



**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. 22/15

Date to Members: 29/05/15

Member's Deadline: 04/06/15 (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 - 29 May 2015

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK14/4532/F	Approve with Conditions	Shire Hill Farm North Wraxall South Gloucestershire SN14 7AS	Boyd Valley	Marshfield Parish Council
2	PK15/0885/F	Approve with Conditions	4 Cleeve Lawns Downend South Gloucestershire BS16 6HJ	Downend	Downend And Bromley Heath Parish Council
3	PK15/1076/RVC	Approve with Conditions	Computer Sciences Ltd Station Road Kingswood South Gloucestershire BS15 4NR	Rodway	None
4	PK15/1525/F	Approve with Conditions	Land Off Cleeve Road 3 Westerleigh Road Downend South Gloucestershire	Downend	Downend And Bromley Heath Parish Council
5	PT15/0667/F	Approve with Conditions	544 Filton Avenue Horfield South Gloucestershire BS7 0QG	Filton	Filton Town Council
6	PT15/1655/CLP	Approve with Conditions	17 Huckford Road Winterbourne South Gloucestershire BS36 1DZ	Winterbourne	Winterbourne Parish Council
7	PT15/1660/F	Refusal	Rear Of 87 Mortimer Road Filton South Gloucestershire BS34 7LH	Filton	Filton Town Council
8	PT15/1711/TCA	No Objection	Neathwood New Road Tytherington Wotton Under Edge South Gloucestershire GL12 8UP	Ladden Brook	Tytherington Parish Council

CIRCULATED SCHEDULE NO. 22/15 – 29 MAY 2015

App No.: PK14/4532/F
Site: Shire Hill Farm North Wraxall
Chippenham South Gloucestershire
SN14 7AS

Applicant: Mr Alan Pullin
Date Reg: 21st November
2014

Proposal: Erection of 2no. 6kW wind turbines
(15m hub height and 17.8m tip height)
with associated works.

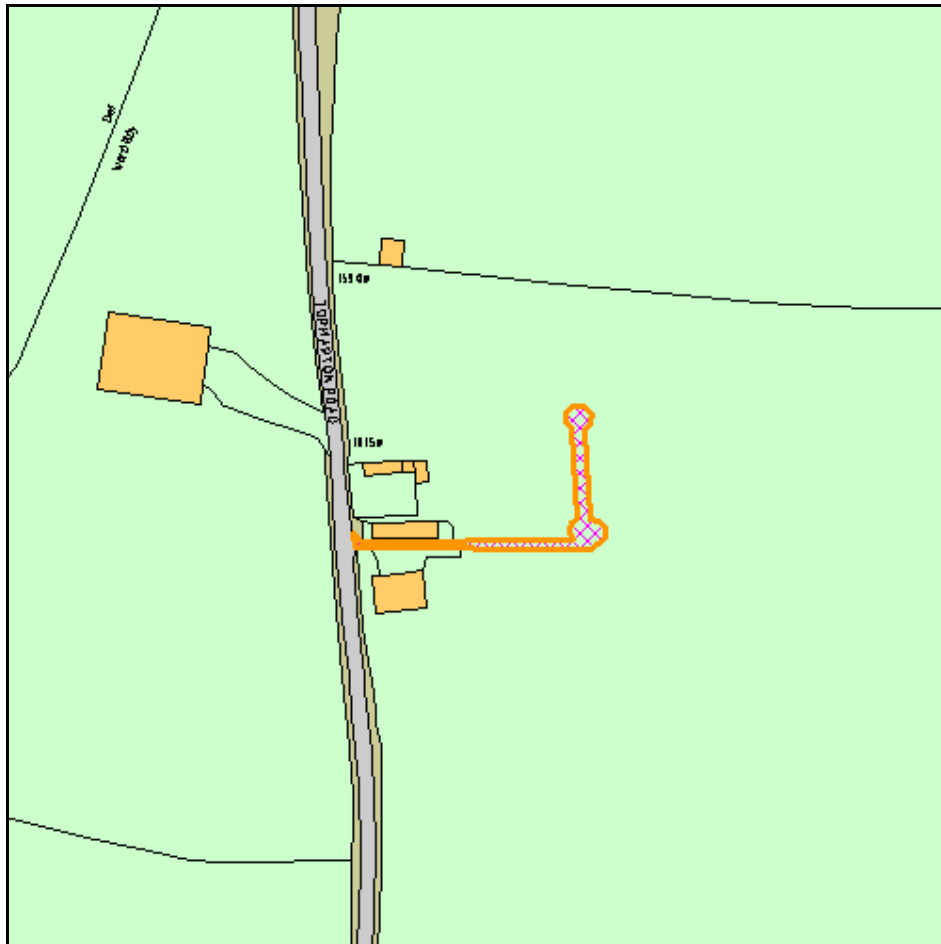
Parish: Marshfield Parish
Council

Map Ref: 378747 176381

Ward: Boyd Valley
Target 14th January 2015

Application Minor
Category:

Date:



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100023410, 2008. **N.T.S.** **PK14/4532/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application seeks permission for the erection of 2no. 15 metre high 6kW wind turbines (17.8 metres to tip height) with associated works.
- 1.2 The application site consists of a parcel of agricultural land situated on the eastern side of Tomarton Road directly behind (to the east) of Shire Hill Barns.
- 1.3 The site is situated within the open countryside and falls within the Cotswolds Area of Outstanding Natural Beauty (AONB).
- 1.4 During the course of the application additional supporting information and viewpoints have been submitted in support of the application. A re-consultation period was undertaken.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Practice Guidance 2014
National Policy Statement for Energy (EN-1)
National Policy Statement for Renewable Energy Infrastructure (EN-3)

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS3 Renewable and Low Carbon Energy Generation
CS4A Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing Environment and Heritage
CS34 Rural Areas

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

L1 Landscape Protection and Enhancement
L2 Cotswolds AONB
L9 Protected Species
L11 Archaeology
L13 Listed Buildings
T12 Transportation Development Control Policy

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist SPD (Adopted) 2007
Renewables SPD (Adopted) November 2014
Revised Landscape Character Assessment SPD (Adopted) November 2014

3. **RELEVANT PLANNING HISTORY**

- 3.1 PK11/0893/F - Erection of single storey side extension to facilitate the change of use from agricultural building (Sui Generis) to Craft Studio (Class B2) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). Approved 13th May 2011
- 3.2 PK10/2306/F - Change of use from agricultural building (Sui Generis) to 1no. Holiday Let (Class C3) as defined in the Town and Country Planning Act (Use Classes) Order 1987. Refused 17th February 2011

4. **CONSULTATION RESPONSES**

4.1 Marshfield Parish Council
No objection

4.2 North Wraxall Parish Council
Objection. The proposed turbines would be an unsightly visual impact on the Cotswold skyline in this area of outstanding natural beauty.

4.2 Landscape Officer (Revised Comments)

The proposed turbines will be seen within the context of existing man-made structures, the agricultural buildings, telegraph poles and electricity pylons on the skyline in the distance. The character of the surrounding landscape is open and expansive, which results in the turbines being visible in most directions and for significant distances. However the large scale of the landscape also helps to reduce the relative proportion of the panorama taken up by the turbines and helps to reduce their visual impact. The visual intactness of this area of the Cotswold AONB is poor in comparison to other areas of the AONB. This is due to the intensive nature of the arable agriculture, poor network of vegetation and the large man-made structures.

Policy CS3 states that in assessing proposals significant weight will be given to the wider environmental benefits associated with increased production of energy from renewable sources. I consider that due to the height of the turbines and reduced visual intactness of this area of the AONB, as detailed above, that the visual impact of the turbines will not compromise the objectives of the AONB designation and are outweighed by the wider environmental benefits.

A landscape condition should be attached requiring the submission of a plan showing how the boundary planting along the Marshfield–Tormarton Road between the entrance to the site and the cross roads to the north, will be enhanced, this should ideally include the removal of the leylandii hedge. A condition should also be attached to confirm the exact colour and finish of the turbine mast, blades and concrete base.

4.3 Conservation Officer (Revised Comments)

The impact on the heritage assets identified through the assessment will be negligible given the topography of the Lower Shire Hill Farm site and the layout and distance from the application site of the Downtorn's Farmhouse site.

The distance, topography and vegetation between the other heritage assets identified and the turbines will also result in no harm to their significance.

4.4 Archaeology Officer (Revised Comments)

Sufficient information has been presented to determine that archaeology of such significance as to preclude development is unlikely to occur on site. However, the site is still within an area of archaeological potential and the DBA has confirmed that the site has not suffered from significant ground disturbance in the past (apart from agricultural activity) and therefore there is potential for the preservation of archaeology. As such a condition for a programme of archaeological work should be applied to any consent granted.

4.5 Transport Officer

No objection

4.6 Drainage Officer

No comment.

4.7 Environment and Climate Change Officer

The applicant has stated that the annual energy output of the proposed wind turbines is expected to be 34,000kWh / year. This would meet the annual electricity requirements of approximately 8 South Gloucestershire homes, and whilst this will not impact significantly on the percentage of energy generated by renewables in South Gloucestershire it is recognised that the cumulative benefits of multiple renewable energy installations at all scales will have real benefits.

4.8 Environmental Protection

No objection in principle. In order to protect the local amenity regarding noise conditions are recommended to control the following:

- Noise emissions limited.
- Noise assessment to be submitted within 21 days of a substantiated complaint.
- In the event that noise levels are exceed noise control measures to be submitted.
- Protocol for assessing shadow flicker.

Informatives recommended regarding construction sites.

4.9 Civil Aviation Authority

Standard advice provided.

4.10 NATS Safeguarding

The proposed development has been examined from a technical safeguarding aspect and does not conflict with the safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

4.11 Defence Infrastructure Organisation

No objection.

- 4.12 Ecology Officer
No objection subject to conditions.

Other Representations

- 4.13 Local Residents
Two letters of objection and four letters of support have been received from local residents. The comments are summarised as follows:

Objection

- Visual impact.
- Impact on migrating birds.
- Impact on AONB.
- Ref. PK11/1256/F refused and dismissed at appeal. Objections remain relevant.
- Precedent for refusal.

Support

- Will not detract from surroundings due to scale and location.
- Will not impact on enjoyment of area.
- Area already blighted by pylons and motorway.
- Help reduce operating costs and safeguard the farm.
- Would help educational asset of farm for local school visits.
- Shirehill best option for siting.
- Grid access had rendered community wind turbine project unviable in this location.
- Environmentally and financially sustainable.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application seeks permission to erect 2no. 15 metre (hub height) wind turbines in the open countryside and within the Cotswolds Area of Outstanding Natural Beauty.

- 5.2 The principle of the proposed development stands to be assessed against policy CS3 of the South Gloucestershire Local Plan Core Strategy (Adopted) 2013 and the South Gloucestershire Renewables SPD (Adopted) November 2014 both of which state that renewable or low carbon energy installations will not be supported in areas covered by national designations and areas of local landscape value unless they do not individually or cumulatively compromise the objectives of the designations especially with regard to landscape character, visual impact and residential amenity.

5.3 Impact on AONB and Landscape Character

The proposed site for the installation of the two-micro scale wind turbines is on an area of vacant agricultural land, 2.3km west of West Kington, 2.6km east of West Littleton and 2.3km north of Marshfield.

- 5.4 The site is located within the Marshfield Plateau which is Landscape Character Area 2 of the South Gloucestershire Landscape Character Assessment (LCA).

This describes the Marshfield Plateau as a gently undulating, upland plateau/dip slope landscape with an open character. The plateau is divided into large regular shaped arable fields which are generally defined by Cotswold stone walls, often in a state of disrepair. The LCA also notes that major roads and one pylon line cross the open landscape and that these are visually intrusive and traffic is audible. There is very little tree cover across the plateau, other than a few isolated copses and mature specimens along the field boundaries and around the edges of the settlements. Harcombe Wood is located in the Broadmead Brook valley to the west of the site and Gunning's Wood is to the east. The LCA notes that the open character of the plateau landscape results in the power-line that runs east-west to the south of the M4 being a prominent visual feature. The landscape character assessment also notes that there are a number of large agricultural buildings, which are visually prominent in the open landscape.

- 5.5 The LCA concludes that *"the openness and exposed character of the plateau/dip slope ensures that it is highly sensitive to change. Any vertical built forms would be visible, not just from within the plateau, but from the surrounding wider landscape. Any development which 'breaks' the skyline, such as housing, sheds, wind turbines, communication masts or traffic on roads etc., has the potential to be visually prominent and introduce discordant elements within the open plateau, which could erode its distinctive character."*
- 5.6 The landscape character of the area immediately to the east and south of the site is distinctive due to its wide open views and limited number of trees, shrubs and hedges. It is intensively farmed and divided into large arable fields. Many of the fields are divided by low dry stone walls which are in a poor state of repair. Many walls have disintegrated and been self-seeded with shrubs, in places posts and wire is the only boundary treatment. There are some very large agricultural buildings which are highly visible within the landscape due to its open nature. The row of electricity pylons on the skyline to the north, noise disturbance from the A46 and M4, large agricultural buildings and intensive nature of the agriculture results in the area having a relatively low visual amenity in comparison to most of the AONB.
- 5.7 The Broadmead Brook valley, which is to the north, contrast greatly with the area to the south and further to the north. This area has an intimate landscape character, and is well vegetated and has well maintained dry stones walls. Due to the topography and intervening vegetation there may be occasional glimpses of the wind turbines through gaps in the vegetation but the turbines would not be highly visible from within the valley.
- 5.8 The turbines would be visible further to the north, in views across the Broadmead Brook valley. The visual impact of the turbines is shown in Viewpoints 2, at a distance of 886m and Viewpoints 9 at 1074m. These shows that the turbines would be visible where there are gaps in the vegetation, but that they will be seen in the context of agricultural buildings and will be in scale with the intervening vegetation and will not be dominant features within the extensive wide open landscape.

- 5.9 The applicant has submitted photomontages of 18 viewpoints to help determine the visual impact of the turbines. Due to their height of 15m to hub and 17.8m to blade tip the turbines are not a significant feature beyond 800m, as shown in Viewpoints 1 – 4 and 7 - 12. The wide open character of the landscape results in the turbines being visible in many long distance views, however the scale of the landscape also helps to reduce the visual impact of the turbines.
- 5.10 In middle distance views, as shown in Viewpoints 5 at 600m and 6 at 558, the turbines would potentially be a distracting element in the landscape. However they are seen in the context of and in scale with existing agricultural buildings and telegraph poles. Due to the scale of the landscape the visual impact of the turbines on the landscape character of the area is assessed as being medium.
- 5.11 Viewpoint 13 – This viewpoint is 403m to the south of the proposed site and is on the road between Marshfield and Tormarton. The turbines will be visible in the wide open landscape, with a belt of woodland as a backdrop and electricity pylons on the skyline further to the north. The turbines will be seen within the context of the modern agricultural buildings on both sides of the road.
- 5.12 Viewpoint 14 – This viewpoint is located 270m north-west of the proposed site on the road between Marshfield and Tormarton. This shows that views of the turbines will be screened by a young leylandii hedge. The hedge is not in keeping with the rural character of the area and with regards to preserving the landscape character of the area it would be preferable if it was removed. There are existing native deciduous shrubs between the hedge and the dry stone wall which could be enhanced and inter-planted with native evergreens such as holly to improve its effectiveness as a screen.
- 5.13 Viewpoint 15 – This viewpoint is 305m to the north-west of the proposed site and also on the road between Marshfield and Tormarton. There are intermittent shrubs along the road which do not effectively screen views of the turbines. There is no dry stone wall. The landscape character of the area could be enhanced by inter-planting the existing shrubs with native shrubs including evergreen species, such as holly. This would also help to partially screen views of the turbines. Further to the south the road dips down into a small valley, which limits middle distance views of the turbine in this direction.
- 5.14 Viewpoint 16 – This viewpoint is 257m to the west of the turbines and is from the access track to the agricultural building on the opposite side of the road. This shows the turbines in context of and partially screened by the small agricultural buildings and leylandii hedge. This shows the turbines are significant features with the view but are in scale with and seen in context with the existing farm buildings.
- 5.15 Viewpoint 17 – This viewpoint is 183m from the proposed site of the turbines and is at the entrance to Shire Hill Farm. This shows the turbines in context with the Dutch barn, telegraph poles and open sided agricultural building. This shows the turbines are significant features with the view but are in scale with and seen in context with the existing farm buildings. With the exception of the movement of the blades they would not be introducing a new element into the landscape with regards to vertical and man made structures.

- 5.16 Viewpoint 18 – This viewpoint is located 161m to the west of the proposed sites and is located just beyond the agricultural buildings on the site. With the exception of the telegraph poles there are no other man-made structures visible in this view. The landscape character of the landscape is rural with large open arable fields. The turbines are larger than the telegraph poles with regards to height and girth and dominate the landscape from this direction and distance.
- 5.17 The Design and Access statement notes that “Cumulative visual impacts may arise where two or more of the same type of renewable energy development will be visible from the same point, or will be visible shortly after each other along the same journey.”. Viewpoint 10, at a distance of 1530, shows that it will be possible to see both the proposed turbine and the blades of the existing larger scale wind turbine at Talbot Farm (refs. PK13/3725/RVC and PK11/1967/F) beyond the Cotswold dip slope to the north-west. The existing turbine is not highly visible in the plateau landscape, due to its location at a lower elevation down the dip slope and limited to its blades only. Due to the distance between the existing and proposed turbines it will only be possible to see all three in long distance views where the turbines represent a small element within the wide open landscape.
- 5.18 It is considered that the proposed turbines will be seen within the context of existing man-made structures, the agricultural buildings, telegraph poles and electricity pylons on the skyline in the distance. The character of the surrounding landscape is open and expansive, which results in the turbines being visible in most directions and for significant distances. However the large scale of the landscape also helps to reduce the relative proportion of the panorama taken up by the turbines and helps to reduce their visual impact. The visual intactness of this area of the Cotswold AONB is poor in comparison to other areas of the AONB. This is due to the intensive nature of the arable agriculture, poor network of vegetation and the large man-made structures.
- 5.19 Impact on AONB Considered Against Wider Environmental Benefits
The UK Government has set a target to generate 15% of UK energy needs from renewable sources by 2020. To meet this target it is envisaged that 31% of the UK’s electricity generation will need to come from renewable sources by 2020. The latest (provisional) figures for renewable energy generation show that renewables accounted for 14.8% of the electricity market in 2013.
- 5.20 The South Gloucestershire Climate Change Strategy (April 2013) includes a target of 7.5% of South Gloucestershire’s total energy requirement to be met by renewable energy installations in South Gloucestershire by 2020. Existing renewable energy installations in South Gloucestershire generate about 57,000MWh energy per year - enough to supply 0.84% of South Gloucestershire’s projected total energy requirement in 2020. Renewable energy installations consented but not yet installed will generate a further 3.4% of our 2020 energy requirement, giving a total of 4.24% installed capacity when fully deployed.

- 5.21 The applicant has stated that the annual energy output of the proposed wind turbines is expected to be 34,000kWh / year. This would meet the annual electricity requirements of approximately 8 South Gloucestershire homes, and whilst this will not impact significantly on the percentage of energy generated by renewables in South Gloucestershire it is recognised that the cumulative benefits of multiple renewable energy installations at all scales will have real benefits.
- 5.22 For the purposes of planning applications, the Council's Climate Change Strategy sets out the South Gloucestershire Council objectives for low carbon energy and climate change; and, is a material consideration upon which weight should be attached.
- 5.23 Policy CS3 states that in assessing proposals significant weight will be given to the wider environmental benefits associated with increased production of energy from renewable sources. Substantial weight is however also be afforded to the scenic qualities and natural beauty of the AONB as indicated by paragraph 15 of the NPPF. This was reinforced within the decision of the Secretary of State to dismiss an appeal for 2no. 20kW wind turbines on 15m masts at South Torfrey Farm, Golant, Fowey Cornwall (appeal ref. APP/D0840/A-12/2186603) on 10th December 2014, which followed a High Court order dated 25th February 2014.
- 5.24 In South Gloucestershire, within the vicinity of this site the following applications are considered to be of note:
- PK13/3725/RVC (Talbot Farm): the now 52 metre turbine which was allowed at appeal in July 2013 under reference PK11/1967/F. This site falls within both the AONB and the Green Belt.
 - PK11/1256/F (Henley Tynning Farm): the 18 metre turbine which was dismissed at appeal in June 2012 for its impact on the AONB and the Green Belt.
- The second application has been highlighted by a local resident as setting a precedent for the current application but, given that the second application is sited within a different part of the AONB and within the Green Belt the two proposals are not directly comparable. Having regard to the above applications it is further reinforced that the impact of such proposals within national designations are assessed on their own merits.
- 5.25 The Cotswold Conservation Board has produced a mission statement which states: *"The Board recognises that small scale renewable energy projects may well be able to be accommodated within the landscape without causing harm. However what constitutes "small" and the significance of any visual impact must be defined by the critical characteristics which make that landscape special. Projects which are close to existing settlements where the impact of manmade structures are more prevalent will be more acceptable than projects in the open countryside where visual clutter should be avoided."* In a fact sheet produced by the Cotswold Conservation Board on small scale wind power it is stated that *"The largest potential for wind generation in the Cotswolds (therefore) lies with single or paired turbines of a size suitable for generating the power requirements of a community, industrial, commercial or agricultural building. There is an increasing availability of vertical turbines for such use."*

- 5.26 Having regard to the material considerations outlined above, in reaching an overall planning balance on this matter, it is considered that due to the height of the turbines and reduced visual intactness of this area of the AONB, as detailed above, the visual impact of the turbines will not compromise the objectives of the AONB designation. It is further considered that the harm that would occur is outweighed by the environmental benefit of the development proposal.
- 5.27 A landscape condition is recommended requiring the submission of a plan showing how the boundary planting along the Marshfield–Tormarton Road between the entrance to the site and the cross roads to the north, will be enhanced, this should ideally include the removal of the leylandii hedge. A condition is also recommended in order to confirm the exact colour and finish of the turbine mast, blades and concrete base in the interests of visual amenity of the landscape.
- 5.28 Heritage Impact
The application site lies in a rural area on a plateau of land between the conservation areas of West Littleton, Tormarton and Marshfield. The site is within an area that, according to the entries in the South Gloucestershire Historic Environment Record, has seen human occupation since at least the Neolithic period.
- 5.29 Since the original submission, a heritage statement has been submitted which has carried out an assessment of heritage assets within a 2km radius (extended to 2.5km for the conservation areas). Within these zones, a small number of designated heritage assets have been identified, the key ones being the buildings at Lower Shire Hill Farm and Downthorn’s Farmhouse. The grade II listed Camp Barn was also identified but this is a derelict building to the west which is visually separated from the site by vegetation and tree cover. It is considered that there would be no impact on the character or appearance of the conservation areas identified in the assessment due to the distances involved, the general built form and layout of the settlements and the intervening topography and vegetation cover.
- 5.30 The buildings at Lower Shire Hill Farm comprise the Farmhouse, Barn and former Mill House, all natural stone buildings that form an attractive and picturesque group, nestled together at the bottom of the valley. The setting of the buildings is strongly defined by the topography of the site, with the valley sides providing a natural visual and physical enclosure. The buildings face along the brook or towards other buildings within the group as opposed to having formal views or vistas over the wider countryside. The turbines would be located c450m from this group and would not be visible from within their setting. The listed buildings are viewed obliquely from the lane that runs east-west but the site of the turbines is screened by the small copse of trees south of the access road down to the buildings. In the event that some of this screening is lost, the turbines would still be seen as a distant and unrelated feature in the wider landscape. It is considered therefore that the proposal will not harm the significance or setting of the listed buildings at Lower Shire Hill Farm.

- 5.31 The grade II listed Downthorn's Farm is located c1.5km from the listed buildings at Lower Shire Hill Farm and c1.4km from the turbines. The listed building is an early 18th century farmhouse extended in the 19th and 20th centuries. It is a stone building with a distinctive mansard roof over the main range and a smaller, similar roof over the later additions. The buildings formal frontage faces south but the rear, north facing elevation now forms the main entrance. The house sits on the southern side of a C-shaped courtyard of buildings, comprising the main house, a single storey range of outbuildings on the west and a two storey barn on the north. The outbuildings and barn block any views towards the application site from the rear elevation of the listed building and courtyard area although an area of garden extends to the north of the barn. The house faces south over a private garden area, with the entrance drive running east-west through a parkland setting, this being a remnant of a larger parkland that surrounded the listed building on all sides. Beyond this, the land is predominantly open and pastoral in character. The land to the north of the listed building rises and then falls and the wireframe submitted by the applicant suggests that the turbines may just be visible in the far distance. It is considered that the level of impact on the setting of the listed building would be negligible and will not result in harm to its significance.
- 5.32 The remaining heritage assets are scheduled monuments located 1.4-1.8km from the turbines. These assets are separated from the application site by vegetation and tree cover and at this distance, the turbines would not impact on the setting or significance of these assets.
- 5.33 Archaeology
There is situated within an area with a considerable amount of Roman archaeology to the east, south and west and along with Iron Age archaeology. The applicant has, at the request of the Archaeology officer, submitted a Desk Based Assessment (DBA) in order establish potential archaeology within the area. It is considered that the DBA has provided sufficient information in order to assess the principle of the development in this location and determine that archaeology of such significance to preclude the development is unlikely to occur. However Officers continue to have concerns about the archaeological potential of the site and the DBA has confirmed that the site has not suffered from significant ground disturbance in the past (apart from agricultural activity), and therefore there is potential for the preservation of archaeology. As such a condition for a programme of archaeological work to be carried out prior to commencement is considered necessary.
- 5.34 Residential Amenity/ Noise
The application site consists of a parcel of agricultural land situated to the east of an existing studio with a B2 (industrial) use. The site is within the open countryside with residential properties being sparse. The application is supported by an acoustic assessment which identifies the likely noise impact of the two turbines on the nearest properties. The information provided identifies that the closest of the nearest 10 receptors is 92 metres away with the furthest being 1373 metres away.

- 5.35 The findings of the acoustic assessment are that the predicted noise levels from the wind turbines at any of the nearest dwellings would be less than $L_{A90,10min}$ 35dB(A) with the nearest dwelling having a predicted noise level of 25 dB L_{A90} . The findings therefore conclude that the wind turbines would comply with all relevant guidance on noise.
- 5.36 On the basis of the information provided there are no objections to raise with regard to noise. This is however, at the recommendation of the Environmental Health Officer, subject to the imposition of suitably worded conditions to ensure that noise emissions do not exceed $L_{A90,10min}$ of 35dB(A) up to wind speeds of 10m/s at 10m height, when measured at those properties who do not have a financial interest in the wind turbine as detailed on the plan; and $L_{A90,10min}$ of 45dB(A) up to wind speeds of 10m/s at 10m height, when measured at those properties who do have a financial interest in the wind turbine as detailed on the plan.
- 5.37 In addition to the above, a condition is recommended that, within 21 days from receipt of a written request from the Local Planning Authority following a substantiated complaint to it from an occupant of a dwelling alleging noise disturbance at that dwelling from the wind farm, the wind farm shall cease operation and the wind farm operator shall, at its expense, employ a consultant approved by the Local Planning Authority to assess the level of noise emissions from the wind farm at the complainant's property. The noise assessment shall be undertaken in accordance with an assessment protocol that shall previously have been submitted to and approved in writing by the Local Planning Authority. This is considered necessary and reasonable in order that the Local Planning Authority can be absolutely satisfied that the development would not have an unacceptable impact on the amenity of the nearest residents.
- 5.38 In terms of shadow flicker the department for energy and climate change states that only dwellings within 130 degrees either side of north relative to a turbine can be affected and shadow flicker can be experienced only within 10 rotor diameters of the wind farm. The nearest residential property is in excess of this distance guideline and as such, although the environmental health officer has recommended a condition to control shadow flicker, this is not considered necessary in this context.
- 5.39 Highway Safety
The development proposes to utilise the existing access from Tomarton Road. It is considered that this access is suitable for the traffic that would be generated by the development and as such there are no objections on these grounds.
- 5.40 Aviation
There is an international civil aviation requirement for all structures of 300 feet (91.4 metres) or more to be charted on aeronautical charts. Any structure of 150 metres or more must be lit in accordance with the Air Navigation Order and should be appropriately marked. The height of the turbines is significantly below the above height thresholds.

- 5.41 The proposed development has been examined from a technical safeguarding aspect and does not conflict with the safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has raised no safeguarding objection to the proposal.
- 5.42 Ecology
The application site comprises an existing agricultural field attached to Shire Hill Farm on the eastern side of Tormarton Road between Marshfield and Tormarton. The site itself is not covered by any statutory or non-statutory nature conservation designations. Gunning's Wood & Field Site of Nature Conservation Interest (SNCI) designated for its semi-improved grassland, ancient woodland, watercourse and scrub habitat lies to the north but will be unaffected by the proposed scheme. Following the advice of the Ecology Officer, a phase 1 ecological appraisal has been provided. The findings are summarised as below.
- 5.43 Semi-natural Habitat
The assessment indicates that the site forms part of an intensive agricultural (arable) field presently planted with a pea crop and of only low to negligible value for nature conservation. The route to the turbines is between agricultural outbuildings and uses the existing farm access off Tormarton Road and does not require the removal of any hedge or vegetation.
- 5.44 Bats
The siting of the two turbines follows the Natural Guidance on turbines and bat mortalities by locating them over 50m from landscape features (semi-natural) habitat which could provide suitable foraging habitat. In locating two buildings on site which are both to be demolished were considered to have only low/negligible potential for use by roosting bats. The assessment indicates that there are no such features in the locality; moreover, the on-site habitat (pea crop) would offer distinctly sub-optimal feeding habitat for bats. Accordingly, it is accepted that the likelihood of the scheme injuring bats or causing fatalities is low.
- 5.45 Badgers
No setts or evidence of badger activity was recorded on site.
- 5.46 Reptiles
The assessment considered that only one area of habitat nearby – the overgrown 'garden' area adjacent to Shire Hill Farm – was suitable for use by reptiles (slowworms). Paragraph 9.5 indicates that the access route onto the site specifically avoids this vegetation and accordingly the scheme is not considered to have any implications for the species.
- 5.47 Birds (Barn Owl)
Whilst the assessment did not include a specific survey for farmland birds, the turbines are located away from semi-natural habitat likely to provide nesting or foraging habitat for birds which in turn negates or significantly reduces the possibility of ordinary bird fatalities.

- 5.48 A pair of breeding barn owls are known to be associated with the Shire Hill valley to the north of the site and, consequently, the application needed to satisfactorily demonstrate that the two turbines would not constitute a threat to the birds whilst hunting at night. The assessment correctly identifies that barn owls preferentially hunt over rough grassland and that the arable field or 'pea crop' would offer distinctly unfavourable habitat the birds. The vale to the north around Lower Shire Hill Farm contains rough grassland and woodland edges offering high quality hunting habitat for the birds.
- 5.49 Given this, and that the application site is located some 250m or so away from the valley across another large intensive agricultural field of low-negligible potential as barn owl habitat, it is considered that the two turbines do not constitute a threat to the birds.
- 5.50 Hedgehog
Whilst no signs of the presence of hedgehog were recorded during the walkover, because of their scarce and declining status, the assessment suggests locating a nest box at the base of one of the field boundary hedges to benefit the species. This is supported and should form the basis of an appropriately worded planning condition.
- 5.51 In light of the above there are no ecological constraints to granting planning permission subject to conditions as detailed above.

6. CONCLUSION

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

7. RECOMMENDATION

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

Contact Officer: Sarah Fordham
Tel. No. 01454 865207

CONDITIONS

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

Reason

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

2. The development hereby permitted shall be removed from the site within a period of 25 years from the date of the first export of electricity from the site. Following the removal of the turbines the site shall be restored to its former condition in accordance with a timetable that shall have previously been submitted to and approved in writing by the Local Planning Authority

Reason

To take account of the temporary nature of the development and to protect the visual amenity of the landscape and the Cotswolds AONB. To accord with Policies L1 and L2 of the South Gloucestershire Local Plan (Adopted) 2006, Policies CS9 and CS34 of the South Gloucestershire Local Plan Core Strategy (Adopted) 2013, the SGC Renewables SPD (Adopted) 2014, and the provisions of the National Planning Policy Framework 2012.

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

Reason

To take account of the temporary nature of the development and to protect the visual amenity of the landscape and the Cotswolds AONB. To accord with Policies L1 and L2 of the South Gloucestershire Local Plan (Adopted) 2006, Policies CS9 and CS34 of the South Gloucestershire Local Plan Core Strategy (Adopted) 2013, the SGC Renewables SPD (Adopted) 2014, and the provisions of the National Planning Policy Framework 2012.

4. The developer shall notify the Local Planning Authority within 21 days of such time that electricity is first exported from the site.

Reason

In order that the Local Planning Authority can adequately monitor the time scale of the development, and the conditions contained within this decision notice.

5. Prior to the commencement of development or any form of ground disturbance including exempt infrastructure, geotechnical works or initial site clearance/topsoil stripping, the developer shall appoint an archaeological contractor and submit a Written Scheme of Investigation (WSI) for a programme of archaeological work for approval by the council. The WSI shall be prepared in accordance with a brief to be provided by the council. Thereafter the approved programme of archaeological work shall be carried out in accordance with the agreed details.

Reason

In the interest of archaeological investigation and to accord with Policy L11 of the South Gloucestershire Local Plan (Adopted) January 2006, policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) 2013, and the provisions of the National Planning Policy Framework 2012

6. Prior to the commencement of development a scheme of landscaping, which shall include details of enhanced boundary planting along Tormarton Road between the entrance to the site and the junction to the north, shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details with enhancement implemented in the first planting season following the commencement of development.

Reason

To protect the visual amenity of the landscape and the Cotswolds AONB. To accord with Policies L1 and L2 of the South Gloucestershire Local Plan (Adopted) 2006, Policies CS9 and CS34 of the South Gloucestershire Local Plan Core Strategy (Adopted) 2013, the SGC Renewables SPD (Adopted) 2014, and the provisions of the National Planning Policy Framework 2012. Details are required prior to commencement to ensure that landscape enhancement is adequately integrated into the development proposal at the earliest possible time.

7. Prior to the erection of the turbines hereby approved full details of the colour and finish of the wind turbine shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and retained as such thereafter.

Reason

To protect the visual amenity of the landscape and the Cotswolds AONB. To accord with Policies L1 and L2 of the South Gloucestershire Local Plan (Adopted) 2006, Policies CS9 and CS34 of the South Gloucestershire Local Plan Core Strategy (Adopted) 2013, the SGC Renewables SPD (Adopted) 2014, and the provisions of the National Planning Policy Framework 2012.

8. Prior to the commencement of development a scheme for the provision of new nesting boxes for hedgehogs shall be drawn up, submitted to and agreed in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the agreed details.

Reason

In the interests of ecological enhancement and the protection of hedgerow, to accord with Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006, and policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013. Details are required prior to commencement to ensure that ecological management is properly integrated into the development proposal.

9. Development shall be subject to the impact avoidance measures included within Section 15.1 of the Ecological Impact Assessment dated May 2015 by Ecological Surveys Ltd. All works are to be carried out in strict accordance with said measures.

Reason

In the interests of ecological protection to accord with Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006, and policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

10. The noise emissions shall not exceed the values as set out below at any dwelling which is lawfully existing or has planning permission at the date of this permission.
 1. Noise emissions shall be limited to an LA90,10min of 35dB(A) up to wind speeds of 10m/s at 10m height, when measured at those properties who do not have a financial interest in the wind turbine as detailed in the approved plans.
 2. Noise emissions shall be limited to an LA90,10min of 45dB(A) up to wind speeds of 10m/s at 10m height, when measured at those properties who do have a financial interest in the wind turbine as detailed in the approved plans

Within 21 days of a request by the Local Planning Authority, and following a substantiated complaint relating to the turbines, the operator of the wind turbines shall, at their own expense, employ a suitably competent and qualified person to measure and assess, in accordance with an assessment protocol that shall previously have been submitted to and approved in writing by the Local Planning Authority, whether noise from the turbines meets the level specified above. The operation of the turbines shall cease if the specified noise level above is confirmed as exceeded.

Reason

To protect the amenity of the nearest residents, top accord with the provisions of the National Planning Policy Framework 2012 and the SGC Renewables SPD (Adopted) 2014

11. In the event that the results of the above measurements indicate that the specified noise limits have been exceeded at any dwelling then electricity shall not be exported from the site until the following has been implemented and agreed in writing by the Local Planning Authority.
 1. A scheme of noise control measures to achieve compliance with noise levels detailed in condition 7.
 2. A timetable for implementation of the noise control measures;
 3. A programme of monitoring to demonstrate the efficiency of the noise control measures.

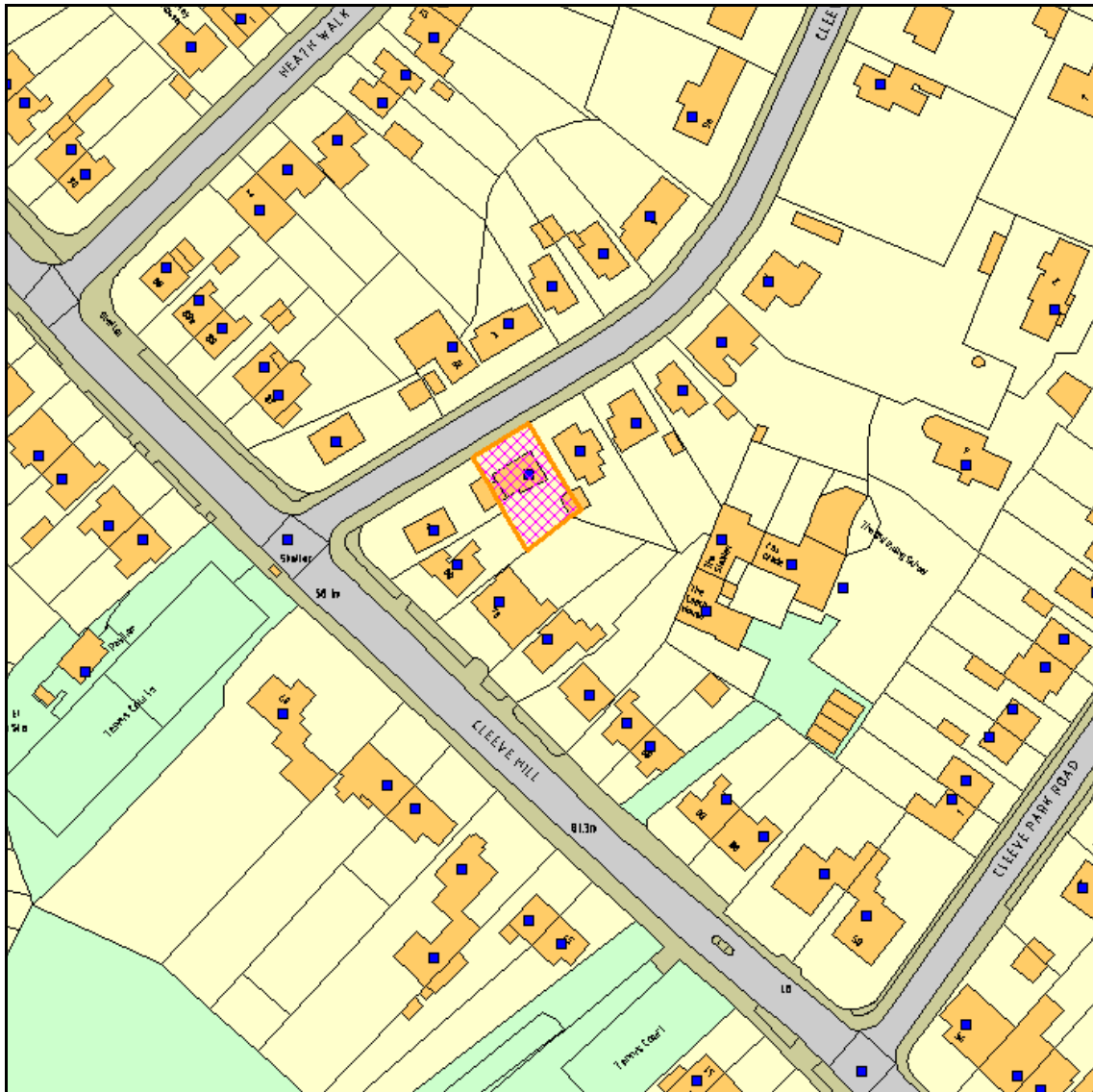
The noise control measures shall thereafter be implemented and the monitoring undertaken in accordance with the scheme, timetable and programme agreed in writing by the Local Planning Authority.

Reason

To protect the amenity of the nearest residents, top accord with the provisions of the National Planning Policy Framework 2012 and the SGC Renewables SPD (Adopted) 2014

CIRCULATED SCHEDULE NO. 22/15 – 29 MAY 2015

App No.:	PK15/0885/F	Applicant:	Mr Russell Lloyd
Site:	4 Cleeve Lawns Downend Bristol South Gloucestershire BS16 6HJ	Date Reg:	25th March 2015
Proposal:	Erection of two storey rear extension and single storey side and rear extensions to provide additional living accommodation. Erection of front porch.	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	364854 177149	Ward:	Downend
Application Category:	Householder	Target Date:	12th May 2015



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This is a full planning application for a proposed two storey rear and single storey side extension. Objections from local residents have been received in relation to this proposal which are contrary to the officer's recommendation.

1. PROPOSAL AND SITE DESCRIPTION

- 1.1 The applicant seeks full planning permission to erect a two storey rear and single storey rear extension that will form additional living accommodation for 4 Cleeve Lawns, Downend. The application site relates to a large detached 1630's dwelling situated on the former site and setting of Cleeve Hill House, of which some aspects still remain and are Grade II listed.
- 1.2 Cleeve Lawns, inclusive of the application site, are included on the South Gloucestershire list of Historic Parks and Gardens and adjoining and close neighbouring properties are designated as locally listed buildings in recognition of the contribution they make to the distinctiveness and character of the locality.
- 1.3 It should be noted that following negotiations to reduce the impact on the visual amenity and the impact on the character of the locality, revised plans were submitted and accepted on 15th May 2015. The revised plans were re-consulted to allow further comments to be made in regards to the revised plans.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Policy Guidance 2014

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)

CS1 High Quality Design
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage.

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

H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
L10 Historic Parks and Gardens
L13 Listed Buildings
L15 Locally Listed Buildings

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted 2007)
South Gloucestershire Local List SPD (Adopted 2008)

3. RELEVANT PLANNING HISTORY

3.1 There is no relevant planning history.

4. CONSULTATION RESPONSES

4.1 Downend and Bromley Heath Parish Council
No Objection

4.2 Other Consultees

Local Lead Flood Authority
No Comment

Historic England
No Comment

Garden History Society
No Comment

The Tree Officer
No Objection

The Listed Building and Conservation Officer (revised comments)
No Objection

Other Representations

4.3 Local Residents

2 no. neighbour objections have been received in regards to this proposal. They detail concerns that the extension will be out of character with the property and streetscene, due to the loss of key features of the building and site, also the change to the symmetrical façade which is currently appreciated. There are also concerns relating to the overbearing effect, loss of privacy and loss of light that the proposal could have upon the neighbouring dwellings. An objector also has concerns regarding the existing and proposed drainage, construction details and processes.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

As the application site falls within an area included on the South Gloucestershire list of Historic Parks and Gardens and is within the setting of various locally listed buildings, suitable weight can be afforded to saved policies L10 and L15 of the South Gloucestershire Local Plan (adopted) 2006 and CS9 of the Core Strategy (adopted) 2013 which seek to conserve heritage assets and the historic environment.

5.2 Visual Amenity

The original application sought a single storey extension to the side of the property to extend to the edge of the eastern boundary from the building line at the front of the property to the building line at the rear, and to extend the rear of the property with a two storey extension. The design also looked to remove most of the front garden area to implement off street parking areas and to remove both chimneys from each hipped end of the roof. It was considered by the case officer and the conservation officer that the proposed plans would have an unacceptable effect upon the character of the property and the locality. The application was invited to submit revised plans, and these were accepted on the 15th May 2015.

The amended plans that have been submitted are considered to have addressed the key design problems the main changes to the scheme appear to be:

- 1) The side garage has been removed which allows the proposed side extension to be set back from the original building line of the property and the width of the side extension has been reduced to take it away from the shared boundary;
- 2) The depth of the rear two-storey extension has been increased by 1no. Metre
- 3) The parking arrangement has been revised so rather than having 2no. parking spaces side by side in front of the previously proposed garage, there will be 1no. parking bay provided to each side of the front garden therefore retaining a central garden area at the existing level; and
- 4) Retention of existing chimneys at each hip end of the roof.

The revised proposed scheme seeks to extend the property to the rear by 4 metres at its deepest point with two storeys, and to the side by 1.75 metres with a single storey. It is considered that the proposed deeper extension to the rear of the property is acceptable as this will not have a detrimental impact upon the street scene or the locality. It is also considered that as the proposed side extension has been set a fair distance back from the principal elevation it will not unacceptable impact upon the current symmetrical nature of the property.

The proposed plans also incorporate a porch to the principle elevation, although this is not a dominate feature within the street scene, it is considered that the implementation of a porch in this location would not be detrimental to the character of the area or property. The applicant has also mitigated the impact of the porch by implementing large glassed panes which will allow the existing brick details to still be visible.

Although the partial loss of the front garden remains regrettable, the permitted development nature of the alterations is noted. The amended configuration of having the parking bays at either end flanking a central garden area will however help emphasize the symmetry present in the front elevation. The original symmetry designed into the form of the double-fronted elevation will also be retained with the retention of the pronounced chimneys.

It is not clear from the limited information provided what the surface materials for the new parking bays and the design and construction of the retaining walls would be. In the interest of the visual amenity of the street a condition will be attached that will seek further clarification of the hard and soft landscaping scheme prior to the commencement of the development.

Overall, it is considered that the revised proposed extension would not harm the character or appearance of the area to a detrimental extent and as such, is considered acceptable in terms of visual amenity.

5.3 Residential Amenity

The dwelling is located in an established residential street with neighbouring properties to each elevation. There are no proposed windows within a side elevation. There is 1no. window and a large set of bi-folding doors to the rear elevation, these are considered not to cause an unacceptable loss of privacy to the dwelling to the rear as the neighbouring properties to this elevation are of a suitable distance and orientation of host dwelling.

It is considered that the proposed development will not cause an unacceptable loss of light to any neighbouring dwellings. It is also noted that the dwellinghouse would have adequate amenity space remaining post development.

Overall, it is considered that the proposal would not harm the living conditions currently enjoyed by neighbouring dwellings and as such, is considered acceptable.

5.4 Sustainable Transport

The application is proposing to increase the total number of bedrooms within the property from three to four. The existing garage will be demolished and not replaced. To the front of the property it is proposed to extend the area of hard surfacing to provide 2 no. extra parking spaces. This would create a total no. of parking spaces to 2 which would be in line with the Council's minimum parking requirements.

Overall it is considered that the provision of parking is adequate for the total no. of bedrooms combined and the development will not have an adverse effect on parking or the highway.

5.5 Heritage Assets

It is acknowledged that the application site contributes to the character of the area and streetscene and makes a positive impact upon the locality, including the Historic Parks and Gardens ground of the late Cleeve Hill House. It is also considered that there are a number of Locally Listed Buildings within close

proximity of the application site which integrate with the host dwelling within the street. These factors have been key throughout the application process and a main consideration for the submission of amended plans.

Overall it is considered that due to the submission of amended plans which have taken the heritage concerns into account, the proposed scheme will not have an unacceptable impact upon the Historic Parks and Gardens setting, the surrounding Locally Listed Buildings or the character of the street scene or locality.

5.6 Other Matters

A neighbouring has raised concerns regarding to the re-siting of an existing manhole to access a drainage point. Although this is given consideration it is regarded as a civil matter, and informative has been attached that advises the application of their duty to contact Wessex Water regarding this issue.

Concerns have also been raised in regards to the proposed building works and the impact this would have upon the neighbours land. Again this is a civil matter and an informative has been attached that advises the client to obtain the necessary consents regarding land not within their ownership.

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: Jessica Robinson
Tel. No. 01454 868388

CONDITIONS

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

Reason

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

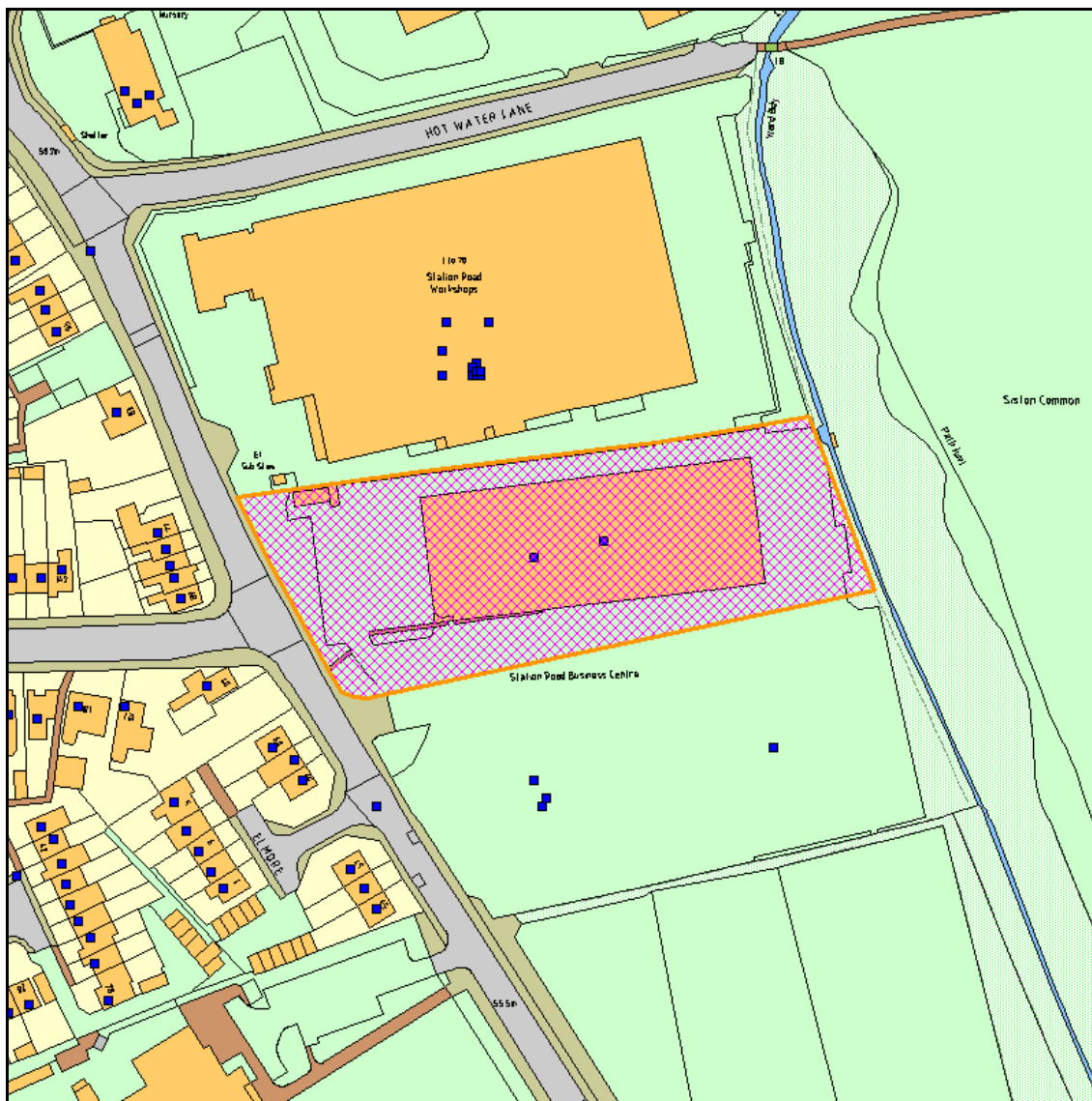
2. Prior to the first occupation of any extensions hereby permitted, a detailed soft and hard landscaping scheme for the front curtilage is to be submitted to the local planning authority for written approval. This should also include the specification and design of the retaining walls for the off-street parking spaces. The development shall proceed exactly in accordance with the approved details prior to first occupation.

Reason

To ensure a satisfactory external appearance of the development in the interests of the visual amenity and to accord with policies CS1 and CS9 of the South Gloucestershire Core Strategy and the provisions of the NPPF.

CIRCULATED SCHEDULE NO. 22/15 – 29 MAY 2013

App No.:	PK15/1076/RVC	Applicant:	Mr Martin Jenkins
Site:	Computer Sciences Ltd Station Road Kingswood South Gloucestershire BS15 4NR	Date Reg:	16th March 2015
Proposal:	Variation of Condition 03 attached to PK13/0258/F to allow up to 2393 square metres of floorspace to be used for Storage and Distribution (Class B8) and Office (Class B1) purposes. Variation of Condition 2 to allow a revised parking scheme	Parish:	None
Map Ref:	366076 175068	Ward:	Rodway
Application Category:	Major	Target Date:	9th June 2015



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule in the interest of completeness as approval would be contrary to the requirements of saved Policy E3 of the South Gloucestershire Local Plan (Adopted)

1. THE PROPOSAL

1.1 This application seeks consent to vary conditions 2 and 3 attached to application PK13/0258/F. Application PK13/0258/F sought consent for the change of use of the building from a pure B1 use, to a mixed use of Offices (Class B1) and Warehouse (Class B8) with associated external alterations. The application was approved with conditions on 12th April 2013. This current application now for consideration seeks consent to vary conditions 2 and 3. The conditions attached to the existing permission read as follows:

Condition 2

Prior to the first use of the site under this planning permission, all outbuildings on the site, other than those shown to be retained on the approved plans, shall be demolished and their constituent parts permanently removed from the land and the parking shown on the approved plans shall be provided.

Reason

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

Condition 3

No more than 1000 square metres of the site shall be used for storage and distribution (Use Class B8) other than for purposes ancillary to the B1 office use on site.

Reason

In order to accord with the terms of policy E3 of the adopted South Gloucestershire Local Plan.

1.2 For reasons that will be discussed in analysis section of the report, the applicant wishes the wording of the conditions to be amended so they read as follows:

Condition 2

The parking area shown on approved plan 03 Rev B shall be permanently maintained for parking of vehicles and not used for any other purpose, unless otherwise agreed by the Local Planning Authority.

Reason

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

Condition 3

No more than 2393 square metres of the site shall be used for storage and distribution (Use Class B8) other than for purposes ancillary to the B1 office use on site.

Reason

In order to accord with the requirements of the NPPF.

- 1.3 In considering this application, it is essential to focus only on these two conditions and not to put attention on other matters not relevant to this RVC application. It is also necessary to focus attention on the reasons for attaching the conditions in the first place.

2. POLICY CONTEXT

Since the determination of the original application in April 2013, planning policy has evolved. The current policies against which this application stands to be considered are as follows:

- 2.1 National Planning Guidance
National Planning Policy Framework

- 2.2 Development Plans

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

E3 Proposals for Employment Development within the Urban Area

T8 Parking Standards

T12 Transportation Development Control

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

CS1 High Quality Design

CS4A Presumption in Favour of Sustainable Development

CS5 Location of Development

CS9 Managing the Environment and Heritage

CS11 Distribution of Economic Development Land

CS12 Safeguarded areas for Economic Development

- 2.3 Emerging Policy
PSP26 – B8 Storage and Distribution Uses

3. RELEVANT PLANNING HISTORY

- 3.1 PK13/0258/F Change of use to Offices (Class B1) and Warehouse (Class B8) as defined in Town and Country Planning (Use Classes) Order 1987 (as amended) with associated external alterations.
Approved February 2013
- 3.2 K2164/2 Erection of robotic assembly building, relocation of canteen building, car parking and alteration to access.
Approved 1984

- 3.3 K2164/3 Erection of robotic assembly building, car parking and creation of new access
Approved 1985
- 3.4 K2164/5 Use of premises for data processing, printing, mailing, storage and administration
Approved 1987

4. CONSULTATION RESPONSES

- 4.1 Town/Parish Council
The area is unparished
- 4.2 Highway Drainage
No comment
- 4.3 Highway Officer
No objection subject to conditions
- 4.4 Economic Development Officer
Support the application

Other Representations

- 4.5 Local Residents
None received

5. ANALYSIS OF PROPOSAL

- 5.1 In assessing this application it is necessary to assess whether both of the relevant conditions satisfy the requirements of planning conditions as set out in the NPPF. The NPPF requires all planning conditions to pass three tests – that conditions should be
- i. Necessary to make the development acceptable
 - ii. Directly related to the development
 - iii. Fairly and reasonably related in scale and kind
- 5.2 Being mindful of the reasons for attaching the conditions in the first place, when assessing this application your officer will first consider whether the proposed changes to the conditions will have a detrimental impact on Highway Safety or off street parking and whether the proposal is contrary to policy. Secondly it is necessary to consider if any further conditions need to be attached to any new consent. In the interests of clarity, each of the two separate conditions will be discussed in turn.
- 5.3 Condition 2
Condition 2 of the extant permission requires that all outbuildings on the site (other than those shown to be retained on the approved plan) are removed prior to first use of the building. To clarify, the 2013 consent has never been implemented but is still extant providing it is implemented before February 2016 - there is no current breach of condition.

The reason for attaching the condition relates solely to the satisfactory provision of parking and manoeuvring facilities and in the interest of highway safety. There was no visual amenity reason attached to the condition. It is entirely reasonable therefore to vary or amend the condition providing the objectives of maintaining highway safety and suitable on street parking

- 5.4 For B8 proposals, in accordance with Policy T8 of the South Gloucestershire Local Plan (Adopted), 1 car parking space should be provided for every 200m squared. The level of on site parking is actually well in excess of this standard. There is no objection to the additional spaces being provided as it does not have a detrimental impact on highway safety. Furthermore, Policy T7 requires the provision of 1 cycle parking space per 1,000 square metres. Sufficient cycle parking is provided on site to satisfy the requirements of Policy T&.
- 5.5 A further consideration is that the retention of the outbuildings subject of this condition may affect manoeuvrability around the site. During the course of the application, detailed auto tracking information was submitted to the highway engineer to demonstrate how vehicles can safely manoeuvre around the site. This has necessitated the attachment of a further condition regarding the overnight parking of HGV's and the retention of manoeuvring areas. Subject to the attachment of such a condition, there is no objection to the variation of condition 2.
- 5.6 Condition 3
Condition 3 limits the total area of floor space within the building that can be used for B8 purposes to no more than 1,000 square metres. The reason for this condition relates to Policy E3 of the South Gloucestershire Local Plan (Adopted). Policy E3 is a saved policy and so is still relevant in the determination of the application. The purpose of Policy E3 is to drive large scale B8 uses to either Severnside, Cribbs Causeway or Emersons Green Area B. For the purposes of Policy E3, 'large scale' employment uses are define as having a floor space of more than 1,000 square metres.
- 5.7 This application seeks consent to allow up to 2,393 square metres of floor space to be used for B8 purposes which is, contrary to the requirements of Policy E3 of the South Gloucestershire Local Plan (Adopted). However, there have been changes in policy and emerging policy since the determination if the original application in February 2013, that need to be give weight and consideration.
- 5.8 A primary material consideration in the consideration of this application is the NPPF (it is acknowledged that the NPPF was in existence at the time of the determination of the original application). The NPPF makes it clear that the presumption is in favour of sustainable development. One of the core principles of the NPPF as set out at para 17 is that 'planning should *proactively drive and support sustainable economic development*'. It is specifically set out at paragraph 19 of the NPPF that '*planning should operate to encourage and not act as an impediment to sustainable growth.*' The application site is within the defined urban area and is considered to be sustainable in terms of proximity to the homes which may provide the workforce.

The principle of allowing economic development is therefore in accordance with the requirements of the NPPF.

- 5.9 In light of the requirements of the NPPF as outlined above and the need to proactively support sustainable economic development, weight is also being given to the argument put forward by the applicant in support of the scheme. The applicant explains that the unit has been vacant since January 2013. A marketing statement has also been submitted with the application to demonstrate the steps that have been taken to find a suitable use for the building for the last two years. Although the marketing summary includes significant information on the distribution and uptake of employment land in the area, the salient point is that no occupier can be found primarily because the area of the building that can be used for B8 purposes is too small in comparison to the B1 (office) floor space.
- 5.10 Although having no evidence of her own, your officer has no reason to dispute the marketing statement submitted in support of the application. It is clear on the basis of the information submitted that condition 3 is currently so restrictive it is effectively preventing re-occupation of the building for commercial purposes. This is directly in contradiction to the requirements of the NPPF.
- 5.11 When considering the weight to be given to the NPPF versus the Adopted Local Plan, paragraph 214 of the NPPF explains that the weight given to adopted policy E3 is now reduced given that the NPPF has been published for over one year and that there is a slight conflict between the two documents.
- 5.12 Further to the above, consideration is also given to the emerging Policies, Sites and Places Development Plan Document. Policy PSP26 of this emerging document relates to B8 Storage and Distribution Units. Policy PSP26 increases the threshold for 'large scale' B8 employment uses from 1,000 square metres to 3,000 square metres. Although the emerging PSP DPD has yet to go to public inquiry and has not yet been Adopted, on 18th March 2015 the Council endorsed the contents of the document. The emerging policy is therefore a clear indication that the Council fully intends to increase the limit on 'large scale' B8 uses. The application would be fully in accordance with emerging policy PSP26.
- 5.13 In determining this application, your officer has given primary weight to the NPPF with slightly reduced weight to the South Gloucestershire Local Plan (Adopted) because of the slight conflict between the two. A strong material consideration is also the Council endorsed emerging PSP that shows a clear intention to relax the rigid 1,000 square metre limit. The application is therefore deemed to be in accordance with the requirements of the NPPF and the recommendation is for that of approval. The officer recommendation therefore is that the condition be relaxed to allow no more than 3000 square metres of the site shall be used for storage and distribution (Use Class B8) other than for purposes ancillary to the B1 office use on site (there is no reason to restrict the B8 area to the arbitrary figure of 2393 square metres).

5.14 Need for Conditions

Other than conditions 2 and 3 discussed in this report, two other conditions were attached to the original consent – a three year time limit, and one restricting the use of machinery and deliveries to between certain hours. Both of these conditions are still necessary and relevant and will be attached to any revised decision notice.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 That the conditions be amended as requested.

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 parking area shown on approved plan 03 Rev B shall be permanently maintained for parking of vehicles and not used for any other purpose, unless otherwise agreed by the Local Planning Authority.

Reason

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

3. No more than 3000 square metres of the site shall be used for storage and distribution (Use Class B8) other than for purposes ancillary to the B1 office use on site.

Reason

In order to accord with the requirements of the NPPF

4. No machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times 0600 to 2200 Mondays to Fridays; 0800 to 1800 on Saturdays and 0800 to 1600 on Sundays or Bank Holidays.

Reason

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

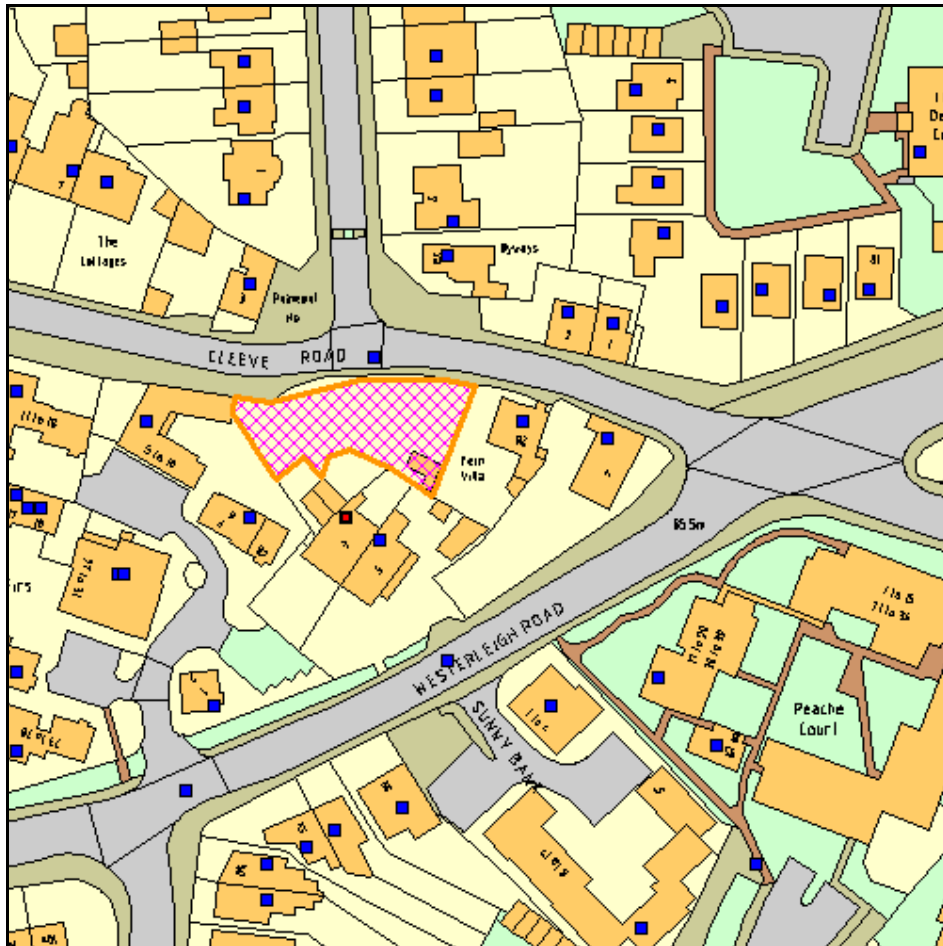
5. No more than 6 HGV's may be stored on site overnight and all parked vehicles shall be parked wholly within the allocated bays. All HGV manoeuvring areas are kept free from the storage of materials and retained clear for their designed purpose at all times.

Reason

To ensure vehicles can manoeuvre around the site easily and appropriately in the interests of highway safety and to satisfy the requirements of Policy T12 of the South Gloucestershire Local Plan (Adopted).

CIRCULATED SCHEDULE NO. 22/15 – 29 MAY 2015

App No.:	PK15/1525/F	Applicant:	Mr G Dodd
Site:	Land Off Cleeve Road 3 Westerleigh Road Downend Bristol South Gloucestershire BS16 6AB	Date Reg:	21st April 2015
Proposal:	Erection of 2 no. semi detached dwellings with access and associated works. (Resubmission of PK15/0030/F).	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	365286 176798	Ward:	Downend
Application Category:	Minor	Target Date:	4th June 2015



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 100023410, 2008. **N.T.S.** **PK15/1525/F**

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

The application has been submitted to the Council's Circulated Schedule procedure following objections received from several local residents which are contrary to the Officers recommendation detailed in this report.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of 2 no. semi detached dwellings with access and associated works within the residential curtilage of 3 Westerleigh Road. The proposed properties would serve Cleeve Road to the north.
- 1.2 The site benefits from extant planning permission for 1 no. detached dwelling; this proposal would be an alternative to the development which was previously approved under PK13/3254/F.
- 1.3 A previous alternative was proposed under reference PK15/0030/F, but this was refused for the following reasons:
 - 1- *By virtue of restricted turning and manoeuvring space on site, the proposal would lead to increased reversing of vehicles on to the public highway at location where visibility is restricted, all to the detriment of highway safety. This is contrary to policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and policy CS8 of the Core Strategy (Adopted) December 2013.*
 - 2- *The proposed development would cause overlooking and have a detrimental effect on the amenities of the occupiers of the adjoining dwellinghouse known as Fern Villa, and so the proposal is therefore considered contrary to Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.*
- 1.4 Amendments have been requested and received on 21st May 2015 to show the required number of parking spaces. A period of re-consultation was not deemed necessary.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Policy Guidance 2014

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
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
CS29 Communities of the East Fringe of Bristol Urban Area

South Gloucestershire Local Plan Adopted January 2006 Saved Policies

L1 Landscape
L5 Open Areas within Defined Settlements
L11 Archaeology
L13 Listed Buildings
T7 Cycle Parking
T12 Transportation
H4 Development within Existing Residential Curtilages

2.3 Supplementary Planning Guidance

- (a) South Gloucestershire Design Checklist (Adopted) August 2007
(b) Residential Parking Standard (Adopted) December 2013

3. RELEVANT PLANNING HISTORY

- 3.1 PK15/0030/F Refusal 16/03/2015
Erection of 2 no. semi detached dwellings with access and associated works.

Refusal Reasons

3- *By virtue of restricted turning and manoeuvring space on site, the proposal would lead to increased reversing of vehicles on to the public highway at location where visibility is restricted, all to the detriment of highway safety. This is contrary to policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and policy CS8 of the Core Strategy (Adopted) December 2013.*

4- *The proposed development would cause overlooking and have a detrimental effect on the amenities of the occupiers of the adjoining dwellinghouse known as Fern Villa, and so the proposal is therefore considered contrary to Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.*

- 3.2 PK14/3561/F Approve with conditions 01/12/2014
Erection of single storey rear and side extension to form additional living accommodation. Partial timber re-cladding of external face and erection of side canopy.
- 3.3 PK13/3254/F Approve with conditions 16/10/2013
Erection of 1no. dwelling with shared access and associated works. (Resubmission of PK13/1202/F).
- 3.4 PK13/1202/F Withdrawn 30/05/2013
Erection of 1no. dwelling with shared access and associated works.

- 3.5 PK08/1499/F Refusal 11/07/2008
Erection of 3no. terraced houses and 2no. self contained flats with associated works.

Refusal Reasons

- 1- *The proposed access is substandard by virtue of its width and lack of visibility onto the public highway. This development would lead to additional standing and manoeuvring of vehicles on a classified road in close proximity to a signalised junction. This is detrimental to highway safety and contrary to policy T12 of the adopted South Gloucestershire Local Plan.*
- 2- *Inadequate vehicular parking is proposed for the both the existing and new dwellings on site. Without adequate parking this development will lead to on-street parking, causing obstruction to visibility and additional on-street congestion. This is detrimental to highway safety and contrary to Policy T12 of the adopted South Gloucestershire Local Plan.*
- 3- *The development would provide inadequately sized gardens for the future occupiers of the houses and the proposed obscure glazing of the first floor studies likely to be used as habitable rooms, both factors adversely affecting the residential amenity of future occupiers, contrary to policy H2A of the adopted South Gloucestershire Local Plan and advice contained in PPS3 Housing.*
- 4- *The proposed layout would lead to a level of activity in close proximity to the rear garden of the residual dwelling which would be detrimental to the residential amenity of the occupiers of that dwelling, contrary to policy H2A of the adopted South Gloucestershire Local Plan.*
- 5- *The proposed layout would give rise to intervisibility at first floor level between the windows in the residual dwelling and windows which are likely to serve habitable rooms in the proposed houses. This would have an adverse impact on residential amenity and be contrary to policy H2A of the adopted South Gloucestershire Local Plan.*
- 6- *The design of the proposed houses is significantly different on the front and rear elevations, leading to the introduction of asymmetrical roof slopes which does not respect the local distinctiveness of the area. The proposal would not enhance the site or locality for this reason, contrary to the adopted South Gloucestershire Design Checklist (2007), policy D1 of the adopted South Gloucestershire Local Plan and guidance contained in PPS1 Delivering Sustainable Development.*

4. CONSULTATION RESPONSES

- 4.1 Downend and Bromley Heath Parish Council
No objection.

4.2 Other Consultees

Lead Local Flood Authority

No objection subject to SUDS information being submitted prior to commencement.

Sustainable Transport

No objection to revised plans, subject to conditions.

Archaeology Officer

No comment.

Highway Structures

No comment.

Planning Enforcement

No comment.

Other Representations

4.3 Local Residents

Four letters of objection have been received from local residents, raising the following issues:

Design and Layout

- Happy with the extant planning permission for one house but the site is too small for two properties.
- Concerns about materials as it is on the same site as extension to 3 Gloucester Road, which is not in keeping
- The houses are shown to have a brick finish which is not in keeping with the area
- The land is a mess
- Adjacent property is locally listed by Kingswood District Council

Residential Amenity

- Windows will look into garden and kitchen windows of Fern Villa, whilst protecting the privacy of their own house – no 3. This is not ethical
- Fern Villa garden is already overlooked from the rear
- Large property will overshadow all buildings in the area
- Development will overlook 2A Cleeve Lodge Road

Transport

- Cleeve Road is always congested with queuing traffic, and four additional vehicles will be a hazard
- Driveway is too small for manoeuvring of 5 or 6 cars from 3 properties, and will cause vehicles to reverse onto the highway
- A residential home is nearby and elderly residents frequently cross Cleeve Road
- Where will construction traffic park?

Other issues

- Property in the area will lose value
- Two houses instead of one is just pure greed

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The site lies within the Bristol East Fringe Urban Area and being residential curtilage, there is no in-principle objection to the development of the site for residential use. Accordingly, the relevant policies for the considerations of this application are primarily CS1 and CS5 of the South Gloucestershire Core Strategy (Adopted) December 2013, and policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006. Whilst these are permissive of proposals for new residential development, this is subject to considerations of design, residential amenity and highway safety whilst adequate amenity space should be provided for any new separately occupied dwelling.

5.2 Design and Visual Amenity

In the immediate vicinity, the surrounding buildings are a mix of traditional and modern, but all share similarities in their form and use of materials, which is predominantly render. The application form states that materials are 'to be agreed' and so in the event of approval, a condition ensuring that details of all materials are submitted will be added to the decision notice, and the elevations should be finished in render or stone to reflect the surroundings. Samples will be required. The brickwork, which is illustrated in the plans but not labelled which has raised concerns from local residents, would not be acceptable. The design does not differ significantly from the previously refused application, for which the design was deemed acceptable. The main difference is the removal of the window in bedroom 3 of plot 2, which has been replaced with a large skylight. This is considered to have a minimal impact on the quality of the design.

5.3 Concerns have been raised regarding the use of modern timber fencing along the northern edge of the proposed garden for plot 1, which the 0.6 metre stone boundary wall will meet with awkwardly, creating an unusable strip of land which is visible from the public realm. In the event of a recommendation for approval, an alternative boundary treatment to the garden of plot 1 will be sought to minimise the visual impact of this, preferably natural stone. Subject to the aforementioned conditions, the proposal is considered to be acceptable in terms of policy CS1 of the Core Strategy (Adopted) December 2013.

5.4 The proposed semi detached pair of properties sit to the north east of the grade II listed Firs albeit screened from its immediate setting by the converted outbuildings and modern blocks of housing that have been erected in the grounds of the listed building. The proposal therefore, is not considered to affect the setting of the listed building, and is acceptable in terms of policy L13 of the Local Plan (Adopted) January 2006.

5.5 Residential Amenity

The consultation process has raised concerns regarding overshadowing and overlooking no. 2A Cleeve Lodge Road and Fern Villa, the adjacent property to the east. Overshadowing will not be an issue, as only the highway is positioned north of the proposal. It is considered that 2A Cleeve Lodge Road will only have indirect views, and it is some distance away on the opposite side of the highway. Overlooking into Fern Villa formed one of the refusal reasons for application reference PK15/0030/F, as there were four facing windows on the east elevation with three of the four serving bedrooms. In order to address this issue, the applicant has removed the window serving bedroom 3 of plot 2, and replaced it with a large roof light. This is considered to provide adequate light to this bedroom of secondary status, whilst preventing overlooking due to the height and angle of the roof light. The window serving the dressing room will be obscure glazed, and this amendment will be ensured by means of a condition in the event of the application being approved.

5.6 Two upper floor windows still remain on the east elevation of plot 1, which is slightly set back from the east elevation of plot 2, and both serving bedrooms. The facing wall of Fern Villa has some windows which do not serve principal rooms, however the neighbour has stated that there will be mutual privacy issues between the two proposed bedroom windows and the kitchen at Fern Villa, which has a large window facing west on the rear single storey element of the property. The distance between these windows is approximately 26 metres, so it is highly unlikely that any inter-visibility will occur.

5.7 The windows are approximately 12 metres from the boundary to the side garden of Fern Villa, and it is this part of the garden that they face directly. There are gaps in the vegetation here and some overlooking may be possible, but this is considered acceptable in this secondary area of side garden. The rear garden remains relatively unaffected; the closest window is 13.6 metres from the boundary with an indirect view, which is further shielded by vegetation over 2 metres tall. The ownership of this vegetation is split between the owners of Fern Villa and the development site, so a landscaping condition requiring the retention of existing and planting of new vegetation is required to secure the sense of enclosure and privacy currently felt in the Fern Villa garden. The occupiers of Fern Villa have stated that they are already overlooked from the rear, but there is some distance between the garden and the rear windows of no. 3 and 5 Westerleigh Road, and only one window was visible through the vegetation.

5.8 Additionally, because of the unusual relationship between plot 1 and plot 2 which sit perpendicular to each other, it is necessary to remove their permitted development rights relating to extensions and dormer windows in order to preserve the residential amenities of the application site, and the surrounding properties. A condition will ensure that no new windows are inserted into the south elevation of plot 2, and that the dressing room window in the east elevation and bathroom window in the south elevation are obscure glazed and remain so in the future. Subject to these conditions, the proposal is in accordance with policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

5.9 Transport

The previous application was refused on highway safety grounds, as the proposed auto track diagrams showing vehicles entering and egressing parking spaces crossed onto third party land. This resubmission was received showing only five parking spaces; two spaces for each new dwelling, and one for the existing property. Whilst the existing property does have a garage, it does not meet the minimum requirements detailed in the Residential Parking Standards SPD, and so two outdoor off-street parking spaces are required. The agent submitted a parking and auto track plan to address these issues on 21st May 2015. In light of the new plan, the Council's Transport officer is satisfied that there is an acceptable level of manoeuvring space on site to ensure that vehicles could access and egress the site entrance in forward gear. Additionally, the site provides adequate visibility from the site access onto Cleeve Road. Concerns were raised regarding parking provision for construction traffic, however adequate space is available on the driveway and parking area, as the two proposed houses will not yet be occupied and using the access. Overall, subject to conditions that the parking, turning and visibility splays are provided prior to occupation of the development, there is no transportation objection to the proposal.

5.10 Waste and Drainage

The Council's Highway Drainage engineer has been consulted regarding the proposed development, and he had no objections subject to surface water drainage details being secured by means of a condition on the decision notice. Adequate space is available on site for waste and recycling facilities to be stored without having a negative impact on highway safety, residential or visual amenity, however provision for refuse storage has not been indicated on the proposed site plan. This can also be secured by means of a condition in the event of an approval.

5.11 Archaeology

The site is situated within the historic medieval settlement of Downend, and the ground works associated with the erection of two dwellings may disturb areas of archaeological interest. A condition ensuring a watching brief during the works is considered sufficient to address this concern.

5.12 Other Matters

An objection letter has raised the point that it is locally listed, however it doesn't appear to be on the current adopted Local List and it is assumed that it has since been removed.

5.13 Matters relating to the decision and implementation of PK14/3561/F have been raised in one of the objection letters. This decision has been made and this point does not affect the decision process for the application which is currently under consideration

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 this application be **APPROVED** subject to the conditions on the decision notice.

Contact Officer: Trudy Gallagher
Tel. No. 01454 862217

CONDITIONS

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

Reason

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

2. Notwithstanding the submitted boundary treatments and prior to the commencement of development, a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting (and times of planting); boundary treatments and areas of hardsurfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

Reason

In order to preserve the visual amenity of the site and its surroundings, and to accord with policy CS1 of the South Gloucestershire Core Strategy (Adopted) December 2013 and policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006. It is required prior to commencement to prevent the removal of existing vegetation at the start of construction.

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

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Core Strategy (Adopted) December 2013. It is required prior to commencement as the proposed finishes and materials are integral to the construction of the dwellings hereby approved.

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

Reason

To comply with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and National Planning Policy Framework 2012. It is necessary for this to be a pre-commencement condition as the details of the proposed surface water drainage need to be agreed before development begins due to the physical nature of SUDS.

5. Prior to the commencement of development detailed plans showing the provision of secure and covered refuse storage and cycle parking for two bicycles per dwelling shall be submitted to the Local Planning Authority for approval. Thereafter, the development shall proceed in accordance with the agreed scheme, with the parking and waste facilities provided prior to the first occupation of the building; and thereafter retained for that purpose.

Reason

In order to promote sustainable transport choices and to ensure adequate refuse storage, and to accord with policy T7 of the South Gloucestershire Local Plan (Adopted) January 2006 and CS9 of the SG Core Strategy (Adopted) December 2013. This is required prior to commencement of development as the structures could be attached to the proposed dwellings hereby approved.

6. Prior to occupation of any new dwelling, provide the six off-street parking spaces and turning area on site in accordance with the submitted and approved plan no. 05 Rev B and subsequently maintain thereafter.

Reason

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

7. Prior to the occupation of the development, visibility splays of 2m by 43m must be provided from the site access on to the public highway with all obstructions over 0.6m high above the adjacent carriageways level set back behind the said splays unless otherwise agreed in writing by the Local Planning Authority, and to be maintained satisfactory thereafter.

Reason

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

8. No upper floor windows other than those shown on the plans hereby approved shall be inserted at any time in the southern or eastern elevations of the development.

Reason

In order to prevent overlooking, and to accord with policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

9. Prior to the use or occupation of the dwellings hereby permitted, and at all times thereafter, the proposed upper floor window on the south elevation and the proposed upper floor window on the east elevation of plot 2 shall be glazed with obscure glass to level 3 standard or above with any opening part of the window being above 1.7m above the floor of the room in which it is installed.

Reason

In order to prevent overlooking, and to accord with policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 22/15 – 29 MAY 2015

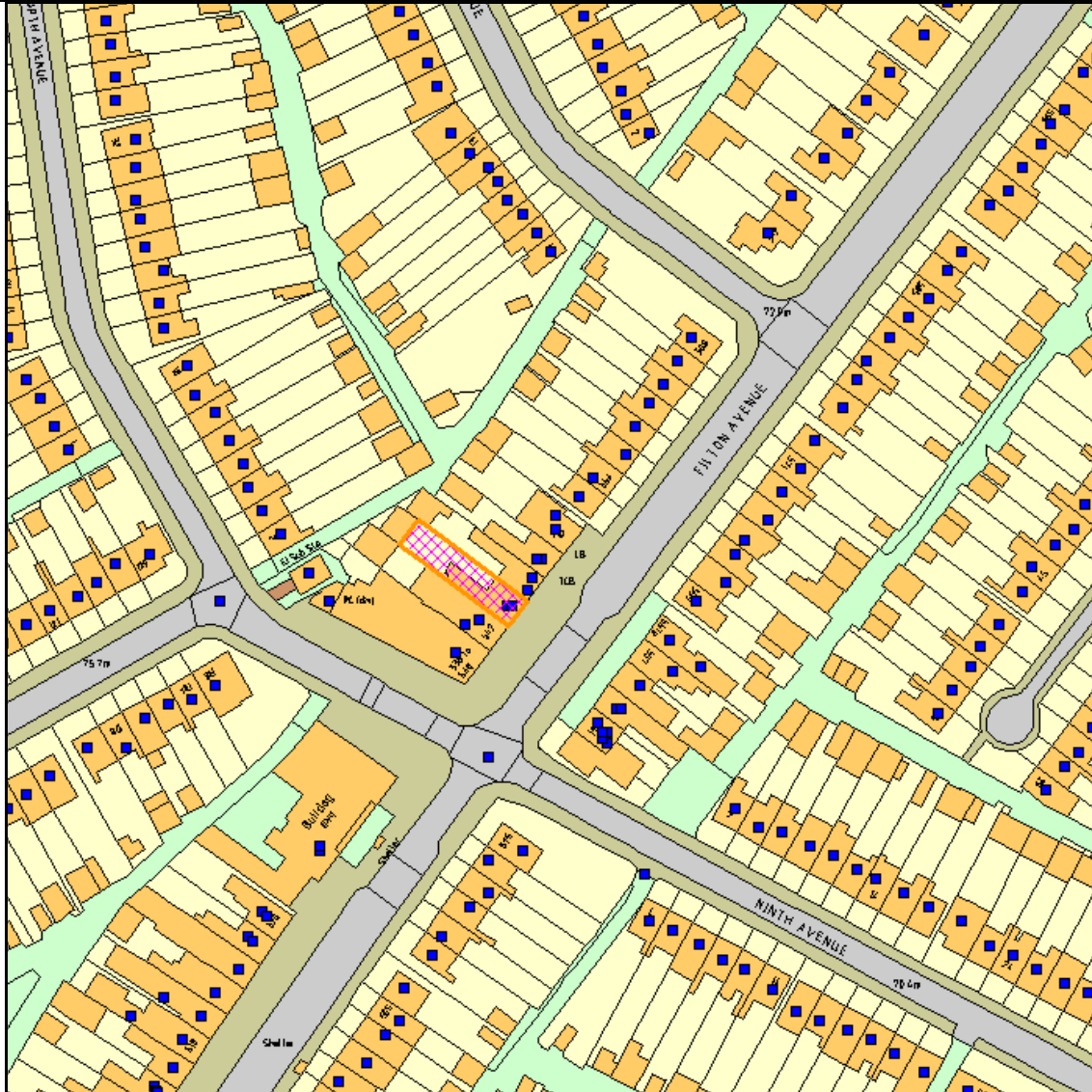
App No.: PT15/0667/F
Site: 544 Filton Avenue Horfield South Gloucestershire BS7 0QG
Proposal: Erection of single storey rear and side extension and change of use from Retail (Class A1) to mixed use Restaurant (Class A3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). Installation of external flu to rear elevation.

Applicant: Mr S Bashir
Date Reg: 26th February 2015

Parish: Filton Town Council

Map Ref: 360576 178278
Application Category: Minor

Ward: Filton
Target Date: 20th April 2015



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 100023410, 2008. **N.T.S.** **PT15/0667/F**

REASON FOR SUBMISSION TO CIRCULATED SCHEDULE

The application has been submitted to the Council's Circulated Schedule procedure, following an objection received from a local resident which is contrary to the officer recommendation detailed in this report.

1. THE PROPOSAL

- 1.1 The applicant seeks consent for the change of use from retail (Class A1) to a restaurant (Class A3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) at 544 Filton Avenue, Horfield. The premises is currently unoccupied, and the last use appears to be as a pharmacy. The applicant also proposes the installation of an external flue to the rear elevation, and a small single storey rear extension.
- 1.2 The application site is located on the north-eastern side of Filton Avenue, and this stretch of Filton Avenue is classified as a 'Local Centre and Parade' within the current Development Plan, and also a Secondary Shopping Frontage.
- 1.3 Additional information relating to noise and odour were received on 13th May 2015 at the officer's request. A period of public re-consultation was not deemed necessary as the proposal remained as submitted.

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

T12 Transportation
T8 Parking Standards
E3 Employment Development
RT1 Development in Town Centres
RT10 Secondary Shopping Frontages
RT11 Retention of Local Shops and Parades

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
CS13 Non-Safeguarded Economic Development Sites
CS14 Town Centres and Retail

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) August 2007.

3. RELEVANT PLANNING HISTORY

3.1 There is no relevant planning history at the site.

4. CONSULTATION RESPONSES

4.1 Filton Town Council
No objection.

4.2 Other Consultees

Sustainable Transport
No objection.

Environmental Protection
No objection to revisions, subject to conditions.

Lead Local Flood Authority
No comment.

Highway Structures
No comment.

Other Representations

4.3 Local Residents

One letter of objection was received, stating the following:

- There are 7 restaurants and takeaways within 100 yards of the premises offering the same sort of food, we do not need another one. It does not promote healthy food choices
- May lead to additional parking obstructions adjacent to a pedestrian crossing used by local residents and school children
- Concerned about odour and cooking smells near to residential units
- Additional litter issues, and the smell will attract rodents
- Increase in anti-social behaviour due to late night opening
- Extraction system will be noisy

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy RT1 and CS14 allows for restaurants within local centre locations, provided that it is acceptable in terms of existing vitality and viability, scale and function, accessibility, environmental and transportation impacts. Similarly, policy RT10 of the Local Plan allows for a change of use on a Secondary Shopping Frontage unless the use would undermine the established character, vitality or civic role of that frontage, or the proposed use would result in unacceptable transportation, environmental, or residential amenity impacts. Policy CS9 of the Core Strategy aims to ensure that new development does not result in an unacceptable level of harm to the environment as a result of pollution to air or through noise or vibration.

5.2 Viability and Viability

The application site sits within a local centre and a secondary shopping parade. This terraced stretch of Filton Avenue is primarily retail so the loss of this particular unit, which has been empty for almost a year, is not considered to have a harmful impact on the vitality or viability of the area, nor would it result in an over concentration of non-shop uses. The proposed A3 use is modest in size, and is consistent with the scale and function of the local centre and would create an active frontage in the evening and contribute to the night time economy, which is lacking in this area.

5.3 Under permitted development the units can revert from an A3 use to an A1 use without planning permission. Therefore there is flexibility for the site to return to a retail function should the market dictate it.

5.4 Environment and Residential Amenity

Residential development surrounds the site at first floor level, and one of the first floor residential windows is close to the proposed flue. The applicant has submitted information regarding the extraction unit, but is lacking a noise report. The noise levels from the extraction unit shall not increase the background noise level LA90 (T) by 0DB as measured in accordance with BS4142:2014. A noise report is required to confirm the day and night time noise levels, and the Environmental Protection Officer is happy for these details to be conditioned.

5.5 Odour is also an important consideration. An odour report has been submitted to support the application, which demonstrates that the highest standard of odour mitigation and control is to be utilised, as details in DEFRA guidance on the Control of Odour and Systems Noise from Commercial Kitchen Exhausts 2005. Subject to this implementation being conditioned, the development is acceptable in residential amenity and environmental terms.

5.6 The proposed single storey rear extension is modest and does not overshadow or overlook any neighbouring properties. The agent has advised that the opening times will be between 10am and 11pm Monday – Sunday, which is considered to accord with its A3 use, and a condition on the decision notice will ensure that this is the case.

5.7 Design/Visual Amenity

The proposed use as a restaurant is unlikely to change the character of the immediate area of Filton Avenue. No external alterations are proposed to the frontage, and the extraction flue is not visible from the public realm. The appearance of the rear of the site is to be improved with the single storey extension, and so the development is acceptable in terms of policy CS1 of the Core Strategy (Adopted) December 2013.

5.8 Transport

The proposal to change the shop to a small restaurant with 18 square metres of seating area is thought to generate a similar parking demand to the existing chemist of between 3 and 4 spaces. The area is accessible by non-car modes and there are a number of other shops in the vicinity generating shared

journeys. As such the proposal accords with policy T8 of the Local Plan (Adopted) January 2006 and no transportation objection is raised.

6. CONCLUSION

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

7. RECOMMENDATION

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

Contact Officer: Trudy Gallagher
Tel. No. 01454 862217

CONDITIONS

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

Reason
To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).
2. The use hereby permitted shall not be open to customers outside the following times; Monday-Sunday 10.00 - 23.00.

Reason
To minimise disturbance to nearby occupiers and to accord with Policy E3 and RT1 of the South Gloucestershire Local Plan (Adopted) January 2006.
3. Prior to commencement of development, a noise report must be submitted to and approved by the Local Planning Authority, and the development must be carried out in accordance with the approved details. The noise report must demonstrate that the noise from the extraction unit at the nearest noise sensitive dwelling shall not increase by the existing back ground noise level by 0dB, or the noise rating (NR) level from the operation of the extraction unit shall not exceed a NR 25 at the nearest noise sensitive dwelling.

Reason

To minimise disturbance to nearby occupiers and to accord with Policy E3 and RT1 of the South Gloucestershire Local Plan (Adopted) January 2006. This is required prior to commencement to safeguard the residential amenities of neighbouring occupiers at all times and to prevent complaints to the Environmental Protection department.

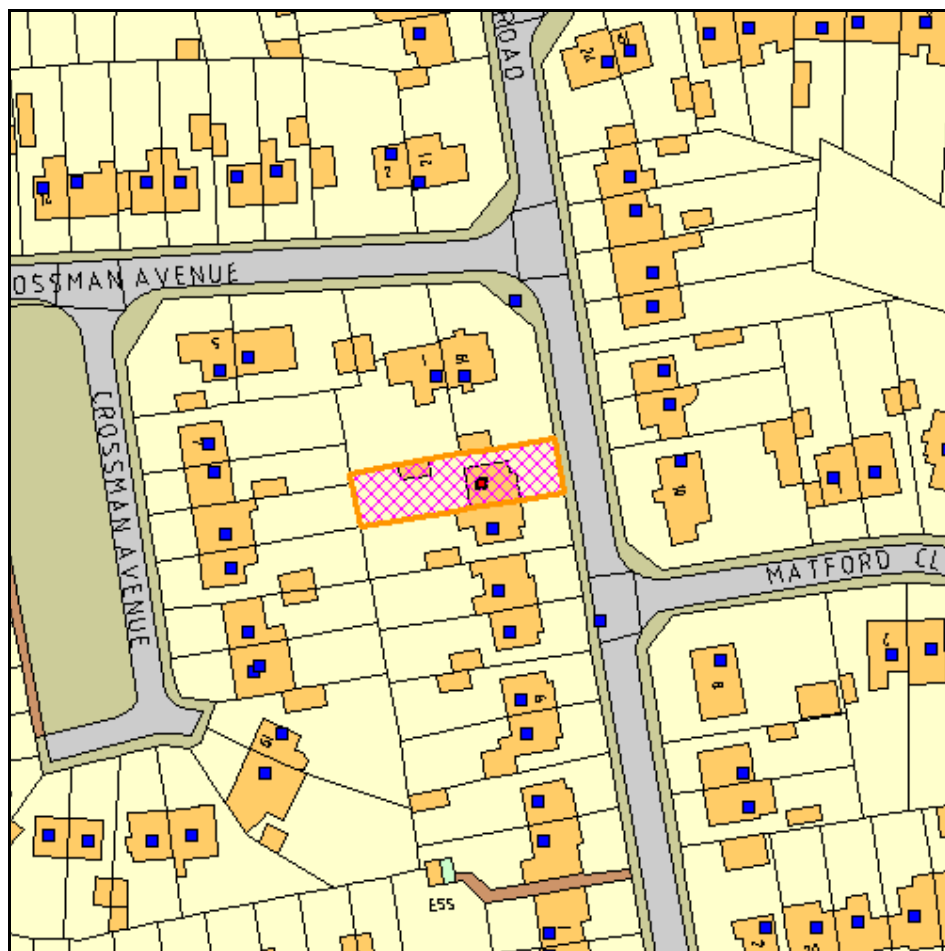
4. The development shall be implemented in accordance with the BWF Extraction System Operation report received on 13th May 2015.

Reason

In order to prevent odour pollution and to accord with Policy E3 and RT1 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 22/15 – 29 MAY 2015

App No.:	PT15/1655/CLP	Applicant:	Mr Richard Guy
Site:	17 Huckford Road Winterbourne Bristol South Gloucestershire BS36 1DZ	Date Reg:	27th April 2015
Proposal:	Application for a certificate of lawfulness for the proposed erection of a single storey side and rear extension.	Parish:	Winterbourne Parish Council
Map Ref:	365265 180126	Ward:	Winterbourne
Application Category:	Certificate of Lawfulness	Target Date:	9th June 2015



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

1.1 The applicant is seeking a formal decision as to whether the proposed erection of a single storey side and rear extension at 17 Huckford Road, Winterbourne, would be lawful. This is based on the assertion that the proposal falls within the permitted development rights normally afforded to householders under the Town and Country Planning (General Permitted Development) (England) Order 2015 (coming into force 15th April 2015).

1.2 This application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based on the facts presented.

2. POLICY CONTEXT

2.1 National Guidance
Town and Country Planning (General Permitted Development) (England) Order 2015
- Schedule 2, Part 1, Class A.

3. RELEVANT PLANNING HISTORY

3.1 There is no relevant planning history at the site.

4. CONSULTATION RESPONSES

4.1 Winterbourne Parish Council
No objection.

4.2 Other Consultees

Lead Local Flood Authority
No comment.

Councillor
No comment received.

Other Representations

4.3 Local Residents
None received.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Existing Elevations 571-E3
Existing First Floor Plan 571-E2
Proposed Elevations 571-P3
Proposed Ground Floor Plan 571-P1
Block Plan and Site Location Plan 571-P4
Existing Ground Floor Plan 571-E1
Email from agent RE: Materials – received on 20th May 2015
All received on 14th April 2015 unless otherwise stated

6. ANALYSIS OF PROPOSAL

- 6.1 This application for a Certificate of Lawfulness is purely an evidential test and is a formal way of establishing whether or not the proposed development can be implemented lawfully without the need for planning permission. Accordingly there is no consideration of planning merit; the planning application is based on the facts presented. The submission is not a planning application and thus the Development Plan is not of relevance to the determination of this application.
- 6.2 The key issue in this instance is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class A of the GPDO (2015)
- 6.3 The proposed development consists of a single storey side and rear extension. This development would fall within Schedule 2, Part 1, Class A, which allows for the enlargement, improvement or other alteration of a dwellinghouse, provided it meets the criteria as detailed below:

A.1 **Development is not permitted by Class A if –**

- (a) **Permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use)**
The dwellinghouse was not granted under classes M, N, P or Q of Part 3.
- (b) **As result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);**
The total area of ground covered by buildings (other than the original dwellinghouse) would be less than 50% of the total area of the curtilage.
- (c) **The height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;**
The height of the side and rear extension would not exceed the height of the roof of the existing dwellinghouse.

- (d) **The height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;**
The height of the eaves of the extension will not exceed the eaves of the existing dwellinghouse.
- (e) **The enlarged part of the dwellinghouse would extend beyond a wall which—**
(i) **forms the principal elevation of the original dwellinghouse;**
or
(ii) **fronts a highway and forms a side elevation of the original dwellinghouse;**
The extension would extend beyond the side elevation of the dwellinghouse but it does not front a highway.
- (f) **Subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and—**
(i) **extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or**
(ii) **exceed 4 metres in height;**
The application relates to a semi-detached dwellinghouse. The proposed extension would extend 1.2 metres beyond the rear wall out of a maximum distance of 3 metres. The development is 3.7 metres in height. The development therefore meets these criteria.
- (g) **Until 30th May 2019, for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and—**
(i) **extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or**
(ii) **exceed 4 metres in height;**
Not applicable, as the applicant is not applying for a extended householder extension through the prior approval procedure.
- (h) **The enlarged part of the dwellinghouse would have more than a single storey and—**
(i) **extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or**
(ii) **be within 7 metres of any boundary of the curtilage the dwellinghouse opposite the rear wall of the dwellinghouse;**
The extension would be single storey.
- (i) **The enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;**

The proposed extension is within two metres of the boundary, but the height to the eaves do not exceed 3 metres.

- (j) **The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would—**
- (i) **exceed 4 metres in height,**
 - (ii) **have more than a single storey, or**
 - (iii) **have a width greater than half the width of the original dwellinghouse; or**

The development does extend beyond the side elevation of the dwellinghouse. It does not exceed 4 metres in height, have a second storey or have a width greater than half the width of the original dwellinghouse. The proposal therefore meets these criteria.

- (k) **It would consist of or include—**
- (i) **the construction or provision of a verandah, balcony or raised platform,**
 - (ii) **the installation, alteration or replacement of a microwave antenna,**
 - (iii) **the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or**
 - (iv) **an alteration to any part of the roof of the dwellinghouse.**

The development would not include any of the above.

A.2 In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if—

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

The application site does not fall on article 2(3) land.

A.3 Development is permitted by Class A subject to the following conditions—

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

Correspondence from the agent on 20th May 2015 confirms that materials proposed will match the appearance of those used in the construction of the existing dwellinghouse.

- (b) **any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be—**

- (i) **obscure-glazed, and**
- (ii) **non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and**

Not applicable.

- (c) **where the enlarged part of the dwellinghouse has more than a single storey, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.**

Not applicable.

7. RECOMMENDATION

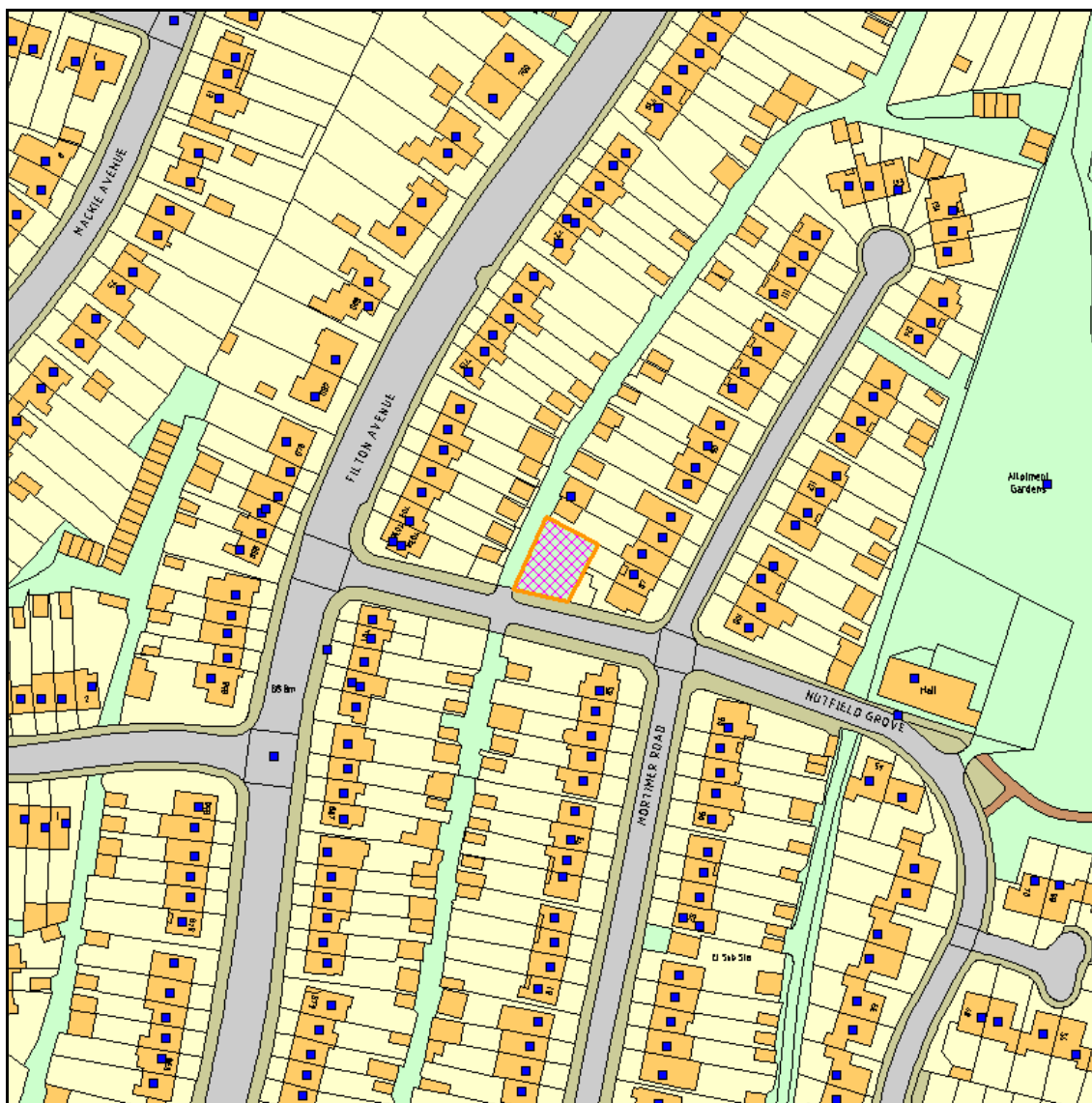
- 7.1 That a certificate of Lawfulness for Proposed Development is granted for the following reason:

Evidence has been provided to demonstrate that the development falls within permitted development within the curtilage of the dwellinghouse under Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015

Contact Officer: Trudy Gallagher
Tel. No. 01454 862217

CIRCULATED SCHEDULE NO. 22/15 – 29 MAY 2015

App No.:	PT15/1660/F	Applicant:	Messrs N Lear & R Moxham
Site:	Rear Of 87 Mortimer Road Filton Bristol South Gloucestershire BS34 7LH	Date Reg:	27th April 2015
Proposal:	Erection of 1 no. detached bungalow and associated works	Parish:	Filton Town Council
Map Ref:	360888 178697	Ward:	Filton
Application Category:	Minor	Target Date:	9th June 2015



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule due to the receipt of two letters of support from local residents.

THE PROPOSAL

- 1.1 This application seeks full planning permission for the erection of a detached one bedroomed dwelling on land to the rear of PT15/1660/F. Access to the new dwelling would be from a private rear access lane. The proposed new dwelling would be single storey and have one bedroom. Off street parking and garden space would be provided.
- 1.2 This application is the resubmission of several previously refused applications also for residential development on the site. There is an extent permission for the erection of a pair of garages but this is not yet implementable as pre-commencement conditions have not yet been discharged.
- 1.3 During the course of the application contact was made with the agent to advise of the likely issues and invite withdrawal of the application. The application was not withdrawn and is therefore to be determined as submitted.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)
H4 Development within residential curtilages
T12 Highway safety

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013
CS1 Design
CS4a Presumption in favour of Sustainable Development
CS5 Location of Development
CS9 Managing the Environment and Heritage
- 2.3 Supplementary Planning Guidance
Residential Parking Standards SPD (Adopted)
Trees on Development Sites (Adopted)
South Gloucestershire Design Checklist (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 PT13/2546/F Erection of 2 no. garages.
Approved July 2013
- 3.2 PT07/1946/F Erection of 1 no. dwelling.
Refused July 2007
Appeal Dismissed January 2008

- 3.3 PT05/1590/F Erection of two storey building to form four flats.
Refused June 2005
- 3.4 PT05/1584/F Conversion of existing house to form 2 no. self contained flats. Erection of two storey side extension to form additional 2 no. self contained flats. Formation of new vehicular and pedestrian access and erection of boundary wall/fence
Refused June 2005

4. CONSULTATION RESPONSES

4.1 Filton Town Council
No response received

4.2 Other Consultees

Highway Structures
No Objection

Environmental Protection
No Objection

Lead Local Flood Authority
No objection.

Other Representations

- 4.3 Local Residents
2 letters of support have been received from neighbouring residents. A summary of the points raised is as follows:
- Very sustainable location
 - Cycle and car parking is adequate
 - The rear access land should be resurfaced
 - The land needs attention

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
This application stands to be assessed against the policies listed in paragraph 2 above, and in the light of all material considerations. In principle, the proposed development is considered to be acceptable as the site lies within the defined urban area. All issues relating to the design, impact on residential amenity, highway safety, drainage and the setting of the neighbouring locally listed buildings are discussed below.
- 5.2 Residential Amenity
The proposal is for the erection of a single storey detached property with one bedroom. The proposed new building would be divided from any neighbouring dwellings by gardens, roads and access lanes.

By virtue of its limited size and separation, it is not considered that the proposed dwelling would have any detrimental impact on neighbouring occupiers by means of overbearing, overshadowing or loss of privacy.

- 5.3 Furthermore, the area of garden space provided is sufficient to meet the needs of a modest one bedroomed property. The impact on existing and proposed levels of residential amenity is therefore deemed to be acceptable.
- 5.4 Design and Visual Amenity
The design of the proposed building is a single storey building with gable ends and a central ridge. In considering this application your officer has given weight to the fact that planning permission was granted in 2013 for the erection of a garage building of the same dimensions of the dwelling now for consideration. However, your officer does not agree that the visual impact of a garage is the same as the visual impact of a dwelling.
- 5.5 A dwelling would not have the same visual impact on the street scene as the approved garage. Although of the same size, the relationship with the street is entirely different. One may 'expect' to see a garage on this plot – being accessed off of a rear access lane and at the end of a line of other garages. The same is not true for a bungalow. The bungalow, by virtue of its windows, doors and curtilage will have an altogether different impact on the street scene. It will be visually jarring and fail to integrate with the existing built form. It is not considered aesthetically appropriate to allow the erection of a dwelling that has clearly been designed to look like a garage.
- 5.6 Furthermore, as was the case with the appeal decision in relation to application PT07/1946/F, a single storey property is not suitable for this location. The design of the dwelling would unacceptably contrast with those in the immediate locality and would consequently fail to integrate well with the existing street scene or sit comfortably in its surroundings. It is acknowledged that there are bungalows further along Nutfield Grove but these are in a development with its own character – the proposal is for a single bungalow surrounded by two storey properties.
- 5.7 A further concern is the orientation of the dwelling with its frontage facing towards the rear access lane. The rear access lane is in a poor state of repair although does appear to be well used. It is not considered appropriate to have a dwelling with its principal elevation facing onto a rear access lane. Again, this is at odds with the grain of development in the locality and fails to integrate with the existing street scene.
- 5.8 By means of conclusion, the proposed dwelling by virtue of its location, design and orientation, fails to respect or integrate with the street scene and will have a detrimental impact on the character of the area. The application is therefore contrary to the requirements of Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted)

5.9 Transportation

In accordance with the Residential Parking Standards SPD (Adopted), there is a requirement to provide one off street parking space to serve the proposed dwelling. One space is shown and the proposal is therefore in compliance with the requirements of the Residential Parking Standards SPD.

5.10 Fall Back Position

In the supporting information, the applicants have given weight to the fact that a garage could be erected on the site under the extant permission. It is noted that there is a pre-commencement condition that needs discharging before any development can commence on the site. Even if the garage were to be erected as approved, it does not automatically follow that planning permission would be granted for the conversion of this building to a dwelling. The extant permission has therefore been given limited weight in the determination of the application.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 That planning permission is refused for the reasons on the decision notice.

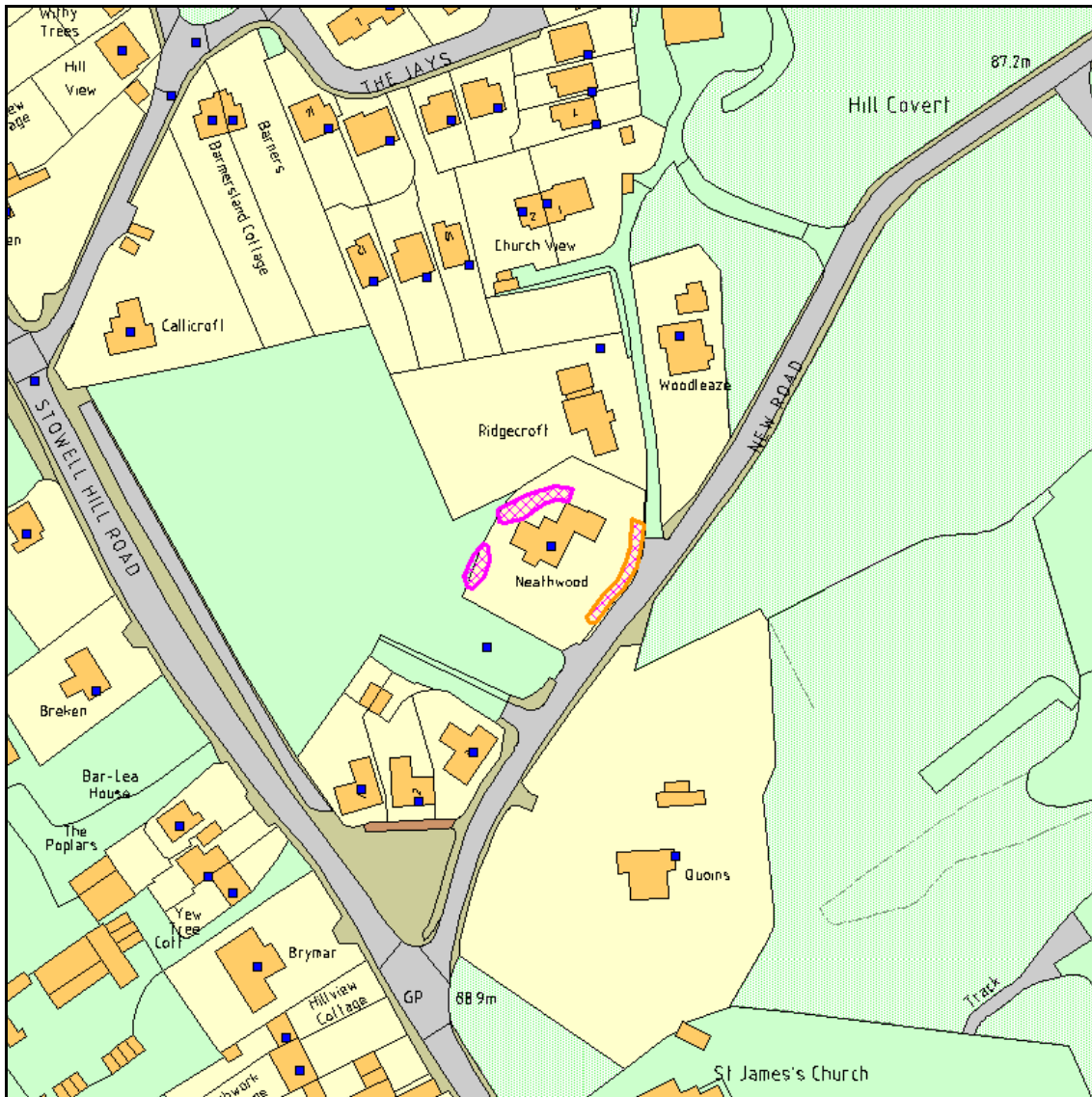
Contact Officer: Marie Bath
Tel. No. 01454 864769

REFUSAL REASON

1. The proposed dwelling by virtue of its location, design and orientation, fails to respect or integrate with the street scene and will have a detrimental impact on the character of the area. The application is therefore contrary to the requirements of Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted).

CIRCULATED SCHEDULE NO. 22/15 – 29 MAY 2015

App No.:	PT15/1711/TCA	Applicant:	Mr Brian Baker
Site:	Neathwood New Road Tytherington Wotton Under Edge South Gloucestershire GL12 8UP	Date Reg:	27th April 2015
Proposal:	Works to fell 2no. Laburnum trees and 17no. Cypress trees in Tytherington Conservation Area.	Parish:	Tytherington Parish Council
Map Ref:	366824 188515	Ward:	Ladden Brook
Application Category:	Works to Trees in Conservation Area	Target Date:	8th June 2015



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REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule as comments have been received during the public consultation period that are contrary to the recommendation.

However, this application is a prior notification of proposed works to trees in a conservation area. The purpose of such an application is to provide an opportunity for the Local Planning Authority (LPA) to serve a Tree Preservation Order (TPO) on the tree, should it fulfil the criteria of designation. A TPO must be served within a period of six weeks. Failure by the LPA to serve a TPO or respond to the notification within this timeframe results in a default position of the works gaining deemed consent. Therefore this application appears on the Circulated Schedule for information purposes only.

1. THE PROPOSAL

- 1.1 Works to fell 2no. Laburnum trees and 17no. Cypress trees in Tytherington Conservation Area.

2. POLICY CONTEXT

2.1 National Guidance

- i. The Town and Country Planning Act 1990
- ii. The Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990
- iii. The Town and Country Planning (Tree Preservation) (England) Regulations 2012

3. RELEVANT PLANNING HISTORY

- 3.1 PT10/2133/TRE, Decision: SPLT, Date of Decision: 08-OCT-10. Proposal: Various works to 3 no Pine trees, 3 no. Silver Birch and 1 no. Eucalyptus trees covered by South Gloucestershire Tree Preservation Order 0507 dated 10th April 2008.
- 3.2 PT11/1276/TCA, Decision: NOB, Date of Decision: 01-JUN-11. Proposal: Works to fell 7no. Conifer trees situated within Tytherington Conservation Area.
- 3.3 PT11/4002/TCA, Decision: NOB, Date of Decision: 27-JAN-12. Proposal: Works to remove 1no. Leylandii tree and 1no. Acer tree in the Tytherington Conservation Area.

4. CONSULTATION RESPONSES

- 4.1 Tytherington Parish Council
None received

Other Representations

4.2 Local Residents

A letter of objection has been received to the removal of the 2 laburnum trees. The reasons stated are that laburnum flowers attract honey bees which are in decline.

5. ANALYSIS OF PROPOSAL

5.1 This application provides prior notification of proposed works to trees situated within a conservation area.

5.2 Principle of Development

Under the Planning (Listed Buildings and Conservation Areas) Act 1990, it is recognised that trees can make a special contribution to the character and appearance of a conservation area. Under the above Act, subject to a range of exceptions, prior notification is required for works to a tree in a conservation area. The purpose of this requirement is to provide the Local Planning Authority an opportunity to consider bringing any tree under their general control by making a Tree Preservation Order. When considering whether trees are worthy of protection the visual, historic and amenity contribution of the tree should be taken into account and an assessment made as to whether the tree fulfils the criteria of a Tree Preservation Order.

5.3 Consideration of Proposal

The cypress trees which surround the site appear to be causing structural issues to the low boundary wall. They are also encroaching onto the public highway. Given their overbearing presence their amenity value is low.

5.4 The laburnums, although more ornamental and aesthetically positive than the cypress, do not fulfil the requirements for protection under TPO legislation. Their removal would have a negligible, if any, impact on the landscape amenity given their small size and non-prominent location. As their worth for protection under TPO legislation is the sole consideration for objection available to us, the ecological benefits of laburnums, as stated in the neighbour's objection, is not material to this decision.

6. RECOMMENDATION

6.1 No objections

Contact Officer: Phil Dye
Tel. No. 01454 865859