitton Conservation Area
 Local List

3. RELEVANT PLANNING HISTORY

3.1 None of relevance.

4. CONSULTATION RESPONSES

4.1 Bitton Parish Council

Bitton Parish Councillors have looked closely at the amended plans for the above site. A public meeting was also organised and comments were received from residents who attended (about 40). Everyone was encouraged to send their comments in to South Gloucestershire Council, whatever their point of view, in addition to making them known to Bitton Parish Council.

There remains general support for the redevelopment of the site to start as soon as possible: there is no reason to delay and the site at present is an eyesore. Redevelopment is inevitable and, provided it is done sensitively, appropriate

Bitton Parish Council wishes to put forward the following comments on the amended plans:

1. There should be more open space at the front of the site. Some concession has been made on this, but not sufficient.
2. The open area adjoining the A431 should be just that open. There should be no solid boundaries (eg walls) and minimal railings only where required for safety so that the aspect is unhindered. Any barriers would accentuate the us and them of old and new residents, which everyone seeks to avoid.
3. The open area should be nearly all grassed. Hard landscaping spoils the appearance of what should be an attractive and welcoming area.
4. There should be space allowed for and provision of a statement piece as a focal point on the open space at the front of the site.
5. The buildings existing and new along the A431 frontage should all be in line and away from the road as far back as Ash and Heather Houses. Some concession has been made on this, but not sufficient.

6. There is concern that a row of houses is planned opposite the former Methodist Chapel in Mill Lane (now two properties), windows of which would directly overlook it. Neither they nor the proposed houses have much by way of front garden and the road is narrow, so the buildings would be close. It is asked that the buildings be turned around or moved back/elsewhere to avoid the overlooking.
7. There are concerns around the narrow width of Mill Lane between the A431 and the Methodist Chapel. Cars must be deterred from using this as a possible exit from the estate, perhaps by putting up a no left turn sign somewhere along the paved road in front of the Canteen building.
8. While accepting that the industrial type houses opposite existing properties in Mill Lane were designed to reflect the important industrial heritage of the site, it is felt that they should be turned sideways so that they do not overlook existing properties and should be positioned further back from the road to allow some feeling of space.
9. The opportunity should be taken to widen that stretch of Mill Lane in front of the existing properties. This would allow for vehicles to pass when driving in and out. Residents are saying that, at one of the consultation events, the developers agreed to widen Mill Lane but this is not reflected in the plans put forward.
10. There is no road drainage at present in Mill Lane and photos of flooding have been provided. Drainage should be installed during redevelopment of the site.
11. There is concern about the high density of dwellings in the centre of the site. The mass of these 3 storey industrial type houses was seen as overbearing.
12. The new plan shows more straight lines of houses which is less interesting and more regimented than the more staggered approach of the initial layout.
13. Lack of parking remains a fundamental problem. Minimal parking is provided for each dwelling. There are very few visitor spaces what there is will be quickly taken up by residents with more cars than their properties cater for. The Canteen appears to have been allocated 3 spaces insufficient for a building intended for commercial/community use. The Gatehouse has just one as a commercial building.
14. Concerns remain particularly from residents of Church Road that the drainage and sewage arrangements are insufficient. They say that the system at present has problems, with bad odours from the pumping station in Church Road regularly affecting them. It was worse when the factory was running and they fear that development of the site will mean a return to an unacceptable situation. Wessex Water says that they are satisfied with the proposals but will address any concerns experienced. That is too late.

15. Councillors and residents do not understand or appreciate claims that flood risk in the area will be lower. They feel that problems arise when the River Avon is in flood and water backs up the River Boyd, meeting volumes of water coming down. This is not/cannot easily be addressed as is suggested in the application. Some flooding appears to be as a result of high water tables: this will not change.
16. The need for safe crossing points along the A431 was stressed. Provision must be included in the development.
17. Bitton Parish Council commented at length on the application when it was first submitted. These representations include comments on some very fundamental concerns. Questions were asked which have not been answered nor has any information appeared on the South Gloucestershire Council website which addresses them.

Particularly:

1. Contaminated materials on site: it is not clear from the documentation if the bio-remediation of contaminated materials will take place on site or if this will require their removal. If the latter, how many additional lorry movements will be involved? Where will the bio-remediation take place and how long will the process take? How noisy will it be? How dusty/dirty will it be?
2. Lorry movements: the documentation requires the delivery of 60,000m³ of hard core and soil to infill the site and bring the ground level up to the necessary height. This is estimated at 6,667 lorry loads. Based on a 10 hour working day, 5 days a week this is calculated as producing 1 lorry delivery every 10-12 minutes for 24 weeks. The empty lorry will also have to be driven away from the site. Councillors seek the services of a professional banksman to manage the heavy traffic to and from the site and consideration as to where lorries might be able to queue safely and with minimum disruption to other traffic using the A431 until their turn to arrive/leave the site. The documentation claims an additional 2% increase in traffic movements on the A431 during this time, but this is considered a significant under-estimation. Councillors also enquire where the hard core and soil will be brought from. No account seems to be taken of the resulting lorry movements over possibly a wide area to supply the necessary materials to the site.
3. Stability of infilled area: the documentation contains no reference as to how the infilled area will be stabilised. It clearly won't be left to settle naturally. So are residents to anticipate pile driving and the use of vibrating machinery to achieve this in a short timescale? How will this settlement be achieved? How long will any work take? How noisy will it be? How long will it be before any infrastructure or building work will commence?
4. Affordable housing. Councillors appreciate that this is a demanding and expensive site to redevelop and that some negotiations will take place

between South Gloucestershire Council and the applicants as to how to ensure the viability of the site. However, this is also an opportunity to provide affordable housing in an area where high property prices preclude many local people from acquiring homes in the village. Provision of affordable housing as part of the development is therefore crucial.

5. Flood risk: this is a technical area and Councillors appreciate that others South Gloucestershire Council officers, applicant advisors and experienced and qualified local residents - will consider these aspects carefully. However some points remain of concern.
 - a) why will raising ground levels reduce flood risk in Bitton Village?
 - b) is it satisfactory that surface water will be allowed to drain into the River Boyd?
 - c) will all properties have non-return valves fitted to ensure that sewage does not re-enter properties should flood conditions prevail?
 - d) no account seems to have been taken of the anticipated rise in river levels in the future due to climate change.
6. Responsibility for areas around the River Boyd. It is not clear from the documentation or from correspondence from the Environment Agency who will be responsible for the areas around the River Boyd. Will the metal sheet piling along the banks of the River Boyd be sufficient for the pressure of earth backfill against it, for which it was not designed? Who will be responsible for its future maintenance? Who will own and accept responsibility for the land alongside the River Boyd? Who will be responsible for the maintenance of the bridge at Mill Lane? Reference is made in the documentation of a dam. It is stated that its effectiveness is unknown but that there is seepage from it. What would be the result were it to prove ineffective and who will be responsible for and maintain the dam?
7. Trees and landscaping: the plans show that many trees will be felled to enable the development to take place, including the stand of Poplar trees along the boundary with the Pound Ground. Some replacement planting is proposed but no details are provided about what species will be used. There are concerns that the maximum height of new plantings appears to be just 60cms. This is inadequate for landscaping and screening they will take many years to be in any way apparent and effective. Which of the planting will be trees and which will be shrubs that will never grow to a significant height? What will be planted in areas around the new housing?
8. outside views: the artists impression drawings provided show the new houses well screened and merging within the wider landscape. Councillors feel that this is unrealistic. Over a hundred houses will have a real and obvious impact on views from the Pound Ground. The surrounding area is much higher than the site and so views from Beach Hill, the footpaths from Upton Cheyney, etc will be seriously affected and this must be realised and appreciated.

9. Nature area: the future of the nature area is uncertain. There appears to be no indication in the documentation as to who will own and manage this area and what will be involved in doing so. It is rumoured that the Golden Valley Fishing Club may take over the area but, if they do, they must appreciate the extent of the responsibility beyond the ponds.
10. Education: the documentation estimates an additional 34 children living in the new houses will require local primary education. Can The Meadows School cope with this influx?
11. Open spaces: the documentation gives no indication as to how the areas of open space, play area, community facilities, etc will be managed. A residents association may be formed as at other development sites to take charge of maintenance of grassed areas, etc but it seems unlikely that such a group would take on the expense of maintaining communal buildings or a play area that will be provided for the benefit of the wider community. Bitton Parish Council has not been approached about taking over these aspects and has made it clear that it does not have the resources, financially or otherwise, to do so.

4.2 External Consultees

The Environment Agency

When first submitted the Environment Agency objected to the proposals due to insufficient drainage strategy details. This has now been addressed in a letter dated 29th September 2015, the Environment Agency confirmed the withdrawal of its objection subject to the following conditions:

Condition 1:

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated February 2015 (Issue 5) by Hydrock and the following mitigation measures detailed within the FRA: Land raising to be carried out as per drawing no. C08389-C006 Rev. B.

Reason

To reduce the risk of flooding to the proposed development and future occupants.

Condition 2:

Following the proposed land raising and prior to the occupation of the first property, the developer must arrange for the hydraulic modelling exercise carried out by Hydrock to be rerun to verify the proposed flood outlines for the purposes of updating the Environment Agency Flood Map for Planning (Rivers and Sea).

Reason

To ensure that the flood risk to the proposed development is accurately represented following the significant land alterations.

Condition 3:

No development approved by this planning permission, shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the LPA:

1) A preliminary risk assessment which has identified:

- all previous uses,
- potential contaminants associated with those uses,
- a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.

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

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

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

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

Reason

To prevent pollution of the water environment.

Condition 4:

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

Reason:

To prevent pollution of the water environment.

A number of informatives were also suggested. .

Wessex Water

The site is served by separate systems of drainage constructed to current adoptable standards. The developer has undertaken a number of site surveys which conclude the existing surface water drainage from the site is connected

to the existing foul sewerage system. Upon redevelopment the developer has committed to redirecting surface water to the River Boyd to provide capacity within the existing public foul sewerage system for the new increase in foul flows generated by the development. Part of the development site will not be able to drain surface water by gravity to the river and a limited surface water flow is proposed to an existing public surface water sewer on the High Street. This is acceptable in principle to Wessex Water.

Historic England

Although none of the buildings are statutorily protected and there is no up-to-date conservation areas for the village, the site does contain buildings of local interest. The concept statement written for use by the South Gloucestershire Council in 2012 states that while accepting the principle of residential use, the Council is keen to ensure some local vitality through a mix of uses providing some local employment opportunities. It goes on to seek a development which respects and enhances the village, the layout and architectural should be informed by the industrial heritage and village character/ It is also helpful in identifying the most important of the non-designated heritage assets and their historic relationship to the site.

The present complex is an amalgam of buildings and structures that individually are not necessarily architecturally important but as a whole make up an interesting and relatively unique group of mill buildings and structures dating from the 18th, 19th and 20th centuries. This is borne out by its early historic origins as a Brass Works and by its subsequent adaptation into a Paper Mill before finally becoming a car parts factory that remained open until 2006. The site, therefore, has historic and evidential value and some architectural value. Over the course of the time as consecutive buildings have been erected on the site, the quality and appearance of the architecture has diminished. However, there are a few remaining original buildings on the site that have been identified as non-designated heritage assets including the Gatehouse and Canteen buildings.

Close to the mill site is a Scheduled Monument, thought to be a Roman camp but not well investigated, located within the larger recreation space that forms an important open space within the conservation area. The mill site is located to the north west of this monument and to the north of the Bath Road. Part of the development site also lies on the street frontage of the main road and includes a converted Edwardian house Ash and Heaton House and other industrial buildings (also of local interest). The whole site is overlooked by a grade II listed house known as Hill Farmhouse and Stable block on the hill to the north of the development site. There is a visual relationship between these two entities.

The proposal is to redevelop this site as a residential scheme that will include the reuse of the Canteen and Gatehouse and the Edwardian building that fronts onto Bitton High Street. All the other existing buildings or structures are proposed for demolition.

There are a number of impacts from this proposal that need to be examined in more detail. The first is the justification for wholesale demolition rather than reuse of the existing buildings. The second is the impact of the new scheme on

the setting of the Scheduled Monument and the listed buildings in close proximity to the site. The final issue is the impact of the design and appearance of the scheme on the character and appearance of the conservation area.

Demolition

The Heritage Statement provides evidence to indicate that the majority of non-designated heritage assets on this site are not of enough significance to be incorporated into the redevelopment on this site. Whilst we are concerned about the loss of the structures that form part of the boundary wall that runs along the southern perimeter of the main mill site, we also understand that this loss needs to be weighed up against the proposed redevelopment and the quality of the design that is being proposed. We therefore agree that this aspect of the scheme can be determined in line with paragraph 135 of the NPPF. We would, however, wish to see Paragraph 136 of the NPPF invoked.

Impact on the Scheduled Monument and other designated Assets.

Whilst there will be inevitable changes to the character and appearance of the conservation area due to this proposal, there will be little impact on the Scheduled Monument- subject to the scale issue as set out below. The impact of the scheme on the wider conservation area is such that we consider the design and retention of certain key buildings will ameliorate against any harm caused to the character and appearance of the Conservation Area through the change of use and loss of the industrial buildings.

Development Proposals

We welcome the approach taken to provide a design for the new build that echoes the industrial character of the site using traditional materials. The major issue for us is to ensure that the raising of the land levels within the site to address flooding concerns. This will inevitably make the scale of some of the new buildings too great and lead to a development that will be at odds with the general low scale of the current industrial buildings on the site and the surrounding residential buildings and create an overly dominant development within this part of the conservation area. In our view this scheme needs to be amended to ensure that it will comply with Paragraph 137 of the NPPF. Sections through the site would be helpful in demonstrating how the scheme will impact of the adjacent assets, in particular the setting to the Scheduled Monument.

The other issue is to ensure that the character of the main entrance way and perimeter wall surrounding Golden Mills is integrated into this redevelopment. We note that whilst the Canteen and gate house are to be retained, there will be changes to the perimeter wall on the western side of the site. As this is an important face towards the river and Hill Farm we would wish to see more efforts to retain this wall in its entirety.

Recommendation

We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice. It is not necessary for us to be consulted again.

Following a re-consultation in light of revisions made to the design and layout, in a response received on 7th October, Historic England offered no further comment.

Natural England

No objection – no conditions requested

This application is in close proximity to Stidham Farm Site of Special Scientific Interest (SSSI), Cleeve Wood, Hanham SSSI and Congrove Field and the Tumps SSSI. Natural England is, however, satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which these sites have been notified. We therefore advise your authority that these SSSIs do not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(I) of the *Wildlife and Countryside Act 1981* (as amended), requiring your authority to re-consult Natural England.

Internal Consultees

The Lead Local Flood Authority (LLFA)

As per the Environment Agency's initial response, on submission the LLFA had concerns about the potential lack of detail drainage proposals. These concerns have now been addressed and in the latest consultation response from the LLFA they confirmed that there is no objection to the proposed scheme and added the following comments:

"We note that the Environment Agency have lifted their previous objection to this application having received additional supporting information from the applicant. A Maintenance and Management plan for the surface water drainage network is required for this site. It is noted in the 'Drainage Strategy' produced by Hydrock (February 2015) that detailed plans will be developed during detailed design stage. I would request that once these details are finalised that they are submitted for our review. The plans will need to outline a regime for the continuous maintenance of the network for the lifetime of the development and detail responsibility for its implementation.

Indicative flow routes are outlined on the drawing 'Drainage Strategy' (Drawing no. 13314 – SKC008 E) and it is mentioned in the Hydrock produced Drainage Strategy (February 2015) that full details will be provided at the detailed design stage in case of surcharging. Again I would request that the final details are submitted for our review which, along with outlining the flow paths through the site, will also need to detail flood depths and velocities.

It is noted that the latest submitted drainage strategy plan (13314-SKC008 Rev E) is preliminary. As such I request that a SuDS condition is placed on the application so that when the detailed design is complete we have the opportunity to review.

Suggested conditions:

SUDS: 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. A detailed development layout showing surface water and SUDS proposals is required as part of this submission.

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.

Suggested informative:

SUDS maintenance:

It is important that the developer implements future shared maintenance responsibilities for SUDS features in perpetuity. This may be by means of a maintenance company but ideally should be by means of a clause within the property deeds specifying that “permeable paving” and/or “storage tanks” must be cleaned and maintained in perpetuity in accordance with the manufacturer’s recommendations.

Such paving must not be replaced by impermeable surfacing.

Environmental Protection

No objections in principle as the approach taken to the site investigation; the methodology applied; and conclusions made are accepted, however the following comments are made.

- a) The remediation methodology and assessment targets are based on the assumption that the land will be raised by 4m, should this significantly change then a revised risk assessment and remediation strategy will need to be submitted for approval.
- b) It is reported that approximately 50,000 m³ of imported material will be required for the land raise. The criteria in terms of acceptable levels of potential contamination within this material should be agreed with Environmental Protection Team and the Environment Agency. Table 11.1 page 83 of the April 2009 Hydrock report provides a table of remediation threshold values for treated and imported soils. Confirmation is sought regarding whether this is the criteria to be applied to material imported for the land raise. It is however noted that the CL:AIRE Definition of Waste: Development Industry Code of Practice and a materials management plan will apply to the development.
- c) Post removal of gross hydrocarbon contamination a risk assessment is required to assess if there are any remaining potential risks from hydrocarbon contamination which could potentially give rise to ground gases and/or vapour risks to the development.
- d) Post removal of gross hydrocarbon contamination, advice should be sought from the local water supply company with respect to their requirements for protected water supply pipework.
- e) Target threshold criteria for soils treated via stabilization/solidification should be agreed with the Environmental Protection team and the Environment Agency.
- f) Table 7.5 page 36 of the Hydrock February 2015 report provides the target threshold criteria for the cover system for public open space areas. The criteria given are not fully accepted, for example the criteria values for arsenic and lead relate to the commercial target values in table 3.5 of appendix C - “Derivation of Human Health Assessment GAC’s and Rationale” of the same report., not the public open space criteria. Further clarification is sought with regard to this.

In light of the above, the following conditions should be included in any approval.

1. The development shall proceed in accordance with the findings, requirements and recommendations of the Hydrock Remediation Strategy Feb 2015.
2. Post removal of gross hydrocarbon contamination a risk assessment shall be carried out on the remaining potential risks from hydrocarbon contamination to

ascertain if gas and/or vapour protection will be required to be installed in the building construction. The development shall proceed in accordance with the findings of this risk assessment.

3. Prior to commencement threshold criteria values for the cover system for the public open space areas and soils treated via stabilization/solidification shall be agreed.
4. Prior to commencement a materials management plan (MMP) shall be submitted for approval which should include threshold criteria values for the imported materials for the land raise.
5. Prior to occupation, a report verifying that all necessary remediation works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.
6. 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.

Ecology

No objection subject to a number of conditions relating to retention of bat habitat for one season to facilitate the establishment of the "bat house" and all mitigation measures are applied.

Education

At primary level there is a projected deficit of places in the local area. The proposed development would generate 35 additional primary pupils and so as submitted (prior to the implementation of the CIL levy), a contribution of £401,590 would have been sought.

There is a project surplus capacity at secondary schools within the area and so no contribution would have been sought.

With education provision part of the Council's Regulation 123 list, the CIL levy being applied to the development is intended to help meet the additional demand that is being placed upon the local educational services.

Public Rights of Way

No objection but the applicant may need to consider diverting PBN61. A number of informatives are also advised.

Open Spaces

As per Core Strategy Policy CS24, the need to provide a total of five categories of open space arise from the proposed development. How the scheme complies with the requirements is set out below:

Informal recreation open space: policy requires 2972m² and the site provides 3153m². There is therefore an oversupply on site.

Natural and semi-natural open space: policy requires 3847.5m² and the site provides 4110m² (main site) and 29,789m² (nature area), There is therefore an over-supply of this category.

Outdoor Sports: policy requires 4104m² and the site provides 60m², so there is a 4044m² short fall which should be mitigated for by a contribution of £193,829.73 for new provision or enhancement of existing and a £58,66.90 contribution towards maintenance.

Provision of children and young people: policy requires 618.75m² and the site provides 129m². There is a shortfall of 489.75m² which should be provided on site or a £78,655.47 contribution is secured towards new provision or enhancement of existing plus a £82,706.83 maintenance contribution.

Allotments: policy requires a total of 513m² and none are provided on site. An off-site contribution of £4,508.96 should therefore be secured plus £5,749.29 towards enhancement.

Community Infrastructure

Libraries: to help mitigate for an increase in demand on the services, the proposed development of 115no. units would generate a contribution of £33,500 and so it would be appropriate to use the CIL receipts to increase capacity.

Community Buildings: the proposed development would generate a need for an additional 37m² of community space which equates to £128,440. It would therefore be appropriate to use CIL receipts to increase capacity at one or more of the facilities identified in the Bitton Parish Plan.

Affordable Housing

Based on Policy CS18 of the Core Strategy the council seeks 35% on site affordable housing, so based on a total of 113 dwellings this would be result in a requirement of 39 affordable homes.

The Council's adopted Affordable Housing and Extra Care Housing Supplementary Planning Document (SPD) relating to Affordable Housing advises that applicants who cite non viability as the reason for not complying with Policy CS18 must support their case with sufficient evidence when submitting their evidence. Such evidence is assessed by a District Valuer appointed by the Council. The SPD further advises if the Council is satisfied that the financial appraisal confirms that the affordable housing requirement renders the scheme unviable, then the Council can consider either grant funding, or adjusting the tenure split or unit mix, or a lower percentage, or a combination of these options to restore the scheme's viability.

The applicant has submitted a viability claim which has been fully assessed by an appointed district valuer who has concluded the following:

“Following our detailed research we are of the opinion that the viability assessment of the policy compliant scheme with 39 affordable units would not be viable”.

On the basis of the viability assessment where all affordable options for the scheme has been considered, the only viable is an all private scheme. This is due predominately to the abnormal remediation, piling costs etc and the timescale for this work up front.

Nevertheless if the Council proceeds with a less than policy affordable housing we would recommend that timescale for delivery of the units is agreed which, if not met triggers an automatic viability review or a review mechanism.

Landscape

The palette of hard landscape materials is considered to be acceptable. There remains a concern however about the impact of the garage to plot 17 and the lack of pedestrian link to the front of plots 89 and 90. These matters will be addressed through condition. A number of improvements could also be achieved through surface material changes, but these can be secured as part of the need to condition a hard and soft landscaping scheme.

Given the planting within the housing area will be on made ground, the specification (of planting) should allow for selected subsoil materials below the topsoil to give total soil depths of 600mm for garden areas and 1200mm for planting areas. Confirmation of this can be secured by a suitably worded condition.

There is scope for a larger tree specimen within the rear garden of plot 110 which will have more impact in views from higher ground such as *Alnus cordata*, *Prunus avium* or *Betula sp.* There is also scope for a tree within the rear garden on plots 86 and 90 and long the road within the verge by plot 87 and 111 within the SW1 mix. This would help differentiate between the character areas and make a better transition within the woodland. Again a revised landscape scheme required by condition can pick these amendments up.

The approach to the 8m wide river easement needs to also be reviewed, as with it becoming level, access would be improved and so an alternative mix of shrubs could be considered along with perhaps a couple of trees nearer to the river.

It would also be important to provide gaps in the gravel/ base boards of the panel fencing to allow hedgehogs to move between the gardens.

Trees

A tree survey has been submitted with this application and all the trees on site and those outside which could be affected by the build have been assessed and there is broad agreement with both the assessment and categorisations.

The majority of trees proposed for removal line the north-east, east and south-east boundaries of the site. Of particular note is the line of mature poplars T29-T48. Although these trees are of good condition and have significance as a group within the landscape, they are considered relatively short lived trees which often attain structural defects into maturity. For these reasons their removal is acceptable as long as a suitable mitigation planting is agreed. The current proposed replacement plantings include English oak, wild cherry, rowan, alder, small-leaved lime and silver birch which is a favourable mix. I defer to the Landscape Officers with regards to the planting numbers and specifications,

The 3 mature horse chestnut trees identified as T14, T16 and T18 and covered by TPO ref 0049 are marked as retained in the *Tree Retention and Removal Plan dwg. JKK7996_Figure 02.01 RevA* and yet in the *Site Boundary POS Landscape Proposals sheet 2 of 2 plan dwg.314 revA*, they are marked as trees to be removed. Confirmation of their retention has been confirmed but this will be further clarified through the submission of a revised landscaping scheme.

The aforementioned horse chestnuts also do not appear to have been afforded adequate protection from the development. The construction of units 65-68 will directly conflict with the root protection areas of all 3 trees and so we will require special construction methods set out in the Arboricultural Method Statement to address this.

The tree survey contains a generic method statement for demolition in proximity to retained trees, however there is nothing specific to T4 or T5 which will be affected by this operation. Furthermore, T4 and T5 are surrounded by hardstanding; the removal of which requires special measures to abate tree root damage. We would then like to see the protective fencing expanded to protect any soft surfacing within the RPA.

The proposed 'Event Space' within the RPAs of T4 and T5 also encroaches into the RPAs of T1-T3, but it is understood this is to be left as green open space as per local resident's wishes.

The play area and petanque court encroach into the RPAs of T10, T11, T12 and G1 and so care again will be required and so a method statement should be conditioned.

No objection in principle to this proposal further clarification on specific details are required which are to be covered by condition:

1. Confirmation that T14, 16 and 18 are to be retained.
2. A revised protection plan and method statement to fully protect the RPAs of T14, T16 and T18 as well as amended fencing positions for T4 and T5 to protect all soft surfaced RPA.
3. A detailed Arboricultural Method Statement in regards to the demolition of buildings and hardstanding in proximity to T4 and T5 to include an arboricultural watching brief.
4. Foundation details for the garage to plot 17 which takes into consideration the RPA of T5. We would expect pile and beam or similar.

5. An Arboricultural Method Statement is required for the landscaping works in proximity to trees, namely the 'Event Space' and the Play area to the south west of the site.
6. If any access facilitation pruning (AFP) is required (namely T6-T8 as highlighted in the tree survey s5.24) please submit the specifications for this for each tree requiring AFP. If this is not added then any tree works subsequently identified will need to be subject to either an application for TPOs or 6 weeks notification in a Conservation Area.

Transportation

Following revisions made to the scheme to increase parking levels along with addition infrastructure, the following response was received:

Policy T12 states that development will only be permitted where it provides adequate safe, convenient and safe access for pedestrians and cyclists, provides safe access capable of accommodating the motorised traffic generated by the proposal, would not create or unacceptably exacerbate traffic congestion or have an unacceptable effect on road safety, would not generate traffic which would unacceptably affect residential amenity, incorporates traffic management measures and provides for or contributes to public transport links and pedestrian and cycle links.

The site is previously developed land. It lies to the north of the A431 Bath Road, in the village of Bitton and has some local facilities within walking distance. Bus stops are located immediately in front with the stop for the westbound service some 70m to the east on the opposite side of the road. Local primary school is located within 5 or 6 minutes' walk of the site.

The site is a 'brownfield' site and has in the past generated significant levels of general traffic as well as HGV movements. There are two vehicular accesses. Primary access to the site is via a priority junction onto the A431. A secondary access is provided via Mill Lane. The proposed housing on site would generate less traffic than if the site continued in an intensified employment use. Whilst overall travel movements might not increase as a result of the proposal, there would be significant changes to travel patterns and journey purposes, for example to local school. An important aspect of road safety for the proposed housing scheme at this location is that these trips would most likely be taken on foot. Demand to access to public transport facility would raise by the housing development and improvements for those with mobility impairment would be a new factor. Such changes in travel patterns and journey purpose would increase the road safety risk. The applicant has acknowledged this increase in risk to road safety and proposes provision of two zebra crossings on the A431 Bath Road through Bitton to the benefits of the residents of the new development and the existing residents of the village. Provision of these highway measures will be secured under appropriate legal agreement.

Access – primary vehicular access to the site will be from the existing access to be altered. Visibility splay to the left of this entrance is slightly impeded by the existing wall but this can be improved by relocation of the wall. There is a second [existing] vehicular access to this via Mill lane. Use of this access by

new development traffic must be restricted due to the existing limitations (limited road width, footway issue and restricted visibility onto the main road). Notwithstanding this, given the fact that Mill Lane is already serving existing properties then, it is intended to maintain this open for use by the existing properties and for use by emergency vehicle. Safety issues relating to Mill Lane may have to be reviewed as part of this development.

Development & construction traffic – An assessment of traffic conditions and a comparison between the extant and the proposed use of the site, using industry standard tool, indicates that the proposed development would not generate more vehicular traffic than the established use. Notwithstanding this, it must be reported that there will be an issue about construction traffic. Based on information provided - preparation of the site for future development requires initial phase of construction and this includes raising the ground levels on this site as part of flood preventing measures. This operation would require importation of material to the site from outside. During the bulk earthworks phase of the development, it is estimated that there would be some 50 lorry loads each day. Filling the site would last for 22 weeks. Although a significant number of HGVs already use the A431 Bath Road, the impact of the bulk earthworks operations on site will be noticeable as it would involve large size lorries. In view of the fact that some of these vehicles may pass the school site then stringent planning conditions would be necessary to maintain road safety. In this context therefore, a Construction Management Plan would have to be provided for written approval of the Council and this will have to include routing agreement and restriction on times and delivery.

Parking – the development comprises 113 new homes (including apartments/coach houses), 2 retained Gatehouse and 166m² of D1 usage in the retained Canteen which is assumed will function as a pre-school. Total number [allocated] car parking/garages proposed for this for housing is about 143 parking spaces and 89 garages and this meets the Council's parking standards. There would be separate parking spaces for the retained canteen building on site and there are also opportunities for visitor's on-street parking.

Conclusion -

If the Council is minded to approve this application then, it must be conditional so that the applicant is first entering into a s106 legal agreement to secure the followings works;

- 1) Construction of two new zebra-crossings on the A431 Bath Road as shown in principal on drawing no. 0494-002 together with all associated works.
- 2) Amend the site entrance at its junction with the A431 Bath Road in accordance to the approved plan and provide visibility splays all as shown on the plan attached to the Transport Statement (visibility splays from site access 'Figure 3').
- 3) Provide visibility splays from Mill Lane onto the A431 Bath Road in accordance to the plan as attached to the Transport Statement (visibility splays from Mill Lane – 'Figure 4').

- 4) Provide 'Real Time Information' facility at both bus stops (one stop on eastbound and one stop at westbound) near this development on the A431 Bath Road with all details first to be approved in writing by the SG Council
- 5) Provide financial contribution of £10,000 towards road safety measures and potential Traffic Regulation Order (TRO) on Mill Lane.

Other planning conditions,

- 1) Not to occupy any new dwelling on site until the new road and footway on both sides of the new access road are completed as shown in principal on the drawing no. 100 rev G.
- 2) No dwelling shall be occupied until car parking are provided in accordance with the submitted and approved plan.
- 3) All garages to be constructed shall have minimum internal dimensions of 3m (wide) and 6m (long)
- 4) The Approved 'Travel Plan' shall be implemented in accordance with the timescales specified therein, to include those parts identified as being implemented prior to occupation and following occupation, unless alternative timescales are agreed in writing with the Local Planning Authority. The Approved Travel Plan shall be monitored and reviewed in accordance with the agreed 'Travel Plan' targets to the satisfaction of the Local Planning Authority.
- 5) No development shall commence until a construction management plan has been first submitted to and approved in writing by the Local Planning Authority. The plan shall include details of a method of construction vehicle wheel washing during implementation of the development, delivery times (avoiding importation/removal of spoil during school peak hour during drop-off/ pick-up period) and construction hours, details of the method of accessing the site for construction purposes (avoid using Mill Lane during construction period) , method of removal of spoil and soil is to be removed and any road or land closures necessary to achieve this including timescales of closures. The development shall be implemented in accordance with the approved plan.

Other Representations

4.3 Local Residents

214no. consultation responses were sent to local residents and in total 16no. consultation responses were received from local residents in response to two public consultation exercises where the following summarised views were expressed:

- The factory is an eyesore and its done sensitively, the development will be a plus for the village;
- Replacing the factory with similar height buildings on Mill Lane will detract from the village;
- The properties proposed for Mill Lane should be set further back into the plot, because at present it is a single track with no passing places;
- The proposed units fronting Mill Lane should all have obscure glass to help avoid loss of privacy through overlooking;
- Having 12 front doors overlooking our properties will in particular be very intrusive;

- There doesn't appear to be any parking provided for the Mill Lane properties or turning space;
- Anyone using the village or the Pound Ground has the right on foot to use the lane and there is a concern that it could be blocked by large vehicles;
- A village green to the front of the site is not required and a community allotment would be far more useful;
- The whole "village green" concept is strongly questioned when there is plenty of accessible public green space in the village. This area should be retained in its current function – much needed parking;
- There is a Church Hall within the village so there is no need for the meeting room;
- The proposed development should be more in keeping with the style and scale of Harrington Close;
- The EA does not know where the tidal limit is on the Avon, and hence on the Boyd;
- The EA predictive flood risk maps are based on current date and do not make any allowance for climate change predictions out to 2015;
- The EA is prepared to accept that raising the land levels within Flood Zone 3 will mean that the development and part of the village can be reclassified as Flood Zone 1;
- The EA is a "statutory consultee" to the planning process, but the word "statutory" refers to the fact that the Council must consult, not that advice given is in any way "statutory". The decision to take or ignore advice from any statutory consultee is entirely at the discretion of the Councillor who have to make decisions on the planning applications. The Financial Times carried an article on 3 September 2015 stating that more than 4,600 homes were built on flood plains last year – was this due to "bad" advice from the EA or did Councillors ignore "good" advice?
- The EA has accepted that FRA associated with this application which relies on the protection attributed to the post 1968 flood works but ignores the topography of the village and the flood risk via Church Road which has no protection from higher water levels;
- Water levels in the Boyd are directly affected by its ability to discharge into the Avon and so if water levels are high enough, they will "back up" the waters of the Boyd;
- Any references to "1 in 100 or 1000 year" flood used in the FRA is inaccurate and misleading as flood risk is based entirely on probability in any one year. References to bank flooding up-stream being redirected within back is totally irrelevant in the context of considering flood risk for this site;
- It is inadequate for 4-bed properties to be provided with 3 parking spaces.
- There appears to be a gross underestimation of the need for parking and delivery space in the commercial component;
- The proposed development will have an impact on movement of traffic and risk to pedestrians. To ensure the safe passage of pedestrians appropriately positioned crossing points to serve the estate and the local school will be required:

- The retention of the willow tree on Mill Lane that currently spreads halfway across the lane will require removal;
- Delivery lorries or vans currently have problems using Mill Lane;
- The availability of housing in this area is in short supply and as long as affordable options are supplied, this application would be a positive development as it could provide opportunities to invest. If developments like this are unsuccessful then a housing shortage in this area will never get resolved;
- There is concern that the increase in sewage will exacerbate the smells that already occur from the pumping station from time to time;
- Plots 12 and 13 will result in a loss of privacy as they will look directly into the windows of the converted former Methodist Chapel and the only curtilage that comes with the building is adjacent to Mill Lane which currently is very private and quiet;
- The plans look very good and the scheme should be supported but there needs to be an increase in casual parking as 29 is insufficient;
- The flood risk assessment has been carried out by a company employed by the developer and so will naturally favour the intentions of the development;
- There is a concern about the amount of traffic, both demolition and in-fill construction have to access the site;
- There are concerns about how construction traffic will impact on the residential use of Mill Lane;
- There is a real need for a community hall in the village, as the existing hall can only seat 60 people;
- The Heritage Statement is inadequate, it recommends the destruction of the Dacora building on the ground of it not being of sufficient interest and a negative feature within the conservation area when it should be just as significant to the understanding of the site as any of the industrial buildings and is the only example of the building of this age;
- There is no mention of the interior of the Dacora building which is believed to incorporate parts of the 19th century Phoenix works. The retention of the building would not have a negative effect on the conservation area as this building has stood for 80 years. Just because it is not a 19th century building made of local stone does not mean it should be demolished when a scheme of conversion should be considered;
- There is no mention of the weigh bridge next to the Dacora building when such features were common at factories and this should be retained and made into a feature to illustrate the history of the site.
- There is no mention of what could be discovered by archaeological investigations;
- The Heritage Statement makes no recommendations for recording the buildings which are to be demolished;
- The environmental impact is too large – the felling of the poplar trees at Pound Park is in particular a disappointment;
- The site needs redevelopment but why not start on a smaller scale and review the impact from there. It is an expensive site to redevelop but that should not be a reason to accept a proposal that would massively change a small rural village and cause major disruption;

- The buildings on the A431 need to be set back to improve their appearance;
- It makes no sense to locate the site access on the narrow Mill Lane;
- The replacement Mill Lane buildings will dominate the area and are out of character with the bungalow forms on the existing buildings;
- The river can make a lot of noise which needs to be taken into consideration and the houses are far too close to the river;
- The proposed ground works would result in the removal of 6no. large trees along the river bank. These should be retained;
- The historic wall should be removed as perimeter walls are for prisons;
- Before the factory was built, it was a mill (that was lost in a fire) which was only a relatively recent use and it would be far more preferable to have a development that would be in keeping with the village aesthetic;
- The idea of replicating the forms and scales of the factory buildings may seem like a good idea now, but in ten years time will it still?
- The proposed scheme will result in a dramatic change in the views from Bitton House;
- The existing buildings could be adapted and reused;

The below comments were received from the Chairman of the Bitton Village Resident's Association:

- Any development should be at least Code for Sustainable Homes Level 5;
- Housing density of the residential area should be less than 30 dwellings per hectare;
- Off-street parking should be realistic;
- The Refectory, Gatehouse and Wesleyan Hall should all be retained;
- A new village hall should be provided that is big enough for the whole village with parking;
- There should be improved access to recreational routes for the village;
- A village green facing onto Bath Road should be provided which incorporates the Wesleyan Hall, possibly open at both ends as a shelter;
- There should be small retail/ commercial facilities with parking;
- Views out to the countryside from within the site;
- Improved outlook for those residents living immediately next to the factory site;
- Safe open areas on site for dogs and children;
- Retention of any many trees as possible;
- Allotments, fruit trees etc on site;
- Low rise buildings throughout;
- High quality design and materials;
- The proposed scheme is considered to be much better than previous ones but still does not meeting all the required criteria.
- There needs to be even more open space at the front of the site to act as a community space/green for the whole village. This should be largely grass and not walled or fenced in (except for safety purposes). The developers have moved some way towards this for which we are grateful but a bigger space would be even better

- There should be a small, stone built shelter in the open space to act as a meeting/event place.
- This should reuse some stone from the Wesleyan Hall and perhaps incorporate the unique cast iron lintels.
- The buildings along the A431 should be back from the road and in line with Ask and Heather Houses.
- There is need for a larger village hall in Bitton. It is possible that this could be provided by the existing or extended Canteen Building. This possibility needs to be investigated.
- We have not yet seen the quality of materials for the housing. It is critical that they are of very high quality.
- The new houses should not overlook existing dwellings. Particularly in Mill Lane.
- Mill Lane appears to be very narrow and would benefit from being wider.
- Improved drainage on Mill Lane should be included in the plans.
- There is concern that the housing is too dense in certain parts of the proposed development.
- There is concern that there is inadequate parking for the number of dwellings.
- There are concerns that the sewerage/water treatment works on Church Road will not be adequate.
- Raising the ground level to reduce flood risk will be very disruptive for Bitton. It is not full understood that this will solve the potential flooding issue.
- The names of streets and buildings on the site should be based on its industrial history. These

The comments below were received from the Bitton Village Resident's Association:

- 1 Many residents have concerns about the width of Mill Lane in both areas - from the main road and then around the corner to the bollards. I don't know the planned width for this Lane but residents are stating that it is single car width at its narrowest point and two cars can't pass each other. Also the link between the main road on the estate and Mill Lane is this a road or a footpath? If it is a road, will cars use it to exit the estate via Mill Lane? This all appears to be unsatisfactory we would like to know how the plan for these roads to work successfully.
2. The Green area at the entrance to the estate. This has been enlarged, thank you, but we really don't want all the hard landscaping and the wall around the perimeter. The view has always been that we wanted the space to look open and green and should therefore be an open grass area. The existing village community has always thought that this open space should form the heart of the village and be a link between the new estate and the old village to create one community, so it will be far too precious to be hidden behind a wall that might act as a barrier between the two.

3. Some people considered railings would be a possible alternative to the proposed wall, but the consensus is for neither, we just want an open green space with an attractive focal point shelter.
The shelter has been mentioned on many previous occasions and is still thought to be a great idea and more of a benefit to the community than an eyesore (as suggested by the developers). We really do want a small open sided building - a bit like a band stand, set on a raised plinth, with four or five pillars supporting an attractive roof, to act as a focal point on the green - the exact location on the green to be decided. It has been suggested that the decorative cast iron lintels on the existing building that is being demolished, could be reused on the new shelter. If the community will have to take responsibility for cutting the grass in this open space, perhaps a small storage area, for a lawnmower, could be incorporated into this building.
4. The buildings fronting the Bath Road. Again thank you Icen for reducing the size of these buildings and for enlarging the distance between them and the pavement. Some people thought that all the buildings should be set back to the level of the two existing houses, but others thought that was too uniform and setting the left hand building slightly forward was OK. I would be interested to know the actual measurements of each building to the pavement. The boundary doesn't appear to be parallel to the building line.
5. Parking. Everyone thought that in reality parking on the estate would be a nightmare where will all the cars go? There is already a parking problem in the village.
6. Drainage/ Sewerage. Some residents were concerned that all the foul water from the site will go directly to the Church Road pumping station. Assurances have been given by Wessex water that there will not be any problem particularly as surface rainwater will be managed separately. This appears to be difficult to believe and residents near the pumping station do need assurance that if there are problems, once the new residents move into the estate, that the problems will be dealt with swiftly.
7. Flooding. A concern was expressed regarding the suggestion that building up the site level will alleviate potential flooding problems elsewhere in the village. It was thought that any flood risk would be more influenced by levels in the river Avon than from anything happening on the site.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Along with the policy context that the principle of development needs to be tested against, in light of the site being located within flood zone 3, the

Sequential and Exception Tests (in relation to flood risk) should also form part of the assessment of the principle of the residential redevelopment of this site.

(i) Locational Strategy and Presumption in favour of sustainability

The NPPF states that applications must be determined in accordance with the development plan unless material considerations indicate otherwise. It also states that the NPPF is a material consideration in planning decisions and that in determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. The Golden Valley Mill site can be regarded as being within a sustainable location being set within the Bitton Village development boundary and will see the redevelopment of a brown field site. The principle of the proposed scheme is therefore by its nature “sustainable development”.

- 5.2 Policy CS5 of the adopted Core Strategy sets out the general strategy for development and under part 5 states “Outside the Green Belt (including settlements surrounded by the Green Belt); (a) small scale development may be permitted within the settlement boundaries of villages defined on the Policies Map”. The proposed scheme can be considered to comply with Policy CS5. It can also be considered that due to the proposal being considered a sustainable pattern of development, it also complies with Policy CS4a. The principle of the development which will see a disused brownfield site with a settlement boundary redeveloped is therefore acceptable on the grounds of being a sustainable development that complies with the Council’s “Location of Development” strategy.

(ii) Green Belt

- 5.3 Part of the site is located within the settlement boundary of Bitton, which although located within the Green Belt, is not “washed” over with the designated. The principle of the development is therefore accepted for the main site. The northern part of the site however lies outside of the settlement boundary and so within the Green Belt, however this area is the proposed “nature conservation area” which would not contain any built form. Therefore in regard to Green Belt policy, the principle proposed scheme would be compatible as there would be no harm to openness.

(iii) Sequential and Exceptions Tests

- 5.4 In light of the site being designated as a high probability risk area for flooding being located within Flood Zone 3, as per the NPPF, the applicant has submitted an Sequential Test, the purpose of which is to aim new development away from high risk to low risk sites. Paragraph 101 stipulates that the purpose of the sequential test is to ensure that “*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*”.
- 5.5 Paragraph 102 of the NPPF however states that “*If, following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding; the Exception Test can be applied*”.
- 5.6 For the Exception Test to be passed:

- *It must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk; informed by a Strategic Flood Risk Assessment where one has been prepared; and;*
- *A site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increase flood risk elsewhere, and, where possible, will reduce risk overall.*

- 5.7 The need for a Sequential Test is also set out in South Gloucestershire Council's "Level 2 Strategic Flood Risk Assessment"
- 5.8 Starting with the Sequential Test submitted, the document sets out a policy context for housing delivery and a comment of the Council's position in regard of supply and the location of development.
- 5.9 In considering reasonable available sites as an alternative options, a total of seven have been identified within the Sequential Tests which are all in flood zone 1. The methodology of the site selection has been set out and the combination of sources used is considered to be sound.
- 5.10 In the findings of the Sequential Test it was concluded that there were only limited sites available within the local area that could accommodate up to 110 units. Beyond the sites selected opportunities were limited with sites either being outside of the settlement boundaries or located within the Green Belt. Of the site identified, these were consented schemes of which the scale of development would preclude the consenting of an additional 110 units.
- 5.11 It is has therefore been reasonably concluded that following an assessment of the alternative sites noted within the Sequential Test as required by the NPPF, there are no readily identifiable or suitable alternative sites at a lower flood risk capable of accommodating the identified level of housing needed.
- 5.12 Moreover although the Council has through its Core Strategy allocated a number of housing sites at lower flood risk level, this site can be considered one of the windfall sites required on top of the existing allocations required to meet the housing needs. Therefore it is not a case that the housing need will be met by the allocations; sites such as this are also required and this site is identified within the Council's AMR.
- 5.13 Overall the Sequential Test concludes that there are no alternative sites available or suitable in lower flood risk areas within the locality and as such, the proposed scheme can be considered to pass the Sequential Test and Officers would concur with this view. It is acknowledged that it is for the LPA, taking advised from the Environment Agency as appropriate, to consider the extent to which the Sequential Test considerations have been satisfied, taking into account the particular circumstances in any given case. It is noted that the Environment Agency does not objection to the proposal.

- 5.14 It can however been noted that once the engineering works complete the raising of the ground levels and the site is taken out of Flood Zone 3 (and re-classed as Flood Zone 1), there would be no need for a Sequential Test to be undertaken.
- 5.15 The applicant has also submitted an “Exceptions Test” has also been submitted, as the site can be considered to be a vulnerable development in an area of high risk and in exceptional circumstances, such development can be permitted. However, in order to do this, an application is required to demonstrate that through the development, flood risk can be reduced to an acceptable level. The NPPF identifies two exception tests which need to be passed in this instance:
- *It must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and;*
 - *An SSFRA must demonstrate that the development will be safe for its lifetime taking into account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.*
- 5.16 To address the above, in respect of the wider sustainability benefits, the raising of the ground levels will result in an annual probability of flooding of less than 1% in any year from rivers with the site being taken out of its current Flood Zone 3 designation.
- 5.17 Perhaps as a secondary issue, once the levels are raised and reclassified to flood zone 1, the development of a brownfield site within a settlement boundary to provide additional housing can be considered to also have wider sustainability benefits.
- 5.18 The condition of the site is poor with areas of the site contaminated. The demolition of the existing buildings and the remediation of the site could also be considered to deliver wider sustainability benefits. It can also be considered that the increase in population would help support local services and facilities, which could help with the sustainability of the village.
- 5.19 In response to the second point, a Site Specific Flood Risk Assessment (SSFRA) has been prepared in support of the application. Although the site is designated as Flood Zone 3, hydraulic and hydrological modelling demonstrates that although the majority of the site lies below the predicted water levels, any 1 in a 1000 year event are contained within the banks of the channalised section of the River Boyd and so remains “within bank”. Any “out-of-bank” flooding occurring upstream is directed back into the channel prior to reaching the site. The EA has supported this modelling and agreed that the site does not constitute “effective floodplain”. However due to most of the site being located below the waterline, it remains designated as Flood Zone 3 until the engineering works to lift the levels are completed.

- 5.20 Upstream there is an additional risk of a substantial earth dam, as its construction and effectiveness is unknown. This could pose a risk to the site if it is breached but the proposed raising of levels will ensure that the site is above a predicted design flood level.
- 5.21 The removal of the risk of dam failure will provide a significant flood risk reduction not just to the site but the wider village of Bitton.
- 5.22 The existing site is largely impermeable. The surface run-off from the site currently discharges into the River Boyd, the public storm sewer in Bath Road and the public foul sewer in Mill Lane.
- 5.23 The proposed development area fronting Bath Road will require underground attenuation in order to accommodate run-off from the 1 in 100 year event including the 30% climate change allowance. The area of the Mill factory will continue to discharge into the River Boyd via an underground attenuation system. The strategy for alleviating flood risk from storm water has therefore been designed to accommodate 1 in a 100 year event plus 30% climate change allowance. This is considered to be a significant improvement in terms of lower flood risk from storm water.
- 5.24 To conclude, the main benefit of the proposed development is the raising of the levels which will see once completed, the site re-designated from Flood Zone 3 to Flood Zone 1 which should also lift a large area of the village out of the highest risk area. The SSFRA therefore can be considered to suitably demonstrate that the development would not pose a flood risk to vulnerable nature of its prospective users and will result in a reduction of flood risk offsite without increasing its down or up-stream.
- 5.25 The finding of the SSFRA can be considered to be compliant with the requirements of the NPPF. The proposed development can consequently be considered to be compliant with both parts of the Exception Test.
- 5.26 In light of proposed scheme considered to pass both the Sequential Test and Exception Test, the principle of development is also considered to be acceptable on these counts.

Drainage Strategy

- 5.27 Under the previous heading the drainage strategy was discussed in detail as part of the assessment of the Sequential and Exceptions Test. Set out below is a more concise version.
- 5.28 To put the drainage strategy in simple terms, from a storm water point of view, due to the existing buildings and the large areas of hardstanding, the existing site is substantially impermeable and can therefore be considered as a brownfield development site where any storm water disposal strategy can recognise the existing run-off regime. Currently, as noted in the Wessex Water consultation response, the storm water discharges partly direct to the River Boyd, partly to the public storm sewer in Bath Road and partly to the public foul sewer in Mill Lane.

- 5.29 For the purposes of determining the storm water disposal strategy; the site can effectively be split into two areas; firstly, the area fronting Bath Road and secondly, the area of the Mill factory. .
- 5.30 A 'drainage connectivity' survey has been undertaken to determine the full extent of the existing drainage arrangements which is reflected in the drainage disposal strategy.
- 5.31 The first area will require underground attenuation to accommodate run-off from the 1 in 100 year event plus climate change (30%) allowance, discharging at an agreed rate to the public storm sewer in Bath Road which has been estimated from the connectivity survey at 10l/s.
- 5.32 The second area will continue to discharge to the River Boyd, via a proposed underground attenuation system and ideally, should utilise permeable paving in conjunction with water butts to be provided throughout development. The discharge rate has been previously agreed to reflect the existing brown field site run-off rate, (less 20% for betterment, 258l/s) and the storm system will be designed to accommodate 100 year plus climate change storm events.
- 5.33 As noted within their consultation response, Wessex Water have confirmed that it will be necessary to remove the existing storm water component from the foul network which currently discharges to the foul sewer to help increase the capacity of the foul sewers.
- 5.34 Although the issue of flood risk is understandably a significant concern for local residents and the comments raised are noted, as set out within the assessment of the of the Exception and Sequential, the proposed raising of the levels and the improved attenuation of storm water will result in a significant reduction in flood risk for both the side and the wider village. The proposed drainage strategy has been agreed by Wessex Water, the Local Lead Flood Authority and The Environment Agency. Consequently subject to their suggested conditions there are no drainage objections.

Design and Layout

- 5.35 The proposed layout has been the subject of significant pre-application discussions with the previous and now the existing landowners and the Design and Access Statement correctly details the evolution of the scheme.
- 5.36 At the heart of the design of the scheme is the need to mitigate for the loss of the existing mill buildings and subsequently an otherwise standard residential estate redevelopment of the site. As discussed under the first heading of this report, in light of the history of the mill buildings and their contribution to the evolution of the village, in light of the conservation area status of the building the presumption was for retention, but due to cost, condition and flood risk, it was not possible. Facadism, especially to Mill was also considered as a way of retaining both the fabric of the buildings and their scale and forms, but again this was not feasible. The presence of the factory and previously the paper mill is an important part of the history of Bitton and so notwithstanding the

conservation requirements that would fall on the site if the buildings were to be demolished, it was considered an appropriate response to deliver a scheme that retains the distinctive and contrasting character and relationship the mill site has with the rest of the village. A considered approach was therefore required to help ensure through layout, scales and materials, the industrial heritage of the site was reflected in a meaningful and coherent way. Therefore along with retaining the canteen, boundary walls to the south and the gatehouse which would help inform and anchor the development, the design, form and layout has been the subject of significant pre-application discussion and evolution since submission.

- 5.37 In a design response to the need to help retain the contrasting scales and forms, the site can be considered to comprise of three character areas.
- (1) The High Street/ Mill Lane - to the Bath Road frontage and former foundry area;
 - (2) The Mill – located on the site of the main factory buildings
 - (3) The Village – to the northern end of the site
- 5.38 The Bath Road frontage will see the “Dacora” two-storey office building demolished and a new area of public open space provided adjacent to the new access. This was one of the main requirements that came through the local consultation process and the initial proposals at submission that encroached into this area with built form have been reversed. The demolition of the Dacora building was considered acceptable being of low significance, but some of its characteristics have been carried across into the new frontage to ensure again the development does not appear overtly domestic in character. The design of the open space itself is subject of local debate, for as proposed it would be designed with a formal layout but it now appears the consensus is for a more informal approach. Either approach is considered to be acceptable and so the landscape condition will give an opportunity for further debate. Through consultation the potential for a new community building to be located on the space has also been raised, but this is not part of this application and will be a matter for the local parish council to possibly progress utilising their proportion of the CIL receipts. The heavily altered Wesleyan Chapel which is considered to be of no architectural or historic merit is also to be removed to help increase the sense of openness. It was suggested that this could be kept for community use, but it would require its walls to be removed essentially leaving just a supported roof, but this building will be demolished.
- 5.39 To the rear, to reflect the scale of the foundry, the buildings have been kept low and on the Mill Lane side, a small run of terrace cottages are proposed. The layout also follows a simple perimeter block which again reflects the existing layout. Within this character area is also the locally listed wall which adjacent to two of the three site access points, would help contribute towards a sense of local distinctiveness. Set behind and into the wall at its northern end will be a bespoke stone faced unit which will also add interest and variety to such a prominent position. A 19th century painting of the mill also shows the factory buildings side-by-side modest 2-storey terraces of “workers cottages”. A modern interpretation of this will comprise of the rest of this character area.

- 5.40 “The Mill” character area will be the most distinctive component of the development and as noted within the DAS, its architectural design is critical to the success of the scheme. The design rationale has been to reflect the former mill and foundry buildings and so there will be predominantly three-storey buildings that feature regular openings that reflect a Victorian warehouse character; simple detailing and fenestration and doors kept to a minimum to restrain the domestic influences. For this to be convincing, natural pennant sandstone will be the prevailing material, with timber front doors, brick detailing (quoins/ cills/ heads and arches) and black rainwater good. The position of the proposed buildings follows the footprint of the existing main factory group of buildings. Along with materials and design, the layout also needed consideration and so the levels of enclosure the existing buildings create along needed to be reflected, especially around the site edges – Mill Lane for example. Here the existing frontage will largely be recreated although in the interests of both the amenity of the existing Mill Lane properties to the south and the functionality of the units, there will be a 2 metre difference in the building line of the existing and the proposed - i.e. the proposed buildings will be set 2 metres further away from the neighbouring bungalows that the existing frontage.
- 5.41 It is considered that the design and materials of the buildings coupled with their layout will reflect in a positive way the industrial history of the site and ensures its remains a distinctive part of the village of Bitton.
- 5.42 The third character area is the “Village”, which the scale, design and layout become less formal and is intended to appear as a more traditional residential layout. A mixture of modern and contemporary styles will be deployed with appropriate levels of features. As submitted the layout was far more ad-hoc than as now proposed, but rather than appear as a organic (albeit contrived) development, through inconsistent roof forms and orientation, it failed to reflect any of the village’s characteristics. A significant reduction in density was not possible due to deliverability, but through rationalisation of roofs, reduction in heights and reducing the amount of detached units, it is considered that the proposals are more coherent and in respect of the roofscape, in the views from the recreation ground and Bitton Hill, the development will far more ordered.
- 5.43 The design of the units has also changed significantly, especially to the southern frontage with the Pound playing field. With the increase in ground levels the change in character is going to be significant but this is going to be unavoidable if the site is to be redeveloped. The change in landscape character however can be managed. As originally proposed it was considered that the lack of planting along this boundary and the scale of the units proposed would have resulted in the frontage being far too prominent. Following lengthy discussions, the design of the units has been simplified and a replacement tree belt along this boundary has also been secured which will help soften and filter the views of the new houses.
- 5.55 A site wide “shared space” approach for pedestrians and vehicles will be adopted (bar the western entrance) and the site has been tracked for refuse collection vehicles.

- 5.56 Overall following the substantial revisions that have been made to this scheme prior to and post submission, it is considered that in light of all other constraints, the proposals represent the optimum solution that delivers a high quality response in face of the significant environmental issues that will need to be overcome.

Heritage

- 5.57 This history of the site is noted in the first section of this report and so will not be repeated here. The site is located within the Bitton Conservation Area, a designated heritage asset. None of the assets on the site are designated themselves, although the canteen and gatehouse are locally listed. The former mill boundary wall has also been identified and an important non-designated heritage asset. All three structures are proposed to be retained. The scheme also sees the retention of Ash House and Heather House, two Edwardian houses fronting Bath Road. Although heavily altered and extended in recent years, the 19th and early 20th century stone and brick paper mill buildings are a testament to the industrial use of the site for a long period of history, dating back to the original brass mill in the 18th century. The site's association with Champion's Brass Mill at Warmly is of importance. Retention of the best of the historic industrial buildings was therefore considered an important aspiration in maintaining the evidential value of this use, and the distinctive character of this part of the conservation area.
- 5.58 As noted previously, the redevelopment of this site has been subject of extensive pre-application discussions over a number of years and the retention of the buildings has been explored. The applicant has submitted information to demonstrate that the retention and conversion of the group of best buildings as part of the redevelopment is not viable. As it is considered that the significance of the buildings is based primarily on their group value, the retention of isolated buildings is not considered appropriate, in that it would not retain a meaningful part of the site's built history. However, Officers advised that the wholesale demolition of the former mill buildings could only be accepted on the basis that the redevelopment of the site is of a high quality, reflects the industrial history of the site and serves to enhance the character and appearance of the Bitton Conservation Area. The redevelopment must also serve to preserve the setting of the grade II listed Bitton Hill House which overlooks the site, and have regard to the setting of the scheduled ancient monument (see next heading). Bitton Hill House was the former residence of the mill owner and so the visual relationship between the site and this asset is therefore of significant importance.
- 5.59 Since submission a number of amendments have been made to the scheme to address the above issues. Of these other than the demolition of the mill buildings, the biggest visual impact on the character of the conservation area and surrounding landscape will arise from the raising of the land levels by 4 metres. The development will be considerably more conspicuous in the impact of views from Bitton Hill which the submitted Design and Access Statement significantly underplayed. As originally submitted, it was considered that the collective impact of the building heights and the proposed layout of the "village area" would not result in a "negligible" impact as suggested, but would be significant. To an extent the character in character and prominence is unavoidable if the site is to be redeveloped, but there was a need to reduce the

prominence of the housing on the River Boyd side of the site. In the revised scheme the building heights have therefore been reduced and the layout and roof forms have been rationalised to provide a more consistent roof orientation to ensure the appearance of what was a rather substantial and confused roofscape does not draw undue levels of attention to itself and result in being intrusive to the point of being harmful.

- 5.60 The reduction in building heights and greater consistency in roof form has also helped soften the potential views of the site from the Pound recreation and also helps provide a greater distinction between the “mill” and “village” character areas.
- 5.61 Along with ensuring the quality of the replacement “mill” building mitigates for the loss of the historic structures in terms of detailing, materials, proportions, form and scale, the distinctive character of the historic industrial buildings is also derived from their layout. Therefore the streetscenes have been managed to ensure care that the industrial character that the replacement “mill” building will possess is projected in key vistas through the site. Along with the orientation of the buildings, the materials, and height boundary treatments also play a significant role in contributing to the site’s character. For the mill area, all boundary treatments from the public realm will be natural stone walls which also with the buildings themselves will help recreate the levels of enclosure the site currently possesses. Mill Lane is in particular as a case in point and the height of the buildings and the enclosure they subsequently create is part of the distinctive character of the site. The replication of this frontage is therefore an important part of any development scheme.
- 5.62 In respect of materials, the use of natural stone was essential in delivering a convincing response to replacing the existing mill buildings and this has been secured. As originally submitted the mill buildings were also to be a mix of stone and brick, but bar the two-storey end garages, the brick was been deleted as a main elevation facing materials. The use of surface materials has also been amended to help reinforce the different character area, however within the mill areas, it is essential that large stone setts are used to help restrain the domestic suburban influences.
- 5.63 A consistent thread of discussion through the pre-application stages was the design approach for the “village” area. Prior to submission a more contemporary approach was to be deployed but at submission, a weak pastiche was submitted that was not considered acceptable in that it would fail to enhance the conservation area. If a pastiche design was to be considered, it needed to be more faithful to the local vernacular or as an alternative, the contemporary approach was reconsidered. Following further detailed discussions, it was considered a simple contemporary approach would be appropriate but with some more traditional set pieces scattered through the development to add interest through contrast. Further as submitted the “village” area was predominantly detached and semi-detached units which gave it a very suburban feel and this issue has also been addressed through the use of short terraces.

- 5.64 The Dacora building (to the Bath Road frontage) was not considered to be architecturally significant enough to justify its retention. It does however mark the introduction to the industrial area of the village, being of a different design to the residential houses along Bath Road. The strong, simple lines, use of brick and wide, large format windows are important features. As originally submitted the proposed replacement building failed to reflect any of the existing buildings characteristics and has therefore been revised accordingly so now although the main building will be stone, the large format segmental arch windows will be carried through into its appearance to ensure an element of industrial character and the contribution it makes in signifying an historic industrial part of the village is retained.
- 5.65 To conclude, since submission there has been a comprehensive scheme of revision undertaken to ensure the quality of the scheme mitigates for the loss of the mill buildings and also makes a positive contribution to the conservation area. Therefore subject to conditions to secure matters of detail, there are no conservation objections to the proposed scheme. It is also considered that though a process of considering the feasibility of the retention of the existing buildings and the amendments that have also been made to the scheme post-submission, the concerns of Historic England have also been addressed.

Landscape

- 5.66 The site wide landscape principles have been agreed by the Council's Landscape Officer, but as noted within their consultation responses, some amendments are required to the specifics of planting and explore further opportunities for tree planting. All these points will be addressed through a condition requiring the submission of a revised hard and soft landscaping plan. This will also provide the opportunity to redesign the "village" green in accordance to the local's wishes – i.e. – an informal grassed area with no boundary treatment. The need to reduce or remove the willow tree that currently extends halfway across Mill Lane should also be reviewed. Subject to a condition to enable further consideration of the landscaping proposals, there are no objections to the proposed scheme.

Trees

- 5.77 As per the above, there is no objection to the general approach to the trees and in particular the loss of the poplar trees is accepted by the Council's Tree Officers, but additional detailed information is required to help safeguard the existing trees (the 3no. Horse Chesnuts in particular) by ensuring that their retention is confirmed. This will be addressed by a condition.

Residential Amenity

- 5.78 In respect of existing levels of residential amenity, the two key areas of concern is the relationship with the Mill Lane residents and the impact of the development upon a converted former Methodist chapel also located to the south of the site.
- 5.79 The properties to the south of Mill Lane are bungalows that front onto Mill Lane. The bungalows are arranged in a loose crescent shape so there is no a uniform building lines. The separation distances between the existing residences and the more formally laid out new properties to the north therefore varies. At its

closest points, the distances between numbers 2 and 3 Mill Lane from the new frontage will be approximately 15 metres. The gap increases to the west with the distance between the number 1 Mill Lane and the new frontage approximately 19 metres.

- 5.80 Although the sense of enclosure the new frontage will create is intended to replicate the existing, in assessing the impact on the levels of residential amenity, it is considered that in light of the separation distances and the single storey nature of the buildings, the potential levels of inter-visibility or overlooking that will be caused will not be so significant as to warrant a refusal. It is accepted that there will be an impact on amenity through the occupation of these units and the concerns about levels of disturbance are noted, but the authorised industrial use of the site is an important material consideration. As although the site has laid vacant for ten years and it is understandable how neighbouring residents have got used to a lack of activity, due to its historic use there are no controls over its operation and so if it was to restart, it could operate twenty four hours a day seven days a week with completely unlimited vehicular movements. Furthermore, it is not unusual to have these intervisibility distances across a road as opposed to the inter-visibility or levels of privacy/overlook to the rear of properties, which can be regarded as being of greater sensitivity.
- 5.81 The concerns of the resident who lives in the converted former Methodist Church are also noted. Directly to the west of its eastern gable end with habitable room windows will be a small run of new terraced houses set hard against the footpath – the separation distance would be approximately 10 metres. The key plots are plot numbers 13 and 12.
- 5.82 At ground level, the houses will feature a front door and a kitchen window. At first floor level there will be 2 no. windows which serve a bathroom and a bedroom. The bathroom window will be obscurely glazed and so the only concern is the first floor bedroom windows. To ensure privacy levels are not compromised, a condition is to be attached which will ensure the first floor bedroom windows are oriel windows with a controlled aspect which will see the glazing for these windows directed in a south-western direction therefore avoid any direct inter-visibility between the existing chapel and plots 13 and 12.
- 5.83 Subject to a condition requiring prior approval of the above, it is considered that the impact on the resident's amenity will not be as so significant that planning permission should be withheld. The impact on the amenity area is also noted, as there is a small curtilage that helped form the entrance to the church but is now used as a small amenity area behind the existing railings. This area is in no way private and it can also be noted that the abandoned use of the site has provided Mill Lane with a quiet and almost private character and so it is understandable how the occupiers of the recently converted building enjoy a relatively peaceful environment, but as per the above point, to try and safeguard the existing noise and privacy levels that are currently enjoyed along Mill Lane due to the abandoned industrial use of the site is not considered appropriate or reasonable.

- 5.84 The separation distances between buildings and garden sizes should afford all other prospective residents will a suitable level of amenity, although it is acknowledged that due to some of the character areas that are being created a higher than standard tolerance level for overlooking and inter-visibility has to be accepted.
- 5.85 To conclude it is considered that the proposed development will provide its residents with an appropriate level of residential amenity and will not cause any detrimental effects to the existing levels of amenity currently enjoyed by the neighbouring residents.

Affordable Housing

- 5.86 As noted within the consultation response, due to the high “site abnormalities” associated with the redevelopment due to the need to decontaminate the site and raise the ground levels, a policy compliant scheme would render the proposed scheme undeliverable. To respond to the viability concern raised, a financial appraisal of the costs and values of the site was undertaken and independently scrutinised by the District Valuer on behalf of SGC. In their final report they confirmed a policy complaint scheme would not be viable and due to the costs involved and there would be no surplus generated by the site to meet any on or off-site affordable housing contributions. As noted within the relevant consultation response, all options were explored in respect of tenure mix, units types and potential off-site contributions. However with the site’s deliverability indicating a deficit rather than a surplus, it was only a fully private scheme that could bring the site forward for redevelopment. As discussed previously it is the scale and cost of the abnormalities associated with bringing this site forward that have resulted in the development not generating sufficient value to deliver a viable policy compliant scheme. To put another way, if the costs for remediation and construction were taken off the land value, this site would not be deliverable. It is acknowledged that a nil affordable housing provision is unusual, but the justification behind recommending a zero contribution considered to be sufficient robust and can be considered to accord with Policy CS18 and the guidance within the Council’s Affordable Housing and Extra Care SPD.
- 5.87 As suggested by the Council’s Enabling Officer, a clause is to be attached to the S106 to require a review of the viability situation if the development has not commenced within five years after the S106 agreement is completed.

Open Space

- 5.88 As per the situation with affordable housing, due to the viability situation with the development generating a financial deficit, there is no funding available to meet the off site contributions that have been sought. The development is therefore considered policy non-compliant and in most cases, planning permission would be withheld. However the need to see this brownfield site within a sustainable location redeveloped and all the benefits the development will bring is considered to a material consideration that outweighs the policy requirement in this instance. The on-site open space that will provide both informal play and an area of equipped play will be provided and managed by a management company.

Ecology

- 5.89 The application site consists of a former factory site comprising a series of industrial buildings and staff buildings with large areas of hard standing adjacent to the River Boyd on the northern side of Bath Road in the village of Bitton.
- 5.90 The application site also includes an area of semi-natural habitat comprising scrub, woodland, grassland and two ponds to the north-east of the factory and referred to as the 'nature area'. The northern section of the nature area forms part of the River Boyd Site of Nature Conservation Interest (SNCI) designated for its open flowing water, bankside vegetation and marshy grassland.

The established ecological interests are:

1. Semi-natural habitat
2. Great crested newts
3. Bats
4. Reptiles
5. Otter
6. Birds
7. Badgers

In support of the application, the following ecological reports by RPS have been submitted:-

- an ecological appraisal dated March 2014;
- a bat survey report and bat mitigation strategy dated December 2014;
- a reptile survey and mitigation strategy dated December 2014;
- a badger sett monitoring note dated December 2014;
- a nature area ecological management plan dated December 2014.

Semi-natural Habitat

- 5.91 The extended Phase 1 survey identified a range of habitats present across the application site comprising:-
- Buildings
 - Hardstanding
 - Amenity grassland
 - Broadleaved plantation woodland
 - Ephemeral/short perennial vegetation
 - Scrub
 - Open water
 - Broadleaved semi-natural woodland
 - Tall ruderal vegetation
 - Tees
 - Walls, earth/rubble banks, dry ditch and species-poor hedge

- 5.92 The proposed site layout indicates that development is confined to the buildings and hardstanding of the factory site and will not extend into or effect the semi natural habitat of the 'nature area' to the north-east.
- 5.93 As the site has been unoccupied for some years many of the buildings are in a poor state of repair. As a consequence, the appraisal notes that many offer roosting opportunities for bats in immediate proximity to high quality feeding habitat along the River Boyd corridor and across the 'nature area'.
- 5..94 Development will result in the loss of all buildings and hardstanding. It will also mean the loss of part of the broadleaved plantation, some areas of scrub and ruderal vegetation and an area of ephemeral/short perennial vegetation. Whilst composed largely of common species of flora, the latter is quite diverse and likely to offer food plants for a range of species of invertebrates. This will, however, be more than off-set by the sympathetic management of the 'nature area' to the north-east provided that its future is secured by it being passed over to a suitable nature conservation body such as the Avon Wildlife Trust.

River Boyd SNCI

- 5.95 The River Boyd SNCI runs immediately adjacent to the development site and 'nature area'. Where it abuts the northern boundary of the site it has been canalised and heavily modified.
- 5.96 The SNCI river corridor should not be affected by the proposed development subject to suitable pollution prevention measures being taken.
- 5.97 This should be enshrined within a Construction Environment Management Plan (CEMP) to concord with the general provisions suggested in paragraph 6.23 of the ecological appraisal to form the basis of an appropriately worded planning Condition.

Great Crest Newt

- 5.98 Three ponds are situated in the extensive area of linear woodland to the north east of the development site. Only one pond is situated within 300m of the factory site boundary. Whilst the pond was assessed as having average suitability for great crested newt under a habitat suitability index (HSI) it is known to dry out every year and consequently would not have potential to support a population of the species. The two other ponds within 500m of the application site are stocked with fish and so also are completely unsuitable for use by newts.

The application site predominantly comprises buildings and hardstanding which would offer unsuitable habitat for the species. Given this, great crested newt is not considered to be a material issue within the development site.

Otter

- 5.99 Whilst a ramp was recorded just downstream of the weir no definite evidence of otters (such as spraints) were recorded along the river corridor.

Notwithstanding the above, there are numerous records of otter associated with the Boyd indicating that the section of the river corridor near Bitton is well-used by the species. That said, the majority of the frontage of the river with the development is predominantly vertical engineered banks with no opportunities for resting up.

- 5.100 Given this, it is considered that the length of the Boyd alongside the application site is likely to be used solely for commuting and foraging and as such the scheme would not impact upon the species.
- 5.101 The pollution prevention measures to be drawn up within the CEMP to protect the River Boyd SNCI will also safeguard the watercourse for otter.

Badger

- 5.102 No field signs indicating use of the site by badger were recorded during the appraisal.
- 5.103 However, a large mammal hole of a size usually associated with badgers was recorded in the north-east corner of the site within an area of broadleaved plantation. The hole was filled with leaves and appeared to be inactive.
- 5.104 The application includes a badger sett monitoring note dated December 2014. This identifies an active main sett composed of some 21 holes associated with the 'nature area' and adjacent to the north-east boundary of the development site. Development will therefore be within a licensable distance of some holes and therefore potentially subject to the licensing provisions of the Protection of Badgers Act 1992.
- 5.105 The note proposes re-surveying the site a minimum of 6 weeks prior the start of pre-construction works (vegetation clearance) to determine any changes in activity of the setts; and to determine whether development will require a licence under the Act.
- 5.106 This should form the basis of an appropriately worded planning condition.

Birds

- 5.107 The appraisal did not include a specific survey for breeding birds.
- 5.108 A variety of commonplace species were noted during the development site walkover, primarily associated with the areas of woodland and scrub although some species could also potentially utilise some of the dilapidated buildings.
- 5.109 A scheme of new nesting locations on the new build proposed under the application should form the basis of an appropriately worded planning condition.

Reptiles

- 5.110 The application includes a reptile survey report and mitigation strategy dated December 2014.

- 5.111 Grass snake were recorded during all seven field visits with a peak count of six being recorded (mostly juveniles) indicating a 'good' population. The majority were associated with the south and west facing wooded banks on the northern and eastern boundaries of the application site. The presence of juveniles is indicative of a breeding population either within the application site or in close proximity to it.
- 5.112 Grass snakes are protected against intentional or reckless killing or injuring under the Wildlife & Countryside Act 1981 (as amended). As the species is present on site, Section 5 of the report gives details of a grass snake mitigation strategy to ensure that development does not result in any offences in law.
- 5.113 The strategy described in Section 5 is appropriate and acceptable and should form the basis of an appropriately worded Condition.

Bats

- 5.114 The application includes a bat survey report and bat mitigation strategy both dated December 2014.
- 5.115 Brown long-eared droppings were noted in Building B10 and a single long-eared was recorded hibernating there in November 2014. Fresh long-eared droppings were also found in Building B12 suggesting a recently used night roost.
- 5.116 Three common pipistrelles were observed flying over a wall east of the Canteen and were considered likely to have emerged from B10.
- 5.117 A small number (<20) lesser horseshoe droppings were recorded in Building 17a, suggesting that it has been used occasionally as a night roost in recent years. Over 20 lesser horseshoe droppings were also recorded on the inside window sill of the former Canteen (Building B8). A small number was also recorded in the corner of a stone building (B15) during the internal inspections.
- 5.118 The dawn/dusk surveys recorded a peak count of eight common pipistrelles emerging from Building B3 (Ash House/Heather House).
- 5.119 Four species of bat - brown long-eared, common pipistrelle, a Natterer's bat and small *Myotis* sp – were noted emerging from Building B10. A maximum count of ten long-eareds were recorded along with four pipistrelles. On several occasions lesser horseshoe bats were also recorded within the warehouse after emergence.
- 5.120 Common pipistrelle, lesser horseshoe, brown long-eared, Natterer's bats and a small *Myotis* sp were all detected emerging from various points of the southern elevation to the Old Mill complex (B17b-e).
- 5.121 In all, the surveys found that a total of five species have summer day roosts within the Warehouse B10, the Offices B17a and the Old Mill complex B17b-g

as well as a semi-detached property Ash/Heather House B3 on Bath Road. Night roosts have been confirmed in B12, B15 and B17a.

- 5.122 Building B3 will be retained within the scheme.
- 5.123 The roost buildings to be lost to the scheme, and which therefore needs to form part of the mitigation to satisfy 'test' under the Habitat Regulations 2010, are illustrated on Drawing JER6035-ECO-015 Bat Impacts Plan forming part of the Bat mitigation Strategy dated December 2014 by RPS.
- 5.124 The bat activity surveys recorded a total of 10 species - common pipistrelle, soprano pipistrelle, brown long-eared, noctule, Leisler's, serotine, lesser horseshoe, Natterer's, Daubenton's and a small *Myotis* sp – commuting or foraging across the application site with the southern boundary of poplar being identified as a regularly used commuting route away from the application site. The survey also concluded that the wooded river corridor along the northern site boundary was a key flight line for bats towards high quality feeding habitat to the north.
- 5.125 The semi-natural vegetation (woods and trees) and flight lines to be lost to the scheme, and which therefore needs to form part of the mitigation to satisfy 'test' under the Habitat Regulations 2010, are illustrated on Drawing JER6035-ECO-015 *Bat Impacts Plan* forming part of the Bat mitigation Strategy dated December 2014 by RPS.
- 5.126 No bats or signs of bats were found to be associated with any trees within the application site. The most easterly of the Lombardy poplars on the south-east boundary of the application site was considered to have roosting potential for bats but an inspection of an identified cavity found no signs of use by bats.
- 5.127 All bats and their roosts are protected under the Wildlife & Countryside Act 1981 (as amended), the CROW Act 2000 and the Habitats Regulations 2010, which implements European Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora ('The Habitats Directive 1992'). As a European Protected Species (EPS), a licence under Regulations 53/56 of the 2010 Habitat Regulations is required for development to be lawful.
- 5.128 A judicial review in 2009 (*Woolley v East Cheshire BC*) directed that, to fully engage with the Habitat Regulations, local authorities should subject planning applications to the same 'tests' under Regulations 53/56 as European Protected Species licences. As with great crested newts, satisfying these 'tests' necessitates providing the detail of a mitigation strategy prior to determining the application.

The three 'tests' are:-

- *For the purposes of preserving public health or public safety or other imperative reasons of overriding public interest including those of social or economic nature and beneficial consequences of primary importance for the environment,*

- *There is no satisfactory alternative to the work specification;*
- *The action authorised will not be detrimental to the maintenance of the population of the species at a favourable status in their natural range.*

- 5.128 The first 'test' relates to development which is regarded as being of primary social and economic importance.
- 5.129 Regarding the second and third 'tests', development will impact on the five species of bat associated with the former factory buildings in a number of ways.
- 5.130 The scheme will result in a permanent loss of lesser horseshoe summer day roosts in buildings B17c and B17d and a permanent loss of three feeding perches within B15, B17a and B17g. The development will also result in the permanent loss of a brown long-eared day roost and hibernation site associated with Warehouse B10; and summer day roosts within the Old Mill complex B17d and Building B12. The application will also mean the permanent loss of a common pipistrelle day roost within Buildings B10 and B17; day roosts for Natterer's bats within Building B10 and B17d; and a *Myotis* sp roost in B17.
- 5.131 The scheme will also potentially impact on bats by the introduction of street lighting, particularly if it is likely to affect the bats' main foraging and commuting routes along the wooded River Boyd corridor and the row of Lombardy poplars on the southern boundary of the application site. Bats could also be subject to disturbance through human activity and the noise and vibration from demolition and/or construction. It is understood that the development will also entail the loss of the poplars meaning the permanent loss of an important flight line for bats between the roosts and high quality feeding habitat to the north. The scheme will also necessitate the loss of semi-natural vegetation along the northern, eastern and southern boundaries as part of the contaminated land and ground works which will mean a temporary loss of bat commuting and foraging habitat in these areas.
- 5.132 The measures to mitigate against these various impacts are illustrated on Drawing JER6035-ECO-018 *Habitat Mitigation Enhancement and Management Plan* within the RPS Bat Mitigation Strategy. A purpose-built bat house will be constructed prior to demolition of the former factory buildings to a design, and to include features, suitable for the species of bat recorded on site and the building is shown on Drawing JER6035-ECO-014 *Bat House Design* within the Bat Mitigation Strategy. The plan shows that the building will be constructed of materials (brick and slate tile) which will provide the sorts of stable, warm temperatures and moist, cold conditions needed by bats during their summer breeding months and winter hibernation months. It offers a variety of roosting niches suitable for pipistrelles, brown long-eared and *Myotis* sp bats; and the requisite 'letter box' access slits (20cm x 30cm being an appropriate size) and central atrium for circling prior to emergence in summer typically needed by lesser horseshoe bats. The subsequent Drawing JER6035-ECO-018 *Bat Mitigation Plan* in the strategy moreover indicates that it will be located away from the proposed housing - and badger setts - and adjacent to the wooded River Boyd enabling the bats to have ease of access to high quality feeding

habitat and a major dispersal route, which in turn should also facilitate ease of colonisation. As such, the building will offer a highly suited and optimal roosting site for all species of bat associated with the Golden Valley Mill buildings and the temperature regime and ambient conditions within it are likely to be far more suitable for successful breeding and hibernation than the complex of factory buildings.

- 5.133 A scheme for erecting a series (15No) of Schwegler breeding and hibernation bat boxes within the housing development is also included within the strategy. This includes 10No Schwegler 1FR bat tubes being installed within the external walls of buildings (5No) along the northern site boundary with the River Boyd; and 5No along the southern elevations of properties along the southern boundary.
- 5.134 New native trees and shrubs will be planted along the northern and southern site boundaries to replace the semi-natural vegetation therein which will be lost to the proposed raising of ground levels/removal of contaminants required in the northern sector of the site. The strategy also proposes to erect a temporary artificial flight line feature to ensure that bats are not discouraged from using this northern boundary in the interim and thereby not discover and explore the bat house on the boundary to the Boyd. Whilst the poplars along the southern boundary are likely to be felled, there is a native hedge associated with the row which, if allowed to grow and heighten as part of an agreed ecological management plan for the development site should adequately maintain the foraging/commuting route along that perimeter of the site. Light spill along the northern, eastern and southern boundaries of the site can also be prevented by agreeing a scheme of sensitively located streetlighting ('dark corridors') to form the basis of an appropriately worded planning Condition.
- 5.135 In applying the second and third 'tests' under Regulations 53/56 of the Habitat Regulations 2010 to the development and the principles behind the mitigation strategy, the only potential alternatives would be to 'do nothing'; or to locate the new roosting opportunities within residential accommodation, most probably adjacent to the river corridor. Many of the buildings are already in a poor state of repair and likely to be distinctly sub-optimal as roosts. If the site were left undeveloped, the buildings will only further deteriorate over time eventually leading to the loss of the roosts entirely. Furthermore, locating the substitute roost(s) within one of the new residences or associated buildings would lead to a loss of ownership and control; and remove it from the umbrella of the Nature Area management and monitoring. Moreover, whilst feasible for crevice-dwelling species such as pipistrelles or some *Myotis* sp, it is not appropriate for lesser horseshoes because of the species' proclivity towards accessing roosts on wing; and having a substantial space in which to circle at dusk. Given the above, it is considered that the provision of a new permanent replacement roosting location ('bat house') and ancillary roosting niches (Schwegler boxes) as well as a scheme of substitute mixed native shrub and woodland planting following ground works enables the scheme and mitigation strategy to satisfy the second and third 'tests' under Regulations 53/56 of the Habitat Regulations 2010 in that there is no '*satisfactory alternative*' and that it would not be '*detrimental to the maintenance of the population of the species at a favourable status in their natural range*'.

- 5.136 Notwithstanding this, there are a few details which the application/mitigation strategy needs to resolve.
- 5.137 The timetable of works forming Section 4.6 (pages 21 and 22) of the mitigation strategy indicates that the 'bat house' will be constructed in August this year (2015). This is predicated on a planning determination period which has already slipped. It also proposes demolition of the existing confirmed roost buildings in March to April 2016. Allowing for slippage and the construction period for the new replacement roost building, there is likely to be little or no period of bat activity to enable them to locate the 'bat house' prior to demolition of the existing roost buildings. Whilst the general suggested location of the 'bat house' in drawing number JER6035-ECO-018 seems sensible and appropriate, research has shown that bat mitigation in the form of purpose-built 'bat houses' can take several years to be located and colonised and it is therefore critical that these buildings are present alongside the original roosts for as long a period as possible. Given this, it is generally accepted that new roost buildings should be constructed and subsist alongside the existing roost(s) for at least one season of bats' active summer months to enable it to be located and colonised. In most years, this will be May through to September.
- 5.138 This should form the basis of an appropriately worded planning condition.
- 5.139 It should be noted that this only relates to those buildings identified as roosts within the bat survey report dated December 2014 although any demolition work will need to be immediately preceded by an inspection of the buildings/structures for use by bats. Should bats be present, demolition of the building(s) in question would be subject to European Protected Species licensing provisions.

Nature Area

- 5.140 The application includes an Ecological Management Plan (EMP) for the Nature Area within the northern part of the development site to maximise its value for local biodiversity.
- 5.141 The provisions described within the Plan are appropriate and acceptable and should form the basis of an appropriately worded planning Condition.
- 5.142 Section 6 of the EMP indicates that it is intended that ownership of the Nature Area be transferred to the local angling club who presently use and manage the southernmost pond (Pond 2) which is stocked with fish. Whilst mindful of this, the site will undoubtedly require works in the future outwith of the duration of the management plan. Section 6 also refers to it being the responsibility of *'the landowner'* to implement the EMP and provide the subsequent monitoring reports and it is uncertain as to whether this is referring to the present owners, the developers or the angling club but an obligation of the s106 requiring details of the management and maintenance of all areas of open space will ensure the objective of the EMP are delivered.

- 5.142 Section 1.3 proposes limited public access to the southern corner of the proposed nature reserve, creating a fenced off viewing platform with seating overlooking the southernmost pond with a ramped access from the development site and a set of steps from adjoining land to the east of the housing scheme (see Drawing JER6035-ECO-011, *Nature Area Habitat Enhancement & Management Plan*). Whilst unchecked public access would be almost inevitably lead to a degrading of its semi-natural habitat through recreational use, transferring ownership to a body such as the Trust might potentially enable limited controlled access for voluntary conservation work for the community who will eventually occupy the houses ('green gym'). There will also need to be some recognised point of gated access into the area to enable routine management works to be carried out, whoever the eventual landowner will be - this could also be from the fenced viewing platform. It is envisaged that the gate would remain locked outside of the scheduled management works.
- 5.143 The Nature Area EMP does not include management of the new mixed shrub and tree planting on the development site's northern and eastern boundaries; or the hedgerow on the southern boundary which will need to be allowed to thicken and increase in height to provide a flight line to off-set the loss of the colonnade of poplars.
- 5.144 This should form the basis of an appropriately worded planning condition.

Ecological conclusions

- 5.145 It is considered that the application passes the three European Protected Species licensing tests and that consequently there are no ecological constraints to granting planning permission.
- 5.146 Conditions should be attached relating to the time constraining of demolition of bat roost buildings, bat and reptile mitigation strategies, birds, badgers, a scheme of streetlighting, a Construction Environmental Management Plan and the Nature Area Ecological Management Plan.

Suggested Ecology related conditions:

1. That all buildings identified as (night or day) bat roosts within the bat survey and bat mitigation strategy dated December 2014 by RPS Ltd should remain intact and not be demolished until they have subsisted alongside the constructed 'bat house' identified within the same strategy (and permitted under PK15/2232/F) for at least one active bats' breeding season (May to September inclusive). All other buildings and structures should be re-surveyed for use by bats immediately ahead of demolition;
2. That all development is subject to the measures outlined in the bat survey and bat mitigation strategy dated December 2014 by RPS Ltd forming part of the application and which should form the basis of a licence application (derogation) under Regulation 53 of the Habitat Regulations 2010;
3. That all development is subject to the recommendations outlined in the reptile survey and mitigation strategy dated December 2014 by RPS Ltd and forming part of the application;

4. That prior to development commencing, a scheme for the provision of new artificial nesting sites for starlings, house martin and house sparrow including their location be drawn up and agreed with the Council in writing. All works are to be carried out in accordance with said scheme;
5. That immediately prior to development commencing, the site should be re-surveyed for badgers and a report provided to the Council. The report should provide details of all works subject to the licensing provisions of the Protection of Badgers Act 1992. All works are to be carried out in accordance with said report;
6. That prior to development commencing, details of a scheme of street lighting be drawn up and agreed with the Council in writing to prevent light spill over bat commuting/foraging habitat (European Protected Species). All works are to be carried out in accordance with said scheme ;
7. That prior to development commencing, a Construction Environment Management Plan (CEMP) for the scheme be drawn up and agreed with the Council in writing to concord with the provisions of Paragraph 6.23 of the Ecological Appraisal dated March 2014 by RPS Ltd and forming part of the application to conserve the ecological integrity of the adjacent River Boyd Site of Nature Conservation Interest (SNCI). All works are to be carried out in accordance with said plan;
8. That all development is subject to the measures outlined in the Nature Area Ecological Management Plan dated December 2014 by RPS Ltd and Drawing JER6035-ECO-011, Nature Area Habitat Enhancement & Management Plan forming part of the application;

5.147 Transportation

As noted under the internal consultations (see above), subject to a number of conditions and obligations being secured there are no highways objections to the proposed scheme. It can be noted that since submission the number of visitor parking spaces has increased along with inclusion of a new footpath to the left of the main entrance to improve pedestrian safety, especially as this route will be used as the route to the local school. The use of Mill Lane is of concern to a number of local consultees and care has been taken to ensure the number of new units that will use Mill Lane as their primary access has been minimised. With Mill Lane retaining its cul-de-sac nature, the use will increase but it will be within reasonable parameters especially in light of the uncontrolled authorised use of the site. Although the frontage to Mill Lane will replicate largely what currently exists for the design reasons previously stated, it was considered from a highway safety point of views, any increase in the width of Mill Lane would simply encourage more on-street parking. By keeping Mill Lane a narrow "shared space", this would act a deterrent for on-street parking. The "shared space" nature of Mill Lane will also continue to provide pedestrian access to the recreation ground, which in contrast to when the factory was operational, should be a significant enhancement. The use of Mill Lane as a point of site egress will be limited, as during the application the scheme was

revised so that the previously separated access points were combined so residents along Mill Lane whether existing or proposed can exit the site using the safer main access point if they desire. A TRO that would look to make Mill Lane one way at the point of access off Bath Road will also be explored.

5.148 To conclude, since submission the application has been revised to address many of the concerns of Officers and residents where possible. Subject to the suggested conditions and obligations to be secured by S106, there are no highways objections to the proposed scheme.

- 1) Construction of two new zebra-crossings on the A431 Bath Road as shown in principal on drawing no. 0494-002 together with all associated works.
- 2) Amend the site entrance at its junction with the A431 Bath Road in accordance to the approved plan and provide visibility splays all as shown on the plan attached to the Transport Statement (visibility splays from site access 'Figure 3').
- 3) Provide visibility splays from Mill Lane onto the A431 Bath Road in accordance to the plan as attached to the Transport Statement (visibility splays from Mill Lane – 'Figure 4').
- 4) Provide 'Real Time Information' facility at both bus stops (one stop on eastbound and one stop at westbound) near this development on the A431 Bath Road with all details first to be approved in writing by the SG Council
- 5) Provide financial contribution of £10,000 towards road safety measures and potential Traffic Regulation Order (TRO) on Mill Lane.

Archaeology

5.149 The current application is supported by an accompanying heritage statement including a detailed assessment of the affected heritage assets and their settings. The report makes a number of statements about impacts but provides no clues as to how those conclusions have been reached.

5.150 The report does possess a number of shortcomings, for example the assessment on the impact of the increase in ground levels is limited when it can be concluded that a substantial development of 3 storey houses adjacent to the field containing the Scheduled Monument will have a direct impact upon its setting and thus in turn its significance.

5.152 However, it can be noted that previously submitted assessments of the significance of the surviving buildings and of the archaeological potential of the site (of which the most recent is by Mr Bond dated 2011 as well as the archaeological assessment undertaken by Bristol and Region Archaeological Services) are within the public domain and these provide sufficient information to allow the necessary assessment of the impacts of the proposed development to be undertaken.

5.153 These previous studies provide a summary history of the site and its development and look at the various surviving buildings in turn setting out their archaeological potential and recording in summary form what they were used for and how they contribute to the significance of the site as a whole.

5.154 These studies make it clear that whilst the site has a long history of use and potentially contains medieval as well as early industrial remains, the substantial redevelopment of the site following the late 19th century fire and the rebuilding of the factory in the second half of the 20th century has meant that many of the historic buildings have been demolished and replaced and those that survive are much altered. The historic structures that remain are of sufficient importance to merit being treated as non-designated heritage assets. In addition the enlarging of the dam appears likely to have removed much of the archaeological potential of the site, and as a consequence it is accepted that it is unlikely that although the site has the potential to be an important one, surviving archaeological remains are likely to be fragmentary and not of national importance. As a consequence, and given the difficulties of undertaking intrusive investigations, it would not be reasonable to insist of pre-determination investigations and accept that provided the application is appropriately conditioned to ensure that further archaeological recording takes place during demolition of the buildings and any ground disturbance including that associated with the remediation and geotechnical investigations, that this would provide an appropriate archaeological response. Furthermore, whilst the loss of those surviving buildings proposed for demolition will result in the loss of archaeological evidence and will cause harm to the significance of the site. This harm would be less than substantial harm and as a consequence Paragraph 135 of the NPPF applies. .

Impacts on adjacent heritage assets:

5.155 Whilst Officers are not persuaded by the applicant's argument that the development will not impact upon the setting and significance of the adjacent Scheduled Ancient Monument, it is clear that the level of harm would be less than substantial and as a consequence paragraph 134 of the NPPF applies. It could also perhaps be argued that if carefully screened and levels of light overspill are controlled the harm arising from the extension of the built urban form of the development northwards along the western boundary of the field containing the scheduled monument could be offset by the potential harm arising from a continued industrial use.

5.156 In light of the above, it is considered that with appropriate landscaping and careful control of lighting, the impacts on the setting of the scheduled monument could be reduced and that providing the demolition and ground disturbance undertaken on the site is the subject of an archaeological recording condition the application is acceptable in archaeological terms.

5.157 The standard archaeological condition is therefore recommended. A brief for the necessary further programme of archaeological work will be supplied which will include additional building recording, trial trenching to clarify the survival of archaeological remains and additional excavation depending upon the results of the trial trenching.

5.158 It would also be appropriate to suggest that an additional condition is applied requiring the erection and maintenance of interpretation panels on the site explaining its history.

Community Infrastructure Levy Tariff

5.159 As indicated above, all off-site contributions for education and community infrastructure for this development would be drawn from the Council's adoption of its charging levy forming part of the CIL tariff with such provision noted on the Council's Regulation 123 infrastructure list.

5.160 Community Infrastructure Levy Regulation 122

5.161 The NPPF states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Furthermore, planning obligations will be given weight where they meet all the following statutory tests:

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

5.162 In the case of the planning obligations set out above, and as set out in the heads of terms below, it is considered that they are appropriate mitigation, necessary to make the development acceptable in planning terms, directly related to the development and in scale and kind to the development. As such all planning obligations set out in the heads of terms are considered to have passed the CIL Regulation 122 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 authority be delegated to the Director of Environment and Community Services to grant permission, subject to the conditions set out below and the applicant first voluntarily entering into an agreement under section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:

- 1) Prior to the first occupation, the construction of two new zebra-crossings on the A431 Bath Road as shown in principal on drawing no. 0494-002 together with all associated works.
- 2) Prior to the first occupation, Improvements to the site entrance at its junction with the A431 Bath Road in accordance to the approved plan and

- provide visibility splays all as shown on the plan attached to the Transport Statement (visibility splays from site access 'Figure 3').
- 3) Prior to the first occupation, provide visibility splays from Mill Lane onto the A431 Bath Road in accordance to the plan as attached to the Transport Statement (visibility splays from Mill Lane – 'Figure 4').
 - 4) Prior to the first occupation, provide 'Real Time Information' facility at both bus stops (one stop on eastbound and one stop at westbound) near this development on the A431 Bath Road with all details first to be approved in writing by the SG Council
 - 5) Prior to the first occupation. provide financial contribution of £10,000 towards road safety measures and potential Traffic Regulation Order (TRO) on Mill Lane.
 - 6) If occupation of last unit of the development is not achieved within 5 years from the date of the decision notice, the developer shall:
 - Provide the Council with actual and projected sale values to assess the Net Development Value (NDV) on completion of all permitted dwellings
 - Any proportion of NDV at completion which is over above a 10% increase on NDV as assessed by the DVS on 12th October 2015 to be shared equally between the developer and the council as a financial contribution.
 - 7) The delivery of all on-site open space that includes the "nature conservation area" (trigger to be agreed) along with a management and maintenance plan (to be agreed) and that prior to the occupation of the first dwelling, the applicant shall secure the management and maintenance of the public open space and drainage systems (including SUDS) in perpetuity and to adoptable standards and in accordance with an appropriate management regime to be first approved by the Local Planning Authority. The developer shall manage the public open space and drainage scheme in accordance with the approved management and maintenance plan until the whole of the public open space and SUDS area are either transferred to the Council or transferred to a management entity, the details of which shall be first approved by the Local Planning Authority. .

The reasons for the above obligations is to ensure that the enhancements needed to off-set the impact of the development on the existing levels of highway safety and to ensure the affordable housing position is reviewed if the development does not proceed within what is considered to be a reasonable time period and that the public open space and drainage scheme is maintained in perpetuity.

- 7.2 That the Head of Legal and Democratic Services be authorised to prepare and seal the agreement.
- 7.3 Should the agreement not be completed within 12 months of the date of the Committee resolution that delegated authority be given to the Director of Environment and Community Services to refuse the application.

Contact Officer: Robert Nicholson
Tel. No. 01454 863536

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 application has been approved on the basis of the list drawings contained within the revised drawing register as appended to this decision notice as received by South Gloucestershire Council on 28th September 2015. The development shall proceed exactly in accordance with the above approved documents.

Reason

To ensure that the development is carried out in accordance with the approved plans in order to comply with the policies set out within the South Gloucestershire Local Plan Core Strategy (Adopted December 2013) and the saved policies within the South Gloucestershire Local Plan (Adopted 2006).

3. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated February 2015 (Issue 5) by Hydrock and the following mitigation measures detailed within the FRA: Land raising to be carried out as per drawing no. C08389-C006 Rev. B.

Reason

To reduce the risk of flooding to the proposed development and future occupants, all in accordance with Policy CS9 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013

4. Following the proposed land raising and prior to the occupation of the first property, the developer must arrange for the hydraulic modelling exercise carried out by Hydrock to be rerun to verify the proposed flood outlines for the purposes of updating the Environment Agency Flood Map for Planning (Rivers and Sea). The results of this exercise and any required remediation strategies are to be submitted to the Local Authority for written approval, prior to being implemented in full.

Reason

To ensure that the flood risk to the proposed development is accurately represented following the significant land alterations, all in accordance with Policy CS9 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.

5. Prior to the commencement of the development hereby approved, a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the LPA:

- (i) A preliminary risk assessment which has identified:
 - all previous uses,
 - potential contaminants associated with those uses,

- a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.

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

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

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

Any changes to these components require the express written consent of the LPA which should be sought prior to the commencement of the relevant parts of the site. The scheme shall be implemented as approved.

Reason

A pre-commencement condition is required as it relates to the phasing of the development and the need to prevent pollution of the water environment, all in accordance with Policy CS9 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.

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

Reason

To prevent pollution of the water environment, all in accordance with Policy CS9 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.

7. 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. A detailed development layout showing surface water and SUDS proposals is required as part of this submission. All approved details shall be implemented, and any permeable paving shall be maintained as permeable thereafter.

Reason

A pre-commencement condition is required because this information has not been submitted for consideration and approval at determination stage when such details are required to ensure compliance with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and National Planning Policy Framework 2012.

8. The development shall proceed in accordance with the findings, requirements and recommendations of the Hydrock Remediation Strategy Feb 2015. Moreover the developer is required to submit the following for prior written approval by the local planning authority:
- (i) Post removal of gross hydrocarbon contamination, a risk assessment shall be carried out on the remaining potential risks from hydrocarbon contamination to ascertain if gas and/or vapour protection will be required to be installed in the building construction. The development shall proceed in accordance with the findings of this risk assessment.
 - (ii) Prior to commencement of the development hereby approved, threshold criteria values for the cover system for the public open space areas and soils treated via stabilization/solidification shall be agreed in writing by the Local Planning Authority.
 - (iii) Prior to commencement of the development hereby approved, a materials management plan (MMP) shall be submitted for approval which should include threshold criteria values for the imported materials for the land raise.
 - (iv) Prior to occupation of any of the units hereby approved, a report verifying that all necessary remediation works have been completed satisfactorily shall be submitted to an agreed in writing by the Local Planning Authority.

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. None of the residential units hereby approved are to be occupied until the new road and footway on both sides of the new access road are completed as shown in principal on the drawing no. 100 rev G.

To comply with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and Policy T12 of the Gloucestershire Local Plan (Adopted) January 2006 (saved policies).

11. No dwellings shall be occupied until the car parking provision is provided in accordance with the submitted and approved plans.

Reason

To comply with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and Policy T12 of the Gloucestershire Local Plan (Adopted) January 2006.

12. All garages to be constructed shall have minimum internal dimensions of 3m (wide) and 6m (long).

Reason

To comply with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and Policy T12 of the Gloucestershire Local Plan (Adopted) January 2006 (saved policies).

13. The Approved 'Travel Plan' shall be implemented in accordance with the timescales, including parts identified as being implemented prior to occupation and following occupation, unless alternative timescales are agreed in writing with the Local Planning

Authority. The Approved Travel Plan shall be monitored and reviewed in accordance with the agreed 'Travel Plan' targets to the satisfaction of the Local Planning Authority.

To comply with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and Policy T12 of the Gloucestershire Local Plan (Adopted) January 2006 (saved policies).

14. No development shall commence until a Construction Environmental Management Plan (CEMP) has been first submitted to and approved in writing by the Local Planning Authority. The plan shall include the following:
- o details of vehicle wheel washing during implementation of the development;
 - o delivery times (avoiding importation/removal of spoil during school peak hour during drop-off/ pick-up period);
 - o construction hours;
 - o details of the method of accessing (routing plan) the site for construction purposes (avoid using Mill Lane during construction period);
 - o method of removal of spoil and soil to be removed;
 - o road or lane closures necessary to achieve this including timescales of closures.
 - o Noise and dust mitigation measures;
 - o Details on how the CEMP accords with provisions of Paragraph 6.23 of the Ecological Appraisal dated March 2014 by RPS Ltd and forming part of the application to conserve the ecological integrity of the adjacent River Boyd Site of Nature Conservation Interest (SNCI)

The development shall be implemented in accordance with the approved plan.

Reason

A pre-commencement condition is required in light of this information not being submitted for consideration and approved at determination stage. This information is required to ensure the development complies with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and Policy T12 and Policy L9 of the Gloucestershire Local Plan (Adopted) January 2006 (saved policies).

15. All buildings identified as (night or day) bat roosts within the bat survey and bat mitigation strategy dated December 2014 by RPS Ltd should remain intact and not be demolished until they have subsisted alongside the constructed 'bat house' identified within the same strategy (and permitted under PK15/2232/F) for at least one active bats' breeding season (May to September inclusive). All other buildings and structures should be re-surveyed for use by bats immediately ahead of demolition;

Reason

To comply with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and Policy L9 of the Gloucestershire Local Plan (Adopted) January 2006 (saved policies).

16. All development hereby approved is subject to the measures outlined in the bat survey and bat mitigation strategy dated December 2014 by RPS Ltd forming part of the application and which should form the basis of a licence application (derogation) under Regulation 53 of the Habitat Regulations 2010.

Reason

To comply with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and Policy L9 of the Gloucestershire Local Plan (Adopted) January 2006 (saved policies).

17. All development hereby approved is subject to the recommendations outlined in the reptile survey and mitigation strategy dated December 2014 by RPS Ltd.

Reason

To comply with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and Policy L9 of the Gloucestershire Local Plan (Adopted) January 2006 (saved policies).

18. Prior to development commencing, a scheme for the provision of new artificial nesting sites for starlings, house martin and house sparrow including their location shall be submitted and agreed with the Council in writing. All works are to be carried out in accordance with said scheme.

Reason

To comply with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and Policy L9 of the Gloucestershire Local Plan (Adopted) January 2006 (saved policies).

19. Prior to development commencing, the site should be re-surveyed for badgers and a report provided to the Council. The report should provide details of all works subject to the licensing provisions of the Protection of Badgers Act 1992. All works are to be carried out in accordance with said report.

Reason

To comply with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and Policy L9 of the Gloucestershire Local Plan (Adopted) January 2006 (saved policies).

20. Prior to the commencement of the housing development, details of a scheme of street lighting is to be drawn up and agreed with the Council in writing to prevent light spill over bat commuting/foraging habitat (European Protected Species) and protect the existing character of the site and the amenity of local residents. All works are to be carried out in accordance with said scheme.

Reason

To comply with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and Policy L9 of the Gloucestershire Local Plan (Adopted) January 2006 (saved policies).

21. All development is subject to the measures outlined in the Nature Area Ecological Management Plan dated December 2014 by RPS Ltd and Drawing JER6035-ECO-011, Nature Area Habitat Enhancement & Management Plan forming part of the application.

Reason

To comply with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and Policy L9 of the Gloucestershire Local Plan (Adopted) January 2006 (saved policies).

22. Prior to the commencement of the construction of plot 65 (as identified on "Planning Layout" dwg no.100 Rev.G), a method statement on how the west elevation is to be constructed shall be submitted to the local planning authority for written approval and then the development shall then proceed exactly in accordance with the approved details. For the avoidance of doubt the method statement shall include confirmation of the extent of the demolition required of the existing boundary wall to facilitate the new dwelling and that the demolished stone will be reused in the construction of the west facing elevation in a style (coursing/jointing/pointing and mortar colour and texture) that matches the remainder of the boundary wall.

Reason

In light of the above details not being submitted at determination stage for consideration and approval, a pre-commencement condition is necessary in order to ensure that the works serve to preserve the architectural and historic interest of the conservation area, in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at the NPPF and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

23. Prior to the commencement of the relevant works, the detailed design of the following items for each house type hereby approved shall be submitted and approved in writing by the local planning authority.
- a. All new windows and fixed glazing (including cill, head, reveals, glass details and colour)
 - b. Rooflights (which for the avoidance of the avoidance of doubt should be conservation type rooflights set flush with the roof finish and feature a central and vertical glazing bar to emphasis verticality)
 - c. All new doors (including frames and furniture)
 - d. All new vents, flues and utility features (electric/ gas meters etc)
 - e. Eaves, verges and ridges;
 - f. Rainwater goods (materials and colour)
 - e. lintels
 - f. porch/ door canopies
 - g. balconies
 - h. copings
 - i. window and door surrounds
 - j. plinths
 - k. quoins
 - l. chimneys

The details shall be submitted via elevation and section drawings at a scale of 1:10, and the development shall be completed strictly in accordance with the agreed details.

Reason

In light of the above details not being submitted at determination stage for consideration and approval, a pre-commencement condition is necessary in order to

ensure that the works serve to preserve the architectural and historic interest of the conservation area, in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at the NPPF and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

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

Reason

In light of the above details not being submitted at determination stage for consideration and approval, a pre-commencement condition is necessary in order to ensure that the works serve to preserve the architectural and historic interest of the conservation area, in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at the NPPF and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

25. Prior to the commencement of the relevant works, a representative sample panel of natural stone walling, of at least one metre square, showing the stone, coursing, mortar and pointing, shall be erected on site and approved in writing by the local planning authority. The development shall be completed strictly in accordance with the approved panel, which shall be retained on site until completion of development, for consistency. For the avoidance of doubt no mastic movement joints should be incorporated and if the stone walling is to be face a retaining structure, then a traditional weep hole detail should be achieved.

Reason

In light of the above details not being submitted at determination stage for consideration and approval, a pre-commencement condition is necessary in order to ensure that the works serve to preserve the architectural and historic interest of the conservation area, in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at the NPPF and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

26. Prior to the commencement of the relevant works, a representative sample panel of facing render, of at least one metre square, showing the texture and finish, shall be erected on site and approved in writing by the local planning authority. A colour schedule shall also be submitted for approval demonstrating how the different colours will be deployed across the site. The development shall be completed strictly in accordance with the approved panel, which shall be retained on site until completion of development, for consistency.

Reason

In light of the above details not being submitted at determination stage for consideration and approval, a pre-commencement condition is necessary in order to

ensure that the works serve to preserve the architectural and historic interest of the conservation area, in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at the NPPF and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

27. Prior to the commencement of the relevant works, a representative sample panel of the facing bricks and mortar to demonstrate texture and finish, shall be submitted to and approved in writing by the local planning authority. The development shall be completed strictly in accordance with the approved sample panel which shall be retained on site until completion of development, for consistency.

Reason

In light of the above details not being submitted at determination stage for consideration and approval, a pre-commencement condition is necessary in order to ensure that the works serve to preserve the architectural and historic interest of the conservation area, in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at the NPPF and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

28. Prior to the commencement of relevant works, details and representative samples of all other external facing and roofing materials proposed to be used in the development hereby approved shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason

In light of the above details not being submitted at determination stage for consideration and approval, a pre-commencement condition is necessary in order to ensure that the works serve to preserve the architectural and historic interest of the conservation area, in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at the NPPF and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

29. Notwithstanding the indicated appearance and design indicated within the submitted plans, prior to the construction of plots 12 and 13 (as identified on "Planning Layout" dwg no.100 Rev.G), details are to be submitted to the local planning authority for written approval on how the design of the first floor bedroom windows will be adapted to ensure a controlled aspect in the south-westerly direction. The development shall therefore proceed exactly in accordance with the approved details.

Reason

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to protect the residential amenity of existing and prospective occupiers, and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

30. Notwithstanding the submitted landscaping details, prior to the commencement of the construction of the housing, a revised hard and soft landscaping scheme shall be

submitted in writing to the Local Planning Authority for approval and these works shall be carried out as approved. These details shall include the following:

1. A change in materials for the larger driveways (plots 66/67/69/70/80/81/89/90) to bound gravel;
2. The use of set or paver edging around the margins of the tarmac drives, particularly adjoining house walls and between shared driveways;
3. The driveway for plot 65 being surfaced in setts/ small unit pavers due to its prominence;
4. Confirmation that the planting specification will allow for selected subsoil material below the topsoil to give a total soil depths of 600mm for garden areas and 1200mm for tree planting areas given that all planting will be on made ground;
5. The specification of Photinia should be substituted for an alternative species;
6. A large tree specimen should be specified for plot 110 such as *Alnus cordata*, *Prunus avium* or *Betula* sp. There is also scope for a tree within the rear garden of plots 86 and 90 and along the road within the verge by plot 87 and 11 within the SW1 mix which will help differentiate between the character area;
7. The lack of planting within the 8m wide maintenance easement should be reviewed as once the ground is level, access will be more straightforward and so an alternative mix of coppice shrubs and individual trees.
8. Confirmation that the boundary treatments between the housing will feature gaps in the gravel/ base boards of the panel fencing to allow for hedgehogs to move between the gardens;
9. A footpath to the front of plot 90 to aid permeability through the site.

Reason

To protect the character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

31. Prior to the commencement of the relevant demolition works the following details are to be submitted to the local planning authority for written approval. Development shall be carried out in accordance with the approved details.
 1. Confirmation that the three mature chestnut trees (identified as T14, T16 and T18 covered by TPO ref.0049) are being retained, as although the submitted Tree Retention and Removal Plan dwg. JKK7996 _Figure 02.01 Rev.A indicates their retention, the Site Boundary POS Landscape Proposals Sheet 2 of 2 plan dwg.314 rev.A indicates their removal.
 2. Confirmation that the foundation construction of units 65-68 and the garage for plot 17 will be constructed in accordance with the special construction methods set out in the Arboricultural Method Statement in light of their close proximity to the afore mentioned chestnut trees;
 3. A specific method statement for the demolition of the existing buildings and removal of hardstanding close to trees T4 and T5 with the protective fencing expanded to protect any soft surfacing within the RPA.

Reason

In light of this information not being submitted at determination stage for consideration or approval, a pre-commencement condition is necessary to avoid damage to the existing trees to be retained and ensure the existing trees and hedgerows are

protected during the works. All in accordance with best arboricultural practice and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted 2013).

32. Prior to the first occupation of the first dwellinghouse, a detailed scheme for the provision of interpretative material on the history and development of the site is to be submitted to the local planning authority for written approval and the approved scheme shall be in place prior to the completion of the final dwellinghouse. For the avoidance of doubt, the interpretative material should be in the form of display panels (design, content and construction to be agreed) and located both within the main site and within the "nature conservation" area.

Reason

In the interests of the history of the site that lies within the Bitton Conservation Area and to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

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

Reason

To safeguard the special architectural and historic character of the building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

34. Prior to any demolition of the existing historic mill structures, a programme of recording of the interior and exterior of all the relevant structures shall be submitted to and approved by the Local Planning Authority. The programme of recording shall accord with the guidance for recording historic buildings set out within the English Heritage publication entitled 'Understanding Historic Buildings: A Guide to Good Recording Practices (2006)'. The approved programme shall then be implemented in all respects and the completed building record shall be submitted to the Local Planning Authority for written approval.

Reason

In light of this information not being submitted at determination stage for consideration and determination, a pre-commencement condition is required in the interests of ensuring the appearance, scale, form, materials and overall aesthetic and architectural contribution the nineteenth century mill buildings made to the character and appearance of the Golden Valley Mill site and the wider village is recorded for future generations and to enable any redevelopment proposals to be read in historic context. All in accordance with Policy L12 of the SGLP (Adopted 2006), Policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted 2013) and the provisions of the National Planning Policy Framework (March 2012).

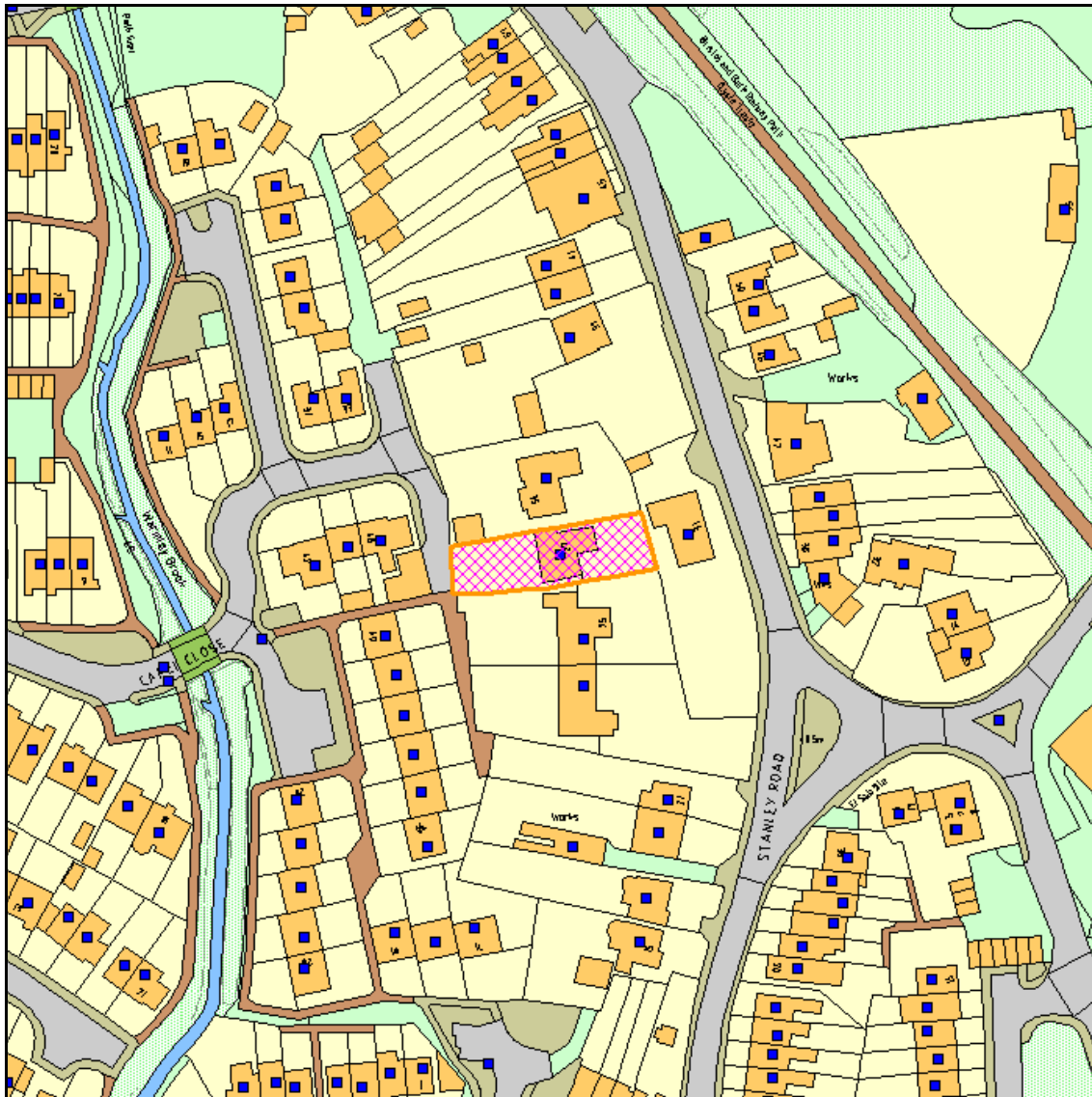
35. Prior the commencement of any demolition works, a Tree Protection Plan shall be submitted to the local planning authority for written approval. For the avoidance of doubt, the Tree Protection Plan shall accord with BS5837(12) and thereafter the development shall be implemented in accordance with the agreed details, with all tree protection fencing erection PRIOR to any site clearance works. The Council must be notified when all the tree protection and cellular confinement is in place, to all this to be checked on site and ensure compliance with the tree protection plan and any "no dig" construction method statements. All tree protection works must be left in place for the duration of the development and should not be moved without written authorisation by the Local Planning Authority Arboricultural Officer.

Reason

In light of this information not being submitted at determination stage for consideration or approval, a pre-commencement condition is necessary to avoid damage to the existing trees to be retained and ensure the existing trees and hedgerows are protected during the works. All in accordance with best arboricultural practice and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted 2013).

CIRCULATED SCHEDULE NO. 47/15 – 20 NOVEMBER 2015

App No.:	PK15/3309/F	Applicant:	Mr And Mrs Alford
Site:	27 Stanley Road Warmley Bristol South Gloucestershire BS15 4NU	Date Reg:	5th August 2015
Proposal:	Erection of detached garage/store	Parish:	Siston Parish Council
Map Ref:	366833 173783	Ward:	Siston
Application Category:	Householder	Target Date:	28th September 2015



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 100023410, 2008. **N.T.S.** **PK15/3309/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule due to the receipt of letters of objection from local residents of No. 46 Capel Close.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the erection of a garage / store at the rear of 27 Stanley Road, Warmley. The proposed building would measure 9.2 metres wide by 6.6 metres deep and would have an overall height to ridge of 5.3 metres.
- 1.2 The property is a detached dwelling and is located within a residential area of Warmley. The site is not situated within any designated land-use.
- 1.3 During the course of the application, a revised proposal was submitted to increase the width of the proposed garage door to address Highway Officer's comments.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2015
National Planning Practice Guidance
- 2.2 Development Plans

South Gloucestershire Local Plan: Core Strategy (Adopted December 2013)
CS1 High Quality Design
CS4A Presumption in favour of sustainable development
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing Environment and Heritage
CS29 Communities of the East Fringe of Bristol Urban Area

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

3. RELEVANT PLANNING HISTORY

- 3.1 PK2/1941/F Erection of detached garage to include office / storeroom.
Approved 03.08.12

4. **CONSULTATION RESPONSES**

- 4.1 Siston Parish Council
No objection provided all existing healthy trees are protected and retained.
- 4.2 Tree Officer
No objections to the removal of the existing trees.
- 4.3 Highway Officer
No objections to the revised proposal subject to a condition to restrict the use of the proposed building.
- 4.4 Highway Drainage
The applicant advised that a soakaway will be utilised for the proposal and the Drainage Engineer has considered that the use of soakaway is an acceptable method for surface water disposal. The applicant is also advised of the proximity of a public foul water sewer.
- 4.5 Environmental Protection Team
No objection, but advised that a construction condition should be attached to planning permission.

Other Representations

- 4.6 Local Residents
Three letters of objection have been received from the residents of No. 46 Capel Close and the residents' concerns are summarised as follows:
- What drainage to be put in? Any more rainwater will flood my garages and cause severe damage to my equipment
 - The proposed works does affect the parking of my vehicles and access to my garage
 - The site can be seen from a public road, footpath, bridle way or other public land.
 - Parking issues, Stanley Road is already over developed, the development would lead to further traffic generation
 - Noise and disturbance – frequency of garage movements and the potential noise from the 'hobby' room
 - Potential smell from whatever hobby is to be pursued.
 - Potential hazardous material to be stored
 - Public highway safety – children play in the area of the proposed site and old people living in the area
 - Some of the residents of Capel Close have rear access to their property which is in th site of the proposed development
 - The loss of trees
 - Loss of privacy
 - Caple Close in suitable for heavy goods vehicles
 - If the extra storage / hobby room is to be used for a business, this would be an entrance for delivery / collection incurring more traffic to the area
 - Disruption caused by the clearance of the site (including felling of trees)

- Delivery of building materials is via Stanley Road would be danger to the children playing in the street
- Perhaps the garage is proposed at the front of the applicant's property on Stanley Road would be more suitable and would take away all the concerns of impact o residents living on Caple Close.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The National Planning Policy Framework was published on 27th March 2012 and the Framework highlights that 'Development' that is sustainable should be approved, however, this does not change the statutory status of the development plan as the starting point for decision-making. As such development that accords with an up-to-date local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

Saved 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. As the site is situated within an existing residential amenity of Warmley, there is no objection to the principle of the proposed detached garage / store.

5.2 Design / Visual Amenity

The proposed detached garage/store would be located on the western rear boundary of No. 27 Stanley Road. The proposed building would be used a garage, hobby room, storage and home office. It would be finished with render and would have a pitched roof with concrete tiles. The proposed building would be accessed via the existing access lane that runs along the rear of the property.

The proposed building is quite large in scale, however, it should be noted that the new building would be single storey structure and its design and the proposed external materials would be in keeping with the character and appearance of the locality. In addition, there are a number of garages with different size and design within the vicinity and the proposed building would be largely screened by the surrounding properties and garages. It is therefore considered that the proposal would not be harmful to the character and appearance of the principle dwelling and street scene.

5.3 Residential Amenity

Officers acknowledge the concerns raised by the residents of No. 46 Chapel Close, which lies to the west of the proposed building.

The proposed building would be opposite to the garages of No. 46 Chapel Close and would be more than 10 metres away from the side elevation of this neighbouring dwelling, it is therefore considered that the proposal would not cause significant overshadowing or overbearing impact on the neighbouring dwellings.

Two small obscured glazed windows are proposed on the front west elevation and these windows would be screened by the existing boundary wall. It is considered that there are no issues of inter-visibility or loss of privacy. Residents raise concerns regarding the loss of the existing trees would result in an overlooking. Given that the existing hedges / trees are not protected by a Tree Preservation Order, therefore they can be removed at any time. Furthermore, there are no concerns relating to loss of daylight/sunlight given the size of the proposed building, and sufficient garden space would remain to serve the property.

Officers acknowledge residents' concerns regarding the use of the building. It is considered that it is not unusual for householders to use outbuilding / garage for having a hobby or having a small home office within a domestic setting. The Environmental Protection Team has been consulted and the Environmental Protection Officer raised no objection to the proposed. Given the proximity of the neighbouring properties, officers however consider that it would be necessary to impose a condition to ensure that the building will be used ancillary to the host dwelling.

Therefore the impact on residential amenity is subsequently deemed acceptable.

Regarding concerns regarding the site clearance and the construction of the building, a planning condition can be imposed to restrict the construction hours in order to minimise the adverse impact upon the neighbouring properties.

5.4 Parking and Highway Safety

Officers acknowledge the highway concerns raised by the local residents. The Highway Officer has visited the site and considered that there is no highway objection to the revised proposal.

Access to the proposed garage is from a private road. The road width outside the new garage varied between 4.5 to 5.5 metres. This width is restricted and the drivers may find it difficult to gain access as the manoeuvring spaces is limited and they may require more than one attempt to access or egress the garage. To address the Highway officer's comments, the applicant submitted a revised plan to show a double-width garage door would be installed. The Highway Officer and the Case Officer considered that the proposed amendment is adequate to address the highway issues.

Furthermore, there are already off-street parking spaces for the existing property to the front from Stanley Road. In this instance, officers consider that it would be difficult to justify a refusal of this application on public highway safety reasons or parking requirement as the proposal is to propose additional parking facilities within the site.

However, it is considered that it would be necessary to impose a condition to ensure that the proposed garage will be used as a domestic garage only and the proposed hobby room / storage / home office will only be used for ancillary purposes associated with dwelling at No. 27 Stanley Road.

5.5 Loss of existing trees

Officers acknowledge that comments from the Parish Council regarding the protection of the existing healthy trees.

There is a cypress hedge growing along the western rear boundary of the property. The applicant states that these trees are to be removed to accommodate the proposed building. As the cypress trees have been pruned as a hedge, they offer little visual amenity to the area. The Arboricultural Officer considers that they would not fulfil the criteria for a Tree Preservation Order. Therefore, there is no arboricultural objection to the removal of these trees in order to facilitate the proposal.

5.6 Drainage

Regarding the drainage issues, the residents have asked the method of surface water disposal. The Council Drainage Engineer has also been consulted due to its scale. The applicant advised that a soakaway will be used. The Drainage Engineer considered that the use of soakaway for the proposal would be acceptable, therefore there is no drainage objection to the proposal.

6. **CONCLUSION**

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

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

7. **RECOMMENDATION**

7.1 That the application be approved subject to the following conditions:

Contact Officer: Olivia Tresise
Tel. No. 01454 863761

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 proposed garage/store hereby approved shall only be used ancillary to the dwelling at No. 27 Stanley Road, Warmley.

Reason

To protect the residential amenity of the neighbouring occupiers and to safeguard public highway safety and to accord with Policy CS1, CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and saved Policy H4 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. The materials to be used in the construction of the external surfaces of the proposed garage/store hereby permitted shall match those used in the host dwelling.

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 saved Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

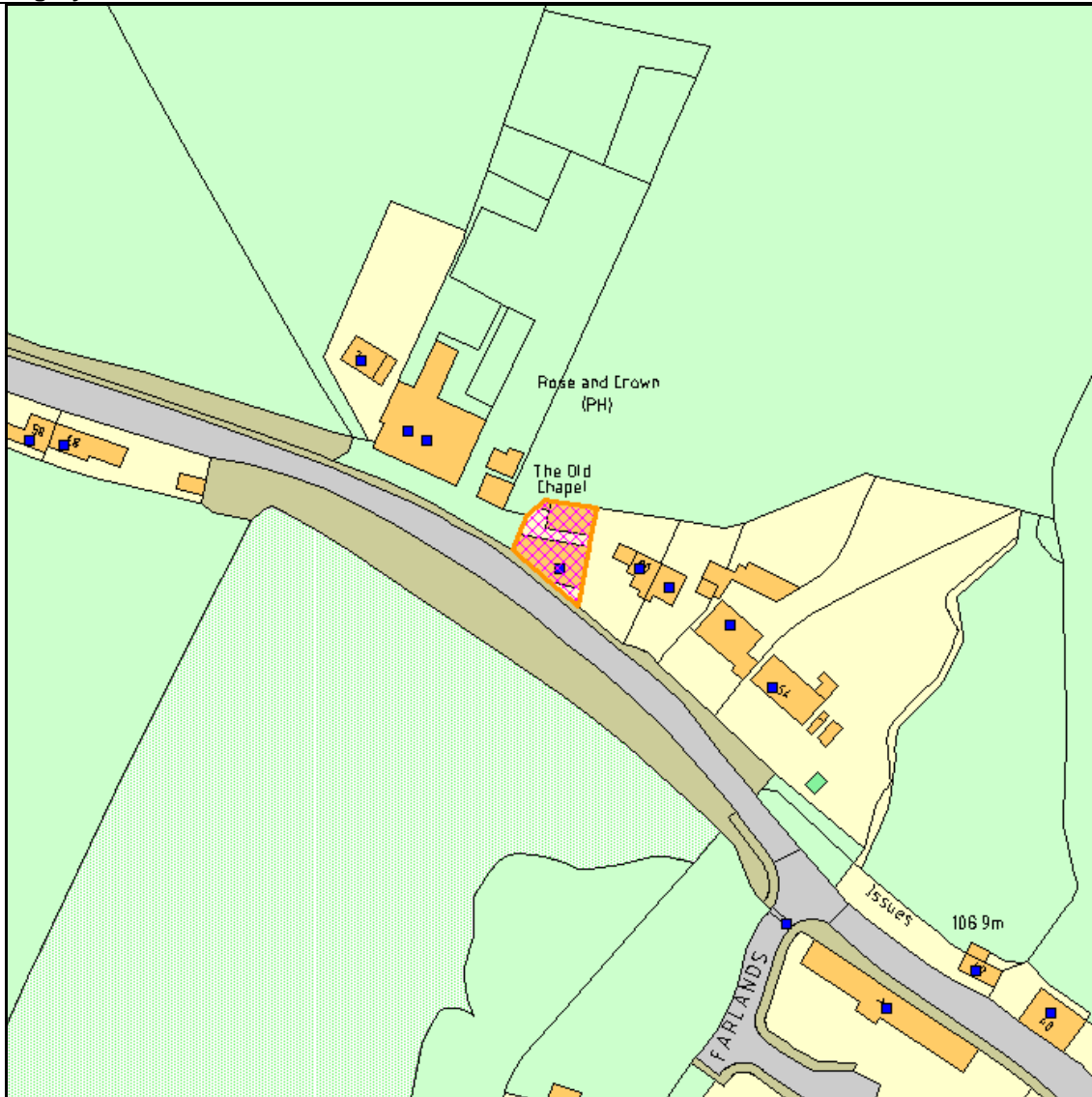
4. The hours of working on site during the period of construction shall be restricted to 08.00am to 18.00pm Mondays to Fridays, 08.30am to 1300pm Saturdays, and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To minimise disturbance to occupiers of neighbouring residents and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the provisions of the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 47/15 – 20 NOVEMBER 2015

App No.:	PK15/3388/F	Applicant:	Mr And Mrs John Tasker
Site:	The Old Chapel Parkfield Road Pucklechurch Bristol South Gloucestershire BS16 9PS	Date Reg:	5th August 2015
Proposal:	Conversion to annex of existing dwelling to include alteration to roofline and installation of 2 no. rooflights to form 1 no. two bedroom residential annexe and associated works	Parish:	Pucklechurch Parish Council
Map Ref:	369618 176869	Ward:	Boyd Valley
Application Category:	Minor	Target Date:	29th September 2015



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 100023410, 2008. **N.T.S.** **PK15/3388/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule due to the receipt of objection from the Pucklechurch Parish Council.

1. THE PROPOSAL

- 1.1 This application seeks full planning permission for the change of use of an existing residential annex building namely 'The Old School' of the Old Chapel to create a 1 no 2-bedroom flat on the first floor level. The main Old Chapel has been converted into a four-bedroom dwelling. This existing annexe building is currently used as a residential annexe and store room. The site is situated within an open countryside, the Pucklechurch Conservation Area and the Bristol / Bath Green Belt.
- 1.2 During the course of the application contact was made with the agent to seek amended plans to address the concerns raised by the Conservation Officer. The main changes are: i. the original proposed 3 no. dormers have been removed and the existing chimney stack is to be retained.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
National Planning Practice Guidance
- 2.2 Development Plans
CS1 High Quality Design
CS4A Presumption in favour of Sustainable Development
CS5 Location of Development
CS9 Managing the Environment and Heritage
CS34 Rural Areas

South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)
H4 Development within Existing Residential Curtilages, including Extensions and New dwellings
T12 Transportation Development Control
L12 Conservation Areas

South Gloucestershire Local Plan Core Strategy Adopted December 2013
- 2.3 Supplementary Planning Guidance
Design Checklist Adopted 2007
Residential Parking Standards SPD Adopted December 2013

Emerging planning document – PSP DPD
PSP44 Private Amenity Spaces

3. RELEVANT PLANNING HISTORY

3.1 The site has been subject to a number of planning applications in the past, however the following applications are the most relevant to the determination of this application

N1555/2 Change of use from chapel to dwelling and erection of garage. Approved 03.09.76

N1555/3 Change of former schoolroom as farrier's workshop. Withdrawn

N1555/4 Use of former schoolroom as farrier's workshop. Approved 03.03.83 (temporary consent to 31.03.88)

P88/2189 Use of former schoolroom as farriers workshop. Approved 27.07.88

4. CONSULTATION RESPONSES

4.1 Pucklechurch Parish Council

The Parish Council objected to the original scheme due to a perceived lack of clarity over its intended use and parking arrangements, incongruent dormers windows. It is also suggested that a condition to be imposed to negate the use of the flat as a separate self-contained dwelling.

The Parish Council reviewed the revised proposal and welcomes the amendments, but query about the possibility of short-term lets as this would have potential implications relative to parking and amenity provided.

4.2 Other Consultees

Conservation Officer

No Objection to the revised plan.

Archaeology Officer

As this application does not involve any additional ground disturbance, there is no archaeological objection

Highway Officer

No Objection

Highway Structure

No comment

Highway Drainage

No objection, as there will be no significant change.

Other Representations

- 4.3 Local Residents
None Received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application site relates to an existing attached building 'The Old School' to the Old Chapel, which has been converted to residential use under planning permission N1555/2, and this attached building was approved to be converted into a sun lounge. Subsequently, a permanent planning permission was granted for the change of use this building to a farrier's workshop in 1988. Nevertheless, this building is currently used as ancillary storage / boiler room to the main residential property, namely the Old Chapel.

- 5.2 Policy CS23 of the adopted Core Strategy seeks to retain the existing community infrastructure unless it can be demonstrated that the use has ceased and there is no longer a demand; or the facility is no longer fit for purpose, and suitable alternative provision is available within easy walking distance to the required standard. Although the building was originally used as an old school building to the main Chapel, the Chapel has been converted into a residential property and the 'Old School' was part of the residential proposal and the former farriers' workshop has ceased. Furthermore, officers are satisfied that the proposal would only be used as an annexe to the main dwelling given that there would be a shared boiler room, shower room and utility room with the main dwelling. It is therefore considered that saved Policy H4 of the adopted Local Plan would be more relevant to the determination of this application. As such, it is considered that there is no objection to the principle of the proposal.

- 5.3 The site also lies within the conservation area, Policy CS9 of the adopted Core Strategy and saved Policy L12 of the adopted Local Plan seeks to preserve and enhance the character and appearance of the Conservation Area.

5.4 Design and Visual Amenity/Impact on Conservation Area.

This application relates to the "school room", which historic cartographic evidence suggests was an addition circa late 19th or early 20th century.

The school room takes an unusual form, being built off the east side elevation of the Chapel with its front elevation angled to follow the line of the carriageway, of which it is being hard up against. The elevations are built in stone under a tiled roof, which is partially gabled at its western side one and hipped on its eastern end which results in the building dropping down in scale and massing at its adjoins the Chapel. There is also a substantial chimney stack which adds interest.

The appearance of the "old school room" is one of functional simplicity and its subservient and historic relationship with the principal building can still be read and together they can be considered to make a positive contribution to the character and identity of the locality.

The proposed amendments are a significant improvement with the new roof set below the eaves of the Chapel as opposed to by being tied into the west facing roof slope. The new hip end design should therefore ensure the two buildings are read as separate entities as opposed to the distortion of scale and form previously proposed. The retention of chimney will also ensure a feature of interest of retained, which helps to distinguish the character of the two buildings. Although there would be an increase in massing of the school room, it is considered that the adverse impact would not be significant to be harmful to the character and appearance of the Pucklechurch Conservation Area.

5.5 Highway Issues

The use of this single storey attached building would attract more vehicular traffic to the site than its use as a single dwelling. Nevertheless, the proposal would not change the existing vehicular access and would provide adequate off-street parking in accordance with the Council's Residential Parking Standards, therefore there is no highway objection to the proposal.

5.6 Residential Amenity

The proposal would change the roof form and would install 2 no. rooflights on the rear elevation to facilitate the proposed conversion. The applicant confirmed that the flat will be used by applicant's family members and would be used as an annexe to the main building the Old Chapel, it is therefore considered that there is no adverse residential impact in terms of overlooking or overbearing impact subject to planning condition to ensure that the annexe will be used ancillary to the main dwelling.

The nearest property to the application site would be the Rose and Crown public house. As the building would be further away from the main vehicular access of the adjacent public house, it is considered that the future residents would not be adversely affected by the adjacent 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 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: Olivia Tresise
Tel. No. 01454 863761

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, the detailed design of eaves (including rainwater goods), verges and ridges shall be submitted and approved in writing by the local planning authority. The details shall be submitted via elevation and section drawings at a scale of 1:10, and the development shall be completed strictly in accordance with the agreed details.

Reasons:

a. This is a pre-commencement condition in order to avoid any unnecessary remedial works in the future.

b. To maintain and enhance the character and appearance of the host dwelling and the Conservation Area, and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, saved Policy H4 and L12 of the South Gloucestershire Local Plan (Adopted) January 2006 and the National Planning Policy Framework.

3. The proposed two-bedroom flat hereby approved shall only be used ancillary residential accommodation to the dwelling at The Old Chapel, Parkfield Road, Pucklechurch.

Reason

To protect the residential amenity of the future occupiers and to ensure adequate parking facilities to be provided within the site and to accord with Policy CS1, CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; saved Policy H4 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 47/15 – 20 NOVEMBER 2015

App No.: PK15/3516/F
Site: Downend Baptist Church Salisbury
 Road Downend Bristol South
 Gloucestershire
 BS16 5RA

Applicant: Downend Baptist Church
Date Reg: 4th September 2015

Proposal: Erection of single storey rear extension,
 alterations and associated works.

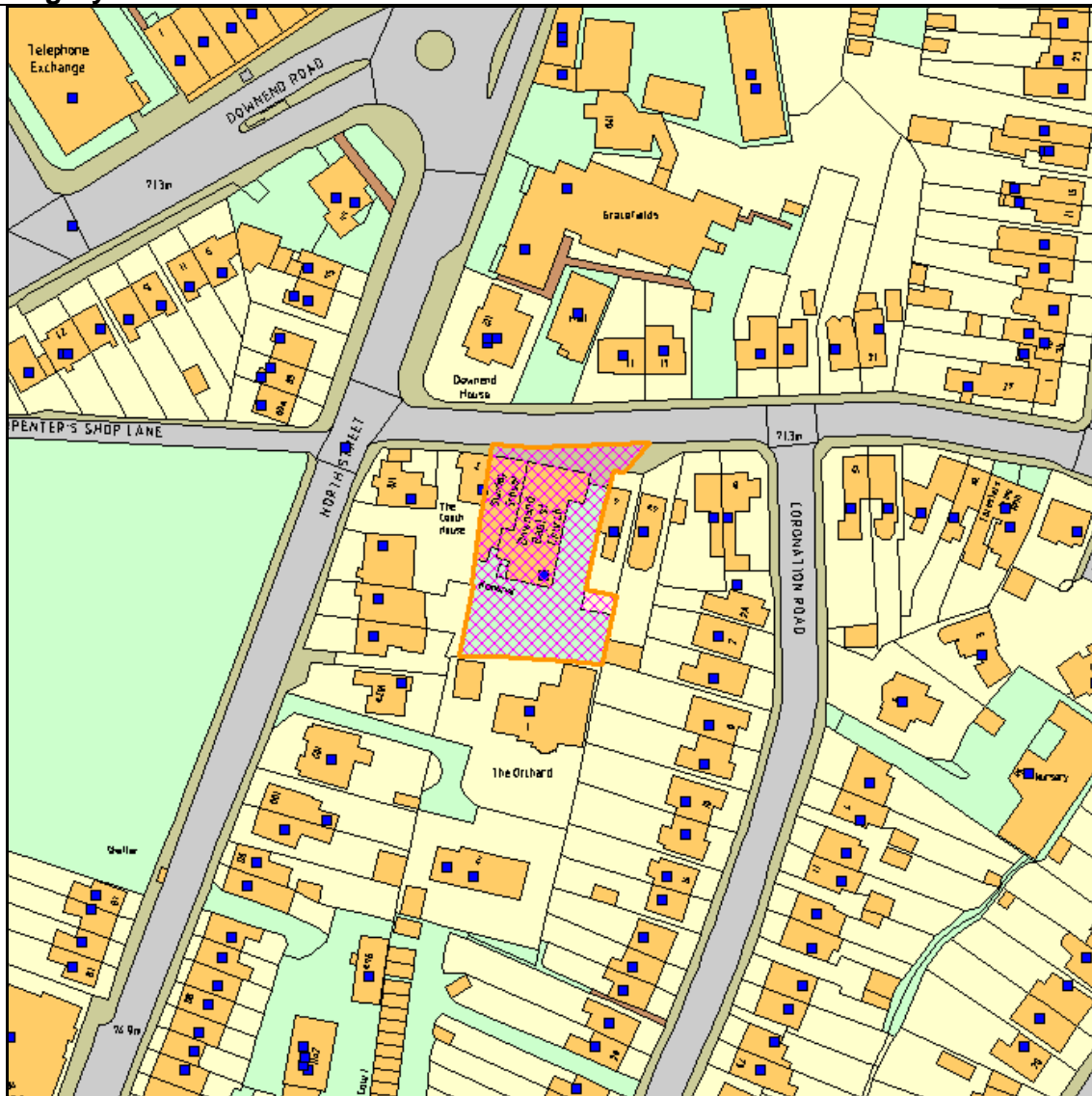
Parish: Downend And Bromley
 Heath Parish Council

Map Ref: 365123 176557

Ward: Downend

Application Category: Minor

Target Date: 29th October 2015



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the circulated schedule due to the receipt of one letter of objection from a local resident.

1. THE PROPOSAL

- 1.1 The application is for the erection of a single storey extension to the rear of the building to form a church hall, a new entrance and a link between the existing church and the extension. The proposal includes alterations to the existing graveyard and a new drop off layby to the front of the site.
- 1.2 The application site consists of the Baptist Church and associated buildings within its curtilage. The site is situated amongst residential properties and close to the centre of Downend.
- 1.3 During the course of the application additional information was received regarding the proposed layby and re-location of the few remaining headstones.
- 1.4 Planning permission was previously granted for a rear extension to form a church hall in this location in 2002. This consent however was never implemented and has now lapsed.

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)

L15 Locally Listed Buildings
T7 Cycle Parking Standards
T8 Parking standards
T12 Transportation Development Control
LC4 Proposals for Community Facilities within the urban area

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS4a Presumption in Favour of Sustainable Development
CS5 Location of Development
CS9 Managing the Environment and heritage
CS23 Community infrastructure and cultural activity
CS29 Communities of the east Fringe of Bristol Urban Area

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist
South Gloucestershire Bio-diversity Action Plan

3. **RELEVANT PLANNING HISTORY**

PK02/2037/F Erection of single storey extension.
Approved November 2002

K2406/2 Installation of wheelchair ramp
Approved May 1996

K2406/1 Erection of rear Extension
Approved September 1984

K2406 Erection of entrance porch and toilet.
Approved September 1978

4. **CONSULTATION RESPONSES**

4.1 Downend And Bromley Heath Parish Council
No Objection

Other Consultees

4.2 Environmental Protection
No Objection

4.3 Transportation Development Control
No objection subject to a highway legal agreement

4.4 Lead Local Floor Authority
No Objection

4.5 Conservation Officer
No Objection subject to the attachment of conditions

4.6 Highway Structures
No Objection

Other Representations

4.7 Local Residents
One letter of objection has been received from a neighbouring resident who raises the following points of concern:

- The new building will overlook the neighbours rear garden
- Concerns about the height of the building and the pitch of the roof
- Concerns about the distance of the new building from the boundary wall
- Windows in the new building will overlook the neighbours living area

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

5.2 In assessing applications for places of worship planning policy CS23 and CS1 of the Core strategy are particularly relevant. Policy CS23 specifically relates to support the provision or improvement of community infrastructure such as churches. CS1 is an overarching design policy which 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 site and its context.

5.3 Design and Visual Amenity

Downend Baptist Church features on the Council's "Local List" by virtue of the contribution the building makes to the character and sense of local distinctiveness. The Chapel was built in 1786 but has seen a significant degree of alteration - in particular a single storey extension to the front that wraps around the eastern side of the chapel masks its proportions and detracts from its aesthetic and architectural appearance. The adjoining school room dates from the mid-19th century.

5.4 The significance of the building primarily derives from its public north facing elevation. The proposed scheme represents a significant increase in floor plan, with the footprint of the single-storey building being extended to its southern boundary and building over an existing graveyard.

5.5 The design of the extension is an interesting composition of forms with a predominant lean-to roof that along with the proposed materials, will clearly provide for a legible distinction between the "old" and the "new." Moreover due to the limited massing, the historic form and scale of the chapel will still be readable and will remain the dominant building.

5.6 Located to the rear, the proposed extensions will not be prominent in public views, as only oblique views of the resultant building through the existing access to the eastern side will be achievable. Therefore the visual impact on the public views of the chapel will be limited and so the significance of the building derived from its contribution to the character and identity of the locality will be preserved.

5.7 The proposals will extend into a limited but historic graveyard immediately to the south of the chapel. All existing headstones appear to have already been relocated to the boundary walls. One large monument however remains insitu and the plans show that this will be relocated to the side of the existing church.

Subject to the attachment of conditions to ensure the submission of material samples, the design and visual impact of the proposed extension is deemed to be entirely acceptable.

5.8 Residential Amenity

It is noted by your officer that the site sits in a largely residential area with residential properties sitting in very close proximity to the site boundaries. For the scheme to be successful it is essential to ensure that an appropriate level of amenity to these neighbours is retained.

5.9 Property No, 1 The Orchard, stands to the south of the application site with its main rear elevation facing towards the application site. There is an existing 2.4 metre high stone and block boundary wall dividing the church from this neighbour. There is a slight level difference between the application site and No 1 – the ground level in the church site is set approximately 40cm lower than the ground level at No.1. The proposed extension will sit an average of 2.5m away from the boundary with No. 1 (although the taper of the boundary is noted). The eaves height of the extension will measure 3.3 metres meaning that it will project some 40cm higher than the existing boundary wall. Although the roof of the extension will be visible from the first floor windows in the rear elevation of No 1, it will not be readily visible from the ground floor windows or garden.

5.10 Although the roof of the proposed extension will be visible from No, 1, it is difficult to argue that this would result in any unacceptable issues sufficient to warrant refusal of the application. Because of the very gentle roof pitch, it is not considered that the extension will result in any issues of overbearing. Because of the orientation there are no concerns of overshadowing and there are no windows above the level of the existing boundary wall that could result in concerns of intervisibility.

5.11 The other residential properties that stand to be affected are No's 104, 106 and 108 North Street that stand to the west of the application site. A similar high stone and block boundary wall also stands between the application site and these neighbours. Approximately 90cm of the extension would be visible above this existing boundary wall at a distance of approximately 10 metres from the rear of these neighbours. Again, whilst it is not disputed that the extension will be clearly visible from upper floor windows in these neighbouring dwellings, this does not result in any demonstrable harm - because of the single storey nature of the extension, it will not have an overbearing impact on these neighbours.

5.12 Due to the proximity of neighbouring dwellings, careful consideration has also been given to potential disturbance for neighbours by users of the hall. The Church has confirmed that the use of the hall will typically be no greater than the current usage of the church – the extension and the hall are intrinsically linked. It is confirmed that any activities in the hall generally finish no later than 10pm although certain special activities such as a Midnight Christmas Service or a New Year watch service may occur past this time. The hall may be used by other community groups such as or as a polling station. The church

operates on an alcohol free basis. The applicants also make the case that the hall is a replacement for a previous facility that accommodated similar activities.

5.13 In terms of conditions, rather than attempting to restrict the hours during which the hall may be used, it is considered more appropriate to condition that the hall may only be used in conjunction with church based activities and remain subservient to the primary use of the site for religious activities – a similar approach to conditioning was taken with the approval for the similar scheme in 2002. Providing the use of the hall is regulated and controlled by the Church, no further hours of use conditions are deemed necessary.

5.14 In order to protect the amenity of neighbours, a condition will be restricting the hours of work during the construction period.

5.15 Transportation Issues

The Church building currently has no off street parking provision and there is no scope on site to provide any. As part of the application there is a proposal to introduce a new lay by for dropping off outside of the church door – this would be used for dropping off only at times such as weddings or funerals. It is acknowledged that the development will provide the capacity to increase the travel demand generated by the church. That said, the site is in an accessible location and parking in the vicinity is controlled by traffic regulation parking restrictions. There are nearby public car parks within a short walk which are suitable for use associated with the church and as such, there is no transport objection to the provision of no on-site car parking. The plans include 10 cycle parking spaces and an allocated buggy park to encourage more sustainable modes of travel.

5.16 A drop off lay-by is proposed and there is no objection to the principle of providing this facility. During the course of the application the length of the lay by was reduced slightly to satisfy the requirements of the Councils highway officer to reduce the amount of footway space being taken up outside of the building where people will tend to congregate.

5.17 A Highways legal agreement (S278 agreement) will be required to construct the lay-by. A S278 agreement is an agreement between the Council and the developer which describes proposed modifications to the existing highway network to service a proposed development. The S278 agreement is carried out under the Highways Act 1980 rather than under planning legislation so will be agreed separately to this planning application. The applicants have agreed to enter into such an agreement separately. In accordance with South Gloucestershire Councils CIL & S106 Planning Obligations Guide, *‘where there are no other obligations or the other obligations only require a simple Unilateral Undertaking, and the required Highway Infrastructure Works are straightforward, they can be secured using a “Grampian” condition. This will enable a planning consent to be granted more quickly, but will require the developer to enter into a Section 278 Highways Agreement prior to commencing their development.’* Such a grampian condition will be attached to the consent.

5.18 Other Issues

As a Baptist Church, the graveyard represents consecrated ground and so any works to it may be subject to the 1857 Burial Act. The applicant has explained that the graveyard has been 'closed' for over 50 years with the last burial in 1964. The applicants are in dialogue with the Ministry of Justice regarding the construction but they will not provide any licence until there is a Planning Approval. It is the intention to have foundations designed that will minimise any impact on the graves. This however is not for consideration as part of this planning application and will be addressed under separate legislation.

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 conditions set out below:

Contact Officer: Marie Bath
Tel. No. 01454 864769

CONDITIONS

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

Reason

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

2. The development hereby approved shall be used solely in conjunction with church based activities and shall remain ancillary and subservient to the primary use of the site and premises, and shall not become a separate or dominant use at any time.

Reason

To protect the amenities of nearby dwelling houses and to prevent separate uses arising which may impact on existing levels of amenity and would require further consideration by the Local Planning Authority. Also to comply with the requirements of the NPPF and Policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted).

3. Prior to the commencement of the relevant parts of the work, samples of the roofing and external facing materials proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

In the interests of the visual amenity of the site and its location and to comply with the requirements of the NPPF, Policy L15 of the South Gloucestershire Local Plan (Adopted), and Policies CS1 and CS23 of the South Gloucestershire Local Plan Core Strategy (Adopted).

4. The cycle parking facilities shown on the drawing (08)05revA received by the Council on 28th September 2015 shall be provided before the building is first occupied, and thereafter retained for that purpose.

Reason

To encourage means of transportation other than the private car, to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

5. 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 Saturday; and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site

Reason

To protect the amenity enjoyed by those living in the locality to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) and the provisions of the National Planning Policy Framework.

6. The extension hereby approved shall not be occupied until such time as the layby shown on drawing (08)05revA received by the Council on 28th September 2015 has been implemented in full.

Reason

In the interests of highway safety, and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 47/15 – 20 NOVEMBER 2015

App No.:	PK15/4056/CLE	Applicant:	Mr Mark Banwell
Site:	The Barn Toghill Lane Doynton South Gloucestershire BS30 5SY	Date Reg:	21st September 2015
Proposal:	Application for a certificate of lawfulness for the existing use of barn as a dwelling and use of land as associated residential curtilage.	Parish:	Doynton Parish Council
Map Ref:	372225 173882	Ward:	Boyd Valley
Application Category:	Certificate of lawfulness	Target Date:	12th November 2015



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application comprises a Certificate of Lawfulness submitted under Section 191 (1) of the Town and Country Planning Act 1990 as amended by S.10 of the Planning and Compensation Act 1991 in respect of an agricultural building i.e. The Barn at Toghill Lane, Doynton.
- 1.2 The application relates to a single-storey agricultural building lying to the south-east of Rectory Farmhouse, which is a substantial residential dwelling lying to the north east of Toghill Lane. The main house is a Grade II Listed Building.
- 1.3 The applicant submits that the building known as The Barn was converted to a separate dwelling and first occupied by a Mr & Mrs Southern in October 2002. Building regulation approval was sought and a completion certificate issued ref: BK02/0029/FP dated 21 Jan. 2003.
- 1.4 Mr & Mrs Southern occupied The Barn as their main dwelling. In 2008 Mr Southern died and Mrs Southern moved out in March 2009. The Barn was subsequently occupied by Brian Rowell from 2009 to 2010 as his main dwelling. Subsequently new tenants Joni Anderson and Howie Morley moved in and they have occupied the barn as their main dwelling to date.
- 1.5 The applicant submits that 'The Barn' has in fact been occupied as a separate 2-bedroom residential dwelling, in breach of planning control, for a continuous period in excess of 4 years.
- 1.6 The applicant also states that the areas of land to the north and east of The Barn edged red on the submitted Location Plan, have served as a private garden to The Barn and been used in connection with the occupation of The Barn as a separate dwelling for more than 10 years.
- 1.7 In order to regularise the breach of planning control, the applicant seeks a Certificate of Lawful Existing Use for the building as a separate dwelling (4 years) and use of the land to the north and east as associated garden (10 years).
- 1.8 It is the applicant's intention to submit a separate retrospective application for Listed Building Consent for the original works to convert The Barn. It is also proposed to submit an application for change of use of agricultural land (edged blue on the Location Plan) to residential garden; this is to cover land to the south of The Barn that has been more recently used as garden and therefore not covered by this CLEUD application.

2. **POLICY CONTEXT**

2.1 **National Guidance**

Town and Country Planning Act 1990: Section 191
Town and Country Planning (Development Management Procedure) (England) 2015

Town and Country Planning (Use Classes) Order 1987 (as amended).

The Planning Practice Guidance March 2014

2.2 **Development Plans**

The application is for a Certificate of Lawfulness for the existing use of an outbuilding as a separately occupied and independent unit of residential accommodation and use of the land to the north and east of the building as residential garden. The application therefore seeks to demonstrate that the building has been used as a separately occupied dwelling for a period in excess of four years prior to the date of submission (i.e. since 17th Sept. 2011) and that the land to the north and east edged red on the Location Plan has been used as residential curtilage in excess of 10 years prior to the date of submission (i.e. since 17th Sept. 2005).

3. **RELEVANT PLANNING HISTORY**

3.1 PK00/1636/F - Conversion of barn to 1 unit of holiday accommodation.

Approved 7 Feb. 2001

Not implemented

3.2 PK00/1912/LB - Conversion of barn to 1no. holiday unit of accommodation. Remove corrugated sheeting and re-clad with pantiles. Installation of new doors and windows. Internal alterations.

Approved 7 Feb.2001

Not implemented

3.3 PK01/1270/F - Conversion of barn to self-contained living accommodation.

Approved 22 Aug. 2001

Not implemented

3.4 PK01/1283/LB - Conversion of barn to self-contained living accommodation. Internal and external alterations.

Approved 22 Aug. 2001

Not implemented.

These applications clearly relate to the building the subject of this current application for Certificate Of Lawfulness.

4. **SUMMARY OF EVIDENCE SUBMITTED IN SUPPORT OF THE APPLICATION**

The applicant has submitted the following as evidence in support of the application:

1. Statutory Declaration of Mark James Banwell signed 17 Sept. 2015. Mr Banwell states that:

- I purchased Rectory Farmhouse along with The Barn in 2002.

- In October 2002 I converted The Barn to a dwelling and created a separate garden in the areas immediately to the north and east.
- The Barn comprises a sitting room, a kitchen, two bedrooms, a bathroom and an en-suite.
- The Barn has been occupied continuously as a separate dwelling since Oct. 2002 to the present day. In the periods between occupiers, the property has been fully marketed, decorated and cleaned ready for the next occupier.
- A summary of the occupiers of The Barn since 2002 are as follows:

Denise and Tony Southern Oct 2002-March 2009
(Tony died Oct. 2008)

Brian Rowell 1st April 2009 -1st Oct 2010

Joni Anderson and Howie Morley 19th Nov. 2010 – present day.

- I have copies of a tenancy agreement between myself and Brian Rowell 1st April 2009-1st Oct 2010 and a signed agreement between Joni Anderson and Howie Morley 19th Nov. 2010 – 19th May 2011. Since that date the agreement has been extended on a monthly rolling basis.
 - The areas immediately to the north and east of the Barn hatched in blue on the submitted plan MJB1 have served as a private garden to The Barn and have been used in connection with the occupation of The Barn as a separate dwelling for more than 10 years.
 - Separate water rates, gas and electricity have been paid on The Barn since it was first occupied (i.e. since Oct. 2002)
2. Statutory Declaration of Denise Hilda Southern signed 18th Sept. 2015. Mrs Southern states that:
- I occupied The Barn as my main residence from Oct. 2002 – March 2009.
 - My husband Tony occupied The Barn with me as his main residence from Oct. 2002 until he died in Oct. 2008.
 - During the time I occupied The Barn I used the areas immediately to the north and east (Plan DHS1) as my garden, parking and patio.
 - During the time I occupied the property I paid the water rates and gas and electricity.
3. Statutory Declaration of Joni Anderson dated 17th Sept. 2015. Mrs Anderson states the following:
- I have occupied The Barn as my main residence since 19th Nov. 2010 to the present date.
 - I occupy The Barn with my partner Howie Morley and our two children as our main home.
 - Since we have occupied the property we have always used the areas of land immediately to the north and east as our garden.
 - We have a tenancy agreement with Mark Banwell. Our original agreement was from 19th Nov 2010 to 19th May 2011. Since that date we have extended the agreement on a monthly rolling basis.
 - My partner and I have paid Council Tax, water rates, gas and electricity bills for The Barn for all the time we have lived there.

4. A copy of the Building Regulations Completion Certificate Ref. BK02/0029/FP for the barn conversion dated 21 Jan 2003.
5. A copy of the Tenancy Agreement between Mark Banwell and Brian Rowell made 31st March 2009. The period of the agreement is 1st April 2009 to 1st Oct. 2010.
6. A copy of the Tenancy Agreement between Mark Banwell and Miss Joni Anderson and Mr Howard Morley dated 19 Nov 2010. The initial term of the agreement is 20 Nov 2010 to 19 May 2011.

5. **SUMMARY OF CONTRARY EVIDENCE**

- 5.1 There is no contrary evidence at all.

6. **OTHER CONSULTATIONS**

- 6.1 Local Councillor
No response
- 6.2 Doynton Parish Council
No response
- 6.3 Transportation Officer
No comment
- 6.4 Listed Building & Conservation Officer
No comment

Other Representations

- 6.5 Local Residents
No responses

7. **ASSESSMENT**

- 7.1 S191(1) of the Town and Country Planning Act 1990 (TCPA) provides that a person may make an application to ascertain whether:
 - 2.1.1 Any existing use of buildings or other land is lawful.
 - 2.1.2 Any operations which have been carried out in, on over or under land are lawful.
 - 2.1.3 Any failure to comply with any condition or other limitation subject to which planning permission was granted is lawful.
- 7.2 As there was no planning permission for the use of the building as a separate dwelling or for the use of the land to the north and east as residential curtilage, the relevant question is 2.1.1 as set out above. S191(2) TCPA sets out the grounds on which the use to be considered would be deemed lawful, including that no enforcement action could be taken either because the operation did not

involve development or require planning permission or because the time for taking enforcement action had expired.

- 7.3 The time limits for taking enforcement action are set out in s171B TCPA. The period for change of use of a building to use as a dwelling house is 4 years and for a change of use of land is 10 years. There is an exception to this, set out in s171BA-BC. This applies where the breach of planning control has been concealed such that the LPA could not have been aware of the breach and taken enforcement action within the prescribed period. In such cases the LPA has six months, beginning on the date when it had sufficient evidence to apply to the Magistrates' Court for a planning enforcement order enabling it to take enforcement action against the breach.
- 7.4 Dealing with the latter point, there are no enforcement notices relating to this property.
- 7.5 The issues to be considered in this case are therefore:
- a. Were the works to the building to render it a self-contained separate unit of accommodation completed 4 years or more before 17th Sept. 2015 i.e. receipt of the application?
 - b. Has the building been occupied continuously as a separate dwelling house since that time to the present?
 - c. Has the land to the north and east (edged red on the Location Plan) been used as residential curtilage for 10 years consecutively before 17th Sept 2015?
 - d. Was there any attempt to conceal any aspect of the use in this case such that the LPA could apply for a planning enforcement notice?

7.6 The relevant test of the submitted evidence

The onus of proof is firmly on the applicant and the relevant test of the evidence on such matters is "on the balance of probability". Advice contained in Planning Practice Guidance states that a certificate should not be refused because an applicant has failed to discharge the stricter criminal burden of proof, i.e. "beyond reasonable doubt." Furthermore, the applicant's own evidence need not be corroborated by independent evidence in order to be accepted. If the Council has no evidence of their own, or from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous. The planning merits of the development are not relevant to the consideration of the purely legal issues, which are involved in determining an application. Any contradictory evidence, which makes the applicant's version of events less than probable, should be taken into account.

7.7 Hierarchy of Evidence

The evidence submitted comprises two affidavits or statutory declarations. Inspectors and the Secretary of State usually value and give weight to evidence in the following order of worth:-

1. Personal appearance, under oath or affirmation, by an independent witness whose evidence can be tested in cross-examination and re-examination, especially if able to link historic events to some personal event that he/she would be likely to recall.
2. Other personal appearance under oath or affirmation.
3. Verifiable photographic evidence.
4. Contemporary documentary evidence, especially if prepared for some other purpose.
5. Sworn written statements (witness statements or affidavits), which are clear as to the precise nature and extent of the use or activity at a particular time.
6. Unsworn letters as 5 above.
7. Written statements, whether sworn or not, which are not clear as to the precise nature, extent and timing of the use/activity in question.

7.8 When were the works to convert the building to a separate dwelling completed?

7.9 Officers can confirm that the submitted Building Regulations Completion Certificate Ref. BK02/0029/FP for the barn conversion dated 21 Jan 2003 is a genuine copy and does relate to the building the subject of this application. The planning history clearly indicates an intention to convert the building to a dwelling as early as 2001.

7.10 Given that there is no evidence to the contrary and that the planning history and Completion Certificate plans concur with Mr Banwell's version of events, as given in a sworn statement, it is likely on the balance of probability that the works to convert the building to a dwelling house were indeed completed in 2002 as stated, which is well before the start of the requisite 4 year period on 17th Sept. 2011.

7.11 When did the change of use of land occur?

Mr Banwell says that the areas of agricultural land to the north and east of The Barn (edged red on the Location Plan), were changed to garden land in October 2002 i.e. at the same time the building was converted to a dwelling, and have been used as such for more than 10 years. This statement is supported by Mrs Southern who says she used this land as garden, parking and patio during her occupation of The Barn between Oct 2002 – March 2009. Similarly Joni Anderson says she also used these areas as garden from 19 Nov 2010 to the present day.

7.12 Officers have studied the Councils archive of aerial photographs and can confirm that in all of the photographs taken 2005, 2006, 2009 and 2015 show what appears to be a drive and hard-standing areas to the north of the building, flanked by a lawn, with a patio area at the eastern end of The Barn. Officers can confirm that this is what the Case Officer noted during his site visit. Given that the evidence is in the form of sworn statements corroborated by Aerial Photographs and there is no evidence to the contrary, officers consider that the likelihood is, on the balance of probability, the land identified on the submitted

Site Location Plan (edged red) has indeed been used as residential curtilage for in excess of 10 years since 2002 to the present.

7.13 Period of occupation.

Mr Banwell has provided evidence to confirm that The Barn has been occupied continuously, save for small periods between tenants, since Oct. 2002 and this statement is supported by the statements from Mrs Southern and Joni Anderson who were/are tenants; as well as copies of the Tenancy Agreements made between Mr Banwell and Mr Rowell and Joni Anderson & Howard Morley respectively. Mrs Southern says that she paid utility bills but copies have not been provided. Joni Anderson says she has also paid utility bills and Council Tax since Nov 2010 to the present. Again no copies of these bills have been produced. An internal investigation of the Council Tax records however confirms that Joni Anderson did in fact pay Council Tax on The Barn from Nov 2010 but moved out on 26th Sept 2015 i.e. after receipt of this application subsequent to making her sworn statement.

7.14 Given this evidence and the absence of any evidence to the contrary, officers are satisfied that The Barn has been occupied for a period in excess of 4 years prior to the receipt of the application.

7.15 Was there Deliberate Concealment?

Although the site is reasonably remote, there is nothing to suggest that there was any attempt to deliberately conceal the use of the building as a separate dwelling. Council Tax has been paid on the dwelling since Nov 2010. The planning history clearly indicates the intention to occupy the building for residential accommodation as far back as 2001. Furthermore the garden areas are visible from Toghill Lane as well as the PROW that runs across the field to the south.

8. CONCLUSION

8.1 The submitted evidence covers the relevant 4-year period prior to receipt of the application and beyond.

8.2 The evidence is in the form of sworn Statutory Declarations, which carry significant weight. There is no contradictory evidence from third parties or from the Council's own aerial photographs to make the applicant's version of events less than probable. There is sufficient evidence to suggest that the building has been used as a separate dwelling for more than 4 years prior to the receipt of this application and has been continuously occupied as a residential dwelling during that time and to the present. Furthermore there is sufficient evidence to demonstrate that the land edged in red on the submitted Location Plan has been used as residential curtilage in association with The Barn for over 10 years prior to the receipt of the application.

8.3 In the absence of any contrary evidence, it is the considered view therefore that on the balance of probability the applicants have provided the evidence to support the claim.

9. RECOMMENDATION

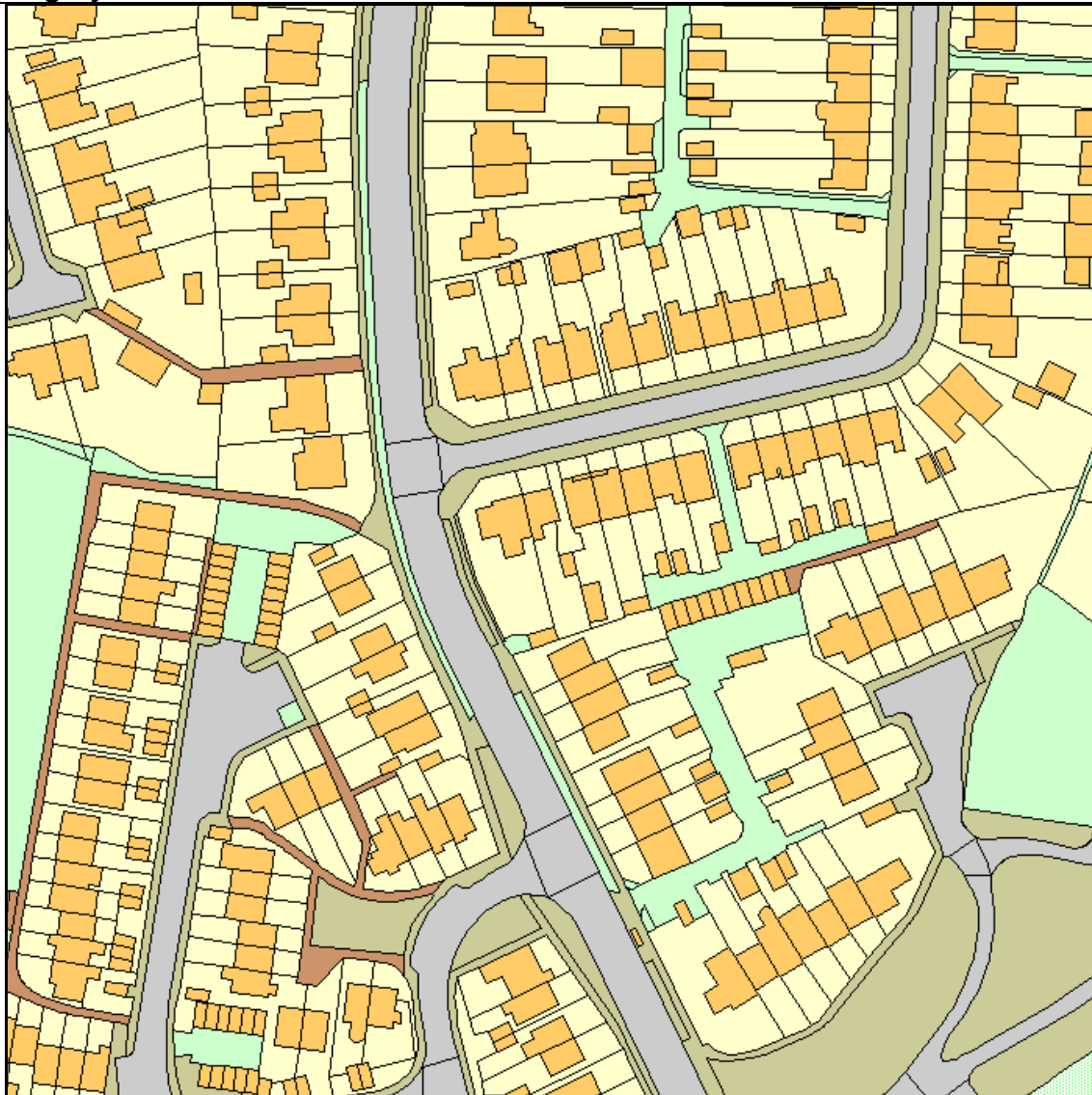
- 9.1 That a Certificate of Existing Lawful Use be GRANTED for the continued use of the building for residential (C3) purposes and use of the land as associated residential curtilage as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) for the following reason:

Sufficient information has been submitted to demonstrate that, on the balance of probability, the building shown enclosed in red on the submitted plan has been present and occupied as a separate residential dwelling house (Use Class C3) for a continuous period of 4 years or more immediately prior to the submission of the application. The land edged in red on the submitted plan has been used as associated residential curtilage for a continuous period of 10 years or more prior to the submission of the application.

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CIRCULATED SCHEDULE NO. 47/15 – 20 NOVEMBER 2015

App No.:	PK15/4144/F	Applicant:	Miss Nic Brand
Site:	131 Jubilee Crescent Mangotsfield Bristol South Gloucestershire BS16 9BD	Date Reg:	7th October 2015
Proposal:	Erection of two storey and single storey rear extension to provide additional living accommodation	Parish:	Emersons Green Town Council
Map Ref:	366392 176765	Ward:	Rodway
Application Category:	Householder	Target Date:	1st December 2015



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 100023410, 2008. N.T.S. PK15/4144/F

REASON FOR REPORTING TO 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 The proposal seeks planning permission for the erection of a two storey and single storey rear extension to provide additional living accommodation.
- 1.2 The host dwelling is no. 131 Jubilee Crescent, a semidetached dwelling within Mangotsfield.
- 1.3 During the process of the planning application revised plans were submitted at the request of officers. This was to reduce the scale of the two storey rear extension that originally extended across the entire width of the rear of the dwelling. The revised plans limited the width of the rear extension so that it was set-back from the adjacent dwelling. An appropriate period of re-consultation occurred in response to the revised plans.
- 1.4 The property's permitted development rights are intact and are therefore exercisable.

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

South Gloucestershire Local Plan Adopted January 2006 Saved Policies
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 None.

4. CONSULTATION RESPONSES

4.1 Emersons Green Town Council
No objection.

4.2 Sustainable Transport
No objection, the level of parking available complies with the Council's residential parking standard.

Other Representations

4.3 Local Residents

The Local Planning Authority has received two letters with regard to this proposal, both of which have been in objection and are from occupiers of the adjacent property no. 129 Jubilee Crescent. The comments are summarised below:

- The proposal includes a play room, the property may therefore be utilised on a commercial basis involving children, this will increase traffic flow and the existing parking arrangements are insufficient;
- The proposal will have a negative impact on my property;
- Inadequate parking arrangement, currently there is difficulty manoeuvring as the driveway is shared;
- The proposal would make the host dwelling's rear garage inaccessible;
- The proposal would hinder the rear parking area of no. 129;
- The proposal would result in a loss of natural light to the rear rooms of no. 129;
- The proposal would lock sunlight to the rear garden of no. 129;
- The proposal would impact on the property value of no. 129.

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 Design and Visual amenity

The proposal is effectively composed of two components, a single storey extension and a two storey extension, both of which will extend to the rear of the original dwelling by 3 metres. To facilitate the proposal a single storey rear extension will be demolished, this extension is located adjacent to no. 131 and extends to the rear of the dwelling by 3 metres. The single storey component will have a lean-to roof and will be attached to the two storey component. The two storey extension's roof will be set down from the maximum height of the existing dwelling and the roof will be hipped. Overall, the proposal's scale is considered to be acceptable, and the relevant design features are considered appropriate, as well as this, all the materials to be used in the proposal will match those used in the existing dwelling. Accordingly, the proposal is considered to be acceptable in terms of design and visual amenity.

5.4 Residential Amenity

Saved policy H4 of the adopted Local Plan aims to ensure that residential development within established residential curtilage does not prejudice the residential amenity of any neighbouring occupier.

5.5 The submitted plans do not show the adjacent dwelling no. 133 correctly, from a site visit the neighbouring dwelling did have a single storey rear extension, but the dwelling also had a rather large conservatory that extends for approximately 5 metres to the rear of the existing dwelling. This conservatory is set approximately 2.5 metres from the host dwelling's boundary.

5.6 The proposed single storey extension extends for the same width as the proposed two storey extension. The proposed extension will not materially harm the outlook or levels of natural light that the adjacent dwelling currently enjoys, from the adjacent dwelling's closest two windows to the proposed extensions, there is a 45 degree zone of unobstructed outlook/daylight despite the proposed extensions which is an indicator of acceptable levels of daylight and outlook. Officers also considered the impact the proposal would have on the existing conservatory, as the proposed two storey extension is set back from no. 133 the proposal is considered to not harmfully impact the living conditions within this conservatory.

5.7 There is a gap of approximately 2.6 metres between the proposed two storey rear extension and the adjacent property to the east (no. 129). If approved the rear elevation of the proposed extension would extend slightly further to the rear elevation of no. 129. By nature of the distance between the dwellings, the proposal will not materially harm the levels of natural light entering this adjacent property, or restrict the outlook that the adjacent dwelling currently enjoys.

5.8 Bedroom three within the existing dwelling would have its outlook harmed by nature of the position of the two storey rear extension, however, it would have adequate outlook provided to south west.

5.9 Overall the proposal will not materially prejudice the residential amenity of the nearby occupiers.

5.10 Transport and Parking

For the proposal to accord with the Council's minimum residential parking standard, there needs to be at least two off street car parking spaces within the residential curtilage of the dwelling. To the front of the dwelling are two off street car parking spaces that are both of adequate size, this car parking area accords with the Council's minimum residential parking standard. Should planning permission be granted, it is recommended that a condition be imposed that ensures at least two off street car parking spaces are provided within the residential curtilage of the site.

5.11 Comments have been received from the occupier of the adjacent dwelling, no. 129, suggesting that the proposal would result in the occupier not being able to access their rear car parking area. The rear parking area and garage for no. 129, and the rear garage for the host dwelling, is accessed via a shared access track that runs between the host dwelling and no. 129. The proposal would be entirely within the red line of the host dwelling and is therefore understood to be completely within the ownership of the applicant and also totally within the residential curtilage of the host dwelling. In this way the proposal would not obstruct the shared access track. If approved, the gap between the proposal and the adjacent dwelling would be approximately 2.5 metres, leaving adequate space for a vehicle to manoeuvre to the rear of no. 129. In addition to this, officers are also mindful that the proposal only extends to the rear of the dwelling by 3 metres, under the permitted development rights, the applicant could erect a single storey extension 3 metres in length that would have the same impact on access as the proposal does.

5.12 The proposal would limit access to the applicant's rear garage, it is unclear whether a vehicle would still be able to utilise this rear garage for car parking as a result of the proposal, the applicant/agent has not submitted any swept paths. As there is adequate car parking spaces within the residential curtilage of the dwelling provided at the front of the dwelling, this rear garage is not required for the proposal to accord with required parking standard. Accordingly, as the garage is not required for car parking, officers have no objections to the fact that the garage may not be accessible by vehicles if the proposal is permitted.

5.13 Other Matters

Within comments submitted by a member of the public, the commenter suggests that the dwelling could be used as commercial facility for children, such as a nursery. Planning permission would be required to use the dwelling as a nursery. Child-minding is not uncommon within residential dwellings; such a use would be ancillary to the main dwellinghouse, and would not require planning permission. Nonetheless, the submitted information suggests that the extensions will facilitate additional living accommodation; officers have no impression that the dwelling will be used for any other purpose. Accordingly, officers do not find it necessary or reasonable to impose conditions to restrict this potential use as there are already mechanisms within the planning system to do so. Furthermore, officers are mindful that a playroom is quite a common room for families to have within larger dwellings.

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 on the decision notice.

Contact Officer: Matthew Bunt

Tel. No. 01454 863131

CONDITIONS

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

Reason

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

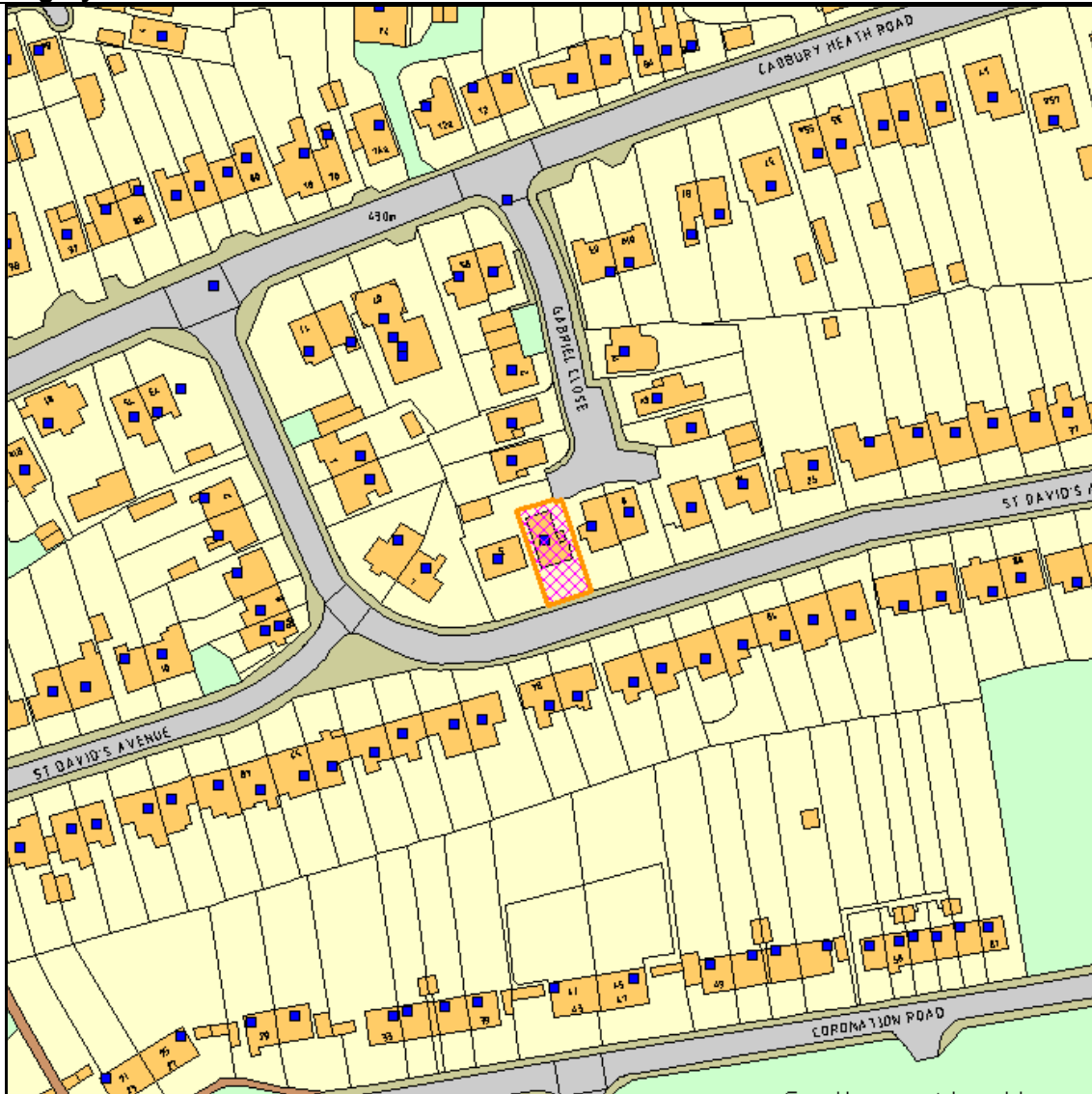
2. Prior to the first occupation of the approved extensions, and at all times thereafter, at least two off-street car parking spaces shall be provided within the residential curtilage of the dwelling. Each car parking space must measure at least 2.4 metres by 4.8 metres.

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; and the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013.

CIRCULATED SCHEDULE NO. 47/15 – 20 NOVEMBER 2015

App No.:	PK15/4198/TRE	Applicant:	Mr David Potter
Site:	6 Gabriel Close Cadbury Heath Bristol South Gloucestershire BS30 8FG	Date Reg:	30th September 2015
Proposal:	Works to fell 2no. Beech trees, crown reduce to previous points 3no. Beech trees. Reduce overhanging growth towards boundary by approximately 1 metre all trees covered by Tree preservation order SGTPO 08/06 dated 08 September 2006.	Parish:	Oldland Parish Council
Map Ref:	366555 172365	Ward:	Parkwall
Application	Works to trees	Target	23rd November
Category:		Date:	2015



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 100023410, 2008. **N.T.S.** **PK15/4198/TRE**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the circulated schedule because an objection has been received from a neighbour.

1. THE PROPOSAL

- 1.1 Works to fell 2no. Beech trees, crown reduce to previous points 3no. Beech trees. Reduce overhanging growth towards boundary by approximately 1 metre all trees covered by Tree preservation order SGTPO 08/06 dated 08 September 2006.
- 1.2 The trees are on the rear boundary of no.6 Gabriel Close, Cadbury Heath, Bristol, South Gloucestershire, BS30 8FG.

2. POLICY CONTEXT

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

3. RELEVANT PLANNING HISTORY

- 3.1 PK07/0396/TRE, Site Address: 65 Cadbury Heath Road Cadbury Heath BRISTOL South Gloucestershire BS30 8BY, Decision: REFU, Date of Decision: 16-AUG-2007. Proposal: Works to fell 5no. Leylandii Covered by South Gloucestershire Tree Preservation Order SGTPO08/06 made 30th March 2006.
- 3.2 PK07/1878/TRE, Site Address: 65 Cadbury Heath Road Cadbury Heath BRISTOL South Gloucestershire BS30 8BY, Decision: COND, Date of Decision: 31-AUG-2007. Proposal: Works to reduce size by 40% and trim back branches of 5 no. Leyland Cypress and 9 no. Lawson Cypress trees covered by South Gloucestershire Tree Preservation Order SGTPO 8/06 dated 8 September 2006.
- 3.3 PK09/0918/TRE, Site Address: 6 Gabriel Close, Cadbury Heath, South Gloucestershire, BS30 8FG, Decision: COND, Date of Decision: 06-JUL-2009. Proposal: Works to various trees as described in question 7 on application form. Covered by Tree Preservation Order SGTPO08/06 dated 8 September 2006.
- 3.4 PK08/2438/TRE, Site Address: 6 Gabriel Close, Cadbury Heath, South Gloucestershire, BS30 8FG, Decision: REFU, Date of Decision: 07-OCT-2008. Proposal: Works to remove 4 no. beech trees, and 3 no. smaller trees (species unknown) and trim remaining trees by 30%. Trees covered by Tree Preservation Order SGTPO08/06dated 8th September 2006.

- 3.5 PK09/0545/TRE, Site Address: 6 Gabriel Close, Cadbury Heath, South Gloucestershire, BS30 8FG, Decision: COND, Date of Decision: 20-APR-2009. Proposal: Works to reduce height to approximately 10 metres with proportionate reduction in lateral branches 8no. Beech trees covered by Tree Preservation Order SGTPO 08/06 dated 8 September 2006.

4. CONSULTATION RESPONSES

- 4.1 Oldland Parish Council has no objection to this proposal.

Other Representations

- 4.2 Local Residents
Comments objecting to the proposal were received from a resident that lives opposite the site address.

5. ANALYSIS OF PROPOSAL

- 5.1 Works to fell 2no. Beech trees, crown reduce to previous points 3no. Beech trees. Reduce overhanging growth towards boundary by approximately 1 metre all trees covered by Tree preservation order SGTPO 08/06 dated 08 September 2006.
- 5.2 Principle of Development
The only issues to consider are whether the proposed works would have an adverse impact on the health, appearance, or visual amenity offered by the tree to the locality and whether the works would prejudice the long-term retention of the specimen.
- 5.3 Consideration of Proposal
The Beech trees were planted as replacements for a Leyland Cypress hedge that were present when the site was developed.
- 5.4 The trees have been pruned in the past to keep them at a size appropriate to their location. The reduction is aimed at retaining the trees at this height. The proposed works include the removal of suppressed and poor specimens to allow the remaining trees to develop fuller crowns.
- 5.5 The concerns expressed by the resident in their objection were that screening would be lost and that if trees were removed they should be replaced.
- 5.6 The removal of the two trees indicated in the application will open the screen slightly initially but the remaining trees will respond to the extra light by putting on growth in the exposed areas and filling the gaps produced. Replacement trees are, therefore, unnecessary.

6. **RECOMMENDATION**

6.1 That consent is GRANTED subject to the conditions on the decision notice.

Contact Officer: Simon Penfold
Tel. No. 01454 868997

CONDITIONS

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

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the tree(s), and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

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

Reason

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

CIRCULATED SCHEDULE NO. 47/15 – 20 NOVEMBER 2015

App No.:	PK15/4233/F	Applicant:	Mr N Milner
Site:	23 Madison Close Yate Bristol South Gloucestershire BS37 5EZ	Date Reg:	2nd October 2015
Proposal:	Erection of single storey garage to side elevation.	Parish:	Yate Town Council
Map Ref:	370749 182901	Ward:	Yate North
Application Category:	Householder	Target Date:	24th November 2015



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been reported to the Circulated Schedule is because an objection was received from Yate Town Council.

1. THE PROPOSAL

- 1.1 The proposal seeks to erect a single storey side extension to form a garage
- 1.2 The subject property is a two storey mid-20th century end terrace property with a gabled end and tile covering. Elevations have rendered exterior and windows are UPVC double glazed. To the rear of the property are three existing garages accessed from Cranleigh Court Road. Two of which have single pitched roofs, and another with a double pitched corrugated roof.
- 1.3 To the rear of the property is an area of private garden. Boundary treatments are a combination of garden walls, timber garden fences and external garage walls.
- 1.4 The site is located within the built up residential area of Yate.

2. POLICY CONTEXT

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

South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)
H4 Development within Existing Residential Curtilages
T12 Transportation

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
CS5 Location of Development
CS8 Improving Accessibility
- 2.3 Supplementary Planning Guidance
Design Checklist SPD (adopted) August 2006
Residential Parking Standards SPD (adopted) December 2013

3. RELEVANT PLANNING HISTORY

- 3.1 P86/2067 – Approval - 04/09/1986 - Erection of two storey side extension to form new W.C., lobby and diner with additional bedroom over.

4. CONSULTATION RESPONSES

4.1 Yate Town Council
Objection – Design and Visual Appearance

4.2 Other Consultees

Transportation DC

Insufficient detail on original plans – revised plan has been submitted and consequently no objection was raised.

Other Representations

4.3 Local Residents
None Received

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 where the highest possible standards of design and site planning are achieved. Proposals should demonstrate that they; enhance and respect the character, distinctiveness and amenity of both the site and its context; have an appropriate density and its overall layout is well integrated with the existing development. Saved Policy H4 of the South Gloucestershire Local Plan (adopted 2006) is supportive in principle of development with the residential curtilage of existing dwellings. This support is subject to the proposal respecting the existing design of the dwelling and it does not prejudice the residential and visual amenity; adequate parking provision; and has no negative effects on transportation. The proposal accords with the principle of development subject to the consideration below.

5.2 Design and Visual Amenity

The proposal consists of the erection of a single storey side extension to form an additional garage for storage of a private motor vehicle. There are a number of other extensions to the side of various end-terrace properties in the area. The proposal has put forward materials of similar appearance for the rainwater goods, roof and elevations and as a result would not be out of character with the original dwelling and its context.

5.3 An objection has been received from Yate Town Council with regard to the design and visual appearance. However, it has been considered that the impact on the character of the area will be minimal due to its visibility from the public realm. The setting of the proposal will be entirely screened from Madison Close due to the orientation of the buildings. The majority of the development will also be screened from view at the rear, by the existing garaging. With regard to visual appearance, the materials put forward have a similar appearance to the existing dwelling whilst the design of the extension is not unusual for its proposed use as a garage. The proposal is also subservient in

scale to the original dwelling. Accordingly, the proposal appears to be in keeping with Policy CS1 of the Local Plan Core Strategy (2013).

- 5.4 Overall, it is considered that the proposed extension would not harm the character or appearance of the area and as such is considered acceptable in terms of visual amenity.

Therefore, it is judged that the proposal has an acceptable standard of design and is considered to be 'in keeping' with policies CS1 and H4 and conforms to the criteria in the adopted Local Plan.

5.5 Residential Amenity

Policy H4 of the adopted Local Plan gives the Council's view on new development within existing residential curtilages. Proposals should not prejudice the residential amenity (through overbearing, loss of light and loss of privacy) of neighbouring occupiers as well as the private amenity space of the host dwelling. The property has a significant degree of separation with properties to the rear and would not result in loss of privacy. The proposal is of a reasonably small scale which means there is not likely to be unacceptable loss of light or overbearing impact on properties bounding the residential curtilage.

- 5.6 The subject property is located within a built up residential area and given the scale and location of the proposed development will not result in a detrimental impact on the residential amenity of its neighbouring occupiers, meaning the proposal is in accordance with saved policy H4 of the adopted Local Plan.

5.7 Sustainable Transport and Parking Provision

Currently the property has three garages to the rear of the property. The proposal will be set behind the existing garaging and will not require a new access as it will have access through one of the existing units, as a result there would be no negative affect on highway safety. Given the proposal will not include any additional bedrooms it will not impact the number of spaces required. The existing arrangement of garages providing spaces for at least 3 cars and an additional single garage forming the proposal satisfies the requirements of the Residential Parking Standards SPD (2013), meaning the proposal is in accordance with saved policy T12 of the Local Plan (2006). The council

- 5.8 This is an unusual situation and the proposal would result in the possibility of 5 covered private car parking spaces. This is far in excess of the minimum for a property of its size, however there are no restrictions on maximum number of parking spaces and there is therefore no objection to the proposal. Conversely as a result of the number of spaces it would be expedient to introduce a condition preventing the use of the garage for any other purpose other than storage of a private motor vehicle for the sole use of occupiers of 23 Madison Close.

- 5.9 A comment was received in relation to Sustainable Transport from the Transport Development Control Department. The comment indicated that there was not enough information to process the application. A revised plan has been

submitted and consequently the Transportation department has no objection to the proposal with regard to Transport, Parking Provision or Highway Safety.

6. CONCLUSION

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

7. RECOMMENDATION

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

Contact Officer: Hanni Osman
Tel. No. 01454 863787

CONDITIONS

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

Reason

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

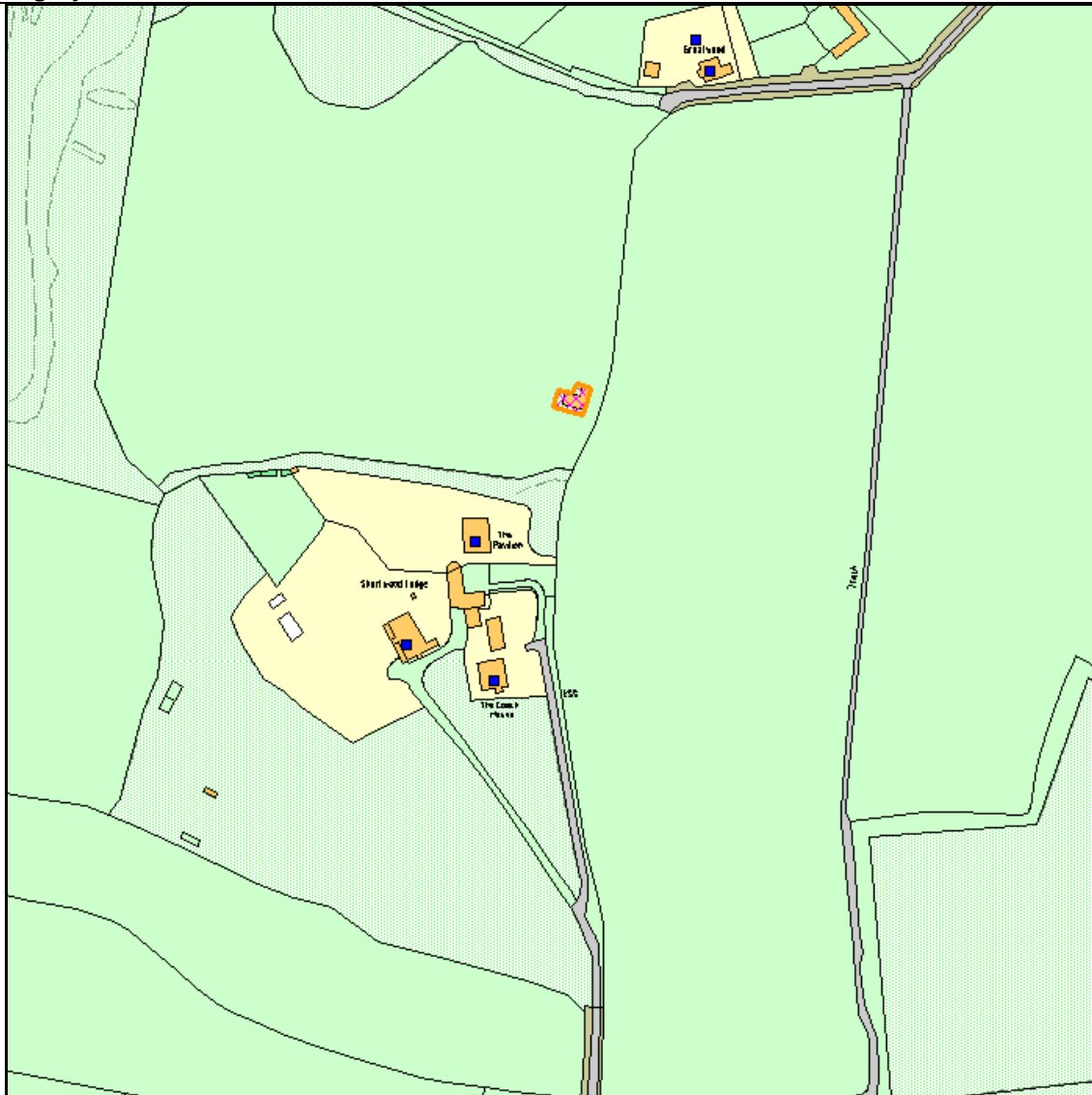
2. The garage hereby approved shall be used incidental to the enjoyment of the dwellinghouse known as 23 Madison Close such that no commercial activities shall take place on the land.

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 the provisions of the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 47/15 – 20 NOVEMBER 2015

App No.:	PK15/4379/PNGR	Applicant:	Mrs A Greenwood
Site:	Land To North Of Shortwood Lodge Shortwood Hill Pucklechurch Bristol South Gloucestershire BS16 9PF	Date Reg:	12th October 2015
Proposal:	Prior notification of a change of use from Agricultural Building to single residential dwelling (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) (resubmission of PK15/1173/PNGR)	Parish:	Pucklechurch Parish Council
Map Ref:	368335 176338	Ward:	Boyd Valley
Application Category:		Target Date:	3rd December 2015



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule as the Parish Council has raised an objection to the proposal. The officer recommendation is one of approval.

This application is a prior notification and the Local Planning Authority must respond within a period of 56 days. Failure to respond within the stipulated period results in a default deemed approval. Deemed approval will automatically be gained should the Local Planning Authority fail to issue a decision on this application before 3 December.

1. THE PROPOSAL

- 1.1 This application consists of a prior notification to the Local Planning Authority regarding a proposed change of use of an agricultural building into a residential dwelling. The prior notification is required in connection with Class Q of Part 3 of the second Schedule of the Town and Country Planning (General Permitted Development) (England) Order 2015.
- 1.2 This is not a planning application. The proposed change of use is deemed to be acceptable in principle under the provisions of the Order. The Local Planning Authority is required to make an assessment of the impacts of the proposed development solely under the specific criteria listed in the Order.
- 1.3 The application site relates to an agricultural building on the north of Shortwood Lodge on Shortwood Road between Pucklechurch and Mangotsfield. It is proposed to use an existing access from Coxgrove Lane. The building is currently used for storage, although the majority of the building is empty.
- 1.4 The site is located outside of any defined settlement in land designated as part of the Bristol and Bath Green Belt.

2. POLICY CONTEXT

2.1 National Guidance

- i. National Planning Policy Framework March 2012
- ii. Town and Country Planning (General Permitted Development) (England) Order 2015
- iii. National Planning Practice Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

- CS1 High Quality Design
- CS8 Improving Accessibility

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

- L1 Landscape
- EP2 Flood Risk and Development
- EP4 Noise Sensitive Development

T12 Transportation

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

3. **RELEVANT PLANNING HISTORY**

3.1 PK15/1173/PNGR Prior Approval Refused 06/05/2015
Prior notification of a change of use from Agricultural Building to single residential dwelling (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).

Refusal Reasons:

1. The proposed development does not meet the criteria outlined under paragraph Q.1(i) because building operations required would go beyond what can be considered 'reasonably necessary'.
2. It is considered that due to the lack of a formal access road to the building the development would result in occupiers being forced to park on the public highway thus leading to an obstruction that could compromise highway safety and users of the highway.
3. The siting of the building with no formal access track would not be sensible or realistic and as such makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3.

4. **CONSULTATION RESPONSES**

4.1 Pucklechurch Parish Council
Objection Barn adjacent to hedged field boundary in the green belt; access track does not provide a suitable or attractive form of access; access road is unsuitable for further development (see PK13/2799/RVC); permitting the barn would result in increased traffic on a substandard access road; trackway needs to be brought up to an acceptable standard; no pedestrian route; site is too far from local bus routes; lack of fence around application site may lead to an unauthorised change of use and domestic paraphilia; difficulty in connecting site to services.

4.2 Environmental Protection
No objection subject to informative on construction site mangement

Other Representations

4.3 Local Residents
None received

5. **ANALYSIS OF PROPOSAL**

5.1 This is a prior notification for the change of use of an agricultural building into a dwelling.

5.2 Principle of Development

By virtue of the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, the development is acceptable subject to a prior notification as set out in Class Q and Class W of Part 3. Therefore, the development is acceptable in principle and the prior approval of the Local Planning Authority must be determined against the criteria as set out below.

5.3 In addition to this, the development must clearly demonstrate that the revised proposals have overcome the objections raised against PK15/1173/PNGR.

5.4 Criteria to be Permitted Development

For the change of use to be permitted development it must comply with the regulations set out in paragraph Q.1 of the Order –

Q.1 Development is not permitted by Class Q if—

- (a) the site was not used solely for an agricultural use as part of an established agricultural unit—**
- (i) on 20th March 2013, or,**
 - (ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use, or**
 - (iii) in the case of a site which was brought into use after 20th March 2013, for a period of at least 10 years before the date development under Class Q begins;**

At present the building is used for small scale storage. It was accepted under PK15/1173/PNGR that the building was in an agricultural use and there is no new evidence to find that this is no longer the case. Criteria Q.1(a)(ii) is met.

- (b) the cumulative floor space of the existing building or buildings changing use under Class Q within an established agricultural unit exceeds 450 square metres;**

The area of floor space subject to the change of use is approximately 66 square metres. The area of cumulative floor space within the established agricultural unit would not exceed 450 square metres.

- (c) the cumulative number of separate dwellinghouses developed under Class Q within an established agricultural unit exceeds 3;**

The number of dwellings proposed is one. There are no other buildings within the established agricultural unit which are or have been subject to a change of use.

- (d) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;**

The site is not occupied under an agricultural tenancy.

- (e) **less than 1 year before the date development begins—**
- (i) **an agricultural tenancy over the site has been terminated, and.**
 - (ii) **the termination was for the purpose of carrying out development under Class Q,.**
- unless both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural use;**

The site is not occupied under an agricultural tenancy.

- (f) **development under Class A(a) or Class B(a) of Part 6 of this Schedule (agricultural buildings and operations) has been carried out on the established agricultural unit—**
- (i) **since 20th March 2013; or**
 - (ii) **where development under Class Q begins after 20th March 2023, during the period which is 10 years before the date development under Class Q begins;**

There has been no development under Part 6 of the Schedule since March 2013.

- (g) **the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point;**

The proposal would not result in the building as converted extending beyond the dimensions of the existing building.,

- (h) **the development under Class Q (together with any previous development under Class Q) would result in a building or buildings having more than 450 square metres of floor space having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order;**

There has been no previous development under this Class and therefore the amount of residential floor space created would not exceed 450 square metres.

- (i) **the development under Class Q(b) would consist of building operations other than—**
- (i) **the installation or replacement of—**
 - (aa) **windows, doors, roofs, or exterior walls, or**
 - (bb) **water, drainage, electricity, gas or other services,****to the extent reasonably necessary for the building to function as a dwellinghouse; and**
 - (ii) **partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i);**

An objection was previously raised to the development on the basis that the level of operational development required to convert the building was more than that which was reasonably necessary for the building to function as a dwellinghouse.

Since PK15/1173/PNGR was determined, the barn has been subject to maintenance works. The collapsed roof as stated in the officer's report for the earlier notification has been repaired and there is now no evidence of gaps in the stone walls. A supporting document has been submitted with this notification that states the barn was inspected in September 2015 and is structurally capable of conversion. Whilst this opinion is not verified or supported by a survey, now that the building has been repaired there is no evidence from the site visit that it would not be able to be converted.

Limited demolition would be undertaken to replace the west facing gable ends with glazing. No objection was previously raised on the level of demolition and therefore the development is considered acceptable in this regard.

(j) the site is on article 2(3) land;

The site is not on article 2(3) land

- (k) the site is, or forms part of—**
- (i) a site of special scientific interest;**
 - (ii) a safety hazard area;**
 - (iii) a military explosives storage area;**

The site does not form any of the above

(l) the site is, or contains, a scheduled monument; or

This site is not, nor forms part of, a scheduled monument

(m) the building is a listed building.

The building is not a listed building.

5.5 The proposed conversion is therefore considered to fit the criteria to be permitted development. This is subject to the conditions stipulated in the Order.

5.6 Conditions in Respect of Permitted Development

Paragraph Q.2 stipulates a number of conditions to which the proposed conversion must adhere to be permitted development. These include the requirement of the applicant to apply to the Local Planning Authority for determination as to whether their prior approval is required. Under paragraph **Q.2(1)**, the Local Planning Authority may only consider the following:

- (a) transport and highways impacts of the development,**
- (b) noise impacts of the development,**
- (c) contamination risks on the site,**
- (d) flooding risks on the site,**
- (e) whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from**

**agricultural use to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order, and
(f) the design or external appearance of the building**

5.7 Assessment of Prior Approval

To accord with the above condition, the Local Planning Authority must assess whether the prior approval is required in relation to the matters raised above. Therefore each will be assessed in turn in the sections of this report as set out below.

Transport and Highways

5.8 The previous prior approval was refused, partly on concerns over the access to the development; these concerns are echoed by the parish council. At the time, no formal vehicular access was in place. Following this, the applicant has investigated whether a historic access track along the field boundary to the north of the site is still in situ. Having scalped the top of the surface, there is evidence that there was once a track in this location. A previous concern was raised that the site was landlocked as the public highway fell short of the access point and the applicant had not demonstrated that there was a right of access over this land. A further concern was that the site was in an unsustainable location which would be heavily reliant on private motor car.

5.9 To overcome the previous concerns, the applicant is proposing to lay scalplings on the historic access track to provide a surfaced route from the highway to the building. This is considered to overcome the concerns about the quality of the access and the potential to lead to additional on-street parking on the public highway to the north. The reduction in the potential for parking on the road has reduced the risk to highway safety to a level where it is considered that the development is acceptable.

5.10 It is acknowledged that the highway serving the access point is a single carriageway. However, in terms of the scale of development it is not considered that the increase in the use of this road would result in a severe impact and therefore it is not reason to resist this development.

5.11 It has not been confirmed whether or not the site is landlocked. However, the grant of prior approval would not grant rights of access and therefore this is considered a civil matter.

5.12 Subject to a condition requiring the laying of scalplings on the access it is considered that the proposal has overcome the previous concerns raised with regard to transport and highways and no objection is now raised to the proposal.

Noise

5.13 The application site is located within the open countryside. It is not located close to any significant noise generating uses. The conversion of the barn to residential dwellings would not be subject to unacceptable levels of noise and the prior approval of the Local Planning Authority is given.

Contamination

- 5.14 There are no known contamination risks associated with the building or the site and the site is not 'contaminated land' as described in Part 2A of the Environmental Protection Act 1990. The site is not therefore considered to be contaminated and the prior approval of the Local Planning Authority on this matter is not required.

Flooding

- 5.15 The site does not fall within land defined as at risk of flooding by the Environment Agency or in an area where there is a critical drainage problem. The site is therefore not considered to be at risk of flooding and the prior approval of the Local Planning Authority on this matter is not required.

Location and Siting

- 5.16 The site lies within an unsustainable location in the open countryside and the green belt. However, given that the majority of all agricultural buildings are located within the open countryside, and that the sole objective of Class Q is to facilitate such conversions, this is not of sufficient concern to raise an objection on the basis of siting.
- 5.17 Concern was previously raised as the building is sited in a field and there was no formal access arrangement. Now that an access is included, it is not considered that the development would lead to vehicular movements over a field and this objection is removed. Prior approval on this matter is given.

Design and External Appearance

- 5.18 No objection was previously raised in this regard. The building would retain its general agricultural and historic character although a number of new windows and openings would be created. These are considered to be acceptable.

5.19 Conditions

Paragraph **W.(13)** of Part 3 allows the Local Planning Authority to grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval. The prior approval, should it be granted, should be subject to a condition in relation to the access track as discussed in paragraph 5.12 of this report.

5.20 Residential Curtilage

For the proposed conversion to be permitted development, the curtilage of the resulting development must accord with the provisions of the Order. Paragraph **X** of Part 3 states that the curtilage of the dwelling is defined as –

“curtilage” means [...] —

- (a) the piece of land, whether enclosed or unenclosed, immediately beside or around the agricultural building, closely associated with and serving the purposes of the agricultural building, or**
- (b) an area of land immediately beside or around the agricultural building no larger than the land area occupied by the agricultural building,**

whichever is the lesser

5.21 Plan 211-P01-Rev.A indicates the land which is to be considered the garden of the dwelling. The proposed conversion would not be permitted development if the curtilage of the resulting dwelling exceeds that permitted by the above paragraph. From the plans submitted, it is considered that the proposal accords with the above limitation, although it should be noted a precise calculation has not been undertaken.

6. SUMMARY

6.1 The proposed development meets the criteria outlined under paragraph **Q.1** and is considered to be permitted development.

6.2 An assessment of the impact of the proposed development, in accordance with the criteria stipulated in paragraph **Q.2(1)**, has been undertaken and there are no objections under the specified criteria and the prior approval of the Local Planning Authority is given in this respect.

7. RECOMMENDATION

7.1 It is recommended that the **PRIOR APPROVAL IS GRANTED** subject to the conditions set out below.

Contact Officer: Griff Bunce
Tel. No. 01454 863438

CONDITIONS

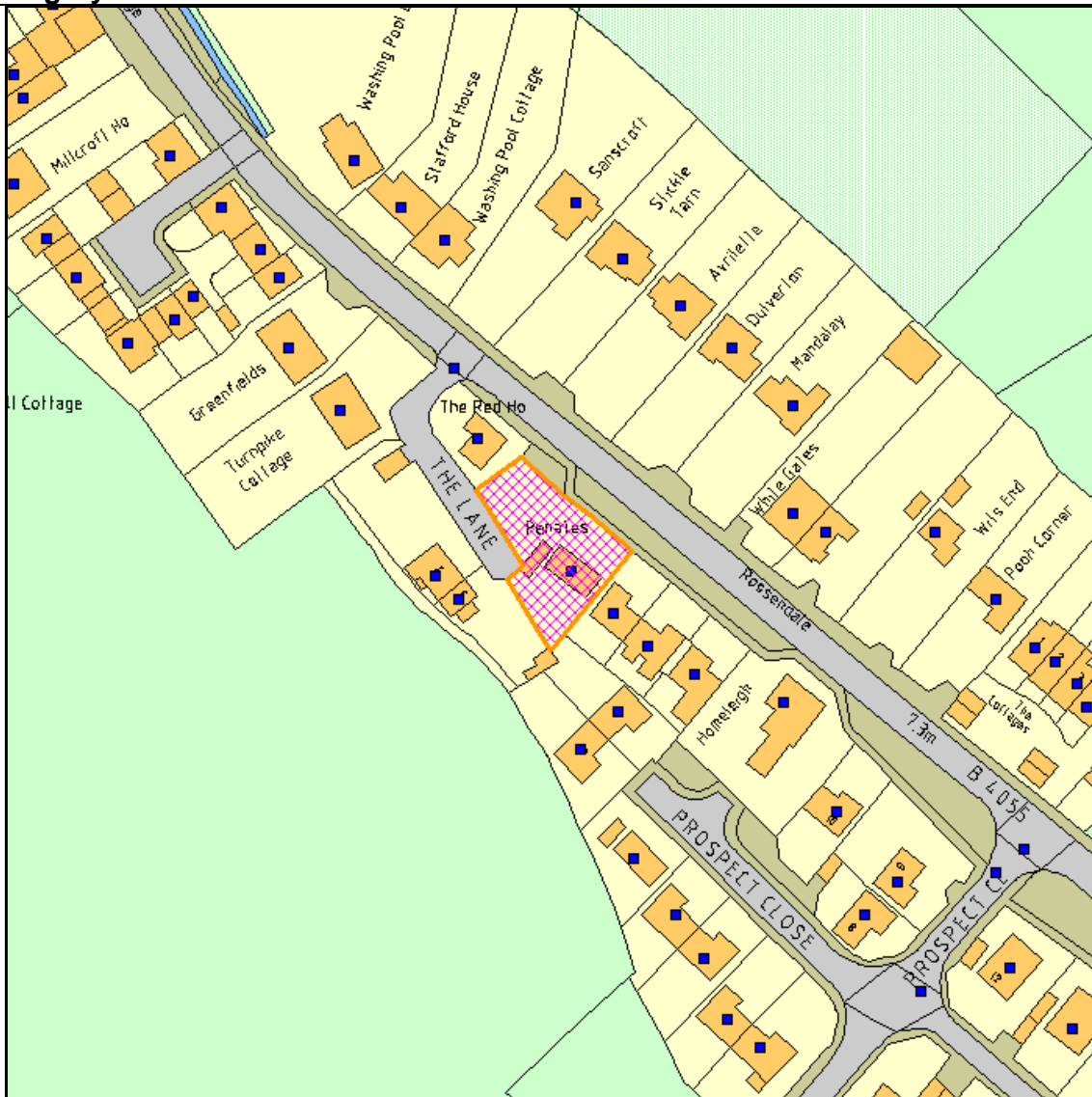
1. Prior to the commencement of any operational development required to convert the building, the access track as shown on plan 211-P01-Rev.A, shall be surfaced with a layer of road scalpings.

Reason

To prevent damage to the field by vehicular movements, to provide a satisfactory means of access to the development, and to ensure the change of use of the building is not undesirable to accord with the provisions of paragraph Q.2 of Part 3 of the Second Schedule of the Town and Country Planning (General Permitted Development) (England) Order 2015.

CIRCULATED SCHEDULE NO. 47/15 – 20 NOVEMBER 2015

App No.:	PT15/0629/F	Applicant:	Mr J Roberts
Site:	Penates Main Road Easter Compton Bristol South Gloucestershire BS35 5RA	Date Reg:	17th February 2015
Proposal:	Demolition of existing detached garage to facilitate the erection of annexe ancillary to main dwelling.	Parish:	Almondsbury Parish Council
Map Ref:	356936 182674	Ward:	Almondsbury
Application Category:	Householder	Target Date:	8th April 2015



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is circulated as a result of the Parish comments.

1. THE PROPOSAL

- 1.1 This application seeks consent to erect an annex in brickwork and double roman tiles.
- 1.2 The property is located in the Green Belt in the 'washed over' settlement of Easter Compton.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

- H4 Development within Existing Residential Curtilages, including extensions and new dwellings
- L1 Landscape
- 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 Managing the Environment and Heritage
- CS34 Rural Areas

Supplementary Planning Guidance

South Gloucestershire Council Residential Parking Standards SPD adopted December 2013.

Trees on development sites Nov 2005

Development in the Green Belt May 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PT14/3300/F Demolition of existing garage. Erection of two storey side extension to form additional living accommodation. Approved 11.11.2014
- 3.2 PT01/2585/O Erection of 1 No. dwelling. Refused 30.10.2001 for the following reason: The proposal represents an over-development of the site which would be cramped in appearance and detrimental to the amenities of the occupiers of neighbouring residential property and would detract from the visual amenities of the areas. The proposal would therefore be contrary to Policy RP1(c) of the Adopted Northavon Rural Areas Local Plan.

- 3.3 P93/1478 Erection of detached bungalow, alteration to vehicular access (outline) refused 16.06.1993 and dismissed at appeal. It was refused for the following reason:

The proposal represents an over-development of the site which would be cramped in appearance and detrimental to the amenities of the occupiers of neighbouring residential property and would detract from the visual amenities of the areas. The proposal would therefore be contrary to Policy RP1(c) of the Adopted Northavon Rural Areas Local Plan.

- 3.4 P90/1345 Erection of detached dwelling; construction of new vehicular access refused 28.03.1990 for the following reasons:

1 The proposal represents an over-development of the site which would be cramped in appearance and detrimental to the amenities of the occupiers of neighbouring residential property and would detract from the visual amenities of the area. The proposal would therefore be contrary to Policy RP1 (c) of the Draft Northavon Rural Areas Local Plan.

2 The proposed development would give rise to additional vehicles reversing onto and off the classified road to the detriment of highway safety.

- 3.5 P89/1388 Erection of two storey front extension to provide entrance lobby and bathroom with landing over; erection of two storey side extension to provide double garage with two additional bedrooms over; erection of single storey rear extension to lounge. Approved but not built

- 3.6 N1944 Erection of two storey extension to provide kitchen area, study and bedroom over. Approved 09.10.1975 but doesn't appear to have been built

P89/1388 Erection of two storey front extension to provide entrance lobby and bathroom with landing over; erection of two storey side extension to provide double garage with two additional bedrooms over; erection of single storey rear extension to lounge. Approved but not built

4. CONSULTATION RESPONSES

4.1 Almondsbury Parish Council

Objection - are concerned at the proposed narrow access. When one vehicle is trying to exit, another cannot enter thereby also giving rise to concerns regarding highway safety. APC also would like to draw attention to the level of the water table in the vicinity.

4.2 Highway Drainage/Lead Local Flood Authority

No Objection Foul disposal to the existing main dwelling system and Surface Water to a Soakaway are acceptable methods and we therefore withdraw our objection. An informative is however required in respect on the distance of the soakaway from the annex.

4.3 Transportation

Details of the point of access have not been indicated, if access were to be achieved from 'The Lane' at the rear then this would be objected to, however, it

appears that this may be accessed from the front. Prior to commenting further therefore details of parking for both the existing house and proposed annex in accordance with current parking standards together with details of vehicle turning so that they can enter and leave in a forward gear.

4.4 Archaeology

This site is located within the historic settlement of Easter Compton and directly adjacent to a probable Medieval road leading to a deserted Medieval settlement. Whilst it is unlikely that significant archaeology would be preserved on site, archaeological deposits may still be present. As such a HC11 condition for an archaeological watching brief should be applied to any consent granted.

4.5 Environment Agency

No response received

Other Representations

4.6 Local Residents

None

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The NPPF sets a presumption in favour of sustainable development. This means that development proposals that accord with the development plan should be approved and where relevant policies are absent, silent or out-of-date, permission should be granted unless – any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies within the NPPF taken as a whole. There is therefore a presumption in favour of development subject to further consideration in relation to the policies of the development plan.

In assessing applications for residential extensions planning policy H4 of the adopted Local Plan and CS1 of the Core Strategy are particularly relevant. Policy H4 specifically relates to residential development, including extensions, and considers issues such as design, residential amenity and highway safety. CS1 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 site and its context. As the site is also in the Green belt, within a washed over settlement policies CS34 and CS5 are also relevant.

5.2 Green Belt

Policies CS34 and CS5 refer to Green belt and the NPPF sets out that disproportional extensions are inappropriate in the greenbelt. In this case the extension previously approved which can still be built under PT14/3300/F, having taken into account the existing rear conservatory and porch would equate to a 41% increase in the size of the house. This was not considered to be disproportionate to the scale of the original house and is appropriate scale of development within the washed over settlement. The proposed annex takes the form/scale of a detached double garage 6.7m deep and 7.1m wide with a ridge rising to 3.9m. The separation between the proposed annex and the

extension already granted (not shown on the drawings) limits the overall mass of the proposed development on site. Overall officers take the view that, given that limited infilling is acceptable in principle in washed over settlements within the Green Belt, and the proposed annex, even with the approved extension under application PT14/3300/F, is not inappropriate development. When considering the harm to the green belt, other causes of harm such as visual amenity and any other harm need to be considered. This is considered below.

5.3 Design

The site currently contains a two storey house which has permission for a two storey side extension (PT14/3300/F) to create an additional living room downstairs with a fourth bedroom over. This is not shown on the plans but the proposed annex would be in a different location from the extension and as such both could be erected – this needs to be considered as part of this application.

This proposal sites the annex beside but separate from the recently approved extension (PT14/3300/F). This retains a feeling of space around the house. The proposal is to be finished in render and tiles to match the house which is appropriate. The annex, in its amended, lower form, would be located similarly to how a double garage might appear to the side of the main house and this does not have a material impact on the street scene. The proposal involves the removal of an existing garage and maintains a good sized private garden area. The removal of the garage is not essential for residential amenity purposes but would be removed if the extension approved under PT14/3300/F were built. There is a hedge along the front of the site, save for the location of the existing vehicular access which would offer some screening of the site and potentially the cars belonging to Penates and its annex. As such overall the design of the annex is considered acceptable subject to a matching material condition.

The annex would be dependant on the main house for access and amenity space and as such a condition restricting the annex to an annex is justified.

Further given the location of the site on the main road in Easter Compton, with another row of houses between the site and the settlement boundary it is considered that there would be no harm by reason of loss of openness to the Green belt or any other harm to the Green Belt.

5.3 Residential amenity

The proposed annex is not of a scale to affect the non-adjointed neighbouring houses by reason of being overbearing. Neither does it facilitate intervisibility between the annex and the neighbours.

5.4 Transportation

The site currently has vehicular access off Main Road where at least three vehicles could be parked (indeed at the time of the officer visit a large recreational vehicle (RV) was parked on the drive). The site access is not proposed to be moved and given that the annex is not proposed as a separate house but as additional accommodation to the main house, a separate drive and parking is not required. The councils highway officer requires that three parking spaces will be provided as part of the development given that four bedrooms are located in the proposed extended house and the annex provides

a fifth bedroom at the site. This would accord with the Councils Parking Standards SPD. Details of these three spaces have been provided on amended plans and can be secured by condition.

5.5 Trees

There is a small oak tree at the rear of the back garden which is sufficiently remote from the proposal to prevent it getting damaged in the works.

5.6 Archaeology

This site is located within the historic settlement of Easter Compton and directly adjacent to a probable Medieval road leading to a deserted Medieval settlement. Whilst it is unlikely that significant archaeology would be preserved on site, archaeological deposits may still be present within this land. As such a condition for an archaeological watching brief is necessary on the application.

5.7 Drainage and flood risk

The site lies in flood zones 2 and 3 and as such the application is accompanied by a Flood Risk Assessment (FRA) which was amended during the course of the application as a result of the amendments to the scale of eth annex. The Environment Agency were consulted and no comment or objection to the scheme resulted. The Flood Risk Assessment sets the floor level of the annex at 30cm above ground level and advises of measures to protect the building in the event of the potential tidal river flood. As such no objection is raised to the principle of the application and the details need to be secured by a condition.

The Planning Practice Guidance (PPG) sets out that residential accommodation is considered to be more vulnerable development and Table 3 seeks that an exception test is carried out. However the notes to PPG also identifies at Table 3 that minor development does not need to be subject to a sequential or exception test where it is not creating a new dwelling. In this case the annex is additional accommodation and will be tied as such to the main house. It is necessary however to address the impact of mitigation measures possible and the agent states the mitigation measures proposed for the annex within the submitted FRA. It is considered necessary to condition that the mitigation measures are carried out if the annex is built.

Foul and surface water drainage details are acceptable in principle and will be further considered during a Building Regulation application.

6. CONCLUSION

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

6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan and the 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 conditions set out below.

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 commencement of development a programme of archaeological investigation and recording for the site shall be submitted to and approved by the Local Planning Authority. Thereafter, the approved programme shall be implemented in all respects, unless the Local Planning Authority agrees in writing to any variation.

Reason

In the interest of archaeological investigation or recording, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

3. Three parking spaces shall be provided in accordance with the standards set out in the Residential Parking Standards SPD (Adopted) December 2013 as shown on plan R642/04rev B received 12/11/2015. Thereafter, the development shall proceed in accordance with the agreed scheme, with the parking facilities provided prior to the first occupation of the building; and thereafter retained for that purpose.

Reason

To ensure 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; and the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013.

4. The annex shall be constructed and occupied in accordance with the details of construction and operation set out in the Flood Risk Assessment received 19/8/2015.

Reason

The site is located in flood zone three and it is considered necessary, pursuant to the Flood Risk Assessment, to prevent unnecessary pollution and flooding occurring, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

5. The materials to be used in the construction of the external surfaces of the annex hereby permitted shall match those used in the existing dwelling.

Reason

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to protect the residential amenity of the neighbouring occupiers and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

6. The annex hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Penates, Main Road, Easter Compton .

Reason

In the interests of highway safety and residential amenity and to accord with Policies CS1 and CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policies H4 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006; and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 47/15 – 20 NOVEMBER 2015

App No.:	PT15/2344/F	Applicant:	The Kendleshire Golf Club Ltd
Site:	The Kendleshire Henfield Road Coalpit Heath South Gloucestershire BS36 2XG	Date Reg:	1st June 2015
Proposal:	Erection of extension to clubhouse to provide 22no bedrooms and enlarged restaurant area	Parish:	Westerleigh Parish Council
Map Ref:	367505 179256	Ward:	Westerleigh
Application Category:	Minor	Target Date:	17th July 2015



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100023410, 2008.

N.T.S.

PT15/2344/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule following the receipt of representations in favour of the proposal, which are contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The application relates to the 'Kendleshire Golf Club' which is located to the west of Henfield Road, in the open countryside and Bristol/Bath Green Belt. The existing clubhouse is a two-storey building that has been extended under permission PT01/1341/F, the original permission for the clubhouse P96/2299 having not been fully built out. There is a large car park area to the east and north-east of the clubhouse and also a putting green to the east. Directly to the west of the clubhouse is a terrace for drinking and outdoor dining.
- 1.2 The existing clubhouse comprises a restaurant, kitchen, lounge/bar as well as male and female changing rooms on the ground floor. There are conference rooms, an office and a members' bar and dining room on the first floor. There is an 18-hole and a 9-hole golf course to the west and north-west of the clubhouse. The 'Kendleshire' currently employs 31 staff which can increase to 50 at very busy times.
- 1.3 A full planning consent is sought to erect a two-storey extension to the front (eastern) elevation of the clubhouse and a smaller single-storey extension to the side (northern) elevation of the building, to provide in total an additional 795 sq.m. of floor space. The main two-storey extension would provide overnight accommodation and the single-storey extension an enlarged dining/restaurant area. The main extension would have 22 no. bedrooms (14 on the ground floor and 8 at first floor level) with en-suite facilities; no additional parking areas are proposed.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Practice Guidance 2014

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

L1 Landscape Protection and Enhancement
L9 Species Protection
EP2 Flood Risk and Development
T8 Parking Provision
T12 Highway Development Control Policy for New Development
E11 Tourism
LC5 Proposals for Outdoor Sports and Recreation Outside Existing Urban Areas and Established Settlement Boundaries.

South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 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
CS23 Community and Cultural Activity
CS34 Rural Areas

Emerging Plan

Proposed Submission: Policies Sites and Places Plan March 2015

PSP2 Landscape
PSP7 Development in the Green Belt
PSP8B Residential Amenity
PSP11 Development Related Transport Impact Management
PSP16 Parking Standards
PSP20 Flood Risk, Surface Water and Watercourse Management
PSP21 Environmental Pollution and Impacts
PSP27 Rural Economy

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

3. RELEVANT PLANNING HISTORY

- 3.1 P96/2299 - Erection of clubhouse and associated facilities.
Approved 2nd May 1997
- 3.2 PT01/1341/F - Erection of two-storey extension to clubhouse.
Approved 13th June 2001
- 3.3 PT04/2058/F - Erection of extension to existing clubhouse to provide 21 no. bedrooms with en-suite facilities.
Refused 6th August 2004 for the following reason:

The site is located within the Bristol/Bath Green Belt and the proposal does not fall within the limited categories of development normally considered appropriate within the Green Belt. In addition, the applicant has not demonstrated that very special circumstances apply, such that the normal presumption against development in the Green Belt should be overridden. The proposal is therefore contrary to the provisions of PPG2, Policy GB1 of the South Gloucestershire Local Plan (Deposit Draft), Policy 16 of the Joint Replacement Structure Plan (As Intended to be Adopted), and Policy RP34 of the adopted Northavon Rural Areas Local Plan.

4. CONSULTATION RESPONSES

- 4.1 Westerleigh Parish Council
No objection however Council would like to see any resultant additional noise on site to be managed, especially in relation to neighbouring properties.

Other Consultees

Highway Structures

No comment

Lead Local Flood Authority

The application proposes to dispose of surface water by utilising the existing mains sewer system. However there are no records of a public surface water system located within the vicinity of the site. In relation to the above, updated details as to how the applicant proposes to dispose of surface water are required. A SUDS condition is required.

Transportation D.C.

There is no transportation objection to this proposal subject to a condition requiring a Construction Traffic Management Plan, to be submitted and approved prior to commencement of works on site.

Sport England

No comment

Landscape Officer

There is no objection to the development with regards to Policy L1. New trees should be planted to the east of the building to mitigate for the pine trees that need to be removed. A landscape condition should be put onto any permission requiring the submission and approval of a detailed landscape plan; this should include the species and size of trees.

Environmental Protection

No objections in principle but the developer should ensure that adequate sound proofing is considered in the design of the extension to prevent loss of amenity by reason of noise arising from activities held in public areas.

Economic Development Officer

No response

Other Representations

4.3 Local Residents

2no. e-mails of objection have been received from the occupier of nearby 'The Firs', The Hollows. The concerns raised are summarised as follows:

- The proposal would result in increased noise disturbance and anti-social behaviour, which is already experienced from the social events held at the Golf Club.
- The proposed hotel would be a 24 hour operation resulting in disturbance throughout the day.
- The proposal would adversely affect the openness of the Green Belt.
- The proposal would not be in-keeping with the special quiet lanes area status.
- The proposed internal configuration could be altered at a later date to create a larger social/events space.
- People other than golfers would use the accommodation.

- Would set a precedent for other similar proposals in the Green Belt.
- Accommodation is available in Emersons Green, Hambrook and Winterbourne.
- The design departs from that previously approved.
- The approval at the Players Club was not for hotel accommodation.

2no. e-mails of support have been received, The comments are summarised as follows:

- There is a need for the development due to the poor financial return of the Golf Club.
- Would increase jobs.
- There is no noise or anti-social behaviour from the existing activities at the club.
- The Golf Club protects the Green Belt.
- The proposed design would integrate well with the existing.

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 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 permits proposals for the development, expansion or improvement of outdoor sports and recreation (including water related recreation, motorised and noisy sports and

golf facilities) outside the existing urban area and the boundaries of settlements, as defined on the proposals map, subject to the following criteria being met:

- A. Proposals for facilities which are likely to be major travel generators are located on sites which are highly accessible by public transport, on foot and by bicycle; and
- B. Development would not in itself, or when considered with other recent or proposed sports and recreation developments in the immediate locality, have an unacceptable effect on the character and diversity of the landscape; and
- C. Development would not have unacceptable environmental or transportation effects; and
- D. Development would not unacceptably prejudice residential amenities; and
- E. Development would not give rise to unacceptable levels of on-street parking to the detriment of the surrounding area and highway safety; and
- F. Any external lighting or advertisements would not result in the unacceptable loss of amenity, nor constitute a road safety hazard.

New buildings will only be permitted where the conversion or re-use of existing buildings is not practical and where they are essential for and proportionate to the use of the land for outdoor sport and recreation.

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

- 5.7 Policy E11 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 permits new tourist facilities subject to very similar criteria as Policy LC5 but does not permit new buildings in the Green Belt.
- 5.8 The NPPF at para. 9 states that pursuing sustainable development involves seeking positive improvements...in peoples quality of life, including – improving the conditions in which people live, work, travel and take leisure.
- 5.9 Impact on the Openness of the Green Belt
In the first instance, the proposal must be considered in the light of the most recent Green Belt Policy. 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. It is noted that one of the five purposes of including land in the Green Belt (see NPPF para.80) is to assist in safeguarding the countryside from encroachment.
- 5.8 Inappropriate development is by definition harmful to the openness of the Green Belt and should not be approved except in very special circumstances (NPPF para. 87).

5.9 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 amongst other things:

- 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 extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

5.10 The applicant submits at para. 1.3 of his Planning, Design and Access Statement that:

“..the proposal involves the extension of an existing building providing visitor accommodation related to facilities for outdoor sport and recreation within the Green Belt. With regard to the relevant tests set down by the NPPF, this therefore does not constitute inappropriate development in the Green Belt.”

5.11 Notwithstanding the fact that the proposal would be attached to an established Golf Club clubhouse, the proposal is tantamount to the erection of a hotel in the open countryside and Green Belt; even the applicant at paras. 3.3 & 5.21 of his D&A Statement refers to the proposal as a hotel. The proposal is not therefore an extension of the facilities considered appropriate for the playing of golf. It is inconceivable that only golfers would use the hotel facility and any condition restricting the use of the building to golfers only, would be impossible to monitor and enforce (see NPPG tests of conditions). In any event such a condition would still not make the proposal acceptable in Green Belt terms as the development is not considered to be an appropriate facility necessary for the playing of golf. The proposal is therefore considered to be inappropriate development that by definition would be harmful to the openness of the Green Belt. By reason of encroachment into the countryside, the proposal would also be contrary to the purposes of including land in the Green Belt. As such, the applicant needs to demonstrate the very special circumstances required such that the potential harm to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations. Despite his assertion that the proposal is not inappropriate within the Green Belt, the applicant has submitted what he considers to be very special circumstances and these are discussed below.

5.12 Moving to the second bullet point (para. 5.9 above) regarding the scale of the addition over and above that of the original building, officers note that the original building, with a gross floor space of 1197sq.m, approved under planning permission P96/2299, was not built out. This was apparently used as part justification for the subsequent extension approved under PT01/1341/F. Notwithstanding this, the test of disproportionality, as stated in the NPPF, is against the scale of the ‘original building’ and officers consider this to be in this case, the building as originally built. Whilst the scale of the building approved in May 1997 is material, officers give little weight to this, especially given the passage of time, the subsequent refusal of a similar scheme to that now proposed (see PT04/2058/F) and the changes in policy that have taken place

since 1997. This matter will be discussed in more length under the following section on very special circumstances.

- 5.13 To assist officers in making assessments of disproportionality, the Council adopted in June 2007 a Supplementary Planning Document entitled 'Development in the Green Belt'. At that time PPG2 (now superseded) allowed the "Limited extension, alteration or replacement of existing dwellings"; it did not provide for extensions of other buildings in the Green Belt. The SPD did however provide a helpful guide as to how to apply the disproportionality test to residential dwellings.
- 5.14 The SPD acknowledged that whether an addition is considered 'disproportionate' or not depends on the individual circumstances of the site and what type of addition is proposed, and that this should be assessed on a case-by-case basis. The SPD goes on to state that in assessing whether a proposal is disproportionate or not, account should be taken of the following:
1. The increase in volume of the original dwelling (i.e. excluding any extensions or alterations that have already taken place);
 2. The appearance of the proposal – it should not be out of proportion with the scale and character of the original dwelling;
 3. Existing extensions and outbuildings within the curtilage.

As a general guide, an addition resulting in a volume increase less than 30% of the original dwelling would be likely to be acceptable. Extensions that exceed 30% should be carefully assessed with particular regard to the second criterion above. The larger a house becomes in excess of 30% of its original size, the less likely it is that new extensions will be considered acceptable.

An addition resulting in a volume increase of 50% or more of the original dwelling would most likely be considered in excess of any reasonable definition of 'limited extension'. Such a proposal would normally therefore be viewed as a disproportionate addition.

- 5.15 Officers are however mindful of a recent appeal decision APP/P0119/D/14/2226825 relating to the extension of a dwelling house in Easter Compton. In his Decision Letter the Inspector made reference to the SPD which had been used in justification to refuse the application (PT14/2358/F). At para. 6 of his Decision Letter the Inspector stated that:

"This document attracts some, albeit limited weight as a material consideration since it is based primarily on the provisions of now replaced national planning policy guidance (PPG2) and policy GB1 of the South Gloucestershire Local Plan, which is no longer 'saved'. However, guidance is provided in the SPD as to the sizes of additions to dwellings in the Green Belt considered disproportionate for the purposes of saved Local Plan policy H4."

- 5.16 Whilst acknowledging (para.11) the 'disproportionate test' set out in the SPD, the Inspector (para. 15) goes on to say that:

“The term ‘disproportionate additions’ is not empirically defined in the Framework, and the advised empirical limits on the size of extensions found in the Council’s SPD is therefore not consistent with the Framework’s provisions, which call for a more subjective assessment. In my view, the extent to which extensions will or will not harm the purposes of the Green Belt will vary according to the individual circumstances of each case, and are not invariably dependent on volume increases.”

- 5.17 Whilst officers fully acknowledge that the SPD relates to residential extensions, the disproportionality test therein has until recently been widely used to assess extensions to dwellings. The NPPF has relaxed the constraints on extensions in the Green Belt and now permits extensions to **all** buildings as opposed to just dwellings, subject to the same disproportionality test as before.
- 5.18 Whilst mindful of the Inspector’s comments for the appeal decision outlined above, officers also note that the same disproportionality test as outlined in the SPD, including the same 30% and 50% volume thresholds is again proposed in the emerging PSP Policy 7 but given that this is only an emerging policy, it can only currently be afforded limited weight. Nevertheless, it does suggest that the criteria used within the SPD could equally be applied to buildings other than dwellings.
- 5.19 For the purposes of the Framework however officers must consider whether or not the proposal is inappropriate or not inappropriate development in the Green Belt and having regard to the above, that is considered to be a subjective assessment.
- 5.20 For the purposes of this exercise, officers consider the original clubhouse as-built to be the ‘original building’. The applicant has given no figures as to the volume of this building or the actual gross floor space. From the application form for PT01/1341/F however the gross floor space of the ‘original building’ as built is given as 955 sq.m. with the then proposed two-storey extension at 221 sq.m, which gives a total of 1176sq.m.. The current proposal is for both single-storey and two-storey extensions in addition to that approved in June 2001. It is noted that in August 2004 a proposed extension to provide 21 bedrooms with en-suite facilities (see PT04/2058/F) was considered to be disproportionate in scale. The application form for that proposal states the gross floor space of the then proposed extension to be 374 sq.m. but that is clearly wrong as the figure relates only to the proposed foot-print; officers consider that with the accommodation in the roof space included, the correct gross floor-space figure was nearer 535 sq.m giving an overall total for the extended building of 1711 sq.m.
- 5.21 For the current proposal, again the applicant has only made comparisons between foot-prints and gross floor areas as opposed to respective gross floor areas. The gross floor area of the building originally approved under P96/2299 has also been wrongly used as the ‘original building’. As such, the applicant’s submission, that the proposed two and single-storey extension would only represent a 322sq.m. or 27% increase, is completely flawed. In reality, when assessing the gross floor areas of the original building as built (955sq.m.), plus the extension built under PT01/1341/F (221sq.m.) plus the extension now

proposed (conservatively estimated at 1137sq.m.) the overall increase in gross floor area is 1,358sq.m. When compared to the 'original building' as built, this in fact represents an increase in gross floor area of 403sq.m., which equates to an approximately 42% increase.

- 5.22 Whichever way one chooses to assess disproportionality, be it by volume, gross floor space or on a more subjective basis, this proposal still represents a significant extension to what is an isolated building within the Green Belt and open countryside. The extension would however in design terms integrate well enough within the existing built form and is an improvement on the extension previously refused under PT04/2058/F, which was simply a monolithic addition to the northern end of the existing clubhouse.
- 5.23 Whilst it is acknowledged that the proposal is an improvement on that previously refused, it would, when combined with the extension already built under PT01/1341/F, still represent a significant encroachment into the Green Belt that would harm openness. On balance therefore, officers consider the proposal to be a disproportionate addition over the scale of the 'original building' which for the purposes of the Framework is inappropriate development within the Green Belt.
- 5.24 Very Special Circumstances
Despite his assertions that the proposal is not inappropriate development within the Green Belt, the applicant has submitted what he considers to be, the very special circumstances required, such that the potential harm to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations.
- 5.25 The 'very special circumstances' submitted are summarised as follows:
- The building as originally approved under P96/2299 was not fully built out.
 - The foot-print of the proposed extension is almost entirely within the original foot-print of the building approved under P96/2299.
 - Planning permission (PK13/0087/F) was granted 11th March 2013 for the erection of 1.5 storey extensions to the existing clubhouse at 'The Players' Golf Club, Wapley Road, Chipping Sodbury.
 - The proposal relates entirely to an existing golf club which represents facilities for outdoor sport and recreation.
 - The proposal is an extension to an existing building.
 - The proposal is akin to a like for like replacement of that part of the originally approved building that was not built out.
 - There is a need for visitor accommodation to maintain the viability of the Golf Club and cater for modern trends of the 'nomad' golfer in the form of golf breaks.
 - The design of the extension with materials to match the existing building would be acceptable.
 - The nearest residential properties lie 120m to the east and the clubhouse is well screened.
 - There would be adequate parking provision and the proposal would not significantly intensify use of the site or local roads.

- A Business Plan has been submitted on a confidential basis, to demonstrate the need for the proposal in relation to the viability of the Kendleshire Golf Club.
- The proposal would result in increased employment opportunities.
- The proposal would be more sustainable than the current situation.

5.26 Regarding the issue of the clubhouse building originally approved under P96/2299; officers are satisfied that an inspection of the application form and approved plans clearly reveals that what was approved fell entirely within the D2 Assembly & Leisure use class and not the C1 Hotel use class. Other than some ancillary accommodation for the Club House steward, the building contained only the usual facilities one would expect to find associated with a Golf Club e.g. changing rooms, bars, dining rooms, a function room and a professional's shop. At the time no doubt, a building of the scale subsequently approved was considered appropriate to serve the Golf Club proposed. Notwithstanding the fact that this building was not fully built-out, it is entirely wrong to make comparisons between the use of the building as approved under P96/2299 and the Hotel accommodation that is now proposed.

5.27 The applicant attempted to use this argument as justification for a similar scheme to that now proposed, under the earlier application PT04/2058/F. The Case Officer at the time had this to say in her Delegated Report:

“The historical ‘floor-space’ argument put forward by the applicant may be of use if there is extant built form that could be built without requiring planning permission and this development were a like for like replacement. The applicant’s stated position is that further development could be carried out under the 1996 consent. It appears that what was originally built following the 1996 consent was considerably smaller, and the completed building was materially different from the approved plans.”

“In 2001 a further consent was obtained to further extend the building ostensibly upon the basis that previously a larger consent had been granted. Having taken legal advice on the situation, it is considered that there is doubt cast upon the lawfulness of the clubhouse as built following the 1996 consent, as it is materially different from what was approved. The Local Planning Authority should refute the ‘fall back’ position that further consent could be continued under the 1996 consent, as the 5 years has now expired. It is open to the applicant to regularise the situation, but it is not accepted that further development can take place at this site without the need for planning permission. The 2001 decision was a poor one and would not withstand scrutiny against current national and local policies relating to the Green Belt. The application as submitted must be assessed against current policies and development plans, no matter what may have been permitted in the past. It is not considered that the history of the site is sufficient to amount to very special circumstances such that the harm caused to the openness of the Green Belt is outweighed.”

5.28 In his D&A Statement for the current proposal, the applicant at para. 6.16, appears to have now accepted this situation. The applicant’s main thrust in

relation to this issue however now concentrates on the officer reference above to a “..like for like replacement.” (see D&A Statement paras. 6.15-6.18) but officers consider that the applicant has taken this comment out of context, as the officer was clearly relating to a like for like building of the same size and **use**, which the proposed Hotel accommodation is not and was not under PT04/2058/F.

- 5.29 Moving to the planning permission (PK13/0087/F) granted 11th March 2013 for the erection of 1.5 storey extensions to the existing clubhouse at ‘The Players’ Golf Club, Wapley Road, Chipping Sodbury. It is accepted that the proposal related to an existing clubhouse in the Green Belt and that the extensions provided an additional 1035sq.m. of additional floor space, which equated to an increased volume of 85-90% and included an element of residential accommodation. Nevertheless, there is a fundamental difference between what was approved at ‘The Players’ and what is now proposed at ‘The Kendleshire’.
- 5.30 In the first instance the additional facilities at ‘The Players’ were required to serve the additional 27 holes that had been granted consent at the club i.e. more than doubling the actual playing facilities. Furthermore the approved facilities within the extensions were entirely appropriate for a clubhouse, the only element of residential accommodation being staff accommodation ancillary to the use of the building as a golf clubhouse. Much of the additional floor-space was accommodated in the existing roof space of the building and the extensions were considered to be well integrated and kept as small as possible.
- 5.31 Officers must therefore conclude that the planning permission for extensions at ‘The Players’ is not justification for the Hotel facilities proposed at ‘The Kendleshire’.
- 5.32 The applicant has made much of the current viability of the ‘Kendleshire’ golf club in what is a competitive market, in particular for the ‘nomad’ golfer seeking short golf breaks. A Business Plan has been submitted in support of this assertion but only on a confidential basis, thus reducing the weight that it can be afforded in demonstrating very special circumstances.
- 5.33 It may be true that the financial success of ‘The Kendleshire’ has suffered in recent years, but like many other golf clubs this has been during a period of deep recession from which the country is now emerging. The success of a business can be due to a combination of many factors but other clubs such as for example ‘The Players’ operate successfully within the Green Belt without any on-site hotel accommodation. The Business Plan itself highlights that there is hotel accommodation only a short distance from ‘The Kendleshire’ i.e. The Premier Inn at Emersons Green and the Holiday Inn at Filton. There is also accommodation available at The Langley P.H. Emersons Green. There are of course also many hotels in the City of Bristol. The applicant however argues that it is unsustainable to use this accommodation as opposed to having on-site accommodation.
- 5.34 It may well be that an on-site hotel would make ‘The Kendleshire’ more profitable and provide more employment and boost the local economy to which

moderate weight can be afforded, but the constraints upon the business still include the Green Belt location. The viability issue put forward is very general and there is insufficient evidence to persuade officers that a response to market demand is 'very special' or that the viability of 'The Kendleshire' depends entirely upon it.

- 5.35 In sustainability terms, it may be more appropriate to negotiate a more convenient or competitive package with local providers rather than allow a permanent encroachment into the Green Belt, even with the additional travel that this entails.
- 5.36 As for the design, residential amenity and highway reasons submitted, these are all matters that are controlled by other policies that any development would be expected to comply with and do not therefore represent anything very special.
- 5.37 To conclude; for the reasons stated above, the applicant has failed to demonstrate the very special circumstances required to outweigh the harm to the Green Belt by reason of inappropriateness and any other harm.

Landscape and Visual Amenity Issues

- 5.38 In terms of its aesthetic qualities alone, the proposed extension would be acceptable. The extension would be adequately incorporated within the existing built form and be constructed using materials to match the existing clubhouse.
- 5.39 Kendleshire Golf Course is located within the Green Belt to the south of Coalpit Heath. The Community Forest Path, which is a Major Recreational Route, passes in an east/west orientation through the course. The golf course has an open character, though is well vegetated with trees and shrubs and the clubhouse is not highly visible within the wider landscape. The clubhouse is a large, purpose built building, with car parking to the north and east. The proposed extension would be onto the north and east elevations and would be seen within the context of the existing car parking and vegetation. A number of pine trees would however need to be removed from the east of the clubhouse.
- 5.40 The proposed extension would not affect the visual amenity of the views from the footpath to the east because it would still read as a clubhouse within a car park and golf course. New trees would need to be planted within the car park to mitigate for the lost trees but this could be secured by condition. Most views from the north are screened by existing vegetation. Where views are open, the mass of the building would appear significantly larger. However, whilst the landscape character alone would not be significantly affected, officers consider that the openness of the Green Belt would be.

Transportation Issues

- 5.41 The existing access and car parking facilities are considered to be sufficient to serve the proposal. Subject to a condition to secure the prior submission and approval of a Construction Management Plan, there are no transportation objections. This is required having regard to the nature of the local highway network and to control such matters as routing and wheel washing etc.

Impact on Residential Amenity

- 5.42 Despite being in the open countryside, there are residential properties some 120m to the south-east of the club house i.e. the houses within The Hollows. The proposed extension would to some extent be screened from these properties by existing vegetation and would not have a significant adverse impact on visual amenity for the nearest residential occupiers. Being so far away, the extension would not have any overbearing impact or result in any issues of overlooking or loss of light.
- 5.43 Concerns have been raised about increased disturbance due to intensification of use of the site and in particular noise breakout from late night social functions and rowdy people leaving the site.
- 5.44 There are no conditions attached to the previous consents that prevent social functions taking place at the Golf Club, although these would be subject to the usual Environmental controls and licensing, which falls under legislation not contained within the Planning Act. Despite 'The Kendleshire' being long established, there have only of late been complaints to the Council's Environmental Health Officer (EHO) about excessive noise from the clubhouse building and disturbance from people leaving late night functions; these are currently being monitored by the Council's EHO.
- 5.45 Whilst the proposal does have the potential to intensify the use of the site, officers consider that with appropriate management and soundproofing secured through Building Regulations, plus appropriate controls through licensing, there is no justification to refuse of the proposal on this issue.

Environmental Issues

- 5.46 The site lies in Flood Zone 1 and as such is not prone to flooding. The site has not been subject to underground mining. Neither is the site subject to excessive levels of pollution or dust. Any noise from the construction phase would be on a temporary basis only and the hours of working could be controlled by condition. A condition to secure a SUDS drainage Scheme is considered necessary should planning permission be granted.

CIL

- 5.47 The South Gloucestershire Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide SPD was adopted March 2015. The introduction of CIL charging was delegated to the Director of ECS with charging commencing on 1st August 2015. This development is considered to be CIL liable.

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 Officers consider that there is a balance to be drawn in this case between the positive aspects of the scheme and the level of harm to the Green Belt. On the one hand the proposal would give some economic benefit by helping to make

the business more viable, providing employment and boosting tourism in the district, all of which can be afforded moderate weight.

- 6.3 However, the NPPF at para. 79 makes it clear that the Government attaches great importance to Green Belts. The fundamental aim of the 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. At para.88 the NPPF confirms that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.
- 6.4 The proposal is for inappropriate development in the Green Belt in the form of an extension of disproportionate scale and inappropriate use. The proposal would clearly harm the openness of the Green Belt and represent a substantial encroachment into the countryside. Given that substantial weight must be given to any harm to the Green Belt, this is considered to clearly outweigh the benefits of the scheme and as such planning permission should be refused.
- 6.5 The recommendation to refuse 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

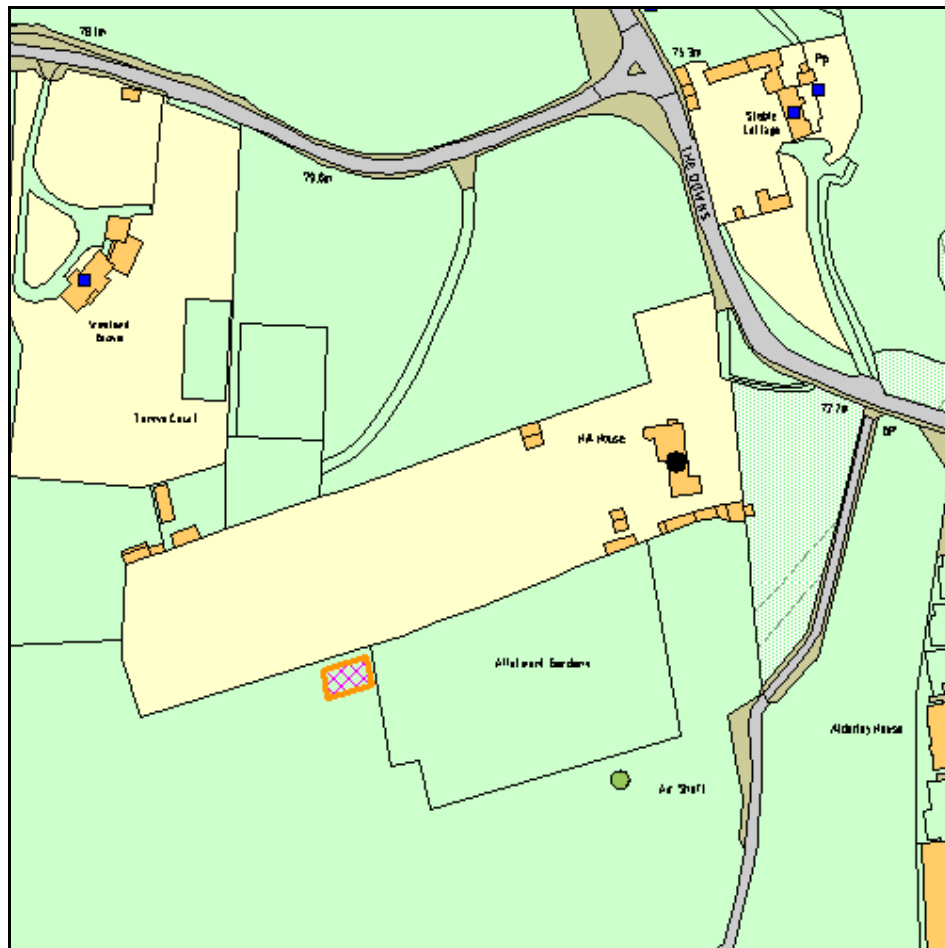
- 7.1 That planning permission be REFUSED for the reason listed on the Decision Notice.

Contact Officer: Roger Hemming
Tel. No. 01454 863537

1. The site is located within the Bristol/Bath Green Belt and the proposal does not fall within the limited categories of development normally considered appropriate within the Green Belt. In addition, the applicant has not demonstrated that very special circumstances apply, such that the normal presumption against development in the Green Belt should be overridden. The proposal is therefore contrary to the provisions of the National Planning Policy Framework (NPPF) and Policy CS5 and CS34 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013.

CIRCULATED SCHEDULE NO. 47/15 – 20 NOVEMBER 2015

App No.:	PT15/2499/F	Applicant:	Wickwar Playing Fields Association
Site:	Wickwar Playing Fields Adjacent To King George V Playing Field Wickwar Wotton Under Edge South Gloucestershire GL12 8JZ	Date Reg:	15th June 2015
Proposal:	Erection of groundsman's store.	Parish:	Wickwar Parish Council
Map Ref:	372272 188650	Ward:	Ladden Brook
Application Category:	Minor	Target Date:	7th August 2015



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is circulated as a result of consultation responses received about the site.

1. THE PROPOSAL

- 1.1 The proposal is for the erection of a groundman's store on land belonging to Wickwar Playing Fields Association.
- 1.2 The plans have been amended during the application period in order to provide correct orientation.
- 1.3 The application is supported by information provided in the Association's letter to the planning officer stating that Wickwar Playing Fields Association are the freehold owners of the 15.2 acres of playing fields and that they have absolute authority for the field. They advise that neither Wickwar Parish Council nor any other third party has any responsibility for the field.
- 1.4 It is understood that the building would be finished in stone with a clay double roman tiled roof. It would provide an internal area, behind a sectional opening, up and over garage door of approximately 9 by 7 metres and a further area on the side to provide an accessible WC, a further two male WCs and a small store.

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)
LC5 Proposals for outdoor Sports and recreation outside existing urban area and defined settlement boundaries.

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

3. RELEVANT PLANNING HISTORY

- 3.1 PK09/1421/LB Demolition and rebuilding of a wall. Approved 16/10/2009
- 3.2 PK09/1418/F Change of use of land from Agricultural to Recreational (Class D2) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). Erection of groundsman's store. Construction of car and cycle park and re-alignment of walls to facilitate the alteration to existing access. Approved 19.10.2009
- 3.3 PK13/3462/F Construction of BMX track and associated works.(Retrospective) 04.12.2013

4. CONSULTATION RESPONSES

4.1 Wickwar Parish Council

- Some of the plan labelling is wrong and the Site Plan (02 rev D) is 8 years old and does not reflect the current site layout - Wickwar Parish Councillors believe that the application should show the correct site layout and elevations on drawings should be correctly labelled and consistent.
- If the sample of stone is local sandstone ("rag stone") then this will be in keeping with other rural buildings locally.
- The location of the building is approximately 100 metres from Hill House and there are a significant number of trees along the line of sight, therefore, it will not be intrusive, and given its proposed building materials, I think it is in keeping with its location.
- Concern that the beekeepers have not been consulted and suggestion that the beekeepers and allotment people must talk to each other.
- Would the bees actually have to be moved? A quick scale on google maps suggest the west wall would be approx 10 metres from the fence around the beehives.

4.2 Other Consultees

Highway structures – no comment

Lead Local Flood Authority – no comment

Other Representations

4.3 Local Residents

One letter from a member of the public commenting as follows:

- Drawings are incorrectly labelled.
- The Site Plan (02 rev D) is 8 years old and does not reflect the current site layout - There is no cricket pitch and football pitch they do not exist.
- The wildflower area marked on plans is not it is bike jumps.
- A lot of trees that were required in original application will have to be removed to make room for this building.
- There are no services to that part of the field so major digging disruption to people and Bees. There is a quite large Bee colony some feet away from proposed building which will be severely disrupted. To move would be very difficult and costly.
- It will be a place that will attract vandals as Wickwar suffers greatly with this problem.
- Not in keeping with surroundings

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The NPPF sets a presumption in favour of sustainable development. This means that development proposals that accord with the development plan should be approved and where relevant policies are absent, silent or out-of-date, permission should be granted unless – any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed

against the policies within the NPPF taken as a whole. There is therefore a presumption in favour of development subject to further consideration in relation to the policies of the local plan.

- 5.2 There is no specific policy for groundsmans huts but Policy LC5 deals with sports proposals outside of defines settlements boundaries and Policy CS1 is a general design policy which seeks to achieve the best possible standards of design. The policy is criteria based and as such each of the criteria are considered below.

A. PROPOSALS FOR FACILITIES WHICH ARE LIKELY TO BE MAJOR TRAVEL GENERATORS ARE LOCATED ON SITES WHICH ARE HIGHLY ACCESSIBLE BY PUBLIC TRANSPORT, ON FOOT AND BY BICYCLE; AND

The playing field is already in situ and the addition of a groundsman's store with which to maintain the playing fields is not likely to have a material impact on the numbers of journeys undertaken to the site.

B. DEVELOPMENT WOULD NOT ITSELF, OR WHEN CONSIDERED WITH OTHER RECENT OR PROPOSED SPORTS AND RECREATION DEVELOPMENTS IN THE IMMEDIATE LOCALITY, HAVE AN UNACCEPTABLE EFFECT ON THE CHARACTER AND DIVERSITY OF THE LANDSCAPE; AND

The groundsmans store would be located in a discrete part of the field, spanning some 15 acres, within a corner location formed by trees to the rear and a 2m high hedge surrounding the allotments. Another similarly scaled building is located around 140m to the south on the Parish's recreation land. This proposal is not considered to have an unacceptable impact on the landscape but it is noted that a previous application which permitted the land for use as recreation also allowed a groundsmans building in the same proportions and materials as is proposed here. Two buildings to serve the same piece of land and for the same purpose are considered, without further justification, to be too much for the site and as such it is considered necessary to limit the proposal to either the current proposal or the building approved under PK09/1418/F, which would have been located closer to the access road. This scenario is also agreeable to the applicants and a condition such that only this building or the other building is constructed is recommended.

C. DEVELOPMENT WOULD NOT HAVE UNACCEPTABLE ENVIRONMENTAL OR TRANSPORTATION EFFECTS; AND

The proposal is not considered to have unacceptable transportation effects and in reality would mean that equipment to be used to maintain the site could be kept securely at the premises. This would also have no unacceptable environmental effect although the matter of bees being worked in close proximity to the building has been raised by consultees. The building would be located to the east of the bee hive enclosure and the applicant does not anticipate the works forcing a new location on the bee keepers. It seems that at present the bee hives are located at the agreement of the applicant and if necessary the hives could be relocated on site. This is however a civil issue

and is not reason to refuse the scheme, nor seemingly, reason to relocate the bees.

Six small trees will have to be removed and the applicant has stated that these will be replaced. The trees are all small/young and were not required as part of any mitigation scheme for the change of use. It is not considered essential that their loss is mitigated by replanting but this is welcomed never the less.

D. DEVELOPMENT WOULD NOT UNACCEPTABLY PREJUDICE RESIDENTIAL AMENITIES; AND

The proposal would not affect residential amenities as the nearest houses are located over fifty metres away to the north and east.

E. DEVELOPMENT WOULD NOT GIVE RISE TO UNACCEPTABLE LEVELS OF ON STREET PARKING TO THE DETRIMENT OF THE SURROUNDING AREA AND HIGHWAY SAFETY; AND

The proposal would not result in unacceptable parking given that the proposal is for a building to maintain the existing and proposed facilities, rather than to create new facilities. It is recognised that the playing fields have not been fully set out in accordance with the Layout Plan agreed as part of planning consent PK09/1418/F (ie there is no cricket pitch yet). This was raised by a consultee. However it is acknowledged that the parking and allotments are in accordance with the agreed scheme and as such the consent has been implemented.

F. ANY EXTERNAL LIGHTING OR ADVERTISEMENTS WOULD NOT RESULT IN THE UNACCEPTABLE LOSS OF AMENITY, NOR CONSTITUTE A ROAD SAFETY HAZARD.

No advertisements or lighting is proposed, nor is it likely to cause loss of amenity or constitute a road hazard.

Overall therefore the new building is considered acceptable, relevant and proportionate to the existing use of the land. Further consideration would be whether any harm would become of the nearby heritage assets.

5.3 Design and impact on heritage

The proposed groundmans store is located some 50 m from the rear of Hill House a grade two listed building. The proposal is also outside of the nearby Wickwar Conservation Area and as such is considered to have a neutral effect on these designated heritage assets.

- 5.4 The store would be finished in local stone, details of a sample panel of which is provided and considered acceptable in appearance. Similarly double roman clay tiles annotated on Drawing 1 received 19/8/2015 are also acceptable. The scale of this hipped roof building at 5.2m high and with a floor area of 11m by 7.5m is also acceptable. As such no further details of the materials are considered necessary.

5.5 Drainage

The application form confirms that a septic tank will be installed and that surface water would be disposed of by a sustainable drainage system. This method of foul or surface water disposal is acceptable to the drainage team.

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 be granted subject to the conditions set out below.

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).

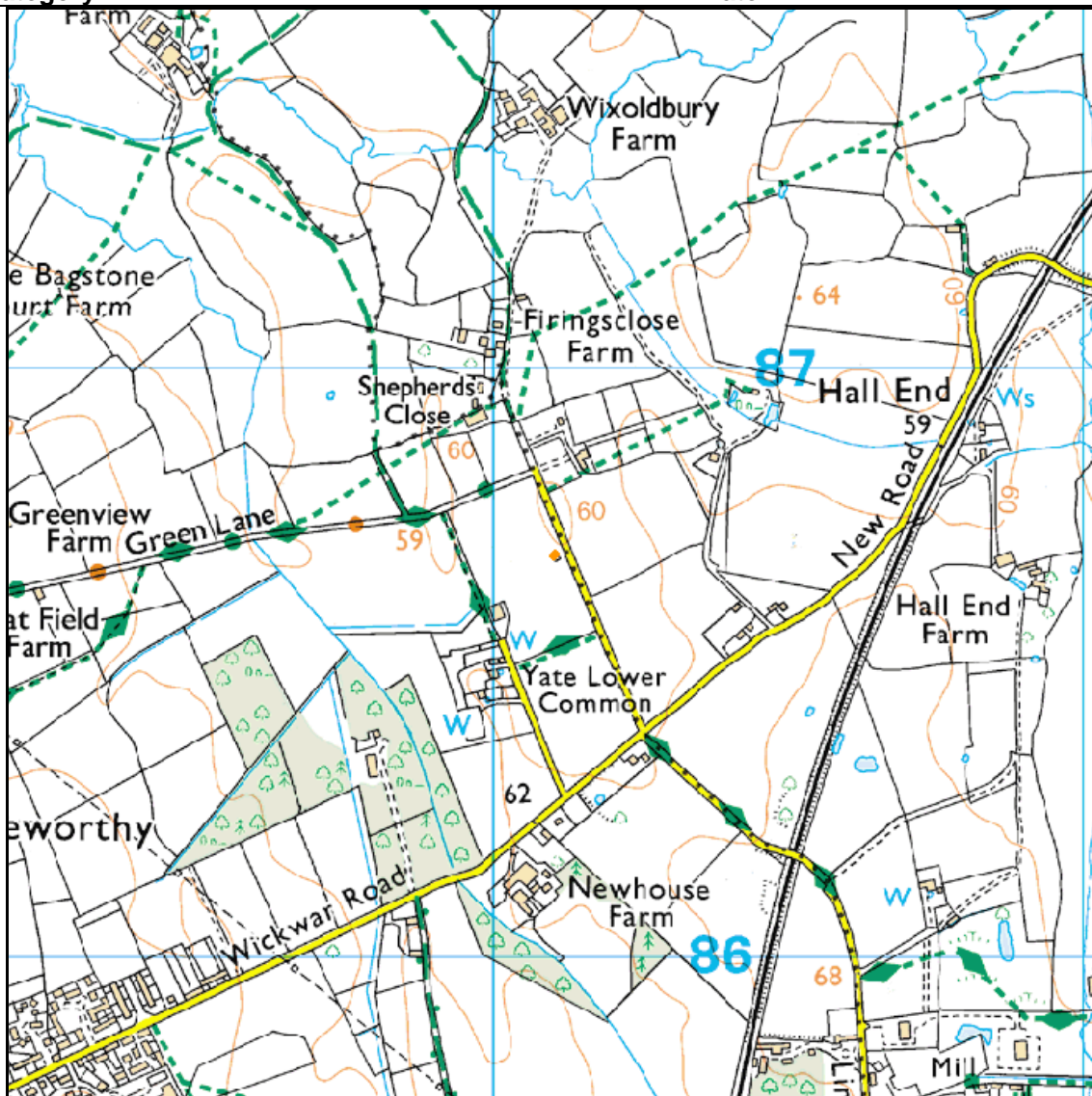
2. The groundsman's store hereby permitted shall be carried out as an alternative to the groundsman's store permitted as part of the wider change of use application approved on 19/10/2009; under application reference PK09/1418/F but not in addition to it, to the intent that the applicant may carry out one of the groundsman's stores permitted but not both, nor parts of both groundsman's stores.

Reason

To ensure the satisfactory external appearance of the site in the interests of visual amenity, to protect the countryside from unnecessary development and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, policy LC5(B) of the South Gloucestershire Local Plan Adopted January 2006: and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 47/15 – 20 NOVEMBER 2015

App No.:	PT15/2655/F	Applicant:	Mr And Mrs A Clements
Site:	Land At Orchard Cottage Lower Common Rangeworthy South Gloucestershire BS37 7QE	Date Reg:	22nd June 2015
Proposal:	Demolition of existing agricultural building and erection of replacement agricultural building (resubmission of PT15/0295/F) (retrospective).	Parish:	Rangeworthy Parish Council
Map Ref:	369984 186522	Ward:	Ladden Brook
Application Category:	Minor	Target Date:	12th August 2015



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application has been placed on the Circulated Schedule following an objection from a neighbour which is contrary to the recommendation detailed in this report.

1. THE PROPOSAL

- 1.1 This planning application, which is part-retrospective, seeks permission for a replacement agricultural building on agricultural land off Firing Close Lane, Rangeworthy.
- 1.2 The proposal is of simple design, with block work walls with green coated steel cladding and a shallow pitched grey coated steel sheeting roof. The southern elevation is to be largely open, with galvanised steel gates.
- 1.3 This application is a re-submission application PT15/0295/F, which was withdrawn to address design concerns, particularly in relation to the steeply pitched roof which gave the building the appearance of a dwelling rather than an agricultural building.
- 1.4 A revised Site Location & Block Plan was submitted as the original did not show the other building within the field. As this does not relate directly to the development proposal and is just correcting an inaccuracy on the plans it has not been considered necessary to re-consult.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
Planning Practice Guidance 2014

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)
E9 Agricultural Development
L1 Landscape Protection and Enhancement
T12 Transportation Development Control

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

3. RELEVANT PLANNING HISTORY

- 3.1 PT15/0295/F - Demolition of existing agricultural building. Erection of replacement agricultural building (Retrospective) **WITHDRAWN**

4. CONSULTATION RESPONSES

4.1 Wickwar Parish Council

No objection, notes the change in design and materials and considers that the proposal now looks more like a barn. Queries whether the roof will be lowered.

- 4.2 Other Consultees
Transportation DC: no objection.
Highway Drainage: no comment.
Highway Structures: no comment.

Other Representations

- 4.3 Local Residents
1 neighbour objection:
- Building is not a replacement as not the same type of building.
 - Building has not been in continuous use and questions need for the replacement.
 - Unlikely to be able to get machinery into the building due to height of the access.
 - South facing entrance will compromise the storage use due to prevailing weather.
 - Questions the design fitting in to the locality and the construction using double block cavity walls.
 - Previously a fodder store, lack of ventilation would leads to question of actual proposed purpose.
 - Likewise lack of ventilation means not appropriate for livestock.
 - Field gates to the entrance would not provide adequate security.
 - Questions the appearance of the cladding, described as being dark brown stained boarding.
 - Questions the need for double block cavity walls with cladding as well.
 - Questions why applicant did not seek planning permission before starting the building.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Local Plan policy E9 relates specifically to agricultural development, and allows for the erection of agricultural buildings provided that they comply with certain stipulated requirements. Policies CS1 and L1 allow for new development so long as they are of appropriate design and the character and amenity of the landscape are conserved or enhanced. It should be noted that policy E9 includes no requirement to demonstrate a specified need, though one test of the policy is that there are no existing underused buildings available. The development is therefore considered to be in accordance with the policies of the development plan in principle.

- 5.2 Design
The building design has been amended from the design submitted with the previous application to change the pitch of the roof to a shallower angle in keeping with other agricultural buildings within the vicinity and the proposed roof materials are now grey coloured steel sheeting. The cladding for the walls has also been amended with the proposal now having green coated steel cladding.

It is considered that these design changes give the building a more agricultural appearance (rather than that of a dwelling which the form of the prior proposal

suggested) an terms of both form and materials, and the proposal is now more in keeping with the design of other nearby agricultural buildings.

5.3 Landscape impact

The building is screened to a significant degree from Fire Close Lane by the field boundary hedge, though it is more visible from New Road. Nonetheless, the amendment to the design of the roof, which has significantly lowered its height, means that the building will be less conspicuous, and by the changes in design and appearance outlined above, means that it now appears more in keeping with the setting and other similar buildings. The development is therefore in accordance with development plan policies CS1 and L1.

5.4 Transportation

The building is located within the field and some distance from the existing access to it. Consequently there is no reason to suggest that the proposed development will have any impact upon the ability of vehicles to enter or exit the land, and no objection has been raised by the transportation development control team. The development is therefore considered to accord with policy T12.

5.5 Existing underused buildings?

There is a large existing barn within the same agricultural unit to the south west of the proposed building. However the applicant has advised that there is no underused space within that building as it is divided up into lambing pens and hay storage, and therefore cannot be used for machinery storage.

5.6 Residential Amenity

The proposed building is over 150 metres from the nearest dwelling, and in view of the agricultural use and intervening screening from field boundary hedges this degree of separation is sufficient for there to be no concerns over the impact of the building on residential amenity.

5.7 Other Matters

A number of additional concerns have been raised by the objector to this application. These are addressed below:

1. That the building is not a replacement: there is no stipulation that a replacement building has to be identical to the one it replaces. Nor does the acceptability of the proposal hinge on this point. While it is noted that the replacement building is not identical to the one it replaces, this does not make it unacceptable.
2. There is also no policy requirement for the building being replaced to have been in continuous use. As stated at paragraph 5.1 there is no direct requirement to demonstrate a specific need for the building.
3. There is no requirement for the building to be accessible for machinery, and the owner could create a simple ramp into the building if needed.
4. Regarding the orientation of the opening, it is noted that on the other agricultural building on the land the opening is also south facing, as is that on another building further up Firing Close Lane at Shepherds Close Farm that was seen by the officer on his site visit.
5. Regarding the agricultural design and appearance, the amendments to the design that have been put forward in this application mean that it

does have an agricultural appearance. While it is acknowledged that the cavity wall design is not standard for an agricultural building, as these elevations were already constructed it is not deemed necessary to require these to be demolished on principle.

6. Regarding ventilation, there is no planning requirement for this.
7. Regarding security, the prior building was open sided and the other on site also has a open frontage. The gates are therefore considered to be adequate.
8. The external materials have been amended and no longer include the brown stained boarding.
9. While the applicant should properly have sought planning permission before commencing the development, it is quite lawful to apply for permission retrospectively

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 conditions.

Contact Officer: Neil Howat
Tel. No. 01454 863548

CONDITIONS

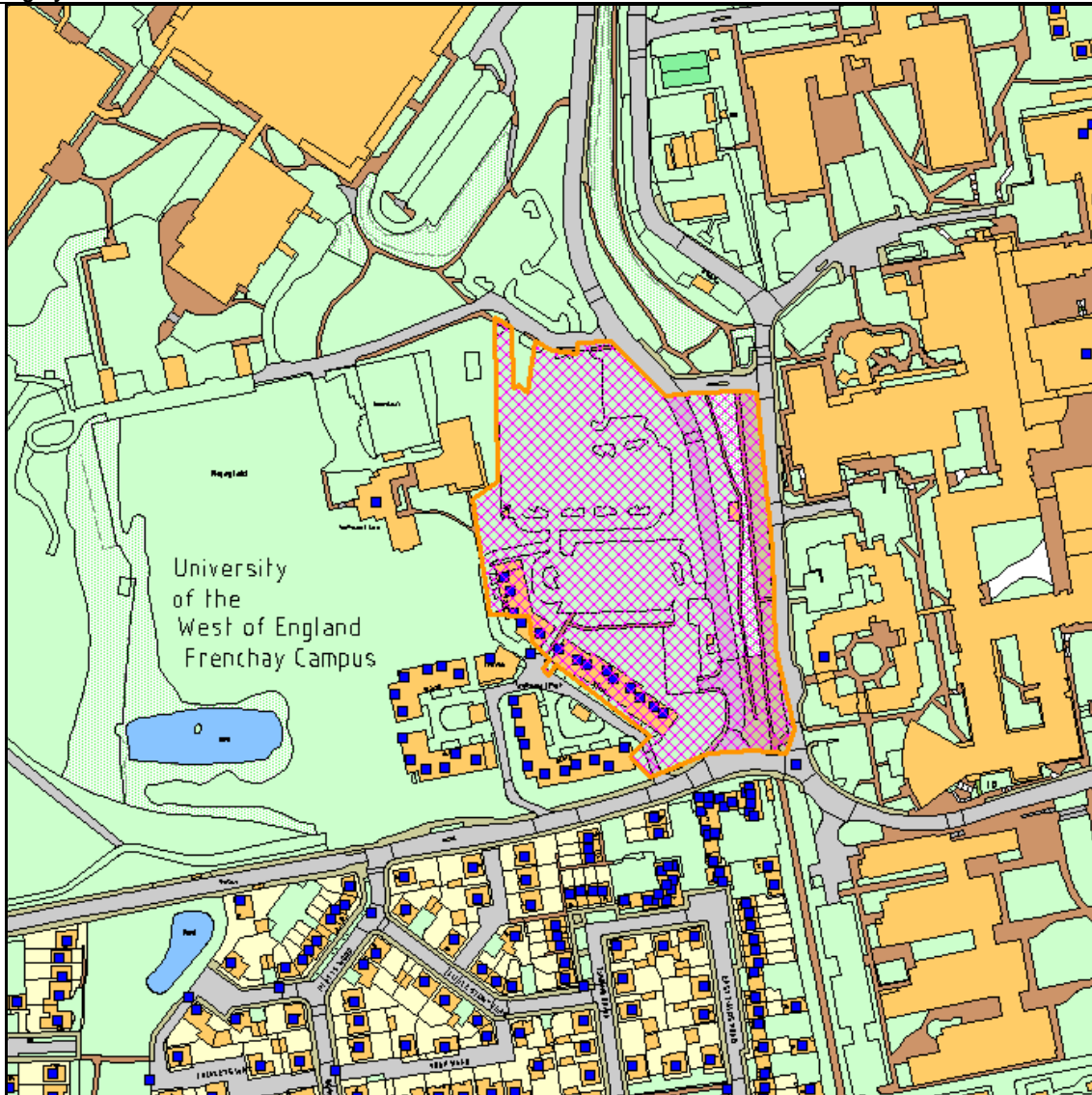
1. The development hereby approved shall be carried out in strict accordance with the approved drawing 7208/1A

Reason:

To ensure the appropriate design and appearance of the development, in accordance with Policy CS1 of the South Gloucestershire Local Plan Core Strategy 2013 (adopted).

CIRCULATED SCHEDULE NO. 47/15 – 20 NOVEMBER 2015

App No.:	PT15/3374/RM	Applicant:	Interserve And UWE Interserve & University of West of England
Site:	University Of West Of England Coldharbour Lane Stoke Gifford Bristol South Gloucestershire BS16 1QY	Date Reg:	12th August 2015
Proposal:	Erection of student accomodation (561 bedrooms) and hub building, with ancillary structures and associated infrastructure and landscaping; along with details pursuant to Conditions 8, 10, 13, 17, 18 and 23 of outline consent PT12/3809/O. (Approval of Reserved Matters to be read in conjunction with Outline Planning Permission PT12/3809/O).	Parish:	Stoke Gifford Parish Council
Map Ref:	362096 178158	Ward:	Frenchay And Stoke Park
Application Category:	Major	Target Date:	3rd November 2015



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule due to a number of objections to the proposed scheme being received from local residents.

1. THE PROPOSAL

- 1.1 This application seeks reserved matters consent for a second phase of the student accommodation that will be located to the south of the newly expanded UWE campus. The principle of development of this location – to the south of the “heartzone” was approved at outline stage as part of the wider UWE redevelopment of its 28 hectare estate.
- 1.2 The proposed new residential accommodation is required as part of the on-going consolidation of the UWE estate which will see a number of its satellite campuses close with all services relocated on the Frenchay campus.
- 1.3 The previously approved outline masterplan set out a target of providing up to 1200 student study rooms across the campus. It was considered that this would produce a number of identified benefits such as breathing life into the new campus by extending activities beyond teaching hours; increasing natural surveillance; and also helping to reduce travel movements across the site. The masterplan proposed three new areas of student accommodation
 - (1) The Wallscourt Park site (which includes the application site);
 - (2) a mixed use site to the north of the Heart Zone; and
 - (3) a site to the north of Carroll Court.
- 1.4 The proposed scheme seeks detailed consent for 561no. units to be provided in 4no. main blocks that would be located immediately to the east of the first phase of the student accommodation now completed. The buildings will be 4 to 6 storeys in height, which is considered to comply with the scale parameters established at outline stage. The design of the proposed buildings and palette of materials to be used will match those utilised for the existing first phase of student accommodation.
- 1.5 Since submission a number of amendments have been sought which have reduced the scale of the development from 578 to 561 units. This has resulted in the proposed block being located to the southern end of the first phase being removed so ensure the existing separation distances between the Cheswick Village properties to the south and the student accommodation are maintained. A plant room that would have been located immediately to the rear of the listed farmhouse has also be relocated. A number of revisions have been made to the elevational treatment along within improvements to proposed access routes.

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)

- D1 Design
- L1 Landscape Protection and Enhancement
- L13 Listed Buildings
- T12 Transportation Development Control Policy for New Development
- E1 Proposals for mixed use schemes including employment development

South Gloucestershire Local Plan Core Strategy Adopted December 2013

- CS1 High Quality Design
- CS4 Renewable or Low Carbon District Heat Networks
- CS7 Strategic Transport Infrastructure
- CS8 Improving Accessibility
- CS9 Managing the Environment and Heritage
- CS14 Town Centres and Retail
- CS25 Communities of the North Fringe of Bristol
- CS28 University of the West of England

2.3 Supplementary Planning Guidance

- The South Gloucestershire Design Check List
- UWE Concept Plan (Endorsed August 2011)

3. RELEVANT PLANNING HISTORY

- 3.1 PT12/3809/O - Erection of new buildings on 55.1 hectares of land for; academic, recreation, administration and support purposes (44,055m², Use Class D1); student residential and associated welfare facilities (30,790m², sui generis use); 15,200m² of mixed commercial uses, consisting of a Hotel (200 bedrooms [6,000m², Use Class D1), Restaurant/Public House/Hot Food Take-away (1,200m² Use Classes A3/A4/A5); Office/Research and Development (8,000m², Use Class B1a/B1b); associated infrastructure including provision of a new public transport hub, 2 no. decked and at grade car parks, landscaping, internal highway realignment, amendments to 2 no. adopted vehicular access points; and the demolition of 7,330m² existing buildings. Outline application with all matters reserved except access. Approved 17th June 2013.
- 3.2 PT13/3354/RM - Erection of Student Accommodation (396 bedrooms) and Hub building with ancillary structures, associated infrastructure and landscaping. (Approval of Reserved Matters to be read in conjunction with Outline Planning Permission (PT12/3809/O). Approved 13th December 2015.

4. CONSULTATION RESPONSES

4.1 Stoke Gifford Parish Council

When initially consulted, due to the concerns regarding residential amenity, heritage and parking, in a response received on 25th August 2015, the Parish Council's comment was to request that the local member consider referring the application to the Development Control Planning Committee.

Following the amendments made to the scheme in a consultation response received on 28th October, the Parish Council confirmed that they had no objection to the proposed scheme.

4.2 Other Consultees

Highways England

No objection

Historic England

No objection

Natural England

No objection

Avon and Somerset Police

No objection

Archaeology

No objection as the mitigation associated with this development is covered under the outline application.

Lead Local Flood Authority

As submitted there were concerns regarding insufficient information. These concerns have now been addressed and approval is recommended.

Environmental Protection

No objection

Transportation

The site is accessed from the internal UWE private road which links to the south of the site with the Long Mead bus, cycle and pedestrian route only and to the east access onto the public highway is via the UWE roundabout onto Coldharbour Lane. Access onto the public highway and the impact of the development on the wider highway network has previously been assessed and approved as part of the UWE Outline Consent PT12/3809/O.

The UWE Road is shown on the Masterplan as providing access to the future bus hub to the north of this reserved matters site. The bus hub will be subject to a separate reserved matters planning application and this application does not compromise the ability to provide a suitable access to the bus hub.

Access to the site from the UWE Road has been tested with the swept paths of the largest vehicles requiring access which are the refuse vehicle and a fire tender. These vehicles can safely access and turn within the site. There is provision for one way traffic movements only however this is sufficient given that general vehicle access is not to be permitted and with the exception of disabled visitor parking no car parking is proposed on the site.

Parking

As with the approved phase 1 accommodation units reserved matters planning application PT13/3354/RM, the development is designed as car free. Students living in the accommodation will not be permitted to bring cars onto the Frenchay Campus with the exceptions of disabled drivers and at the start and end of terms when managed access to the UWE car parks will be permitted for loading and unloading.

Parking on the surrounding roads including Stoke Park, Cheswick Village, Wallscourt and Bristol Business Park is very limited and strictly controlled by Traffic regulation Orders, as will be the new residential development under construction to the east of Coldharbour Lane. UWE managers work with the Council to monitor overspill parking from the University and the University is contributing towards parking restriction Traffic Regulation Orders in Cheswick Village. I recommend that this arrangement is formalised in planning terms by adding a condition to update the existing Travel Plan accordingly.

There are currently two pending planning applications to increase the number of permanent car parking spaces and provide a large temporary car park on the UWE campus, but students living on the site will not be able to park in these car parks except at the start and end of terms. 126 cycle parking spaces are proposed 98 of these are in secure buildings, the remaining 28 are shown as Sheffield type stands in the open adjacent to the accommodation entrances. The total number is less than the South Gloucestershire Local Plan standard of 1 per 2 students, however it is in excess of the predicted demand based on information from the phase 1 accommodation where 67 of the 404 residents have requested access to the cycle stores. I recommend that the 128 figure is accepted, but that the updated Travel Plan includes further monitoring and promotion of cycle use with the provision of extra cycle parking if required. I also recommend that the 28 open stands are provided with shelters to accord with the Council's cycle parking standards.

Walking, Cycling and public transport.

Pedestrian access to the accommodation is via the main access off the UWE Road with a second pedestrian/cycle access proposed off Long Mead. There are dropped kerb pedestrian crossing facilities across the site access, across Long Mead and over the UWE Road to provide access to the wider UWE campus and academic buildings to the east. The existing pedestrian links to the east also provide access to the current bus hub location where a significant number of services are available. The details of these services were considered acceptable when the Outline Application was determined. The 2014 Travel Plan Addendum reported that more buses had been provided for the Wessex Red service to UWE adding an extra 350 passengers at peak times.

A pedestrian cycle route is provided between the phase 1 and phase 2 accommodation linking Long Mead to the UWE heart zone to the north of the proposed relocated bus hub site. There is also a tarmacked PROW footpath along the eastern boundary of the site which provides access to the north of the campus and south to Longdown Road.

The submitted plans show an existing footway link from the site along the south side of Long Mead to the nearest bus stop to the west of the phase 1 accommodation. I recommend a further condition to provide a more direct pedestrian link on the north side of Long Mead to this bus stop. I also recommend that a suitable condition is attached to audit the detailed design for road safety and non-motorised users.

Waste storage and collection.

Two bin stores are provided and these can be accessed by the contracted waste collection vehicles. The size of the stores is such that waste will need to be collected 6 times a fortnight in accordance with the submitted information.

Summary

Subject to the conditions recommenced below the development is provided with a safe and suitable access. The development is car free and any demand for parking will be managed by the UWE preventing students occupying the development from bringing a car onto the campus. Parking on the surrounding roads is managed by existing and proposed Traffic Regulation Orders and the implementation of monitoring and managing procedures in the Travel Plan.

Other Representations

4.3 Local Residents

5no. consultation responses were received from local residents which expressed the following summarised comments:

- Students are not supposed to park within the Cheswick Village estate yet they do resulting in congestion and irresponsible parking on local roads;
- The white lines recently laid on the roads within the estate has helped the problem of student parking, but we still see a remarkable reduction in parked cars during UWE vacation;
- Resident's are being awoken by drunken students in the early hours and this scheme won't improve things;
- A gigantic free car park for all UWE students should be built instead;
- The existing large car park has been sold for housing (the LECL site) which will exacerbate the parking issues.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The principle of student accommodation to the south of Wallscourt Farm and its scale parameters were established at outline stage. The outline application was also informed by a Concept Statement that identified additional student accommodation to the south of Wallscourt Farm. Both the outline application and the concept statement were subject to public consultation. The principle of the proposed scheme is therefore considered acceptable.

5.2 The following matters were reserved at outline stage:

- Layout
- Scale
- Appearance

- Landscaping

These matters will therefore be discussed along with an assessment of the impact on the setting of the grade II listed building of Wallscourt Farm along with issues of internal access and residential amenity.

Layout & Scale

- 5.3 The approved indicative masterplan layout proposed a large perimeter block to the south of the Heart Zone. The use of this building was not defined at outline stage, as the flexibility of the masterplan would allow the building to have either been an academic faculty building or student accommodation, although the overall floor areas are controlled. The approved masterplan also indicated that any building would be bound on all sides by a circulatory bus route. On the grounds of pedestrian safety this layout has been revised and so although this application proposes a deviation from the outline layout, the “indicative” nature of the outline masterplan allows for this. Furthermore it can also be noted that the scheme now proposed still maintains the principles that were secured i.e. perimeter block forms which would help define landscaped communal courtyards. Cycle and footpath links will also be installed between accommodation phases 1 and 2 to help with permeability and connectivity through the wider site. The southern tip will however become the gateway feature to “Wallscourt Park”, which presents an opportunity to provide a much stronger nodal point by enclosing the entrance to the new heart zone.
- 5.4 Overall the layout can be considered a logical evolution of the indicative layout approved at outline stage and that the key principles established have been maintained. The scale is also considered to be in accordance with the overall massing of the building envisaged at outline stage.

Appearance

- 5.5 As with accommodation phase 1, to ensure the proposed buildings did not architecturally compete with the listed farmhouse, the buildings need to be as visually recessive as possible as so the same simple forms and palette of materials has been carried across which will also help give a sense of homogeneity to the “Wallscourt Park” student accommodation. However, as originally submitted the views of the development from within the “heartzone” needed to be lifted and so since submission the treatment of the prominent frontages have been amended to aid legibility and sense of place.
- 5.6 Consequently in any of the backdrop to Wallscourt Farm, the proposed student buildings will possess the same simple forms of longitudinal roofs with low mono-pitches and simple elevational composition as the first phase, but as above, where the development will contribute to the character of the “heartzone” i.e. towards the southern end, the gables and corners of the blocks will feature a different treatment and the specification of cladding has been increased to add interest. Moreover, as per accommodation phase 1, the blocks are to be broken down visually so they read as terraces of townhouses. Key to this is ensuring the elevations possess a strong sense of verticality and so the elevations will feature windows of vertical format to help reinforce the sense of vertical emphasis and arranged in a manner that enable the division sought through the elevations to be perceived. The materials have also been

considered to provide the buildings with a touch of interest through contrasting render and a light greyish brick but also to recede into its context, with the elevations facing the farmhouse will be entirely brick.

- 5.7 To conclude there are no objections to the appearance of the buildings and they represent a progression of phase 1.

Landscaping

- 5.8 The landscaping is largely contained within the confined of the perimeter block and the response to what opportunities have been presented are considered acceptable.

Heritage Issues

- 5.9 Wallscourt Farm is a grade II listed building set within what was formally agricultural land that once was part of the Duke of Beaufort's wider Stoke Gifford estate. Constructed in 1855, the farmhouse was constructed as part of the redevelopment of the site into a Model Farm set out over 600 acres of land. Along with the farmhouse, the Model Farm also consisted of a walled garden to the north of the main building and a group of substantial stone-built Model Farm buildings laid out in an elongated E-pattern.

- 5.10 The landscape character of the site has changed significantly with the Hewlett Packard development; the intensification of the UWE campus; and more recently the development of Cheswick Village which has provided an urban edge to the setting of Wallscourt Farm.

- 5.11 It has been previously considered that the changes to the landscape character justified identifying the land to the south of the farmhouse for student accommodation at Concept Statement and then outline application stage. Care though was required at detailed stage to ensure the scale and siting of any development did not result in a harmful intrusion or loss of prominence and any development proposals would need to mitigate its impact on the setting of the farmhouse. This can be considered to have been successfully achieved within the first phase.

- 5.12 In consideration of the potential impact of phase 2, along with direct tandem views from the west, the key visual receptor sites were considered in views from the north-west towards south-east and in the views from the south-west to the north-east.

- 5.13 In the views from the north-west corner of the site, the proposed new development has been kept largely behind the building line of the farmhouse to ensure its prominence is maintained. Through the planting of tree belts between the farmhouse and phase 1, as shown on the submitted 'impact CGI images', once the planting has established the trees will help filter and further screen views of the new development. In views from the south-east, the existing planting will help provide for a degree of screening, but the new buildings will result in a change in the existing backdrop of Wallscourt Farm. Following the removal of the plant room directly to its rear, the proposed change in context in views back to the main campus are however considered to be within the parameters considered and accepted at outline stage.

Furthermore, the establishment of the tree belt to the south of the listed farmhouse will help further soften and screen the appearance of the student accommodation blocks.

- 5.14 In what views there are of the new student accommodation, the simple forms and muted architectural will continue to ensure the student accommodation that comprises of "Wallscourt Park" does not visual compete or detract from the special architectural interest and setting of Wallscourt Farm.
- 5.15 It is therefore considered the proposed scheme will not have a detrimental impact on the setting or significance of the listed farmhouse and thus there are no objections to the proposed scheme from the Council's listed building officer.

Residential Amenity

- 5.16 Following the removal of the proposed accommodation block to the south end of first phase, the minimum separation distances between existing and proposed properties would be restored/ maintained. Therefore in regard to issues concerning overlooking or inter-visibility, there are no objections.
- 5.17 As with the first phase of student accommodation, local residents have also raised concerns about the potential for anti-social behaviour. To address this, there will be a proposed 'Hub' building that will contains a security office that will have good views of route within the development as well as communal areas. As per the management of the student accommodation elsewhere on site, the office is staffed 24 hours a day and will be complimented by the 24 hours security presence located with the student village and the security control room. Local residents are also able to call the security control room to report any instances of anti-social behaviour. The forum of the local resident's liaison group could also be used to help inform UWE of any student behavioural issues that was secured at outline stage.
- 5.18 As in the consideration of the first phase, it is considered that there will be sufficient management mechanisms in place to ensure instances of anti-social behaviour are controlled.
- 5.19 Provisions to protect noise levels and control hours of construction were addressed through conditions at outline stage. The outline consent also secured the formation of a resident's liaison group.
- 5.20 To conclude, it is considered that the proposed student accommodation would not result in any significant harm to the existing levels of residential amenity currently enjoyed.

Waste

- 5.21 The proposed scheme incorporates sufficient provision for communal waste which that be integrated into the University's existing waste collection policies and procedures. UWE operate a "Towards Zero Waste" strategy. The bin stores have been positioned in what are considered to be the most convenient locations to promote recycling and for ease of collections.

Transportation

- 5.22 As noted under the Transportation consultation response, there are no objections to the proposed scheme as the parking and cycling strategy has been considered acceptable following the submission of additional information and the need to update the Travel Plan that will be secured by condition. The concerns of the local residents are noted, but students living on campus will not be permitted to bring their cars onto the campus..This should not result in the parking being displaced into the surrounding area and parking is already very limited and controlled by Trafficregulation orders and the situation is constantly being monitored by SGC and UWE. Previously UWE have responded to identified concerns bycontributing towards Traffic Regulation Orders in Cheswick Village. With the campus continuing to expand, this arrangement is to be formalised through the update to the existing Travel Plan. It can also be noted the parking on the campus will also be increased through the two pending applications with also the proposed temporary car park on the previously proposed stadium site to replace the car park being lost as part of the residential development of the land opposite the campus.
- 5.23 There is a need for a condition to secure a number of sheltered cycle stands to the Council's adopted standards and this should help maximise the opportunities for cyclists to use the strong cycle network that serves the site. With the campus also well served by public transport, it is considered that along with the existing pedestrian links, the opportunities for students to access the campus through sustainable transport modes are significant. The increase in students living on campus will also help reduce the number of vehicular movements to and from the site.
- 5.24 To conclude, subject to the suggested conditions, as noted by the Council's Highway Officer in their consultation response, there are objections to the proposed scheme.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 That Reserved Matters submitted in accordance with conditions 1 &2 of the outline planning permission (reference PT12/3809/O) dated 17th June 2013 be APPROVED subject to the following conditions.

Contact Officer: Robert Nicholson
Tel. No. 01454

CONDITIONS

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

Reason

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

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

Reason

In light of this information not being submitted and determination stage for consideration or approval, a pre-commencement condition is necessary 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 the National Planning Policy Framework.

3. Prior to the commencement of development, a Stage 1/2 Road Safety Audit and Non Motorised User Audit on the development's access arrangement and the internal layout shall be submitted to and approved in writing by the Local Planning Authority. The recommendations in the Audits are to be implemented prior to occupation of the development.

Reason:

In the interest of highway safety and to accord with South Gloucestershire Local Plan policy T12.

4. The development hereby approved shall not be occupied until details of a direct footpath link from the site to the nearest bus stop on the north side of Long Mead to the west of the development have been submitted to and approved in writing by the Local Planning Authority. The approved details are to be completed before the development is occupied.

Reason:

In the interests of highway safety and to promote sustainable transport choices and to accord with South Gloucestershire Local Plan policy T12.

5. A site specific Construction Environmental Management Plan (CEMP), shall be agreed in writing with the Local Planning Authority prior to commencement of work. The CEMP as approved by the Council shall be fully complied with at all times.

The CEMP shall address the following matters:

- (i) Measures to control the tracking of mud off-site from vehicles.
- (ii) Measures to control dust from the demolition and construction works approved.
- (iii) Adequate provision of fuel oil storage, landing, delivery and use, and how any spillage can be dealt with and contained.
- (IV) Adequate provision for the delivery and storage of materials.
- (V) Adequate provision for contractor parking.
- (vi) A lorry routing schedule.

Reason:

In the interests of residential amenity and to accord with Policy EP1 of the adopted South Gloucestershire Local Plan and South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

6. No accommodation unit shall be occupied until the highway linking that unit to the existing UWE highway network has been constructed in accordance with the submitted details and provided with street lighting, surfaced with a consolidated material and provided with surface water drainage.

Reason:

In the interests of highway safety, to ensure all accommodation units are provided with a safe and suitable access and to accord with South Gloucestershire Local Plan Policy T12.

7. The development shall not be occupied until the cycle parking facilities have been provided in accordance with the submitted drawings except that the cycle parking outside of the cycle store buildings are to be provided with shelters in accordance with details to be submitted to and approved in writing by the Local Planning Authority beforehand.

Reason:

To promote sustainable transport choices and to accord with South Gloucestershire Local Plan Policy T7.

8. The development shall not be occupied until an updated Travel Plan has been submitted to and agreed in writing by the Local Planning Authority.
The updated Travel Plan shall include:
Further measures to promote cycle use.
Monitoring of cycle parking provision.
A commitment to provide additional cycle parking provision if requested by students.
Measures to monitor and manage off-site car parking on the surrounding public highway associated with the development and a commitment to address any parking problems in consultation with the Local Highway Authority.
A timetable for implementation.

The updated Travel Plan shall be implemented in accordance with timetable therein

Reason:

To promote sustainable transport choices and in the interest of highway safety and to accord with South Gloucestershire Core Strategy CS8 and South Gloucestershire Local Plan Policy T12.

9. The application has been approved on the basis of the list drawings contained within the revised drawing register as appended to this decision notice as received by South Gloucestershire Council on 19th November 2015. The development shall proceed exactly in accordance with the above approved documents.

Reason:

To ensure that the development is carried out in accordance with the approved plans in order to comply with the policies set out within the South Gloucestershire Local Plan Core Strategy (Adopted December 2013) and the saved policies within the South Gloucestershire Local Plan (Adopted 2006).

CIRCULATED SCHEDULE NO. 47/15 – 20 NOVEMBER 2015

App No.:	PT15/3607/F	Applicant:	Mr S Cole
Site:	21 Gayner Road Filton Bristol South Gloucestershire BS7 0SP	Date Reg:	14th October 2015
Proposal:	Conversion of existing dwelling to include two storey front extension to form 2 no. flats. Formation of new access and associated works.	Parish:	Filton Town Council
Map Ref:	360129 178516	Ward:	Filton
Application Category:	Minor	Target Date:	7th December 2015



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 100023410, 2008. **N.T.S.** **PT15/3607/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule in accordance with procedure given a comment in objection to the application has been received that is contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The application seeks permission for the conversion of an existing dwelling to include a two storey front extension to form 2 no. flats with the formation of new access and associated works.
- 1.2 The existing dwelling is a semi-detached property with a hipped roof and white painted rough stone render to finish. Most of the semi-detached properties on the street are similar in style with a few properties having very similar two-storey front extensions.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Practice Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS8 Improving accessibility
CS16 Housing Density
CS17 Housing Diversity

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

H4 Development within Existing Residential Curtilages
H5 Conversions

2.3 Supplementary Planning Guidance

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

3. RELEVANT PLANNING HISTORY

- 3.1 PT14/1972/F- Erection of extensions to existing dwelling to facilitate the conversion to 3no. self-contained flats and erection of detached building to form 2no. self-contained flats with access and associated works. Withdrawn 10.09.2014
- 3.2 PT15/3613/F- Erection of new building to form 2no flats. Creation of new access and associated works. Pending Consideration.

4. CONSULTATION RESPONSES

- 4.1 Filton Parish Council
Query if there is to be sufficient parking provided, otherwise no objection.
- 4.2 Lead Local Flood Authority
No objection
- 4.3 Highway Structures
No objection
- 4.4 Sustainable Transport
No comment.

Other Representations

- 4.5 Local Residents
Objection received by 42 Gayner Road.
- Gayner Road is already suffering from severe road congestion.
 - Objection to the amount of car parking spaces provided.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The application seeks permission for the conversion of an existing dwelling to include a two storey front extension to form 2 no. flats with the formation of new access and associated works. The principle of the proposed development is considered acceptable under Policy H5 of the South Gloucestershire Local Plan (2006) which allows for the conversion of existing residential properties subject to no adverse impacts on the character of the area and a number of criteria relating to residential amenity, visual amenity and transportation issues being satisfied. Furthermore, as the Council currently does not have a 5 year supply of housing land the test in Paragraph 14 of the NPPF explains that where this is the case permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 5.2 Residential Amenity
The application proposes the conversion of the existing dwelling to include a two-storey front extension to form 2 no. flats with the formation of new access and associated works. The two-storey extension would be situated within the middle of the existing property and would not extend to the curtilage of the adjoining property. Therefore it is unlikely that the two-storey front extension will have a significant adverse effect on the neighbouring properties in terms of privacy and light.
- 5.3 The proposed development would not appear adversely overbearing on any of the current neighbours nor would it prejudice the existing levels of outlook or light afforded to them. Accordingly there are no concerns in terms of residential amenity.

5.4 Emerging Policy PSP44 specifies the amount of private amenity space that should be provided for all residential dwellings. The guidelines state that for a 2-bed dwelling a minimum of 5 sqm plus private shared communal space should be allocated. As the arrangement of bedrooms within the property means that both bedrooms will be located to the rear of the property it is considered that the rear garden space should not be fully communal in order to allow for some degree of privacy. Therefore revised plans were submitted (COL/797/PL/11/15/002/E) which show the garden to be split in half by 1.8m closed panel fences, with the bike and the bin storage area to be located along the existing side walkway with gates to allow access to the ground floor garden and the first floor garden. It is considered that the outdoor private amenity space to the rear of the property is sufficient for 2-bed flats of this nature.

5.5 Design

The application relates to a semi-detached two-storey dwelling situated within a residential cul-de-sac. The dwelling is finished in white painted rough stone render with a hipped roof and interlocking red tiles. There is a gravel driveway at present to the front of the property that could provide parking spaces for 3 cars.

5.6 The two-storey extension is proposed to extend a modest distance to the front of the property and will be constructed using similar materials to the existing. It is also noted that two other properties on this street have had similar extensions. Accordingly there are no concerns in terms of design.

5.7 Highway Safety

There has been one neighbour objection regarding the amount of parking spaces provided and a query from Filton Town Council regarding the parking provision. It is clearly shown in the proposed block plan shown within COL/797/PL/11/15/002/E that there will be 3 off-street parking spaces provided. For a two-bed property it is considered that 1.5 spaces should be provided which is usually rounded down to one space for a two-bed dwelling. However, the plans clearly show that three spaces will be provided within the plans and this is considered to be sufficient parking space for the two-bed flats. New plans have been submitted (COL/797/PL/11/15/002/E) to show cycle storage for four bikes to the rear of 21 Gayner Road which is within the residential curtilage of both flats and accessible from Gayner Road. This is in accordance with guidance set out in Policy T7 of the Local plan (2006). A condition will be put in place to ensure the provision of the cycle storage prior to occupation.

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 condition on the decision notice.

Contact Officer: Chloe Buckingham
Tel. No. 01454 867967

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 first occupation the cycle storage as shown on plan COL/797/PL/11/15/002/E shall be provided and retained as such thereafter.

Reason

In the interests of Sustainable Transport and to accord with Policy T7 of the South Gloucestershire Local Plan (2006) and Policy CS8 of the Core Strategy (2013).

CIRCULATED SCHEDULE NO. 47/15 – 20 NOVEMBER 2015

App No.: PT15/3662/F
Site: Milbury House Whitewall Lane
 Buckover South Gloucestershire GL12
 8DY

Applicant: Mr & Mrs R&D Vickers
Date Reg: 1st September 2015

Proposal: Erection of 1no. dwelling (amendment
 to previously approved scheme
 P85/1978)

Parish: Thornbury Town
 Council

Map Ref: 366226 190460
Application Minor

Ward: Thornbury North
Target 23rd October 2015

Category:

Date:



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule due to the receipt of an objection from the Town Council.

1. THE PROPOSAL

- 1.1 This application seeks planning permission to erect 1 no. dwelling at Milbury House, Whitewall Lane Buckover. It is noted that planning permission P85/1978 was granted for the alterations and erection of a two storey extension to form an entrance hall, lounge and dining room with two bedrooms and a bathroom at this property. However, this planning permission wasn't able to be implemented as the cottage has been subsequently demolished due to its instable structure.
- 1.2 A Certificate of Lawfulness of PT15/0492/CLE was granted for the existing residential use of Milbury Cottage in May 2015
- 1.3 The site is located in the small hamlet of Milbury Heath and is not within a defined settlement boundary (i.e. it is within open countryside). The site is not located within the Green Belt.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012

National Planning Practice Guidance

2.2 Development Plans

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

H4	Development within Existing Residential Curtilages
H11	Replacement Dwellings in the Countryside
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
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
CS34	Rural Areas

2.3 Supplementary Planning Guidance

Residential Parking Standard SPD (Adopted) December 2013

3. **RELEVANT PLANNING HISTORY**

- 3.1 N5062/3 Erection of single storey extension to form sitting room and garage. Approved 03.12.81
- 3.2 P84/1546 Erection of single storey extension to form lounge / diner. Approved 04.06.84
- 3.3 P84/1862 Erection of double garage. Withdrawn 11.07.84
- 3.4 P85/1978 Alterations and erection of a two storey extension to form an entrance hall, lounge and dining room with two bedrooms and a bathroom over. Approved 31.07.85
- 3.5 PT12/2827/NMA Non material amendment to approved planning permission P85/1978 to reduce the footprint of the proposed dwelling and the increase the size of a window in the single storey element. Objection. 11.09.12 as the proposed amendment would significantly reduce the size of the building
- 3.6 PT13/2671/F Erection of 1 no. detached dwelling and detached garage with associated works. Withdrawn 20.09.13
- 3.7 PT15/0492/CLE Certificate of Lawfulness for the existing residential use of Milbury Cottage. Approved 26.5.2015

4. **CONSULTATION RESPONSES**

4.1 Thornbury Town Council
Objection. The proposed development is outside the town development boundary.

4.2 Other Consultees

Lead Local Flood Authority

No objection subject to further details of the foul sewage system to be submitted. There is no main foul drainage available. The applicant states that foul drainage will be connected to the existing Septic Tank but does not specify whether or not it has adequate capacity for the proposal. If the existing system is inadequate, the applicant is advised that a package sewage treatment plant is required. Therefore further details will be required,

Sustainable Transport

No objection, as there is a certificate of lawful use for a residential dwelling on this land.

Highway Structures

No comment.

Other Representations

- 4.3 Local Residents
None received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The site has been subject to a number of planning applications in the past. The applicant have lived at and owned Milbury house and the Milbury Cottage was in situ when the applicant purchased Milbury House and the surrounding land. Planning permission was firstly granted in 1981 for an erection of single storey extension for form siting room and garage. Subsequently, planning permission was granted in 1985 for a larger two storey extension. Due to the instability of the building, the original cottage was demolished and as such the previous planning permission for the extensions could not be implemented.

To establish the lawful use of the site, the applicant submitted an application for a Certificate of Lawfulness for the residential use early this year. Subsequently, the Certificate was granted for the residential use on this parcel of land.

- 5.2 Officers acknowledge the Parish Council's objection regarding the out of town of the proposed dwelling. Policy CS5 of the adopted Core Strategy restricts new development outside settlement boundaries. Nevertheless, it should be noted that a Certificate of Lawfulness of the residential use has been granted for this parcel of land, and the saved policy H4 allows proposals for development within existing residential curtilages, including extensions to existing dwellings and new dwellings provided that the proposal would not prejudice visual and residential amenity, public highway safety, would provide adequate private amenity spaces and adequate off-street parking. As such, there is no objection to the principle of the proposal. Given that the certificate established the residential use of the plot, it is not considered necessary to consider how the lack of a 5 year housing supply would apply to this proposal.

5.3 Design and Visual Amenity

The application site lies to the northern side of Whitewall Lane. There are a number of cottages along the lane.

The proposed dwelling is a single storey 'L' shaped building, which is simple in terms of design. The building would have a number of dormers on the northwest elevation with a dual pitched roof with gable ends. The proposed dwelling will be finished with white render with natural stone returns under brown clay double roman. It is considered that the design and materials would be acceptable as the proposal would respect the character and appearance of the locality. The proposed double garage would also have a very simple design form and would be finished with similar materials. Although the proposed dwelling would be larger than the previous approved extensions, it is considered that the proposed dwelling would retain its low profile and the character and appearance of the approved proposal.

It is therefore considered that the proposal has a good standard of design and would reflect the character and appearance of the locality. Therefore, the proposal satisfies Policy CS1 of the adopted Core Strategy and saved Policy H4 of the adopted Local Plan.

5.4 Residential Amenity

The only dwelling in the immediate proximity to the proposed dwelling is Pondon Grove Cottage, located to the south west of the proposed dwelling.

There would be a small bedroom window on the first floor south western facing side elevation of the proposal and this window would be approximately 16 metres from the southern west side boundary. Given that there would be a considerable distance from the neighbouring cottage, it is considered that this bedroom window would not have a detrimental impact on the neighbouring residents. Furthermore, the proposed dwelling would be approximately 50 metres from the dwelling at Pardon Grove Cottage, therefore there would not be any significant overbearing impact upon the neighbouring properties.

The proposal is located within a large plot, and therefore it is considered that there is sufficient private amenity space.

Accordingly, it is considered that the proposal will not have a materially detrimental impact on the neighbouring occupiers, and therefore satisfied saved policy H4 of the adopted Local Plan.

5.5 Drainage

The Drainage Engineer considered the proposal and raised no objection to the proposal. However, it is noted that no mains foul drainage is available and the applicant proposes to connect the foul drainage to an existing Septic Tank. Therefore further details will be required to demonstrate that the existing septic tank would have adequate capacity for the proposed new dwelling. If the existing system is inadequate, then the applicant is advised to connect the foul sewage disposal to a public foul sewer or to use a Package Sewage Treatment Plan. A planning condition is therefore imposed to seek further details of the details of the foul drainage.

5.6 Highway Safety

Since the previous planning application for extensions at this site were approved, the Council has adopted the Residential Parking Standards. This requires a four bedroom property such as the one proposed to have at least two parking spaces provided within the residential curtilage of the dwelling. A double garage is proposed within the site and there is also adequate space to provide additional parking space within the curtilage to comply with the Council's residential parking standards are satisfied. Furthermore, a turning space is also proposed within the site, as such it is considered that the proposal would not prejudice public highway safety.

5.7 Permitted Development Rights

Officers have considered whether or not the permitted development rights should be removed from the proposed dwelling given the rural location of the

proposed dwelling. Officers consider that the concerns regarding the visual amenity and residential amenity have already been addressed, and it would be unreasonable to restrict general householder development as the legislation does allow householder development in rural areas, and in this case, there is no exceptional reason to justify the removal of permitted development.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 That planning permission be granted subject to the following conditions:

Contact Officer: Olivia Tresise

Tel. No. 01454 863761

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 the development hereby permitted, details of foul drainage method shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reasons:

a. This is a pre-commencement condition in order to avoid any unnecessary remedial works in the future.

b. To ensure a satisfactory means of pollution control, in accordance with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

3. The proposed garage shown on the plan hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

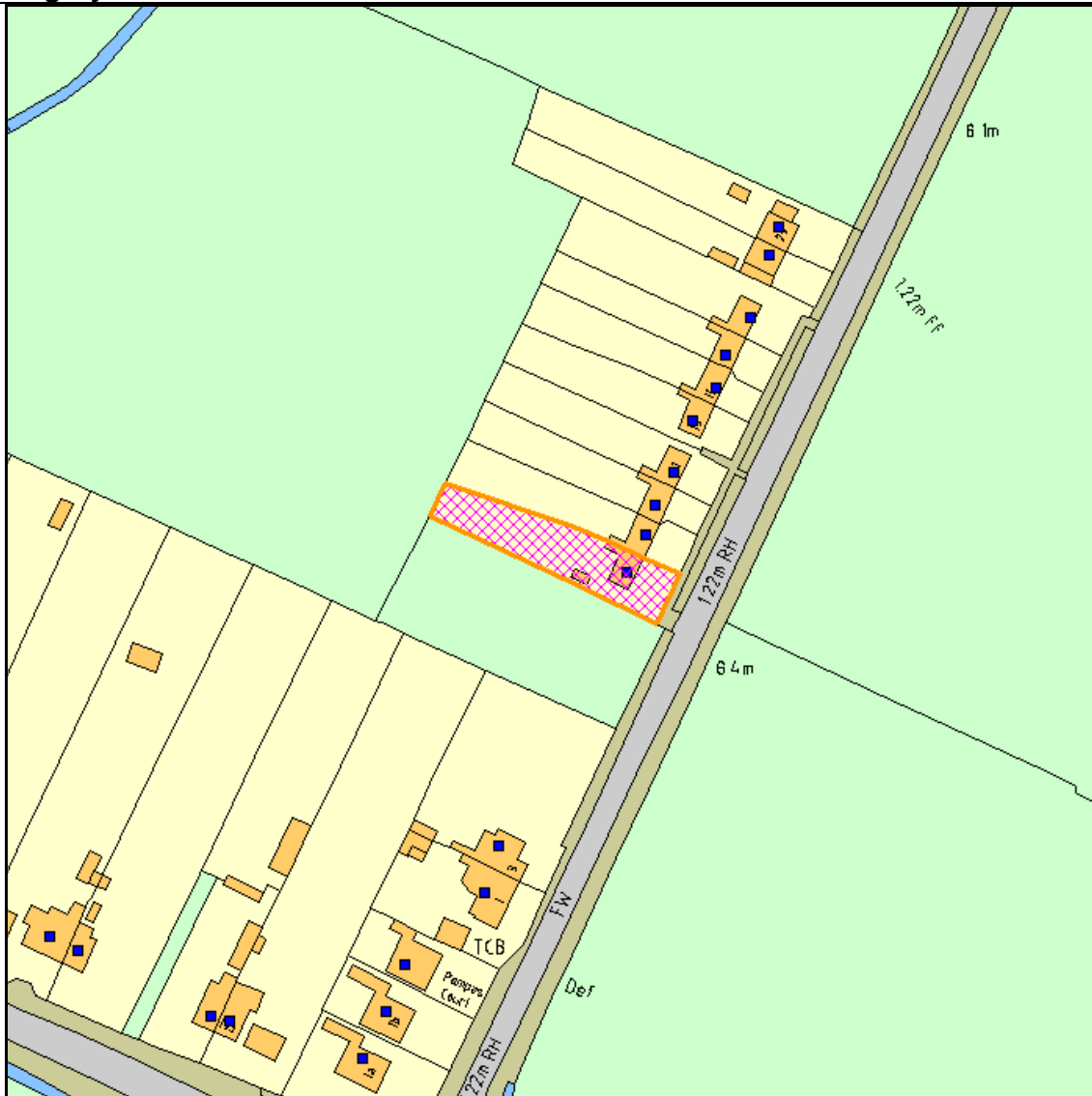
Reason

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; and the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013.

CIRCULATED SCHEDULE NO. 47/15 – 20 NOVEMBER 2015

App No.:	PT15/3777/F	Applicant:	Mr O Mogridge
Site:	5 Station Road Pilning Bristol South Gloucestershire BS35 4JT	Date Reg:	3rd September 2015
Proposal:	Erection of two storey rear extension to form additional living accommodation.	Parish:	Pilning And Severn Beach Parish Council
Map Ref:	356550 183531	Ward:	Pilning And Severn Beach
Application Category:	Householder	Target Date:	27th October 2015



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N.T.S. **PT15/3777/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule due to the receipt of objections from the owners of the adjacent property, No. 7 Station Road.

1. THE PROPOSAL

- 1.1 The applicant is seeking full planning permission for the erection of a two storey rear extension at 5 Station Road, Pilning. The proposed extension would measure 7.8 metres wide by 3.6 metres in depth and would have an overall height to ridge of 6.1 metres.
- 1.2 The property is a two storey end-terraced dwelling and is located within the open countryside outside of the settlement boundary of Pilning. The site is also located within the Bristol Bath Green Belt.
- 1.3 During the course of the application, a revised proposal was submitted to amend the design of the eaves of the proposed extension in order to address the concerns raised by the adjoining owners.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Practice Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

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

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

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007.
South Gloucestershire Residential Parking Standards, adopted December 2013
South Gloucestershire Council Development in the Green Belt SPD (Adopted) June 2007

Emerging Planning Document –PSP DPD
PSP44 Private Amenity Spaces

3. RELEVANT PLANNING HISTORY

3.1 None

4. CONSULTATION RESPONSES

4.1 Pilning and Severn Beach Parish Council

No comments.

4.2 Drainage

No objections subject to the submission of an acceptable flood mitigation strategy

4.3 Sustainable Transport

No objection

4.4 Archaeology Officer

No comment

Other Representations

4.5 Local Residents

One letter of objection has been received. The concerns are summarised as follows:

- The plans show the shed of No. 5 will be removed and extend above, therefore the Party Wall Act would need to be applied for
- New foundation would have to be installed access onto our property would be required
- No provision for foundation alterations have been given, and concerns about how the load would be distributed particularly around the shed.
- Gutter and fascia over our property No. 7, these would require future maintenance and access
- Our property has recently been re-roofed including the shed, what guarantees can you offer regarding the protection of our property
- The two storey extension would reduce the sunlight into our property causing an environmental issues
- We are not prepared to agree to the current design

5. ANALYSIS OF PROPOSAL

This application seeks planning permission for the erection of a two-storey rear extension to a residential dwelling 'washed over' by the Bristol/Bath Green Belt.

5.1 Principle of Development

Paragraph 89 within the NPPF allows for extensions or alterations to buildings within the Green Belt, provided this does not result in disproportionate additions over and above the size of the original building. Development which is considered to be disproportionate with regard to the original building will be viewed as inappropriate development, harmful to the Green Belt and will not be

permitted. Policy CS5 of the adopted Core Strategy is supportive of the NPPF and relevant local plan policies in the protection of the Green Belt.

5.2 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. 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.

5.3 Saved Policy H4 of the South Gloucestershire Local Plan (adopted January 2006) is supportive in principle of development within the curtilage of existing dwellings. The proposal would need to respect the existing design; would not prejudice residential and visual amenity, and also that there is safe and adequate parking provision and no adverse impact on public highway safety.

5.4 Green Belt

As stated within the principle of development section, development which is disproportionate over and above the size of the original dwellinghouse will not be permitted. Accordingly, only limited additions will be permitted. The Development in the Green Belt SPD sets the disproportionate test which has three components, the volume increase of the original dwelling, the appearance of the proposal and the existing extensions and outbuildings within the curtilage.

5.5 The first component involves a volume calculation and advises that an addition resulting in a volume increase less than 30% or more of the original dwelling would be likely to be acceptable, and a volume increase of 50% or more of the original dwelling would be likely to be considered in excess of a reasonable definition of limited extension.

5.6 The proposal constitutes a volume of approximately 155m³ representing a 70% volume increase above the original dwelling. The Council's Green Belt SPD states: *'an addition resulting in a volume increase of 50% or more of the original dwelling would most likely be considered in excess of any reasonable definition of 'limited extension'*'. In this instance, officers acknowledge that the proposed extension is large in scale, however, the extension would have a hipped roof with lower ridgelines and the depth of the new extension would be shorter than that of the host dwelling. As such, the proposal would allow the extension to be subservient to the host dwelling. Officers therefore consider that the proposal would not be a disproportionate addition to the scale and character of the original dwelling. In addition, the proposed extension would not project beyond the established built form of this row of properties and would not be larger than other similar extensions of the adjacent dwellings, No. 11, 13 and 17 Station Road, was granted planning permission prior to the adoption of Development in the Green Belt. Therefore, the proposal would not be harmful to the openness of the Green Belt. Taking into consideration of all of the above, there are no objections to this proposal with regard to the Green Belt.

5.7 Design / Visual Amenity

The proposed two storey extension would be located to the rear of the dwelling. It is considered that the extension is an acceptable standard in design and reflects the character of the main dwelling house and surrounding properties. The extension is an appropriate scale and it is considered that the proposal would be subservient to the host dwelling. Further, the proposed extension would incorporate materials to match those of the main dwelling, assisting the successful integration of the extension with the host dwelling.

Overall, it is considered that the proposal would not be harmful to the character and appearance of the principle dwelling and street scene.

5.8 Residential Amenity

The nearest neighbouring property to the proposed extension would be No. 7 Station Road, which lies to the north side of the application site. There is an open field adjacent to the southern boundary, which is currently subject to a planning appeal, APP/P0119/W/15/3133941, for the erection of 2 no. detached dwelling (outline). Officers acknowledge that the concerns regarding the loss of sunlight to the adjacent property.

The application site is a two-storey end-terraced dwelling sharing the same building lines with the adjacent property No. 7 Station Road. The proposed extension would project approximately 3.6 metres beyond the rear elevation of the host dwelling. Whilst it is considered that the proposed two-storey extension would cause a degree of loss of sunlight upon the adjacent property, it is considered that the impact would not be so significant as to be detrimental to the living conditions of No. 7 Station Road. In addition, there are similar rear extensions within this rank of the properties, e.g. 11, 13 and 17 Station Road. Therefore it is considered that there is no substantive reason to refuse this application.

There is no window proposed on the side elevations of the new extension, and all new openings would be overlooking the applicant's rear garden. Given the siting of these windows, it is not considered that the proposal would result in any increase in overlooking or loss of privacy over and above the existing situation. Therefore there are no issues of inter-visibility or loss of privacy. Further, sufficient garden space would remain to serve the property. Therefore the impact on residential amenity is subsequently deemed acceptable.

5.9 Parking and Highway Safety

The proposed extension will increase the bedrooms for the dwelling from two to three. The Council's new parking standards state that a minimum of two parking spaces must be provided within the site boundary for a three bedroom dwelling as proposed. The submitted block plan shows that two parking spaces will be provided within the site, as such the proposal meets the Council's parking standards and the proposal is acceptable in terms of parking and highway safety.

5.10 Drainage and Flood Prevention

The site is situated within flood zones 2 and 3 as such the applicant needs to demonstrate that flood mitigation measures have been taken into

consideration. A flood mitigation strategy has been submitted which is considered acceptable. Additionally, the Councils Drainage Engineer has considered the proposal and there are no drainage objections to the proposed works. A condition is therefore imposed ensure works are carried out in accordance with the details specified on the submitted flood mitigation strategy.

5.11 Other issues

Concerns also are raised regarding the encroachment over the ownership boundary due to the construction and future maintenance of the proposed extension. To address the concerns, the applicant submitted a revised proposal to show there would be a parapet wall above the eaves of the proposed extension. In addition, the applicant also submitted a Certificate B with this proposal to meet the planning legislation. As the ownership concerns would be a private civil matter between the applicant and the adjoining owners and it is the applicant's responsibility to ensure that all works will be carried out accordingly in accordance with the Party Wall Act.

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: Core Strategy (Adopted December 2013) and the South Gloucestershire Local Plan (Adopted January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

7.1 That the application be approved subject to the following conditions:

Contact Officer: Olivia Tresise
Tel. No. 01454 863761

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. Works shall be carried out in accordance with the flood mitigation strategy submitted by LPC town and country planning development consultants received on 1 September 2015.

Reason

To prevent flooding, and to accord with Policies CS1 and CS9 of the South Gloucestershire Core Strategy (Adopted) December 2013

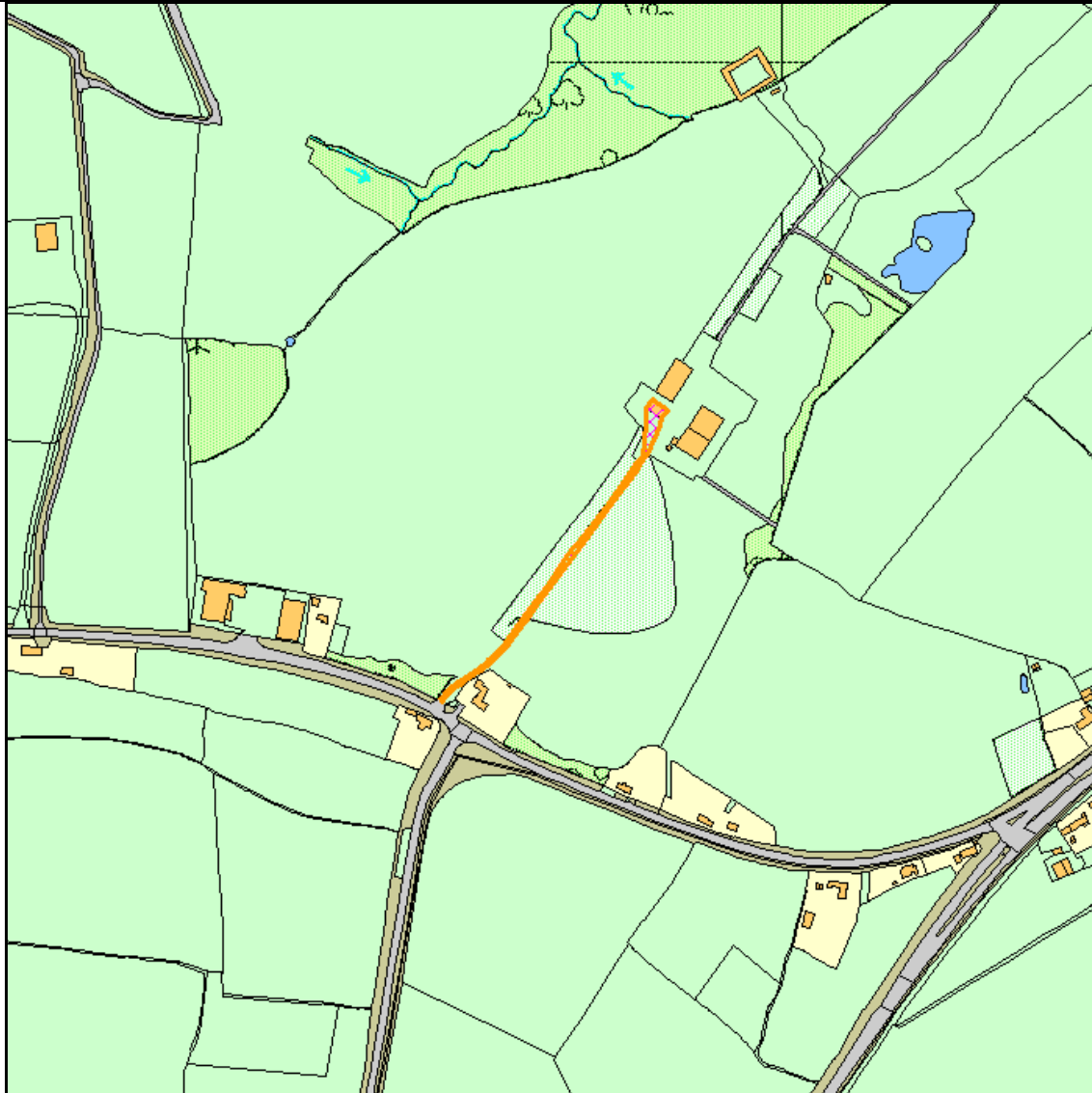
3. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and Saved Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 47/15 – 20 NOVEMBER 2015

App No.:	PT15/3870/F	Applicant:	Severinsen Ltd
Site:	Eastwood Farm Gloucester Road Whitfield South Gloucestershire GL12 8EA	Date Reg:	7th September 2015
Proposal:	Change of use of farm office to 1no. dwelling (Class C3) as defined in Town and Country Planning (Use Classes) Order 1987 (as amended). (Resubmission of PT14/3911/F).	Parish:	Falfield Parish Council
Map Ref:	366893 191707	Ward:	Charfield
Application Category:	Minor	Target Date:	30th October 2015



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule for determination to take into account the comments of the Parish Council which may be construed as an objection.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the change of use of a farm building into a residential dwelling at Eastwood Farm in Whitfield near Thornbury. The building was erected without the benefit of planning permission as a farm office; however, retrospective planning permission has subsequently been granted. An application was submitted last year to convert the building to residential however it lacked information and was refused. This application seeks to overcome the previous refusal on the site.
- 1.2 The building in question is a modern building. It is located outside of any defined settlement boundary and is therefore considered to be in the open countryside. No further land use designations cover the site.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS4A Presumption in Favour of Sustainable Development

CS5 Location of Development

CS8 Improving Accessibility

CS9 Managing the Environment and Heritage

CS15 Distribution of Housing

CS17 Housing Diversity

CS34 Rural Areas

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

L1 Landscape

EP2 Flood Risk and Development

T12 Transportation

H3 Residential Development in the Countryside

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

2.3 Supplementary Planning Guidance

(a) South Gloucestershire Design Checklist (Adopted) August 2007

(b) Residential Parking Standard (Adopted) December 2013

(c) Landscape Character Assessment (Adopted) November 2014

3. RELEVANT PLANNING HISTORY

- 3.1 PT14/3911/F Refused 03/12/2014
Change of use of farm office to 1no. dwelling (Class C3) as defined in Town and Country Planning (Use Classes) Order 1987 (as amended).

Refusal Reasons -

1. The applicant has failed to demonstrate that all reasonable attempts have been made to secure a business re-use of the building or that the proposed conversion to a dwelling would not prejudice the protection of a rural employment site. The proposed development is therefore contrary to policy CS34 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and policy H10 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies).
2. Insufficient information has been submitted with the application to enable the local planning authority to assess whether the proposed conversion would relate well to its surroundings, that the development was informed and respects the context of the site, and that the occupiers of the proposed dwelling would benefit from a good standard of residential amenity. The development is therefore contrary to policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, policy H10 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies) and the provisions of the National Planning Policy Framework.

- 3.2 PT14/2368/PNAR Approve with Conditions 07/08/2014
Prior notification of the intention for change of use from agricultural to residential

- 3.3 PT09/0706/PNA No objection 12/05/2009
Prior Notification for intention to install a weighbridge for agricultural purposes.

- 3.4 PT07/3659/F Approve with Conditions 01/05/2009
Erection of building to provide farm office, agricultural laboratory and agricultural storage facilities. (Retrospective).

4. CONSULTATION RESPONSES

- 4.1 Thornbury Town Council
No objection subject to meeting criteria of conversion of agricultural buildings.

- 4.2 Falfield Parish Council
The Parish Council is disappointed that this building (which was granted retrospective planning permission in 2009) is now surplus to requirements. The adjacent barn has already been converted into three dwellings and the maximum number of permitted development housing on the site has been reached. A dwelling in this location would not have been granted planning permission; the building has always had the appearance of a dwelling. The Parish Council would request, that if permission is approved, a condition be attached that restricts occupation to a rural worker.

4.3 Transportation

Site is located in an unsustainable location which would be dependent on the use of private motor vehicles and is therefore contrary to policy CS8. However, subject to compliance with planning policy on the change of use of rural buildings, no transportation objection is raised.

Other Representations

4.4 Local Residents

None received

5. ANALYSIS OF PROPOSAL

5.1 This application seeks planning permission for the conversion of an existing ancillary farm building to a dwelling in Whitfield near Thornbury.

5.2 Principle of Development

The Council's locational strategy seeks to direct housing development to the existing urban areas and defined settlements and limits rural housing development. However, the conversion of a rural building to a residential use can be supported under policy H10 where it has been demonstrated that there is no alternative viable economic use of the building.

5.3 Notwithstanding the above, it has recently been found at appeal that the Local Planning Authority is, at present, unable to demonstrate a five-year housing land supply. Subsequently the Council's housing location policies (CS5, CS15, CS34, H3 and H10 in so far as they relate to housing) are out of date. Housing proposals must therefore be assessed against the presumption in favour of sustainable development as detailed in paragraph 14 of the National Planning Policy Framework (NPPF).

5.4 Where the development plan is out of date, the presumption in favour of sustainable development states that planning permission should be granted unless any adverse impacts of doing so would *significantly and demonstrably* outweigh the benefits.

5.5 Previous Reasons for Refusal

This application is a resubmission to address the reasons for refusal on PT14/3911/F. This application was refused for two reasons - one relating to the potential loss of a rural employment site and the other to address a lack of information on the impact of the proposal on its surroundings.

5.6 Policy CS34(7) sought to protect rural employment sites and policy H10(A) required applicants to demonstrate that the building was not suitable for a business use prior to residential being considered. In order to address these requirements the applicant has now submitted a marketing analysis that demonstrates the building is undesirable for use in an alternative economic use to the farm office. If the application was to be determined against the policies in the development plan it is unlikely that the Local Planning Authority would raise an objection. Whilst the NPPF supports a prosperous rural economy, it

does not state that residential development would only be considered when it had been demonstrated that an economic re-use could not be found.

5.7 With regard to rural housing, paragraph 55 of the NPPF states that new isolated homes in the countryside should be avoided except where there are special circumstances such as 'where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting'.

5.8 The building already exhibits the appearance of a chalet bungalow; in terms of enhancement to the site, the development does not directly propose an enhancement to the building. If permitted, the area to the rear of the building would be enclosed to form amenity space but otherwise the building would generally stay as it does at present. Whilst the NPPF actively seeks to secure enhancement, in this instance it cannot be considered that the development would result in significant or demonstrable harm without any enhancement as the existing building already has the appearance of a dwelling.

5.9 Therefore, in assessing the reasons for refusal against the presumption in favour of sustainable development, it is unlikely that an objection would be raised.

5.10 Building Integrity

Buildings should be capable of conversion to residential use without major or complete reconstruction. The NPPF uses terminology such as 're-use' which implies that significant operational development should not be required for the building to function in its new use. The existing building is new, having been granted retrospective planning permission in 2009. It is considered that no significant works would be required in order to convert the building and the development is acceptable with this regard

5.11 Landscape

Condition 2 of planning permission PT07/3659/F required the submission of a landscaping scheme to screen the development. There is no evidence that the landscaping scheme was implemented as the site remains very open in nature.

5.12 In order to enhance the landscape, a condition will be applied that requires a landscaping scheme around the proposed curtilage in order to distinguish the dwelling from the surrounding farm yard.

5.13 Living Conditions

Development should not be permitted that has a prejudicial impact on the residential amenities of nearby occupiers or which would be subject to poor living conditions. A garden will be provided to the rear of the building and this is considered to be acceptable.

5.14 Parking and Access

Two parking spaces are proposed as part of the development. This is sufficient to meet the requirements of the Residential Parking Standard. The site access lane is considered to be capable of accommodating the level of traffic generated as the lane is open sided with good visibility and already manages the traffic associated with the farm.

5.15 Ecology

The site is within a rural area and therefore consideration should be given to the opportunities for nesting and roosting. Development would need to mitigate any potential impact. As stated earlier, the site is a relatively recent building in a good state of repair. It is therefore considered very unlikely that the building would provide opportunities for protected species to nest or roost. It is therefore considered that an informative note on the provision of the relevant ecological legislation would suffice in this instance.

5.16 Other Matters

The Parish Council has suggested that any consent should be subject to a condition restricting the occupancy of the dwelling to those employed in rural enterprise in the locality.

5.17 There is no justification for the imposition of such a condition and a condition of this nature would not pass the guidance on conditions in paragraph 206 of the NPPF.

5.18 The previous permitted development conversions that have taken place are given little weight in determining this application as full planning permission is required for the conversion of the building in question.

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 a scheme of landscaping, which shall include details of 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. The scheme of landscaping shall be completed in all respects within the first planting season following the first occupation of the building as a dwelling.

Reason

To protect the character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies) and the National Planning Policy Framework.

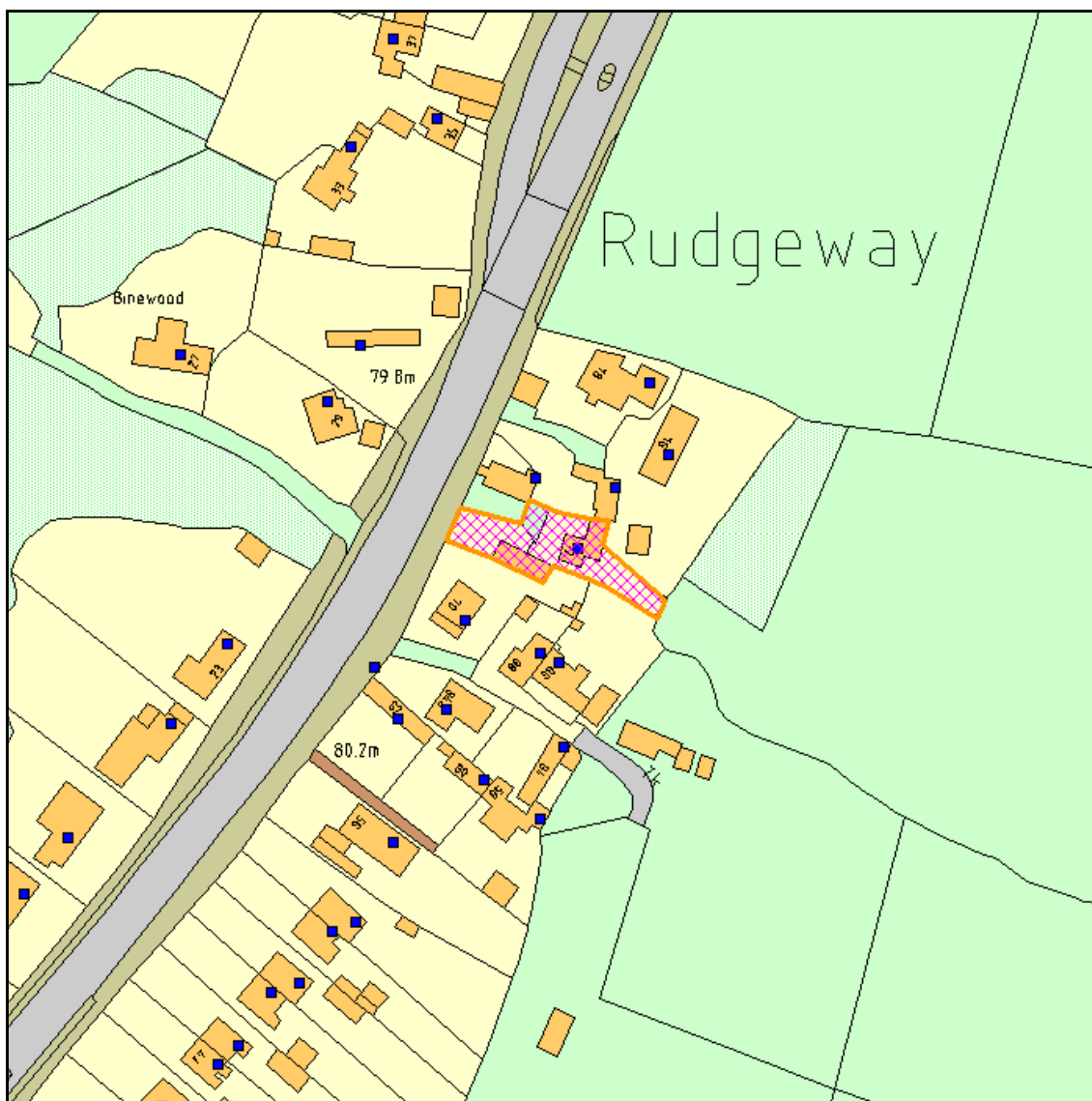
3. The off-street parking facilities shown on plan LPC-3497-15-02 hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

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; and the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013.

CIRCULATED SCHEDULE NO. 47/15 – 20 NOVEMBER 2015

App No.:	PT15/3977/F	Applicant:	Mr David Clews
Site:	Chapel Cottage 72 Gloucester Road Rudgeway South Gloucestershire BS35 3RT	Date Reg:	7th October 2015
Proposal:	Conversion of existing garage/workshop to form residential annexe ancillary to main dwelling (retrospective)	Parish:	Alveston Parish Council
Map Ref:	362616 186558	Ward:	Thornbury South And Alveston
Application Category:	Householder	Target Date:	27th November 2015



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 100023410, 2008. **N.T.S.** **PT15/3977/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the conversion of an existing garage/workshop to form a residential annexe to the main dwelling (Class C3). The application is retrospective.
- 1.2 The application site relates to an extended two-storey semi-detached cottage situated alongside the busy A38. The site is within the settlement boundary of Rudgeway and washed over by the Green Belt. The cottage has a one and a half storey garage/workshop located within its front garden which has been used as a residential annex since 2006.
- 1.3 The conversion of garages to ancillary accommodation can be acceptable without the need for full planning permission but in this instance when the building of this garage/workshop was granted in 2003 a condition attached to the decision notice stated its use was limited *to the garaging of private motor vehicles and ancillary domestic storage*. Due to the condition this planning application has been submitted for consideration.

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
CS8	Improving Accessibility
CS9	Environmental Resources and Built Heritage

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 Supplementary Planning Document: Green Belt (Adopted) 2007

South Gloucestershire SPD: Residential Parking Standards (adopted) 2013

3. RELEVANT PLANNING HISTORY

- | | | |
|-----|-------------|---|
| 3.1 | P88/1637 | Erection of two storey front extension and two storey side extension to provide stair well, hall, bathroom, dining room and kitchen with en-suite bedroom over (in accordance with the amended plans received by the council on 17 th June 1988) |
| | Approved | 6.7.88 |
| 3.2 | P88/2554 | Erection of dwelling |
| | Approved | 9.10.88 |
| 3.3 | P96/1010 | Erection of two single storey extensions to form enlarged living room, hall and w c. |
| | Approved | 19.2.96 |
| 3.4 | P98/2053 | Erection of single storey front extension and front porch. |
| | Approved | 23.10.98 |
| 3.5 | PT03/2087/F | Demolition of existing building, and erection of new building for the use as garage and workshop. |
| | Approved | 22.9.03 |

4. CONSULTATION RESPONSES

4.1 Alveston Parish Council

The planning committee were concerned that this application could, in future result in two individual housing developments and agreed that this "change of use" has not followed due process.

4.2 Other Consultees

Highway Engineer

It is noted that there is an element of dispute over land ownership in this application that has been highlighted by both objectors and the applicant himself. Whilst there is no objection in principle to this proposal Officers would like to see plans that details the area of ownership/unregistered land with parking spaces for vehicles indicated on it. This is to fully understand the issues and implications highlighted by the applicant and the objectors prior to commenting further on this application.

Updated comments

Plans received show the amount of parking on site meets the adopted standards. There are no highway objections

Conservation Officer

No comment

Other Representations

4.3 Local Residents

Two letters have been received by the Council and the points raised are summarised as follows:

- Car parking issues
- Disputed piece of land
- Potential to amend the building under future applications
- Dormer windows have the potential to overlook neighbouring gardens
- Potential overcrowding
- Potential for the converted property to be let, sold on or have full residency at any time
- Concerns regarding the close proximity to neighbours
- Highway safety issues / obstructions to sight lines caused by cars belonging to Chapel having to park alongside main road. Sensible sharing of disputed land or the giving up of access over this land would ease situation for all neighbours.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The proposal stands to be assessed against the above listed policies and all material considerations. In this instance, of particular relevance is that the annex would remain part of the single planning unit, No. 72 Chapel Cottage. As an annex to the main dwelling it would retain some dependence on the main house and as such it would function as being ancillary to that property. This is acceptable in planning terms.

Any changes to the design or appearance resulting from the conversion would be assessed under Policy CS1 which seeks to ensure there would be no adverse impact on host property or the character of the area in general. Policy H4 is supportive of development within existing residential curtilages provided it does not adversely impact on the residential amenity. With regards to the impact on the highways or parking provision this is covered under Policies T12 and CS8 which seek to ensure development would not have any adverse effects on the existing situation. Being located within the Green Belt, national and local planning policies and guidance aims to ensure that the development is not inappropriate and does not impact on the openness of this specially designated area.

It is considered that the proposal accords with the principle of development and this is discussed in more detail below.

Green Belt

- 5.2 Green Belt policy seeks to resist inappropriate development that is by definition harmful or harmful to the openness of the Green Belt. Conversions of existing buildings are generally appropriate. This retrospective proposal makes some cosmetic changes to the external material of what was the double door but would not result in any increase to the existing footprint of the garage/workshop and given that the garage/workshop was associated with the house there is no change of use to consider.

The proposed regularisation of the garage as an annex is therefore appropriate development and would not impact on the openness of the Green Belt over and above the existing situation. It is considered to comply with Green Belt policy and as such there can be no objections to the scheme in these terms.

Design and Visual Amenity

- 5.3 Planning history shows that the existing garage was granted planning permission in 2003 when it replaced a smaller stone structure. The building has a very domestic appearance with two small bonnet dormer windows in the north elevation and multi-paned windows at ground floor level. An entrance doorway is located here while the vehicular doorway faces the main road to the west. This feature remains but does not function as a door due to internal alterations. The dormer windows provide additional light into the structure only – there is no first floor within the building.
- 5.4 Information supplied with the application indicates the garage/workshop was converted into annex accommodation in about 2006. It currently has a WC, shower and kitchen and can therefore operate independently of the main dwelling. Usually to be acceptable in planning terms an annex has to have some form of dependence on the main dwelling, for example, it uses the kitchen facilities of the house. In this instance all the internal facilities which would allow the annex to operate separately from the main dwelling are already present.
- 5.5 Here the application is to formalise an existing situation which has been operating since 2006. It would therefore be unreasonable to insist internal changes were made to the building to ensure it was dependent in some other way on the main house. A judgement has to be made taking into account the existing situation. Given that the conversion has existed over some time and given that there would be no major external changes to the building, save for rendering the bottom half of what was the double door to the garage, and most importantly it is not proposed that the building becomes a separate planning unit but would remain associated with No. 72 Chapel Cottages, on balance it is considered that the retrospective change is acceptable and the scheme can be recommended for approval.

Residential Amenity

- 5.6 The garage is a long thin building with its apex orientated east-west. The main openings are therefore in the long north elevation facing the side of the converted Chapel. This dwelling has two tall, narrow and typically ecclesiastical style windows in this opposing elevation. To facilitate the conversion the floor levels within the Chapel cross these openings and it is possible to see inside to some degree. Details submitted with the application indicate that the dormers in the garage are used only for bringing in additional light and do not serve a first floor in the structure. On this basis the conversion of the garage to a residential annex is acceptable as there would be no issues of inter-visibility or overlooking of the Chapel from the annex.

- 5.7 Concern has also been expressed by the neighbours at No 74. regarding the potential for overlooking from the existing dormer windows. At the moment, the same conclusion would apply in that these windows are to allow extra light in; there is no first floor at present and so no current overlooking of neighbours from the garage. Furthermore, given the overall height of the pitched roof garage it is considered that there would be insufficient room to convert the existing roof area into habitable accommodation as a person would not be able to stand upright within the confines of the space. The neighbour has stated the possibility of a future request to raise the ridge height of this structure so as to better provide first floor accommodation. This application can only assess what has been submitted i.e. the retrospective conversion of the garage, and not a hypothetical situation of something in the future. The raising of the roof would require a planning application in its own right and would be assessed and determined on its own merits at that time.
- 5.8 The neighbour at No. 70 has expressed concern regarding the proximity of the converted garage to their dwelling and the potential impact this may have on their amenity. It is noted that there is an existing ground floor side window closest to these neighbours at No. 70 Gloucester Road who have a first floor window in the opposing elevation. However, the ground floor window of the garage is of obscure glazing and given that the boundary wall between the two properties is approximately 1.6+ metres high with the neighbour's driveway and planting separating the two buildings it is considered there would be no impact on these neighbours resulting from the conversion over and above the existing situation. On this basis there can be no objection to the proposal.
- 5.9 With regards to the impact on the main dwelling, an annex is generally accepted as being for the use of family members where amenity space is shared. The garage is at right angles to the host property and so there would be no inter-visibility between the two. The host property benefits from a good size garden to the rear to be shared with the annex and as such the proposal is considered to accord with policy on this account.
- 5.10 Sustainable Transport
The main dwelling is set back off the main road separated from it by the garage subject of this application and by a large off-street parking area. It is not unusual for older properties to have unusual shaped curtilages that have evolved over time. In this case the cottage is located behind a converted Chapel and questions have arisen over the precise extent of ownership and residential curtilages of land associated with these properties. Revised plans requested during the course of the application show a new red edge which excludes the area of 'dispute' and further submitted plans show the parking arrangement for the property. Three parking spaces were shown within the red edge and another two were shown on the 'disputed' land. The number of bedrooms within the main dwelling is not known but for a 5no. bedroom property, 3no. car parking spaces are required. Given that an annex is considered to be closely associated with the host property a separate parking space is not usually required to serve this ancillary building. Notwithstanding, the assertion by the applicant that he has a right of access over the land the three spaces within the red edge are sufficient to demonstrate sufficient parking provision and also to accord with adopted parking policy standards.

- 5.11 Comments from neighbours are noted, particularly the issues caused by the parking of vehicles on the large expanse of hardstanding/pavement adjacent to the road. However, details submitted with the application indicate that the amount of parking associated with the site accords with adopted parking policies and on this basis is acceptable.
- 5.12 Other Matters
Other comments received have expressed concern regarding the potential use of the annex as a permanent residence for a lodger or family member rather than an occasional guest. The purpose of annex accommodation is usually to facilitate the needs of, for example, elderly relatives who require some additional support. So long as the annex functions as ancillary accommodation to the main house, it lies outside the planning remit to dictate for how long or by whom an annex can be used. Permission is granted for a domestic residence with the only restriction being that it always has to be associated with the main dwelling. This is secured by means of a condition attached to the planning permission and providing this is complied with there can be no recourse in planning terms.
- 5.13 Overcrowding has been given as a reason for concern. This is not covered under planning legislation, however, it must be noted that the existing structure would not be increased in size and is large enough to provide accommodation for a one bed unit with associated living accommodation. It is not anticipated that this would be large enough to accommodate more than 2no. persons. It is important to recognise that this application is being considered on the basis of converting a garage into ancillary accommodation which would be associated with the dwelling. This type of increase in accommodation levels to provide for changing family needs is not unusual and similarly because it is within the existing residential curtilage would not represent overdevelopment of the site. The proposal is therefore not unacceptable in these terms.
- 5.14 During the course of the application the Council has been made aware of a possible dispute over the ownership of part of the land in between the garage and the converted Chapel to the north. The applicant has stated that he has a right of access across part of the land. Officers are satisfied that the scheme would be entirely within the curtilage and ownership of the applicant and the proposal has been assessed under the appropriate planning policies. The disputed land lies outside the scope of a planning report. It is a civil matter to be addressed by the respective parties.

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

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CONDITIONS

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

Reason

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

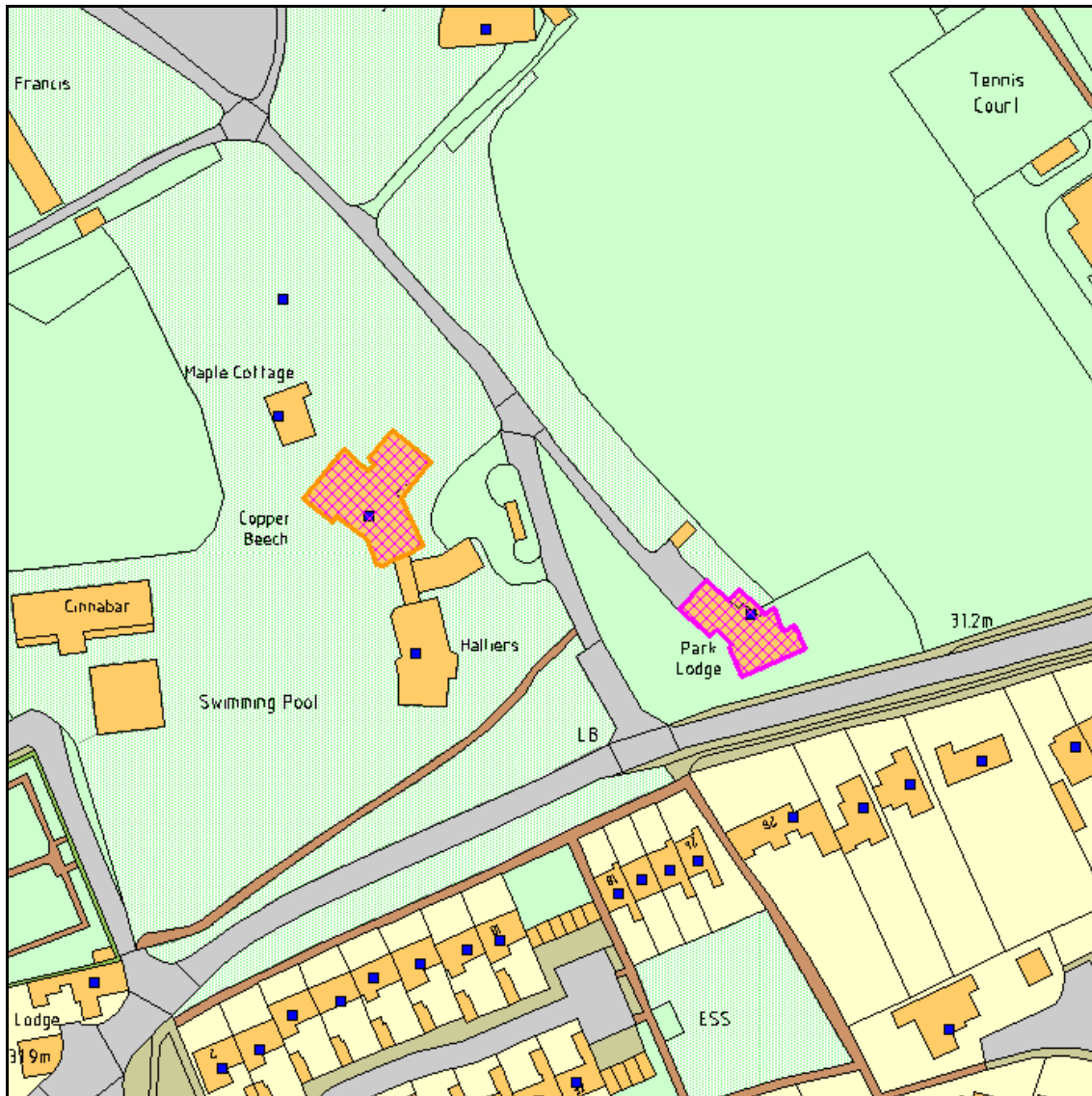
2. The annex hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Chapel Cottage, 72 Gloucester Road, Rudgey, Bristol BS35 3RT.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) 2006; Policies CS1 and CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 47/15 – 20 NOVEMBER 2015

App No.:	PT15/4140/CLE	Applicant:	Camphill Communities Thornbury, Sheiling School
Site:	Copper Beech And Park Lodge Sheiling School Park Road Thornbury South Gloucestershire BS35 1HP	Date Reg:	28th September 2015
Proposal:	Application for the Certificate of Lawfulness for the existing use of residential childrens home to allow extended placements from 295 days per year to 365 days per year.	Parish:	Thornbury Town Council
Map Ref:	363541 190763	Ward:	Thornbury North
Application Category:		Target Date:	18th November 2015



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application seeks a certificate of lawfulness and therefore under the terms of the scheme of delegation it must be referred to the circulated schedule for determination as a matter of procedure

1. THE PROPOSAL

- 1.1 A certificate of lawfulness is sought to confirm that the use of Copper Beech and Park Lodge at the Sheiling School in Thornbury can lawfully be used as a residential children's home for 365 days per annum
- 1.2 In effect, the application seeks confirmation that there are no extant planning conditions that restrict the use of the site to a certain number of days per year. It does not necessarily seek to prove that the use is already occurring; just that such use would be lawful.

2. POLICY CONTEXT

2.1 National Guidance

- i. The Town and Country Planning Act 1990
Section 191 - Certificate of lawfulness of existing use or development
- ii. The Town and Country Planning (Development Management Procedure) (England) Order 2015
Section 39 - Certificate of lawful use of development

3. RELEVANT PLANNING HISTORY

- | | | | |
|-----|----------|---|------------|
| 3.1 | P95/2133 | Approval of Full Planning
Erection of conservatory | 19/19/1995 |
| 3.2 | P95/1081 | Approval of Full Planning
Increase in roof height to provide additional living accommodation | 07/03/1995 |
| 3.3 | P90/2190 | Approval
Demolition of part of existing lodge and associated outbuilding and erection of two-storey extension to existing lodge to form residential accommodation comprising kitchen, dining room, living room, 3 bedrooms and bathroom, laundry and ancillary accommodation with 4 bedrooms, bathroom/shower room and store over, for use as a residential hostel for mentally handicapped persons in conjunction with the Sheiling School; installation of septic tank for use in conjunction therewith. | 23/02/1992 |
| 3.4 | P87/1811 | Approval of Full Planning
Erection of single storey front and rear extensions to provide an extended kitchen and dining room. Erection of new garage. | 24/06/1987 |
| 3.5 | N600 | Approve with Conditions
Outline application for the erection of two dwelling units for the accommodation of teachers and mentally handicapped children. | 12/12/1974 |

4. SUMMARY OF EVIDENCE IN SUPPORT

- 4.1 To support the application, the applicant has provided a copy of the charity registration and a summary of the use of the site in the application form and a map.

5. SUMMARY OF CONTRARY EVIDENCE

- 5.1 No contrary evidence has been received.

6. OTHER REPRESENTATIONS

- 6.1 Thornbury Town Council
No objection
- 6.2 Conservation Officer
No objection
- 6.3 Local Residents
None received

5. EVALUATION

- 7.1 An application for a certification of lawfulness is not a planning application - it is purely a test of evidence. The test to be applied to the evidence is whether or not, on the balance of probability, the development is found to be lawful. The merits of the proposal cannot be assessed nor can conditions be imposed.
- 7.2 In this instance, the application seeks a certificate to be issued confirming that it would be lawful for Copper Beech and Park Lodge to provide residential accommodation for 365 days per annum. A restriction on the number of days that the buildings may provide residential accommodation would be imposed in the form of a planning condition or a planning agreement.
- 7.3 The Local Planning Authority holds a number of past planning applications that relate to this site, including an agreement under S106 of the Town and Country Planning Act. There are no conditions or provisions on the past planning decisions or legal agreement that would restrict the operation, in terms of number of days, of these buildings.
- 7.4 Having reviewed the conditions, agreements, and obligations on the subsequent planning applications that affect Copper Beech and Park Lodge there are no planning restrictions that would prevent the use of the site for 365 days per annum.
- 7.5 In light of the above, Officers conclude that there are no conditions or obligations that would restrict the number of days that the properties could provide accommodation. On that basis, it is considered that on the balance of probability, the use of these properties for 365 days per annum would be lawful and a lawful development certificate should be granted.

8. RECOMMENDATION

- 8.1 It is recommended that a certificate of lawfulness is GRANTED for the reason set out below.

Contact Officer: Griff Bunce
Tel. No. 01454 863438

CONDITIONS

1. There are no restrictions that would prevent the use of Copper Beech or Park Lodge from providing residential accommodation on 365 days per annum and therefore the provision of such accommodation is lawful.