



**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. 44/16

Date to Members: 04/11/2016

Member's Deadline: 10/11/2016 (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.

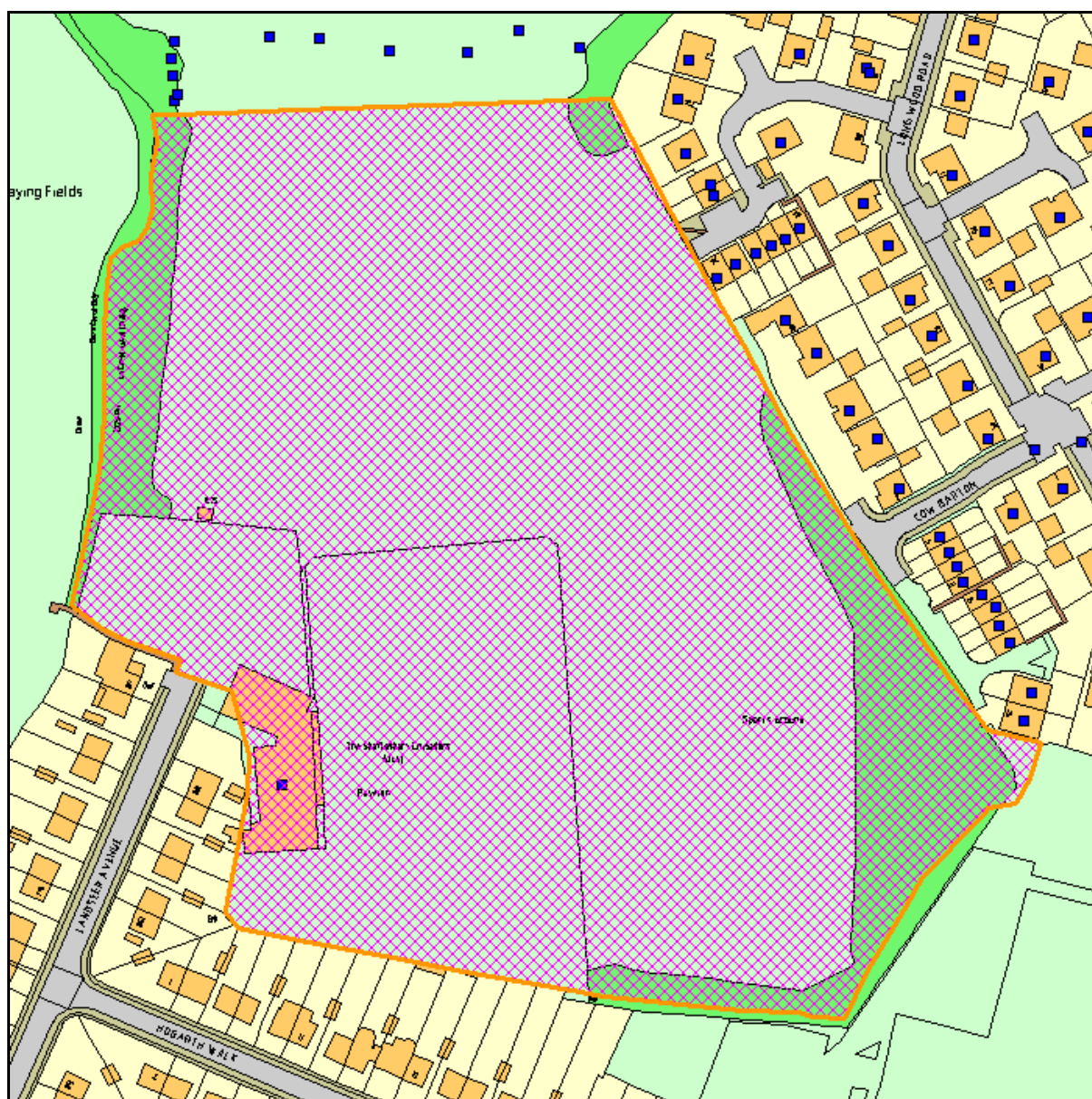
CIRCULATED SCHEDULE 04 November 2016

-

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	MODT16/0007	No Objection	Lockleaze Recreation Ground Stoke Gifford South Gloucestershire BS16 1FD	Frenchay And Stoke Park	Stoke Gifford Parish Council
2	PK16/4033/CLE	Refusal	Kites Farm Kites Farm Lane Upton Cheyney South Gloucestershire BS30 6AH	Bitton	Bitton Parish Council
3	PK16/4745/MW	Approve with Conditions	Kingswood Transfer Station Carsons Road Mangotsfield South Gloucestershire	Siston	Siston Parish Council
4	PK16/4948/F	Approve with Conditions	Northleaze 140 Westerleigh Road Pucklechurch South Gloucestershire BS16 9PY	Boyd Valley	Pucklechurch Parish Council
5	PK16/5025/F	Approve with Conditions	1 Dovecote Yate South Gloucestershire BS37 4PA	Dodington	Yate Town
6	PK16/5145/F	Approve with Conditions	22 Amberley Way Wickwar Wotton Under Edge South Gloucestershire GL12 8LP	Ladden Brook	Wickwar Parish Council
7	PT15/4165/F	Approve with Conditions	Land Off Charlton Road Filton South Gloucestershire BS10 6LB	Patchway	Almondsbury Parish Council
8	PT16/3148/F	Approve with Conditions	Paddock Northwick Road Pilning South Gloucestershire BS35 4HF	Pilning And Severn Beach	Pilning And Severn Beach Parish Council
9	PT16/4072/F	Approve with Conditions	17 Rush Close Bradley Stoke South Gloucestershire	Bradley Stoke North	Bradley Stoke Town Council
10	PT16/4530/RVC	Approve with Conditions	Land Off Church Road Severn Beach South Gloucestershire BS35 4PW	Pilning And Severn Beach	Pilning And Severn Beach Parish Council
11	PT16/4662/LB	Approve with Conditions	369 Church Road Frampton Cotterell South Gloucestershire BS36 2AQ	Frampton Cotterell	Frampton Cotterell Parish Council
12	PT16/5065/F	Approve with Conditions	Land Adjacent To 1 Berrows Mead Rangeworthy South Gloucestershire BS37 7QQ	Ladden Brook	Rangeworthy Parish Council
13	PT16/5104/F	Approve with Conditions	Villa Farm Main Road Aust South Gloucestershire	Severn	Aust Parish Council
14	PT16/5149/F	Approve with Conditions	27 Hicks Common Road Winterbourne South Gloucestershire BS36 1EH	Winterbourne	Winterbourne Parish Council
15	PT16/5479/CLP	Approve with Conditions	Grace Cottage 5 The Down Alveston South Gloucestershire BS35 3PH	Thornbury South And	Alveston Parish Council

CIRCULATED SCHEDULE NO. 44/16 – 4 NOVEMBER 2016

App No.:	MODT16/0007	Applicant:	Redrow Homes With Lockleaze Recreation Ground Charity
Site:	Lockleaze Recreation Ground Stoke Gifford South Gloucestershire BS16 1FD	Date Reg:	17th October 2016
Proposal:	Modification of S106 Agreement attached to planning application PT15/0510/F.	Parish:	Stoke Gifford Parish Council
Map Ref:	361019 177780	Ward:	Frenchay And Stoke Park
Application Category:		Target Date:	6th December 2016



© South Gloucestershire Council 2015.all rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2015.

N.T.S.

MODT16/0007

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application appears on the circulated schedule in accordance with the Council's adopted scheme of delegation as it seeks agreement to amend an existing S106 legal agreement.

1. INTRODUCTION AND BACKGROUND

- 1.1 The application is made under section 106A of the Town and Country Planning Act 1990. The proposed Deed of Variation relates to planning permission PT15/0510/F for the demolition of existing rugby clubhouse buildings and the erection of 152no. dwellings at the Lockleaze Recreation Ground, which was granted planning permission on 4th April 2016.
- 1.2 Application PT15/0510/F was subject to a S106 agreement, which has been agreed. This S106 agreement, amongst other things, restricts any commencement on site (with the exception of the site access and show home area) until replacement playing pitches have been provided at Frenchay (approved under PT15/0493/F).

2. PROPOSED AMENDMENT TO THE S106

- 2.1 Paragraph 17 "Occupation of Dwellings" of the S106 requires that the pitches approved under linked application (PT15/0493/F) are provided prior to the commencement of residential development at the site (PT15/0510/F), with the exception of the site access works and show home area.
- 2.2 Condition 4 of the approved consent (PT15/0510/F) requires a scheme of archaeological investigation to be undertaken at the Lockleaze Recreation Ground prior to the commencement of the development. Locally significant archaeological finds as a result of this process have required further large scale archaeological excavation and recording to be undertaken. The resulting extensive costs and time associated with the archaeological works mean that Redrow consider it necessary to amend the S106 triggers of the housing development.
- 2.3 According to the details submitted, the grass pitch formation and drainage at the Frenchay site is due for completion by the end of October 2016, and the site will be handed over to the Dings Rugby Club in August/September 2017. Having visited the site, it is acknowledged that the pitches have been re-profiled and seeded; therefore, officers are satisfied that there is a commitment for replacement pitches to be provided for use in August/September 2017. As such, rather than entirely removing the S106 triggers relating to replacement pitch provision, a scheme of phasing is proposed. This phasing would allow 23no. dwellings to be constructed and occupied in the northeastern corner of the site before all of the pitches on the replacement Frenchay site are provided. This is considered to be acceptable on the basis of the short timescale involved.

3. CONCLUSION

- 3.1 The proposed phasing will allow a small amount of development and occupations to take place to facilitate the completion of costly archaeological works on site. The phasing will ensure that development does not affect ongoing archaeological works taking place at the site, that the vast majority of units (129 units) will only be constructed on site once replacement pitches have been provided at Frenchay, and that the Rugby Club can continue to use their existing clubhouse and main rugby pitch up until they relocate to the Frenchay site. Ultimately the proposed modification will assist with the viable delivery of the approved development in light of the circumstances that have arisen on site, explained above.

4. RECOMMENDATION

- 4.1 That the Director of Environment and Community Services is authorised to instruct Legal Services to agree a Deed of Variation under Section 106A of the Town and Country Planning Act 1990 (as amended) to amend paragraph 17 of the S106 legal agreement dated 30th March 2016 (associated with PT15/0510/F) to allow:

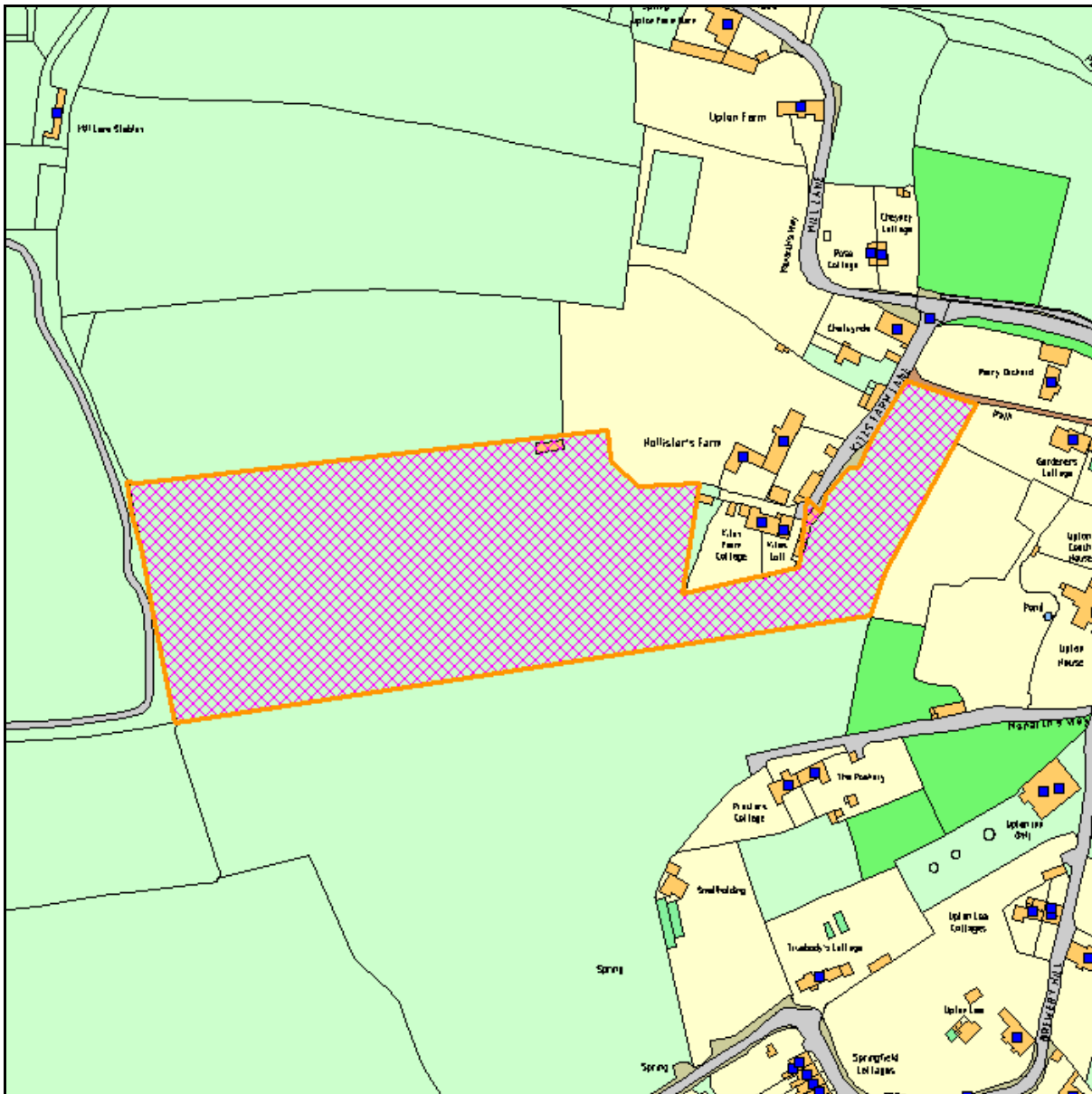
23 no. units to be constructed and occupied in accordance with the phasing plan submitted. The pitches approved under linked application PT15/0493/F are to be provided prior to the commencement of further development.

- 4.2 That the Head of Legal & Democratic Services be authorised to prepare and seal the agreement

Contact Officer: Jonathan Ryan
Tel. No. 01454 863538

CIRCULATED SCHEDULE NO. 44/16 – 4 NOVEMBER 2016

App No.:	PK16/4033/CLE	Applicant:	Mr And Mrs S Siberry
Site:	Kites Farm Kites Farm Lane Upton Cheyney South Gloucestershire BS30 6AH	Date Reg:	11th July 2016
Proposal:	Application for Certificate of Lawfulness for an existing use as Equestrian (sui generis).	Parish:	Bitton Parish Council
Map Ref:	369092 169962	Ward:	Bitton
Application Category:		Target Date:	5th September 2016



© South Gloucestershire Council 2015.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2015.

N.T.S.

PK16/4033/CLE

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application is referred to the circulated schedule in accordance with the Council's scheme of delegation as it is for a certificate of lawfulness.

1. THE PROPOSAL

- 1.1 This application seeks a certificate of lawfulness for the existing use of land and buildings for the keeping of horses (equestrian).
- 1.2 The land and buildings are associated with Kites Farm, accessed off Kites Farm Lane within Upton Cheyney. The application site is within the Upton Cheyney Conservation Area, Green Belt and Cotswolds AONB. Kites Farm (the farmhouse) is a grade II listed dwelling.
- 1.3 The buildings to considered within this application include a stable/small barn on the northern boundary of the site, and a small rank of stables within the residential curtilage of Kites Farm farmhouse.
- 1.4 A certificate of lawfulness is sought on one ground as stated within Section 9 of the submitted application form. It is put to the Local Planning Authority that the use of the land and buildings are immune from enforcement action by virtue an assertion that the use had begun more than 10 years before the submission of the application. Specifically, Section 10 of the submitted application form states that the use began on the 01/09/1992.
- 1.5 This assertion is based on section 171B(3) of the Town and Country Planning Act 1990 ("the Act") which is correct with regard to the change of use of land which gains immunity after a 10 year period.
- 1.6 Accordingly, with regard to this assessment, this certificate of lawfulness will be assessed on one ground: section 171B(3) with regard to the use of the land and buildings. Therefore, it is claimed that in accordance with section 191(2) of the Act the use and buildings are lawful.
- 1.7 A site location plan was submitted with the application which identifies the area of land and buildings – such features are included within a red line.

2. POLICY CONTEXT

- 2.1 National Guidance
 - i. Town and Country Planning Act 1990: s171B and s191
 - ii. Town and Country Planning (Development Management Procedure) (England) Order 2015
 - iii. National Planning Practice Guidance: 17c (06.03.2014)

3. RELEVANT PLANNING HISTORY

- 3.1 PK15/1022/F Withdrawn 21/05/2015
Change of use of land from agricultural to land for the keeping of horses.
Erection of stables, store and tack room with associated works.

- | | | | |
|-----|--|-------------------------|------------|
| 3.2 | PK13/2675/TRE | Approve with Conditions | 03/10/2013 |
| | Works to various trees to raise crown by no more than 3.5 metres covered by Tree Preservation Order SG/TR117 dated 28 May 1968. | | |
| 3.3 | PK13/2611/TCA | No Objection | 280/2013 |
| | Works to various trees to raise crown by no more than 3.5 metres and to fell 1no. ash tree and remove 1no. willow stump situated within Upton Cheyney Conservation Area. | | |
| 3.4 | PK13/1199/LB | Approve with Conditions | 01/07/2013 |
| | Internal and external alterations and erection of 2 storey side and rear extension to facilitate conversion of 2 no. dwellings into 1 no. dwelling. | | |
| 3.5 | PK13/1198/F | Approve with Conditions | 02/07/2013 |
| | Erection of two storey side and rear extension to facilitate conversion of 2no. dwellings into 1no. dwelling. | | |
| 3.6 | P98/4487/L | Listed Building Consent | 26/08/1998 |
| | Complete refurbishment of upper roof to include replacement of attic windows and lintels and rebuilding of chimney. | | |
| 3.7 | P98/4462 | Approval Full Planning | 29/09/1998 |
| | Partial demolition, rebuilding and refurbishment of dwelling. | | |
| 3.8 | P98/4447/L | Listed Building Consent | 29/09/1998 |
| | Partial demolition, rebuilding and refurbishment of dwelling. | | |

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

4.1 Submitted Statutory Declarations.

The following statutory declarations were submitted in support of the application:

Ms M. Siberry

- Confirmed Susan Hawking of Proctors Cottage, Upton Cheyney kept horses on the land at Kites Farm until 30/09/2012;
- Ms Sibbery moved her two horses to the Kites Farm in 2012, the land and buildings were used;
- Ms Sibbery stated she had been informed that previous occupier of Kites Farm, Mr Seymour Drew, bought and sold horses as riding horses and children's ponies between 1978 and 1985.

Mr J. Nield

- Mr Nield stated he knew Mr Seymour Drew, the previous occupier of Kites Farm, during this time he kept horses on the land at Kites Farm;
- From 1978 to 1985, Mr Nield stated he worked with Mr Seymour Drew, and confirmed that Mr Drew kept horses on the land at Kites Farm;
- Mr Nield stated that Mr Seymour Drew carried on keeping horses beyond the aforementioned dates as he was a part-time horse dealer.

Mr S. McKno Bladon (submitted 2 statutory declarations)

- Mr McKno Bladon states he is the director and principal shareholder of West Ella Holding Limited ('the company') which was previously the registered proprietor of Kites Farm and the adjoining land;
- The company purchased Kites Farm in 1997, and the adjoining land in 2009;
- Throughout the period of ownership of Kites Farm and the adjoining land, the previous owners, the Hawking family of Manor Farm, used to keep horses on this land, these horses were for recreational purposes;
- Further to purchasing the adjoining land in 2009, a fence was erected to form the new boundary, and that I tenanted the land to Susan Hawking of Proctors Cottage, who continued to keep horses on the land as she had under the previous ownership – two horses were kept on the land;
- The stone barn was included in the grazing license and used by horses throughout the tenancy';
- Exhibit 1 contains an email confirming that after 20 years here horses would vacate the land on the 30th of September 2012;
- The Company sold Kites Farm and the adjoining land on the 01st of October 2012 to the current owners – Mr and Mrs Siberry.

Mr W. Tanner

- Mr Tanner stated he owned a small holding overlooking the land at Kites Farm as well as other fields in and around Upton Cheyney between 1991 and 2012;
- Mr Tanner confirmed he had walked the footpaths of Mill Lane to Brewery Hill (PBN 40/40, PBN 40/30, PBN 40/20), four times a week when tending to livestock;
- Two to three horses were used for recreational riding purposes on the field adjoining Kites Farm throughout that time;
- Three hunter type horses were kept on the field with cattle on the field when it previously formed part of a larger field;
- The cattle were removed from the field prior to its division;
- The horses were led to and from Manor Farm where they were stabled at times, such horses were also ridden around the village;
- I knew Mr Seymour Drew, the previous occupant of Kites Farm between 1985 until his death in 2000 as an acquaintance – during this time I believe that Mr Seymour Drew kept a driving pony at Kites Farm.

Ms A. Hayman

- Ms Hayman confirmed she had lived in Bitton since 2003, and that she had walked the footpaths between Bitton and Upton Cheyney (PBN 40/20, PBN 33/30, PBN 33/40) at least once a week;
- Horses were used for recreational riding purposes have always been kept on the field adjoining Kites Farm since 2003;
- Three horses were kept on the field when it previously formed part of a larger field;
- After the field was divided, two horse were kept on the land adjoining Kites Farm.

It should be noted that each of the statutory declarations submitted made no specific reference to any attached plans or exhibits identifying the land their statements regarded or reported on. In this way, the statutory declarations are relatively unprecise and ambiguous.

5. SUMMARY OF COUNCIL HELD EVIDENCE

- 5.1 Aerial Photographs taken in the following years 1990, 1999, 2005, 2006, 2008, 2014.

6. OTHER REPRESENTATIONS RECEIVED

- 6.1 Bitton Parish Council
Parish Councillors queried whether the use as described as keeping of horses differed from equestrian.
- 6.2 British Horse Society
None received.
- 6.3 Councillor
None received.
- 6.4 Public Rights of Way
This response is to make the developer aware that there are public footpaths running adjacent and within the outlined area (PBN 40, PBN 36, PBN 33) – see pink dashed lines on plan below. It has also been noted that there was an application for a Highways Act Path Diversion Order on PBN 40 in 2013 from Kites Farm Lane (orange dashed line).
- 6.5 Open Spaces Society
None received.
- 6.6 Planning Enforcement
None received.
- 6.7 Local Residents

Mrs S. Hawking

- I moved to Upton Cheyney 26 years ago when I married Roger Hawking the owner of Manor Farm;
- My 2 horses occupied various fields in the village, the field in question approximately 20 acres (Hollisters) was the main field used by my husband for his dairy herd;
- When the herd went beef cattle moved into the field;
- I sometimes turned horses out with the beef cattle;
- The field was sold and subdivided into three in December 2009;
- I approached Mr Bladon to rent 6.67 acres, now part of Kytes Farm, for grazing;
- The cow barn the field was dilapidated, it is now refurbished;

- I had a grazing license (February 2010) for 11 months, renewable annually, I vacated the field in September 21012 when the farm was sold;
- My horses have been stabled at Manor Farm, the field where they were turned out (Kytes Farm 2010-2012) was solely used for grazing, there have been no other equestrian activities, no riding, no jumps, just grazing;
- Mr Seymour Drew sometimes kept a pony, to my knowledge there was no arrangement between Mr Seymour Drew and my husband for grazing, I know he used the field behind Hollisters Farm owned at the time by Marnie Adams or a small field by the old school.

Ms R. Grasham

- I have lived here at Rose Cottage for 29 years, I am close neighbours to Kites Farm, Rose Cottage is on Mill Lane just where Kites Farm lane joins it;
- In 2009 the land, now within the red line, was part of a much larger field, there were no boundaries at that time;
- Until late 2009 the field was used as grazing for a herd of cattle, a milking herd originally and then a beef herd. Two or three horses also grazed with the cattle which were owned by the then farmer's wife, Sue Hawking and his son, David Hawking. Those horses only grazed the land, their stables etc. were in the Manor Farm yard;
- Until 2009 the land now within the red line was not in the same ownership as Kites Farm House, Kites Farm had no land of its own. When Seymour Drew was alive (the tenant of the house) he did use the stables by the house for horses and ponies. His grazing, however, was a paddock belonging to the neighbouring house, Hollisters. Seymour Drew's animals never grazed the Manor Farm field;
- In 2009 the land was divided up into 3 and sold, the part within the red line being sold to Simon Bladon who had purchased Kites Farm House a few years previously (the Drew family were sitting tenants, they had been there for many years);
- Seymour Drew's wife was still living in the house and so, in advance of being able to sell the house with the land, Mr Bladon rented the piece of land within the red line to Sue Hawking. She used the land to graze her horse and two further horses belonging to David Hawking. Through all this time these horses were stabled at Manor Farm and only came to the field to graze;
- The stone barn within the field is a very old structure, both horses and cattle have used it over the years simply as a field shelter, never a stable or any kind of store. Happy to discuss further if needs be;
- The land has solely been used for grazing over the years – I would object to the land becoming lawful equestrian use.

7. EVALUATION

- 7.1 An application for a certificate of lawfulness is not a planning application: it is purely an evidential test and therefore should not be determined against planning policy or on planning merit. The test to be applied is whether the application has demonstrated, through precise and unambiguous evidence, that (in this instance) the existing use of the land and buildings is equestrian.

7.2 Relevant Legislation to this Application for a Certificate of Lawfulness

Section 191(1) of the Act states that a person may make an application to the LPA to ascertain whether:

- (a) Any existing use of buildings or other land is lawful;
- (b) Any operations which have been carried out in, on, over or under land are lawful; or
- (c) Any other matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted is lawful.

7.3 The applicant has made an application under section 191(1)(a). The applicant has sought this certificate of lawfulness on the grounds that the equestrian use begun more than 10 years before the date of this application.

7.4 With this in mind, there are two tests to apply with regard to the time limit of immunity – the grounds which the applicant this certificate is sought. Such time limits are set out within section 171B of the Act.

7.5 Section 171B(3) states:

In the case of any other breach of planning control, no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach.

7.6 Accordingly, if the land and buildings subject to this certificate application have been within an equestrian use, constituting a breach of planning control, for ten years or more, the certificate should be granted with regard to such land.

7.7 There is an exception to the time limits set out under section 171B, these are listed within section 171BC(1)(a) of the Act. This exception is where the breach of planning control has been concealed such that the LPA could not have been aware of the breach and taken the required enforcement action within the prescribed period. In such cases the LPA has six months, beginning on the date when it had sufficient evidence to apply to the Magistrates' Court for a planning enforcement order enabling it to take enforcement action against the breach. No enforcement action has been taken in response to the equestrian use of land or buildings at the application site.

7.8 When assessing applications for certificates of lawfulness, the onus of proof is firmly on the applicant and the relevant test of the evidence on such matters is "on the balance of probability". Advice contained within the Planning Practice Guidance (PPG) states that a certificate should not be refused because an applicant has failed to discharge the stricter criminal burden of proof, i.e. "beyond reasonable doubt". The PPG gives further guidance:

In the case of applications for existing use, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make an applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently

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

- 7.9 The remaining report will assess the application with regard to sections 171 and 191 of the Act. When assessing available evidence, officers will consider the advice contained within the PPG.
- 7.10 Assessment – Breach of Planning Control
The first test which must be applied is whether the aspects of the certificate applied for constitute a breach of planning control.
- 7.11 The area included within the submitted red line includes a paddock-like field to the south west of the Kites Farm, and a strip of field which rises up and around the Kites Farm to the south and east.
- 7.12 There are a number of buildings included within the red line. Within the section of field, is an old cattle barn that is positioned on the northern boundary of the application site, positioned approximately 82 metres to the north west of the application site. Further to this, there are a number of stables within the residential curtilage of Kites Farm.
- 7.13 The lawfulness of these built structures in terms of operational development are not in question, however, the use of the buildings are - the applicant suggests that these buildings are within an equestrian use.
- 7.14 *What Constitutes a Breach of Planning Control*
- 7.15 The submitted site plan includes a red line for which the applicant submits that such land and buildings are within an equestrian use and have been since the 01/09/1992. Given the claims of the applicant, officers would consider that the land and buildings within the submitted red line to represent one planning unit.
- 7.16 However, the physical layout of the application land and buildings does not reflect this singular planning unit. The stables subject to this certificate are within the residential curtilage of Kites Farm house. The stables are orientated toward the Kites Farm house, and the surrounding topography isolates the farmhouse and the stables from the surrounding field. The scale of the stables are not overly large when compared to the main farmhouse, and as such the stables would be considered to be subordinate to the functioning of the main dwellinghouse. Overall, the stables are considered to form an incidental relationship to the residential use of Kites Farm. The existing lawful use of these stables would therefore be considered to be within a residential use (Use Class C3).
- 7.17 As stated, the stables within the curtilage of Kites Farm are considered to be within a separate planning unit to the wider field to the west, south and east of the Kites Farm house. The last known lawful use of this field subject to this application is agricultural, further to this, the cow barn at the northern boundary of the field is included within this agricultural unit.

- 7.18 To constitute a breach in planning control, development must have occurred without planning permission being granted. Development is defined within section 55(1) of the Act:

Subject to the following provisions of this section, in this Act, except where the context otherwise requires, “development,” means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.

- 7.19 Accordingly, to constitute a breach, the land and buildings within the red line must have been used in an equestrian manner that constituted a material change in how such land and buildings were used.

- 7.20 Section 336 of the Act provides interpretation as to what agriculture is:

“agriculture” includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and “agricultural” shall be construed accordingly”.

- 7.21 Accordingly, the keeping of horses on land in order to produce food etc., or simply to graze the land, would likely be considered to be an agricultural use. Indeed, the court cases of *Belmont Farm and Sykes* recognised that the mere grazing of horses on land does not constitute a material change from a former agricultural use (*Belmont v Minister of Housing and Local Government (1962)* and *Sykes v Secretary of State for the Environment (1981)*).

- 7.22 From this it is clear that the keeping of horses could be described as agricultural in terms of section 336 of the Act. However, where horses are being primarily fed through other means to grazing the land, such horses are no longer feeding from the land, and as such the use could not be adequately described as agriculture. In this way, it is a matter of fact and degree whether the keeping of horses on land is, or is not, agricultural in nature.

- 7.23 An equestrian use is distinct from an agricultural use. An equestrian use is considered to be ‘sui generis’ in that this use does not fall within any use class as defines within the Town and Country Planning (Use Classes) Order 1987 (as amended). Where the scale of ‘keeping of horses’ is no longer considered to be agriculture, such a use is indistinguishable to an equestrian use. An equestrian use would see horses not primarily being fed from the land (i.e. grazing); horses being rugged and/or ridden on the land; horse-related equipment such as jumps etc. on the land and schooling rings or riding arenas on the land – this not an exhaustive list, but such actions and paraphernalia would be representative of an equestrian use.

- 7.24 Accordingly, when determining if a breach has occurred, the primary purpose for which the land has been used should be considered, and secondly what use of the horses has occurred.

- 7.25 With regard to the cow barn subject to this application, a breach would represent the equestrian use of the cow barn. The stables within the curtilage of Kites Farm could stable horses without a breach of planning, as such a use would be incidental to the residential use of Kites Farm house. Notwithstanding this, the utilisation of the stables within Kites Farm together with the use of the wider field for equestrian purposes would likely constitute a breach of planning control.
- 7.26 *Period of Time After the Date of the Breach*
- 7.27 If a breach of planning control is evident and a period of ten years from the date of this breach occurs with no enforcement action occurring, no enforcement action may be taken (section 171B(3)).
- 7.28 Accordingly, if a breach of planning control is evident in relation to the equestrian use of the application land and buildings, for a continuous period of ten years, the certificate would likely be found to be successful in relation to section 191(2).
- 7.29 *Assessment of Evidence – Mr Seymour Drew’s Ownership/Occupancy of Kites Farm*
- 7.30 Throughout a number of the submitted statutory declarations, reference was made to a Mr Seymour Drew who is suggested to have previously owned, or at least occupied Kites Farm. From the comments and statutory declarations it is submitted that Mr Drew lived at Kites Farm from at least 1970 until approximately 1997.
- 7.31 Mr Nield’s statement states that he knew Mr Drew between 1970 and 1978, and that from 1978 to 1985 he worked with Mr Drew. During the time Mr Nield worked with Mr Drew 1979 to 1985 (a 6 year period), Mr Nield states horses were kept at the farm. Mr Nield then goes on to state that he believes Mr Drew ‘*carried on keeping horses beyond the aforementioned dates as a part time horse dealer*’. This statement suggests that for the period Mr Nield knew Mr Drew, Mr Drew kept horses at the farm as a horse dealer. However, this statement should be questioned. Clearly any time beyond these dates (1985 onwards) is just conjecture from Mr Nield in that it is an assumption. Between the dates when he worked at the farm, officers are convinced that horses may have been kept there, as Mr Nield has first-hand experience. The other dates between 1970 and 1978 Mr Nield only knew Mr Drew as an acquaintance, meaning there is a level of ambiguity as to whether Mr Nield actually knew if horses, were or were not kept at the farm.
- 7.32 A statutory declaration signed by Ms Sibbery (the applicant) also states that she ‘*had been informed that previous occupier of Kites Farm, Mr Seymour Drew, bought and sold horses as riding horses...between 1978 and 1985*’. Conversely, a statutory declaration signed by Mr Tanner, who claims intimate knowledge of the site between 1991 and 2012 (he owned a small holding overlooking the application site), states that Mr Drew only kept a driving pony at Kites Farm, and that he knew Mr Drew between 1985 and 2000.

- 7.33 From these statements there is valid evidence that suggests Mr Drew kept horses at the site in line with being a '*part time horse dealer*' between 1978 and 1985 (a 6 year period), this is because Mr Nield who made this assertion has first-hand experience of it. Notwithstanding this, the statement makes no reference to the number of horse kept at the site, or how such horses were used. Accordingly, officers cannot confirm on the balance of probability that this constituted a breach of planning control, as the evidence is ambiguous.
- 7.34 A local resident, Mrs Hawking, has also submitted a comment, not a statutory declaration, in relation to this proposal. Mrs Hawking states that she has lived in Upton Cheyney for approximately 26 years, she referenced Mr Drew, stating that he sometimes kept a pony. Another local resident, Ms Grasham, who stated that she had lived at the nearby Rose Cottage for 29 years, stated that Mr Drew did use the stables by the house for horses and ponies.
- 7.35 There are three stable buildings in close association with the house. These stables are modestly sized and face toward to the house. The keeping of horses within these stables would not necessarily constitute a breach of planning control, for example with regard to the size of the stables and their association with the main building, Kites Farmhouse, it may have had an incidental relationship with the dwellinghouse. Indeed, the stables are within the residential curtilage of Kites Farm, rather than the wider agricultural field. The stables and main house would likely have functioned as one planning unit, separate from the wider field. Accordingly, both comments from Mrs Hawking and Ms Grasham's fail to convince officers that Mr Drew kept horses at the site in such a manner to constitute a breach of planning control.
- 7.36 Overall, there is evidence that suggests Mr Drew kept horses at the site, however, evidence from Mr Tanner, Ms Grasham and Mrs Hawking all suggests a small number of horses/ponies – if not a singular pony – which would not constitute a breach in planning control. Similarly, Mr Nield's statement does not convince officers that in the balance of probability a breach of planning control occurred due to the level of ambiguity within the submitted evidence.
- 7.37 *The Period of Time Between 1990 and the Submission of this Application (2016)*
- 7.38 The statements submitted regarding Mr Drew cover the time period from the early 1970s until the late 1980s. Accordingly, officers find it appropriate to split the assessment from 1990 until the date this application was submitted.
- 7.39 Mr Tanner's statutory declaration submits that he owned a small holding overlooking the land at Kites Farm between 1991 and 2012, he also confirmed he walked a number of footpaths within the area four times a week whilst tending livestock, it understood that one of these footpaths dissects the application site.
- 7.40 Throughout this period Mr Tanner stated that two to three horses were used for recreational riding purposes on the field adjoining Kites Farm throughout that time. Mr Tanner goes onto state that these horses were on the field with cattle

on the field when it previously formed a larger field. He states that cattle were removed when the field was subdivided. Importantly, Mr Tanner states that three horses were led to and from Manor Farm where they were stabled at times, he also states the horses were ridden around the village.

- 7.41 A statutory declaration signed by Ms Hayman, who has lived in Bitton since 2003, makes similar assertions to Mr Tanner. Ms Hayman states she walked the same footpaths as Mr Tanner at least once a week. Ms Hayman confirmed that the field adjoining Kites Farm was used for recreational riding purposes since 2003, and that three horses were kept on the field when it formed part of a larger field. Ms Hayman states that when the field was divided, two horses were kept on the land adjoining Kites Farm.
- 7.42 Both statutory declarations signed by Mr Tanner and Ms Hayman contain a certain element of ambiguity, in that they are not relatively clear as to nature of 'recreational riding purposes'. Also Ms Hayman's statement stated that at least once a week she walked the aforementioned footpaths, so her assertions are only a snapshot in time once a week. Both statements fail to persuade officers that a change of use has occurred that amounts to a breach of planning control within the time periods stated.
- 7.43 Mr Tanner's statement also makes reference to that fact that cattle were kept in the field. Comments submitted by Mrs Hawking also make reference to cattle being kept in the fields adjoining Kites Farm. Mrs Hawking states she married Roger Hawking (the owner of Manner Farm) in approximately 1990. Mrs Hawking stated that the field in question was used by her husband for his dairy herd, she also states that she turned out 2 horses. With the time period in mind, it is not unreasonable to assume that the 2 horses referenced could well have been those mentioned by Mr Tanner and Ms Hayman. Indeed further weight is attached to this assertion when officers recall the fact that Mr Tanner states that these horses were *'led to and from Manor Farm where they were stabled at times'*.
- 7.44 Mrs Hawking states that the field was sold and subdivided in 2009. At this time, Mrs Hawking states that she approached Mr Bladon (who purchased the fields) with regard to grazing her horses – the field in question is the field which is the subject of this application. This coincides with the comments of Ms Grasham who states that until late 2009 the field was used for grazing of a herd of cattle, she states that two or three horses also grazed the land, and that the horses stables were at Manor Farm. Mrs Hawking also states that the horses from 2009 onwards were strictly grazing the field, stating there have been no other equestrian activities, no riding, no jumps etc.
- 7.45 A Mr Bladon has signed a statutory declaration. Mr Bladon stated he is the director and principal shareholder of West Ella Holding Limited (known hereafter as 'the company'). The company purchased Kites Farm in 1997, and the adjoining land in 2009. In-keeping with the comments suggesting horses were kept on the land, Mr Bladon states the Hawking family of Manor Farm kept horses on the land. Mr Bladon goes onto state that these horses were used for recreational purposes but fails to detail what such 'recreational purposes' entailed. In compliance with the comments of Ms Grasham and Mrs

Hawking, Mr Bladon states that the field was subdivided in 2009. Mr Bladon also states that Mrs Hawking continued to keep horses on the land (2 horses), such horses also used the cattle barn on site, and the cattle barn was included within a grazing license. Within Mr Bladon's submission, an email is attached which is from Mrs Hawking, this email is dated the 28/08/2012 and thanks Mr Bladon for renting the field to her for the past 'few years', the email also states that 'they [the horses] have been very happy there for 20 years', the email also confirms the termination of the rental agreement in December of that year. At this point, it is important to not conclude that this email from Mrs Hawking confirms a breach of planning control, it does not. The number of horses is not stated within the email, and how such horses were used is also not stated, with this in mind, this evidence is too ambiguous to confirm a breach of planning control.

- 7.46 Mr Bladon concludes by stating that the Mr and Mrs Siberry purchased Kites Farm and the adjoining land in 2012.
- 7.47 Based on the comments of: Mrs Hawking, Ms Grasham and Mr Bladon, officers would conclude that between 1990 and 2009 the field was likely used for agriculture with 2 to 3 horses also using the field in a more ancillary manner i.e. just grazing. Similarly, between 2009 and 2013, the field was subdivided and sold off, horses were only grazed during this period. Generally, statutory declarations attract more weight than a submitted comment. With this in mind, further independent evidence must be assessed as well.
- 7.48 The Council holds a number of aerial photographs which are relevant to this assessment. The 1991 aerial photograph of the application site demonstrates a much larger field to the application site today. The field extended to the south, where currently it is partitioned into three fields. With this in mind, the planning unit at this time was much larger than the application site today. Whilst aerial photographs only represent a snapshot in time, they do reflect the character of the field at that time. The 1991 aerial photograph does not reflect an equestrian field, rather a large agricultural field representing a much larger unit. Further to this the, 1991 aerial photograph demonstrates no equestrian paraphernalia within the field. Certainly, the field is not paddock-like in anyway, and there is no distinct unit on the site as there is today.
- 7.49 The 1999 aerial photograph is much unchanged to the aerial photograph of 1991. The 2005 aerial photograph demonstrates a large agricultural field once again, however, there are also cattle evident within this photograph which reflects the agricultural character of the field. The 2006 aerial photograph demonstrates no change from the 2005 aerial photographs, cattle are still within the field. The 2008 aerial photograph shows the large field unchanged from the 1991, 1999, 2005 and 2006 aerial photographs, apart from unlike the 2005/6 photographs, there are no cattle evident. The 2014 aerial photograph shows the large field partitioned off into approximately 4 fields, no cattle or horses are evident.
- 7.50 These aerial photographs fail to demonstrate any equestrian equipment such as a jumps, schooling rings or riding arenas etc. Officers, therefore cannot conclude from the aerial photographs that any form equestrian uses had

occurred at the site. Interestingly, the aerial photographs all largely reinforce assertions that the larger field until at least 2008 operated as a single planning unit in an agricultural use. This assessment is based on the character of the field, the inclusion of cattle in 2005/2006, and the absence of equestrian equipment and paraphernalia. The 2014 aerial photograph presents a smaller field in line with the submitted red line, the once larger field is now partitioned into a larger field. The partitioning is suggested to have occurred in 2009 when the field was sold. The subdivision of the field into more paddock-like section is more akin to an equestrian use, however, the 2014 aerial photograph does not present a field equestrian in character.

7.51 Conclusion

Within the submitted Planning Statement it is stated that the land subject to this application has been used for the keeping horses (equestrian) for a number of years and in particular for a period of excess of 10 years before this submission. The statement then lists who kept horses at the site:

*'Up to 1985 by Mr Seymour Drew
From 1992 – 2012 by Susan Hawking
From 2012 – present day by Mrs Siberry'.*

7.52 Officers at this stage therefore find it appropriate to arrive at conclusions in a structure similar to the submitted time periods by the agent.

7.53 *Mr Seymour Drew's Occupancy of Kites Farm*

7.54 It is understood Mr Drew occupied Kites Farm from approximately 1970 until approximately 1997. Mr Nield's statement confirms to officers that between 1979 until 1985 (a six year period), horses were certainly kept at Kites Farm. Further to this, Mr Nield suggests that Mr Drew was a part time horse dealer. Mr Tanner's statutory declaration, as well as the comments of Mrs Hawking and Ms Grasham, also state that horses were kept at Kites Farm by Mr Drew throughout his occupancy of Kites Farm.

7.55 On the balance of probabilities, it is likely that Mr Drew kept horses and/or ponies at Kites Farm, most likely within the stables at the site, and the then much larger adjoining field. However, due to the level of information provided officers cannot conclude that on the balance of probabilities the use of the land and buildings was equestrian. This is because the evidence available is ambiguous and not precise. The number of horses certainly seem to have been very low, and how those horses were used at the site is unclear. Further to this, even if clear evidence was submitted demonstrating how the horses were used at the site, such a small number of horses would likely still be considered to just be grazing the application site. Indeed, given the nature of the stables at the site, officers would conclude that any occupation of these stables would likely have been in an incidental manner to the main dwelling. In this way the stables likely remained within a residential use (Use Class C3), as the stables would have functioned in an incidental manner to residential use of Kites Farm house. Certainly, the aerial photographs indicates that the stables were always within the residential unit of Kites Farm house.

7.56 Overall, the submitted information leads officers to conclude that on the balance of probabilities throughout Mr Drew's occupancy, there was not a breach of planning control through the use of the land and subject buildings in an equestrian manner. Rather, the keeping of horses at the site likely only equated to grazing.

7.57 *Time Period Between 1990 and 2012*

7.58 Mr Tanner's evidence suggests between 1991 and 2012 two to three horses were kept on the land adjoining the application site with cattle, Ms Hayman's statutory declaration supports this claim but fails to mention cattle (Ms Hayman only has knowledge of the site from 2003 onwards). Both statements suggest the horses were used for recreational purposes, but both statements fail to elaborate in any precise or specific way, apart from referencing the use of turnout rugs. Importantly, Mr Tanner states that the horses were stabled at Manor Farm, and not at the application site. The horses referenced by Mr Tanner and Ms Hayman are highly likely to be those of Mrs Hawking who states that she kept horses at the site with her husband's cattle. Ms Grasham's comments also add weight to this claim.

7.59 The 'turning out' of two to three horses at the application site when it formed part of a much larger field would not in itself represent a breach of planning control, especially when considering at times these horses would have been kept with cattle in the field. From this perspective, it is likely that the primary purpose of the land was for agriculture, and that the small number of horses at the site, who were not stabled in any of the application buildings, would not constitute a material change of use away from agriculture, or even a mixed agricultural and equestrian use.

7.60 The larger field was sold and subdivided into the arrangement present at site today. Mrs Hawking then rented the application land (not including the stables). Mrs Hawking states that throughout this period her horses grazed on the application site, whereas Mr Bladon, within his statutory declaration suggest the horses were utilised for a recreational use. Regardless, the evidence submitted is not precise or unambiguous to convince officers that a breach of planning control occurred.

7.61 *Time Period From 2012 Onwards*

7.62 Ms Siberry's statutory declaration states she had moved her 2 horses to Kites Farm in 2012 and has used the land and buildings subject to the applicaiton to keep them. Officers are not convinced that the keeping of 2 horses at the site would constitute a material change of use of the land. The level of information provided fails to persuade officers that this use is not just the grazing of the land by these horses being stabled within existing stables within the residential curtilage of Kites Farmhouse. As such no breach has occurred, regardless of this, the time period for the required immunity would not have been met.

7.63 *The Stables and Cow Barn*

- 7.64 Officers find it appropriate to address these structures explicitly within this section.
- 7.65 It is clear the stables would have likely been used throughout the period in which Mr Seymour Drew occupied Kites Farm. However, as stated above due to the scale of the stables; their close relationship to the main dwellinghouse; and their topographical and physical isolation from the wider field subject to this certificate, the stables are considered to have an incidental relationship to the main dwellinghouse of Kites Farm which is and has been within a residential use. As such the stables are considered to have always been within a residential use by nature of them occupying the same residential planning unit as the main dwelling. Between 1990 and 2012, the submitted information suggests the stables were not in use. From 2012 onwards, Ms Siberry is likely to have kept horses within these stables in a similar manner to Mr Seymour Drew's use of the stables.
- 7.66 No sufficiently precise or unambiguous evidence has been submitted that leads officers to consider that the use of the cow barn has never not been agricultural in nature.
- 7.67 *Summary*
With section 55(1) of the Act in mind, no evidence has been produced by the applicant to persuade officers that a breach of planning control ever occurred at the site, rather the evidence suggests that the horses kept at the site have likely only grazed the application site in an agricultural manner.
- 7.68 As well as this, the quality of the submitted statutory declarations must be questioned. The majority of these declarations have no exhibits attached demarcating the areas of land in which they discuss. In this way, the statutory declarations contribute to the ambiguity and unprecise nature of the evidence submitted.
- 7.69 Insufficient evidence has been submitted to precisely or unambiguously demonstrate that, on the balance of probability, the land and buildings within the submitted Site Location Plan (outlined in red) are, or have been, within an equestrian use.

8 RECOMMENDATION

- 8.1 It is therefore recommended that a Certificate of Lawfulness is **REFUSED**.

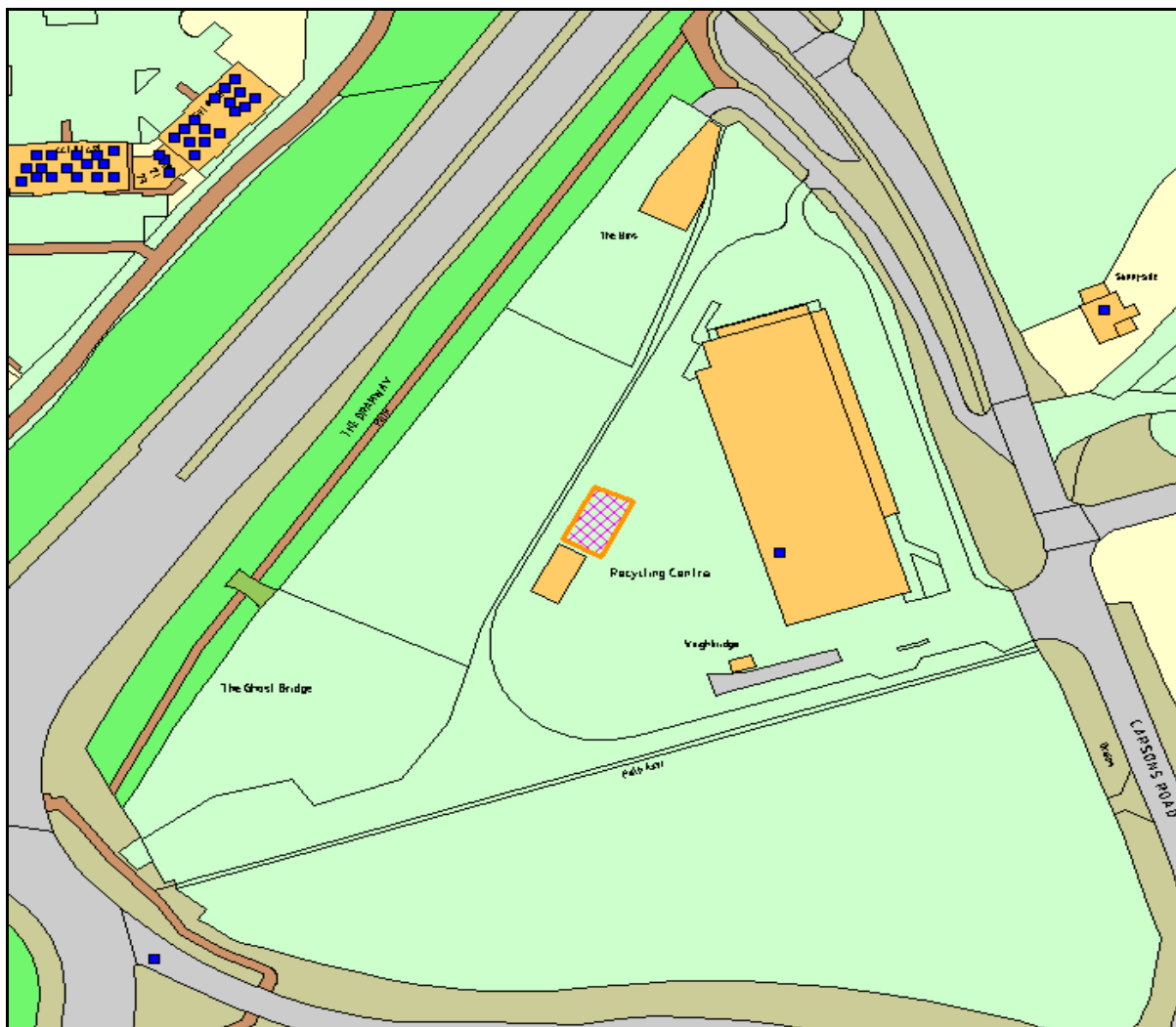
Contact Officer: Matthew Bunt
Tel. No. 01454 863131

REASON FOR REFUSAL

1. Insufficient evidence has been submitted to precisely or unambiguously demonstrate that, on the balance of probability, the land and buildings within the submitted Site Location Plan (outlined in red) are, or have been, within an equestrian use.

CIRCULATED SCHEDULE NO. 44/16 – 4 NOVEMBER 2016

App No.:	PK16/4745/MW	Applicant:	Mr Kris Furness
Site:	Kingswood Transfer Station Carsons Road Mangotsfield Bristol South Gloucestershire BS16 9LL	Date Reg:	19th August 2016
Proposal:	Variation of condition 2 of planning permission PK14/0614/MW waste transfer station, no operations between 06.00 and 18.00 Monday to Friday and 07.00 and 16.30 on Saturdays. No operations Sunday. No external tipping or loading between 07.00 to 17.00 Mondays to Friday 07.00 to 12.00 on Saturday and no time Sundays. To vary operating hours to allow the site to operate, including external works until 20.00 Monday to Friday.	Parish:	Siston Parish Council
Map Ref:	366756 174854	Ward:	Siston
Application Category:		Target Date:	16th November 2016



© South Gloucestershire Council 2015.all rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2015.

N.T.S.

PK16/4745/MW

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application is for the variation of condition 2 attached to planning application ref. PK14/0614/MW. This planning permission was for the variation of condition 8 attached to planning permission PK12/4158/MW to allow external storage of mixed plastics and waste wood delivered to site by members of the public. A full breakdown of historic consents is provided in the planning history section below. Condition 2 of the permission states:

'Except for the purposes of repair, maintenance or other emergency which shall be notified to the Council as soon as practicable:

- (a) no operations shall be carried out on the site in connection with the household waste recycling centre other than between the hours of 08.00 and 20.00, on any day;*
 - (b) no operations shall be carried out on the site in connection with the waste transfer station other than between the hours of 06.00 and 18.00, Monday to Friday and 07.00 and 16.30 on Saturdays. No operations shall take place on Sundays.*
 - (c) no external tipping or loading of materials shall be carried out other than between the hours of 07.00 to 17.00, Mondays to Fridays, 07.00 - 12.00 midday on Saturdays and at no time on Sundays'*
- 1.2 This Section 73 application seeks to amend the operational hours in order to allow the site to operate, including external works, until 20:00 Monday to Friday.
- 1.3 A new household waste and recycling collection regime including the introduction of new vehicles known as Romaquip is about to be commenced. The Romaquip vehicles allow the collection of a greater range and volume of materials, but also take longer to unload when they return to site.
- 1.4 It is considered important that the collection vehicles are not impeded when they return to Mangotsfield WTS to unload, as this could cause delays to household collections. The additional hours proposed will provide a contingency period during which bulk haulage vehicles can be loaded with materials for export from the site. This will assist the collection vehicles as their access to tip-off during the day will be less impeded and it will therefore, improve the turnaround time and traffic management on the site. It is also stressed by the applicants that the additional hours are unlikely to be used regularly, but provide an essential contingency in ensuring the efficient and effective operation of the site.

- 1.5 A separate planning application (Ref.PK16/4749/MW) has also been submitted in order to provide additional enclosed storage bays for the wider range of recyclable materials collected by the Romaquip vehicles, and other minor ancillary amendments to the site to support the new scheme.
- 1.6 The site itself is an existing waste transfer station as well as a civic amenity 'sort-it' centre, open to the public. The site is a triangular shaped parcel of land, approximately 0.9 hectares in area, comprising the waste transfer station/household waste recycling centre building, site office, weighbridge, hardstanding and access around the site. The site is accessed directly of Carson's Road, which connects directly to the A4174 ring road. There are few properties within the immediate vicinity of the site, however nearest residential properties are located along the opposite side of Carson's Road. The next nearest properties are located within a relatively modern housing development to the north west of the site, on the other side of the ring road. A Noise Impact Assessment has been submitted to accompany the application. The site is located within the Green Belt.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework
National Planning Policy Guidance
National Waste Management Plan
- 2.2 Development Plans
South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
- West of England Joint Waste Core Strategy (Adopted) March 2011
Policy 1 – Waste Prevention
Policy 2 - Non-residual waste treatment facilities
Policy 11 – Planning Designations
Policy 12 – General Considerations
- 2.3 Supplementary Planning Guidance
Development in the Green Belt SPD 2006

3. RELEVANT PLANNING HISTORY

- 3.1 K2118 – Siting of skips for refuse collection, waste oil tank and timber hut on concrete hardstanding and erection of 6ft high security fence and alter existing vehicular and pedestrian access. Approved 9th March 1978.
- 3.2 K2118/4 – Erection of new waste reception and compactor building. Approved 2nd November 1983
- 3.3 K2118/6 – Continued use of waste transfer station, civic amenity site and waste incinerator . Approved 10th April 1992

- 3.4 K2118/7 – Provision of steel civic amenity storage bins, recycling bins, attendants office and associated internal traffic management system. Approved 15th February 1993.
- 3.5 PK03/1585/F – Redevelopment of existing waste transfer station and household waste recycling centre. Approved 25th September 2003.
- 3.6 PK07/2248/F – Engineering works to construct hardstanding. Approved 11th September 2007.
- 3.7 PK12/4158/MW - Variation of Condition 6(b) attached to planning permission PK03/1585/F to state no operations shall be carried out on the site in connection with the waste transfer station other than between 0700 and 1630 on Saturdays. No operations shall take place Sundays. Approved 14th March 2013.
- 3.8 PK14/0614/MW - Variation of Condition 8 attached to planning permission PK12/4158/MW to allow external storage of mixed plastics and waste wood delivered to site by members of the public. Approved 28th April 2014.
- 3.9 PK16/4749/MW – Erection of 7no. storage bays and covered washdown area, erection of relocated office building and installation of pit mounted weighbridge with associated works. Currently under consideration

4. CONSULTATION RESPONSES

- 4.1 Siston Parish Council
No adverse comments

Environmental Protection
No objection

Landscape Officer
No comment

Public Rights of Way
There is no PROW objection. The application will not affect the nearest recorded public footpath ref:PSN7 which runs adjacent to the southern boundary of the site.

Lead Local Flood Authority
No objection

Highways Drainage
No comments

Other Representations

4.2 Local Residents

One letter of objection has been received, as follows:

'I have concerns regarding the proposed time extension of the Kingswood transfer station. Residents live close to this facility and increasing the operating times I believe is not acceptable. From the site the greatest amount of noise is from the lorries operating within the site being loaded/unloaded, to which this is what you are wanting to extend. Past 18:30hrs the general peak traffic noise has passed which therefore would make the noise from the site seem even louder and travel further. As it currently stands around the estate you can often hear lorries within the site operating being loaded/unloaded. I like others within the estate have young children who's bedtime is well before 20:00hrs and therefore it's possible that they will be disturbed. Or those outside within the estate wanting to enjoy peace and quiet and relaxation after a long day at work, will be disturbed. This proposed increased time operation could also have a damaging affect on house prices, deterring potential buyers from wanting to move to the estate due to noise. Having looked at your noise assessment to which you are using one from 2014, this test was conducted during the day when as mentioned surrounding noises are higher and therefore less likely to travel so far. So I like many others within the estate are against this proposal.'

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The principle of the use of the site as a waste transfer station and civic amenity site is established. The site history section shows the numerous previous consents alluding to this. The principle of the sites use therefore is neither in question nor subject to this application. The proposal is a section 73 application to vary a condition restricting operational use. The issue for consideration is therefore whether this variation to condition to allow for the hours of operation as proposed would in its own right give rise to any significant or material impacts over and above the existing site. In this respect it is considered that the main consideration would be that of local amenity.

5.2 Green Belt

The use of the site as a waste transfer station/civic amenity facility is well established and illustrated through previous consents. It is not considered the variation of condition for use within the existing operational site would have any additional impact upon the Green Belt context of the site.

5.3 Local Amenity

The site must be viewed in context with its existing use as an existing transfer station and civic amenity site. It is of note that the site is located immediately adjacent to the Avon Ring Road, and indeed this lies between the site and the main area of modern housing to the north west. The use of the site as a waste transfer station/civic amenity facility is well established and illustrated through previous consents. The issue for consideration is therefore the amenity impact associated with the proposed changes to hours of operation. A Noise Impact Assessment has been submitted in support of the application. On the basis of the proposals there is no objection to the hours proposed from the Council's

Environmental Protection Officer. It is not considered the variation of condition for the proposed variation of hours condition within the existing operational site would have any significant or demonstrable material impact upon local amenity such as to warrant or sustain objection and refusal of the planning application. The issue of potential impact upon house prices is not a material planning 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 principle of the site for use as a waste transfer station is already established. It is considered that given the nature of the variation, the sites existing context, location and relationship with the surrounding area, that the proposed variation of condition would not give rise to any significant or material amenity impacts and that it would accord with Policies 2, 11 and 12 of the West of England Joint Waste Core Strategy (Adopted) March 2011.
- 6.3 The recommendation to grant permission has been taken having regard to the policies and proposals in the West of England Joint Waste Core Strategy (Adopted) March 2011, set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 That planning permission is granted

Contact Officer: Simon Ford
Tel. No. 01454 863714

CONDITIONS

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

Except for the purposes of repair, maintenance or other emergency which shall be notified to the Council as soon as practicable:

- (a) no operations shall be carried out on the site in connection with the household waste recycling centre other than between the hours of 08.00 and 20.00, on any day;

- (b) no operations shall be carried out on the site in connection with the waste transfer station other than between the hours of 06.00 and 20.00, Monday to Friday and 07.00 and 16.30 on Saturdays. No operations shall take place on Sundays.
- (c) no external tipping or loading of materials shall be carried out other than between the hours of 07.00 to 20.00, Mondays to Fridays, 07.00 - 12.00 midday on Saturdays and at no time on Sundays

Reason

In the interests of the amenity of the area and to accord with Policy 12 of the West of England Joint Waste Core Strategy (Adopted) March 2011.

- 3. All plant and machinery shall operate only in the permitted hours as approved under condition 2 above, except in emergency (to which the Local Planning Authority should be made aware as soon as is practicable), and shall be silenced at all times in accordance with the manufacturers recommendation

Reason

To protect the amenities of the local area and to accord with Policy 12 of the West of England Joint Waste Core Strategy (Adopted) March 2011

- 4. There shall be no discharge of foul or contaminated drainage or trade effluent from the site into either groundwater or surface waters, whether direct or via soakaways.

Reason

To prevent pollution of the water environment and to accord with Policy 12 of the West of England Waste Core Strategy (Adopted) March 2011

- 5. All foul drainage shall be connected to and contained within a sealed and watertight cesspool, fitted with a level warning device to indicate when tanks need emptying.

Reason

To prevent pollution of groundwater and to accord with Policy 12 of the West of England Joint Waste Core Strategy (Adopted) March 2011.

- 6. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls with a capacity of at least 110% and there should be no working connections outside of the bund.

Reason

To prevent pollution of the water environment and to accord with Policy 12 of the West of England Joint Waste Core Strategy (Adopted) March 2011.

- 7. No vehicles shall enter the public highway unless it's wheels and chassis are clean from dirt, waste and any other debris or dust.

Reason

To prevent materials from being deposited on the highway, in the interests of highway safety, and to accord with Policy 12 of the West of England Joint Waste Core Strategy (Adopted) March 2011.

8. Other than as permitted by the approved plans, the subject of consent references PK03/1585/F and PK07/2248/F and PK14/0614/F, there shall be no outside storage of materials.

Reason

In the interests of the visual amenity and safety of the area and to accord with Policies 11 and 12 of the West of England Joint Waste Core Strategy (Adopted) March 2011.

CIRCULATED SCHEDULE NO. 44/16 – 4 NOVEMBER 2016

App No.:	PK16/4948/F	Applicant:	Mrs Wood
Site:	Northleaze 140 Westerleigh Road Pucklechurch Bristol South Gloucestershire BS16 9PY	Date Reg:	21st September 2016
Proposal:	Demolition of existing dwelling and erection of 1no. dwelling with parking, landscaping and associated works.	Parish:	Pucklechurch Parish Council
Map Ref:	370122 177302	Ward:	Boyd Valley
Application Category:	Minor	Target Date:	15th November 2016



© South Gloucestershire Council 2015.all rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
100023410, 2015.

N.T.S.

PK16/4948/F

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This report appears on the Circulated Schedule following an objection from the Parish Council.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the demolition of an existing dwelling and the erection of 1no., dwelling with parking, landscaping and associated works.
- 1.2 The application site relates to Northleaze, 140 Westerleigh Road, Pucklechurch. It is outside the settlement boundary, therefore in the open countryside and within the Bristol/Bath Green Belt.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Practice Guidance 2014

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing Environment and Heritage
CS16 Housing Density
CS17 Housing Diversity
CS34 Rural Areas

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

L1 Landscape Protection and Enhancement
H3 Residential Development in the Countryside
H4 Development within Existing Residential Curtilages
H11 Replacement Dwellings in the Countryside

2.3 Emerging policy: South Gloucestershire Local Plan: Proposed Submission: Policies, Sites and Places Plan June 2016

PSP1 Local Distinctiveness
PSP8 Residential Amenity
PSP16 Parking Standards
PSP17 Green Belt
PSP38 Development within Existing Residential Curtilages

2.4 Supplementary Planning Guidance

Design Checklist SPD (Adopted) 2007
Green Belt SPD (Adopted) 2007
Residential Parking Standards SPD (Adopted) 2013

3. RELEVANT PLANNING HISTORY

- | | | |
|-----|------------|--|
| 3.1 | P99/4530 | Erection of horse shelter and retention of animal quarters |
| | Approved | 20.1.00 |
| 3.2 | PRE13/1528 | Erection of a replacement dwelling |
| | Complete | 10.7.14 |

4. CONSULTATION RESPONSES

4.1 Pucklechurch Parish Council

The calculations provided by the applicant suggest a 31% increase by volume on the current building but this includes taking into account the volume of an out building (kennels) into the calculation of what currently exists. Since its unclear what the volume of the building was in 1948 the parish council resolved to object to the current proposal until such time this is clarified and also query whether the outbuilding can be taken into account or whether this is in and of itself a pre-existing extension to the original building. Should a replacement dwelling be allowed we would ask for the removal of permitted development rights with regard to future extension since this might allow for another 30% by volume on what would become the new original dwelling house. The proposed design is in keeping with the traditional cottages we have so the parish council have no comments on these grounds but should the application be approved we would ask that the appearance is conditioned to reflect the traditional style of build in keeping with the local area

4.2 Other Consultees

Sustainable Transport

No objection

Landscape

No objection – subject to a condition regarding root protection for the hedge

Drainage

No objection – subject to a condition regarding foul water disposal method

Highway Structures

No comment

Other Representations

4.3 Local Residents

None received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application stands to be assessed against the above listed policies and all material considerations. Of particular relevance is the pre-application advice

given in light of the site being located within the Green Belt where development and scale of development is strictly limited. Replacement dwellings are acceptable in the Green Belt but must be of a size not disproportionate to the existing building. The application site is within the existing residential curtilage of 140 Westerleigh Road where Policy H4 supports development but site is also in the open countryside where Policy H3 and H11 set criteria for replacement dwellings outside settlement boundaries.

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

5.2 Green Belt

The NPPF makes it clear that the erection of new buildings in the Green Belt is inappropriate development. Exceptions to this are listed under paragraph 89 of the NPPF and includes *the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.*

- 5.3 'Materially larger' is not defined by the NPPF and there is no specific guidance to this effect within the Council's Development in the Green Belt SPD. The SPD does however state that a replacement dwelling must be of a similar size and scale to the original dwelling. It also provides guidance on volume increases that are likely to be considered acceptable for extensions, which is between 30-50% over and above the volume of the original dwelling. Officers have calculated that the proposed dwelling would be about 43% larger whereas the agent has stated the figure is 31%. The Parish have raised an objection to the agent's stated figure as this has included a modern building in the calculations. Pre-application advice specifically stated the flat roofed kennel should be excluded for the very reason of it not being an original building. This has been pointed out and discussed with the agent during the course of the application and it has been made clear that Officers will not be referencing the kennel in the volume figures and are working on the basis that the new property would be around 43% bigger than the original dwelling as viewed in 1948.

- 5.4 Notwithstanding the above, an argument can be made that this degree of increase in volume is not disproportionate, however, each case is considered on its own merits and would depend on other contributing factors such as the design, impact on amenity, openness and highways etc. In this instance the design, amenity, openness and highways are not considered to have such a negative effect so as to count against the proposal. The proposal would replace an existing two-storey property of some age and history, with a modern dwelling. Despite its age, it is not worthy of any designated or non-designated statutory listing status and its demolition and replacement is acceptable in principle. Given that the replacement would be of a size close to the maximum allowed, it is reasonable that a condition be placed on the decision notice to remove the permitted development rights of the property to protect the openness of the Green Belt.

5.5 Location of development

The application site is outside the defined settlement boundary of Pucklechurch, therefore in open countryside. The property is currently in use but the agent has argued it is in poor internal condition with, for example, an

extensive damp problem. Saved Policies H3 and H11 state that replacement dwellings in the countryside, outside settlement boundaries will only be allowed where the residential use has not been abandoned, where the existing dwelling is incapable of retention in its current state and where the new dwelling is of a similar size and within the same curtilage as the existing. It is noted however that these policies pre-date the provisions of the NPPF and the policy tests are not directly reflected within the wording of the NPPF. The aim of the policies is however relevant, and seeks to protect the countryside for its own good.

- 5.6 It is noted that with regard to the second policy test of H11 - capable of retention in its current state and habitable, a structural report has been included in the submission. This was undertaken by qualified surveyors who concluded that the property suffers from damp issues, lacks proper insulation, has a sag in the roof of the main dwelling, experiences sloping floors, has a number of cracks and identified the steep staircase that could not be modified to suit current building regulations standards without extensive re-modelling of walls and rooms. The findings of the report are accepted as reason for the demolition and re-build.

5.7 Design and Visual Amenity

No. 140 Westerleigh Road is a two-storey detached property with its west elevation hard up against the busy Westerleigh Road. It has a north to south orientation and the proposal is to move the property further to the east away from the highway but to retain the same orientation. The existing main house, its single storey side extension and modern flat roof detached 'kennel' would be demolished to be replaced by a new dwelling. Other existing structures in the garden such as sheds, summerhouses and outbuildings would be retained.

- 5.8 It appears that the original cottage was a modest dwelling with a catslide roof. It has benefitted from some additions over the years, which have resulted in somewhat piecemeal additions which compromise the overall functioning of a modern family-sized property. This has resulted in a staggered and stepped roofline and footprint. It is acknowledged that the property benefits from its permitted development rights and as such further extensions could be made to the house without the need for planning permission. However, Officers consider this would result in a fragmented design not representative of high quality expected in adopted policy and could result in a disjointed internal arrangement, detrimental and unhelpful to occupants.

- 5.9 The approach taken is to erect a double bay fronted stone faced dwelling, with a rectangular footprint with a 1.5 storey element running along the west boundary, to link up with existing outbuildings. The property would have 4 bedrooms, with one en-suite and a bathroom on the first floor, lounge areas in the main house and a large kitchen/dining area plus large utility and plant room in the 1.5 storey element running at right angles to the main house. In terms of the overall appearance, scale and massing the proposal is acceptable and given the importance of the location, the materials would be secured by condition.

5.10 Residential Amenity

The application site does not have any immediate neighbours, and therefore the development will not overlook or overbear onto any other properties. Adequate garden space will remain for the future occupiers of the development, and the proposal is therefore acceptable in terms of policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

5.11 Sustainable Transport

The proposal is to replace an existing dwelling with a larger dwelling. Residential parking standards are calculated on the number of bedrooms within a property. This proposed 4 bed house would require 2 off-street parking spaces plus on-site turning. It is noted that the existing access is to be retained and it is considered the above stipulations can be met on site. There are therefore no highway objections to the scheme.

5.12 Landscape

It is noted that the site is bound by native hedging. There are no landscape objections to the proposal other than a condition should secure the root protection area of the existing hedge to the western boundary during the demolition and construction phases.

5.13 Drainage

The proposal has not provided details of the foul water disposal method. However, given that this is a replacement dwelling, it is considered reasonable that details of the drainage methods be conditioned prior to the commencement of the work.

5.14 Overall Planning Balance

The proposal is for a replacement dwelling in the open countryside and in the Green Belt. Such proposals, provided they meet with certain criteria as in this case, are regarded as being acceptable and weight is awarded in its favour. The proposal would consolidate the overall design and appearance of the built form and weight is also given for this reason. In the same way, a full application has the opportunity of considering a scheme as a whole as opposed to piecemeal additions which could occur under permitted development, impacting more on openness than is the case here and again weight is given in its favour.

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: Anne Joseph
Tel. No. 01454 863788

CONDITIONS

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

Reason

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

2. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, D, E, F, G and H other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason

In order to protect the openness of the Green Belt and the visual amenity of the area, and to accord with policies CS1 and CS5 of the Core Strategy (Adopted) December 2013 and L1 of the Local Plan (Adopted) January 2006, The NPPF (2012) and the Development in the Green Belt SPD.

3. Prior to the commencement of development 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 high standard of materials are used within this rural setting, to accord with policies L1 and L2 of the South Gloucestershire Local Plan (Adopted) January 2006 and policy CS1 of the Core Strategy (Adopted) December 2013. This is required prior to commencement as the materials are key to the development itself.

4. Measures to protect the existing hedge on the western boundary adjacent to Westerleigh Road shall be in place prior to commencement of demolition and retained during the course of construction.

Reason

In the interests of the long term health of the hedge and to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) 2006 and the NPPF (2012).

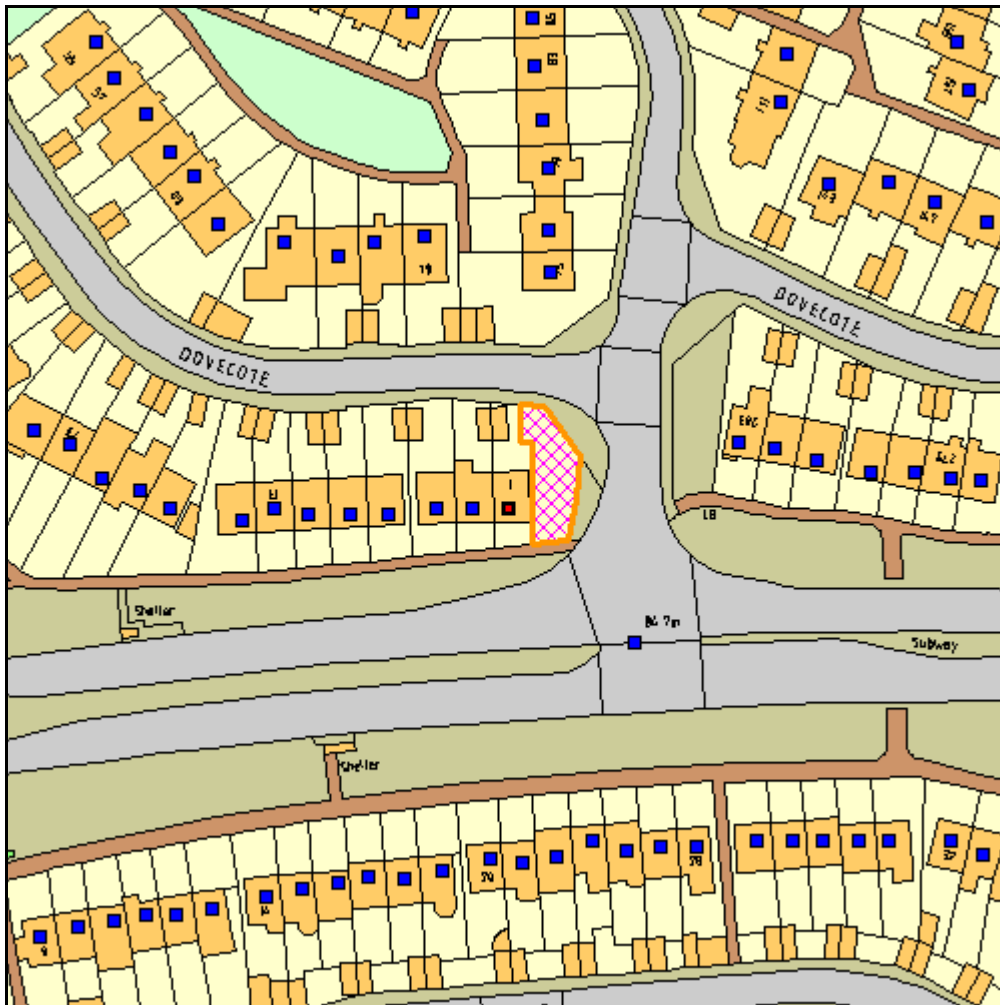
5. Prior to the commencement of development drainage details (including foul drainage disposal method) shall be submitted for approval in writing to the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework. This is a pre-commencement condition to avoid any unnecessary remedial action in the future.

CIRCULATED SCHEDULE NO. 44/16 – 4 NOVEMBER 2016

App No.:	PK16/5025/F	Applicant:	Mr Ben Alvis
Site:	1 Dovecote Yate Bristol South Gloucestershire BS37 4PA	Date Reg:	12th September 2016
Proposal:	Erection of 1no. detached dwelling with access and associated works.	Parish:	Yate Town Council
Map Ref:	371421 181439	Ward:	Dodington
Application Category:	Minor	Target Date:	3rd November 2016



© South Gloucestershire Council 2015.all rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2015.

N.T.S.

PK16/5025/F

REASONS FOR REPORTING TO CIRCULATED SCHEDULE

The application is being referred to circulated schedule following comments being received contrary to the findings of this report. As a result under the current scheme of delegation the application must be taken forward in this manner.

1. THE PROPOSAL

- 1.1 The proposal seeks to erect 1no. detached dwelling with associated works within the curtilage of 1 Dovecote, Yate.
- 1.2 The host property is a two storey modern end-terrace property with a detached single garage to the rear. Elevations on the host dwelling are predominately brick with a portion of tiles between primary windows. The existing garage has a flat roof.
- 1.3 To the rear of the property is an area of private garden. Boundary treatments are low brick walls to the front and slightly taller brick walls to the rear.
- 1.4 The site is located within the built up residential area of Yate and an area occupied predominantly by mid to late 20th century dwellings.

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 Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS15 Distribution of Housing
CS16 Housing Density
CS17 Housing Diversity
CS18 Affordable Housing
CS23 Community Infrastructure
CS24 Open Space Standards

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

H4 Development within Existing Residential Curtilages
T12 Transportation

South Gloucestershire Local Plan: Proposed Submission: Policies, Sites and Places Plan June 2016

PSP1 Local Distinctiveness
PSP8 Residential Amenity

PSP16	Parking Standards
PSP38	Development within Existing Residential Curtilages
PSP39	Residential Conversions and Sub-Divisions
PSP42	Custom Build Dwellings
PSP43	Private Amenity Space Standards

- 2.3 Supplementary Planning Guidance
 Design Checklist SPD (adopted) August 2006
 Residential Parking Standards SPD (adopted) December 2013

3. **RELEVANT PLANNING HISTORY**

- 3.1 N6227 – Approval – 03/01/1980 – Erection of rear storm porch.

4. **CONSULTATION RESPONSES**

- 4.1 Yate Town Council
 Objection – detached dwelling in this location and cite highway safety concerns.

- 4.2 Other Consultees

Highway Structures
 No Comment

Archaeological Officer
 No Objection

Transport Officer
 No objection subject to a section of the rear wall providing visibility to the access is reduced to 0.6 metres.

Drainage and Flood Risk
 No Objection

Other Representations

- 4.3 Local Residents
 Three representations have been received objecting to the proposal. All of the objections cite highway safety as the principal concern.

Comments also indicate that cars parked on the corner have prevented the site notice from being visible. Furthermore a comment indicated that they expected a notice by post.

For information consultation letters are sent in accordance with the Councils Statement of Community Involvement. In this case the level of consultation was in accord with the Council guidelines.

5. **ANALYSIS OF PROPOSAL**

5.1 **Principle of Development**

Policy CS1 'High Quality Design' of the South Gloucestershire Core Strategy (adopted December 2013) states development proposals will only be permitted where the highest possible standards of design and site planning are achieved. Proposals should demonstrate that they; enhance and respect the character, distinctiveness and amenity of both the site and its context; have an appropriate density and its overall layout is well integrated with the existing development. Saved Policy H4 of the South Gloucestershire Local Plan (adopted 2006) is supportive in principle of development within the residential curtilage of existing dwellings. This support is subject to the proposal respecting the existing design of the dwelling and that it does not prejudice the residential and visual amenity; adequate parking provision; and has no negative effects on transportation.

5.2 The location of the site would be considered a suitable location for development and would be acceptable in principle. Consequently the material planning considerations are the design and appearance of the dwelling and the impact on the character of the area; the impact development may have on the amenities of neighbouring occupiers and the proposals impact on transport and parking provision.

5.3 Planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise. Paragraph 14 of the National Planning Policy Framework (2012) states that there is a presumption in favour of sustainable development. It continues to comment that where the development plan is absent, silent or relevant policies are out-of-date permission should be granted unless the adverse impact of doing so would significantly and demonstrably outweigh the benefits of the proposal. In the case of South Gloucestershire the 5 year housing land supply has been found insufficient and therefore null and void. The proposal will represent a modest contribution to this supply so permission should be granted unless the adverse impact of doing so would outweigh this benefit. Notwithstanding this the site is located within the settlement boundary and the proposal would represent a modest contribution to this housing land supply and therefore a material consideration in the determination of this planning application. The proposal is subject to the consideration below.

5.4 **Design and Visual Amenity**

Comments from the Town Council have shown concern over the detached nature of the proposed dwelling. The proposal consists of the erection of 1no. detached dwelling with associated works within the residential curtilage of no.1 Dovecote, Yate. There are a variety of house types within the estate varying from detached bungalows to two storey terraced and semi-detached dwellings. The host dwelling forms an end terrace of a row of three dwellings. The proposal will be detached from the host dwelling and an access walkway will be situated between the dwellings. Whilst the introduction of a detached dwelling may result in a negative impact on the character of the area, the proposal would reflect the relationship shared between houses to the end of ranks with regard to the pedestrian walkway between properties. Furthermore the

proposal in all other aspects will reflect the character of surrounding dwellings. The detached nature of the proposal is not considered unacceptable within the context of the area.

- 5.5 The design of the property will be very similar to the existing dwelling in both its features and size and will have an almost identical footprint. The proposed structure will be of an almost identical scale to the host dwelling and consequently would be considered to have an acceptable massing and form. There is no objection with regard to the design of the proposed new dwelling.
- 5.6 The host dwelling and the majority of the surrounding dwellings exhibit predominately brick elevations with a section of tiles between primary openings. The original submission had only provided brick elevations but an amendment was requested to provide a section of tiles to match the surrounding properties. Following this amendment the proposed materials will be of a similar appearance to the host dwelling and the general area and there is no objection with regard to materials.
- 5.7 Overall, it is considered that the proposed detached dwelling would not harm the character or appearance of the area and as such is considered acceptable in terms of visual amenity. Therefore, it is judged that the proposal has an acceptable standard of design and is considered to be 'in keeping' with policies CS1 and H4 and conforms to the criteria in the adopted Local Plan.
- 5.8 Residential Amenity
Policy H4 of the adopted Local Plan gives the Council's view on new development within existing residential curtilages. Proposals should not prejudice the residential amenity (through overbearing, loss of light and loss of privacy) of neighbouring occupiers as well as the private amenity space of the host dwelling. Dwellings forward of the rear elevation are set a significant distance from the host dwelling as a result of the highway and oriented perpendicular to the proposed dwelling. As a result the proposal is not considered to result in any negative impact on the amenity of dwellings in this direction. Dwellings forward of the principal elevation are again set a significant distance from the proposal by virtue of the classified highway. These are oriented parallel to the proposed dwelling and host dwelling however given the separation distances the development proposed is not considered to result in a negative impact on the amenity of dwellings in this direction.
- 5.9 The proposed dwelling will match the scale and proportions of the existing dwelling and the orientation of openings in relation to surrounding properties meaning there is not considered to be any negative impact on the amenity of any neighbouring properties as a result of direct inter-visibility or overbearing and consequently is viewed as acceptable with regard to its impact on the residential amenity of both the host dwelling or its neighbours.
- 5.10 The host dwelling has a reasonable sized garden, part of which is occupied by the garage. As the end terrace the host dwelling has the largest provision of outdoor space. Following subdivision this area will be significantly reduced, the proposed new dwelling will retain more garden space than the host dwelling, however the host dwelling will retain a similar amount of outdoor space to the

surrounding dwellings. Given this consideration the proposal is considered to retain a sufficient level of outdoor amenity space and is acceptable with regard to this.

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

5.12 Sustainable Transport and Parking Provision

Currently the property has a detached garage and an area of hardstanding to the rear of the property. The proposal would see the retention of the garage and hardstanding to retain the 2 spaces provided to the host dwelling and a further 2 spaces will be provided on the hardstanding to the rear. New development must provide off-street parking in accordance with the Residential Parking Standards SPD (adopted) December 2013. A three bedroom property is required to provide 2 spaces. As a new dwelling will be erected with 3 bedrooms a total of 4 private car parking spaces must be provided on site. These have been identified on the block plan. Comments from the Transport Officer indicated that there is no objection to the parking provision but advised that the boundary walls height is reduced to provide improved visibility to the proposed new spaces. A revised plan was requested and has been provided to that effect. In respect of this there are no longer any objections in relation to parking provision.

- 5.13 A number of objections have been received from the Town Council and neighbouring occupiers with regard to highway safety. Comments indicate that the location already has highway safety issues and that it would exacerbate this concern. Comments also indicate it is an accident blackspot. Comments from the transport officer show that the additional pressure as a result of the new development is not considered to adversely impact highway safety and that there is no indication of any recent accidents on the junction. Given this consideration and professional opinion the proposal is not considered to have any adverse impact on highway safety and is therefore acceptable in respect of saved policy T12 and the provisions of the South Gloucestershire Residential Parking Standards and the NPPF (2012).

5.14 Planning Balance

As aforementioned, in the case where local plan policies are not up to date (as is the case in South Gloucestershire) sustainable development should be approved unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits of doing so. Moderate weight will be attributed to the modest contribution of a new housing unit. The proposal will introduce a detached dwelling in a location predominately occupied by terraced or semi-detached dwellings. This is viewed to have a minor negative impact on design, however this consideration is given limited weight as the design is seen as acceptable in all other respects. Furthermore the proposal has a neutral effect on residential amenity and transport considerations. Given the above deliberation, the negative impacts of the proposal are limited whilst the development provides a moderate benefit in the form of housing contribution. In

this case the adverse impacts of approving planning permission are not considered to be 'significantly and demonstrably' outweighed by the benefits of doing so.

6. CONCLUSION

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

7. RECOMMENDATION

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

Contact Officer: Hanni Osman
Tel. No. 01454 863787

CONDITIONS

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

Reason

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

2. The hours of working on site during the period of construction shall be restricted to 07:30 - 18:00 Monday to Friday; 08:00 - 13:00 Saturdays; and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006; and the provisions of the National Planning Policy Framework.

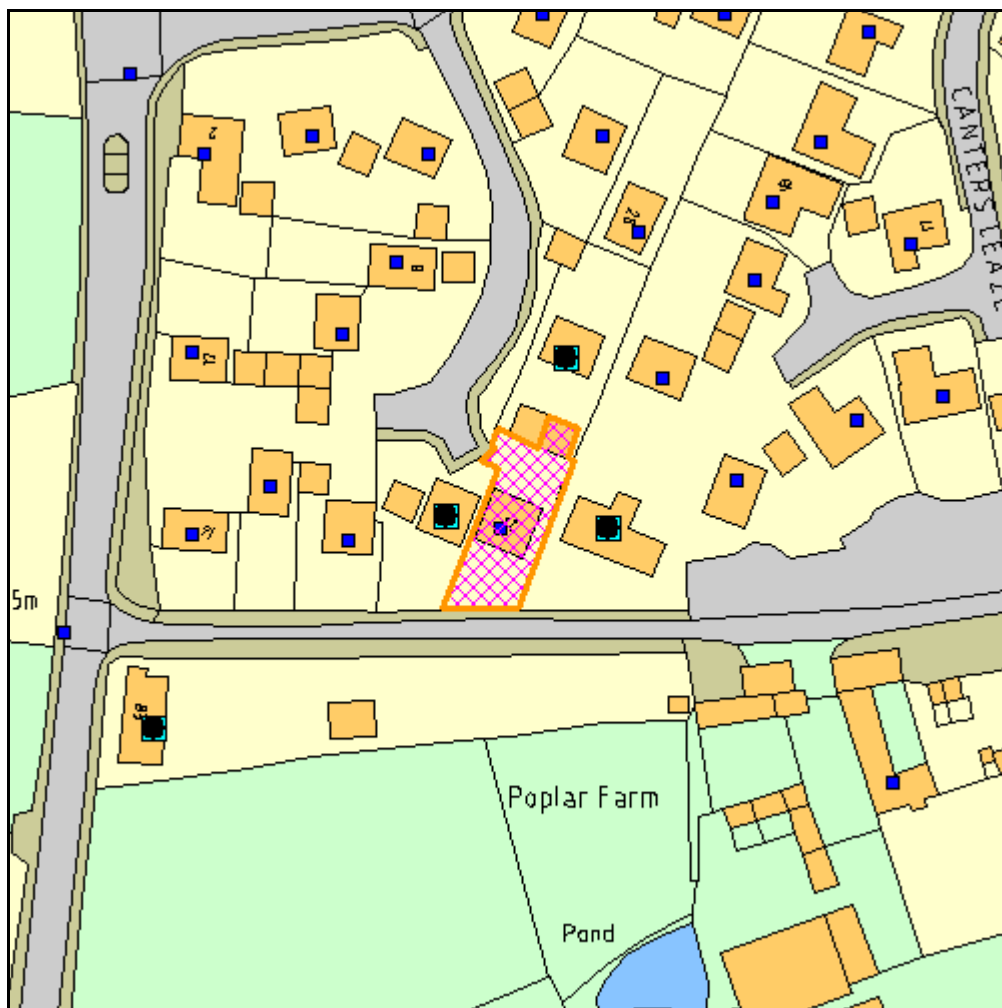
3. The off-street parking facilities (for all vehicles, including cycles) shown on the revised plan received on 31st October 2016 (1632-01B) hereby approved shall be provided before the proposed new dwelling is first occupied, and thereafter retained for that purpose.

Reason

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

CIRCULATED SCHEDULE NO. 44/16 – 4 NOVEMBER 2016

App No.:	PK16/5145/F	Applicant:	Mr And Mrs Kingswood
Site:	22 Amberley Way Wickwar Wotton Under Edge South Gloucestershire GL12 8LP	Date Reg:	13th September 2016
Proposal:	Erection of two storey and single storey rear extension to form additional living accommodation. Erection of front porch	Parish:	Wickwar Parish Council
Map Ref:	372571 187797	Ward:	Ladden Brook
Application	Householder	Target	7th November
Category:		Date:	2016



© South Gloucestershire Council 2015.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2015. N.T.S. PK16/5145/F

1. THE PROPOSAL

- 1.1 The proposal seeks to erect a two storey and single storey rear extension and front porch in order to provide additional living accommodation at 22 Amberley Way, Wickwar, Wooton Under Edge.
- 1.2 The subject property is a two storey late-20th century detached property with a gabled roof, rendered elevations and slate covering. To the front of the property is a detached converted garage outbuilding in split ownership with the dwelling to the north.
- 1.3 To the rear of the property is an area of private garden with paved patio. Boundary treatments are a combination of brick walls and timber closed panel fences.
- 1.4 The site is located within the built up residential area of Wickwar.

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

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

H4 Development within Existing Residential Curtilages
T12 Transportation

South Gloucestershire Local Plan: Proposed Submission: Policies, Sites and Places Plan June 2016

PSP1 Local Distinctiveness
PSP8 Residential Amenity
PSP38 Development within Existing Residential Curtilages
PSP40 Private Amenity Space Standards

2.3 Supplementary Planning Guidance

Design Checklist SPD (adopted) August 2006
Residential Parking Standards SPD (adopted) December 2013

3. RELEVANT PLANNING HISTORY

- 3.1 PK16/5144/CLP – Pending Consideration – Certificate of lawfulness for the proposed erection of a single storey rear extension and front porch.
- 3.2 P86/1339 – Approval – 05/06/1986 – Erection of 92 houses and construction of associated roads and footpaths; provision of open space (in accordance with revised details received by the council on 7TH may and 3RD june 1986.)

4. CONSULTATION RESPONSES

4.1 Wickwar Parish Council

Objection – The introduction of a second floor makes the proposal obtrusive and detrimental to the amenity of the neighbouring property. The garden of no.20 will be overlooked from the proposed windows at first floor.

4.2 Other Consultees

None Received

Other Representations

4.3 Local Residents

Two representations have been received objecting to the proposal one of which has submitted a second entry. The individual who has submitted the two responses states that the proposal will be in close line of site as it will project beyond the rear elevation of the neighbouring property to the east. The window in the extension will also overlook the garden whilst the bulk and size of the extension is out of keeping with the property and its relationship with this neighbouring property. The extension would devalue this property. The second entry comments that the block plan and google earth image are out of date and inaccurate. The second objector states that together with the single storey extension the proposals would project far into the back garden and result in loss of light and obstruct their line of site. These comments are discussed in the relevant sections below.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy CS1 'High Quality Design' of the South Gloucestershire Core Strategy (adopted December 2013) states development proposals will only be permitted where the highest possible standards of design and site planning are achieved. Proposals should demonstrate that they; enhance and respect the character, distinctiveness and amenity of both the site and its context; have an appropriate density and its overall layout is well integrated with the existing development. Saved Policy H4 of the South Gloucestershire Local Plan (adopted 2006) is supportive in principle of development within the residential curtilage of existing dwellings. This support is subject to the proposal respecting the existing design of the dwelling and that it does not prejudice the residential and visual amenity; adequate parking provision; and has no negative effects on transportation. The proposal accords with the principle of development subject to the consideration below.

5.2 Design and Visual Amenity

The proposal consists of the erection of a two storey and single storey rear extension to form additional living accommodation and front porch. A number of other nearby properties have been extended over two storeys in the past. The extension has not been assessed as out of keeping with the existing property or its context and is not considered to be of an unusual size or style of design for the development proposed. The single storey rear extension is modest in

size and scale and there are a number of similar extensions nearby; furthermore the single storey extension would otherwise conform to the criteria identified in Schedule 2 Part 1 Class A to the Town and Country Planning (General Permitted Development) Order 2015. A separate application for a certificate of lawfulness has also been applied for. The test for the certificate is purely evidential and planning merit does not come into consideration; only the facts presented. The application for the certificate of lawfulness has been dealt with by the same case officer and though objection has been received it has been otherwise found lawful according to the GPDO (2015) and it is likely a certificate will be issued to that effect. The two storey portion of the proposal will create a secondary gable end oriented towards the rear which is an extremely common characteristic for two storey extensions; consequently the proposed rear extension has been evaluated to be in keeping with the character of the existing dwelling and is otherwise acceptable with regard to adopted Policy and the provisions of the GPDO (2015).

- 5.3 The proposal has put forward materials of a similar appearance with respect of the roof, rainwater goods and elevations and there is no objection with regard to materials.
- 5.4 Two objections have been received from neighbouring occupiers and a further from the parish council. These all indicate concern over the relative size of the proposals compared to the original dwelling. The two storey section will span around half the width of the original dwelling and would project around 3.35 metres to the rear. The two storey addition would represent a volumetric addition of well below 50%. Whilst also being subservient to the scale of the existing dwelling. On the basis of the above consideration the proposal is considered to be proportionate and this design concern would not be viewed to substantiate a refusal reason.
- 5.5 Objection comments have also suggested a flat roof could be introduced. In design terms flat roofs are not generally seen as acceptable. The proposed gabled and lean-to roofs are preferable and there is no objection from the council with regard to the proposed roof designs.
- 5.6 Overall, it is considered that the proposed extension would not harm the character or appearance of the area or the subject property and as such is considered acceptable in terms of visual amenity and design. Therefore, it is judged that the proposal has an acceptable standard of design and is considered to accord with policies CS1 and H4, conforming to the criteria in the adopted Local Plan.
- 5.7 Residential Amenity
Policy H4 of the adopted Local Plan gives the Council's view on new development within existing residential curtilages. Proposals should not prejudice the residential amenity (through overbearing, loss of light and loss of privacy) of neighbouring occupiers as well as the private amenity space of the host dwelling. There are no dwellings immediately to the rear of the curtilage, consequently there would be no impact to dwellings rear of the host property. Dwellings to the front are situated a reasonable distance from the proposed porch and separated by the existing detached outbuilding. As a result dwellings

forward of the principal elevation will not be impacted as a result of the single storey proposal or extensions to the rear.

- 5.8 Objection has been received from the dwelling to the west of the host dwelling. The representations indicate concern over the potential obstruction of the existing line of site and overlooking of the rear garden. It should be noted that there is an existing window at first floor in the location of the proposed two storey section. The proposal will project further beyond this point and just exceed the line of the rear elevation of this neighbouring property, overlooking of the garden is actually seen to be reduced by an immaterial amount. The relationship the host dwelling shares with this neighbouring property will remain very similar and the overlooking impact is not considered to be unacceptable. As earlier stated the comments also indicate that the proposal would obstruct the line of sight. The proposal will only exceed this dwelling's building line by a very small amount (in the region of 50cms). The proposal would retain an angle of nearly 90 degrees and would therefore be considered acceptable in this respect and would not be seen to result in any material obstruction of the line of sight from the neighbouring property.
- 5.9 Comments have also been received from the dwelling to the east. This building is set further to the north than the host dwelling and the two storey part of the proposal will be located to the western portion of the property. The comment notes that their dwelling is set at a slightly lower elevation (2ft) and that due to the height of the proposals and their location they would impose on the dwelling and its line of sight. As previously stated the proposed single storey rear extension is permissible according to the provisions of the General Permitted Development Order 2015 and its impact on the amenity of the neighbouring properties should not be considered in the assessment of the planning application, as no express consent would be required for its construction. With regard to the two storey portion this will project beyond the apparent building line by a very small amount in the region of 50cms and will be located on the opposite side of the host dwelling to the neighbour concerned. The dwelling to the west is in relatively close proximity to the host dwelling and the proposed roof will be subservient to both the host dwelling and its neighbour's ridge line. Given this consideration the two storey portion of the proposal (from the dwelling to the east) would not be perceived to exceed these structures in height or depth and would not result in a material obstruction of light during the evening.
- 5.10 It has been considered that the proposal would not result in the loss of significant private outdoor amenity space and as such would be acceptable. The subject property is located within a built up residential area and given the scale and location of the proposed development will not result in an unacceptable detrimental impact on the residential amenity of its neighbouring occupiers, meaning the proposal is in accordance with saved policy H4 of the adopted Local Plan.
- 5.11 Sustainable Transport and Parking Provision
Currently the property has an area of hardstanding to the front of the property. There is a detached garage outbuilding to the north of the property but this has been converted to provide living accommodation however a reasonable sized

area of hardstanding remains. The proposal will not impact on this current arrangement and will not increase the number of bedrooms provided; as such there are no adverse highway concerns to address. For a 4 bedroom house, 2 spaces are required, the existing arrangement of hardstanding providing spaces for at least 2 cars satisfies the requirement and further parking provision would not be necessary, meaning the proposal is in accordance with saved policy T12 of the Local Plan (2006). The Highway Authority has no objection to the proposal in relation to highway safety or parking provision.

5.12 Other Matters

Objection comments indicate concern over the devaluation of neighbouring properties. Value of property as far as this case is concerned is not a planning matter and is not taken into consideration in the determination of this planning application.

5.13 Comments have also stated that there are inaccuracies in both the Google earth image and the block plan. First it should be noted that a block plan is not a requirement for planning applications and has been submitted as supporting evidence. Consequently it would be possible to determine the application without the use of this plan, the same is the case for the google earth image. The site location plan is a required plan for any application and in this case this has been seen sufficient to show the exact location of the site in relation to roads and surrounding structures.

5.14 Lastly comments have requested that a site visit is carried out by the Local Councillor. Whilst the councillors themselves may visit on a personal basis and to better acquaint themselves with the context of the site, no formal visit will take place unless the application is called into a full committee meeting for decision.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: **Hanni Osman**
Tel. No. **01454 863787**

CONDITIONS

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

Reason

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

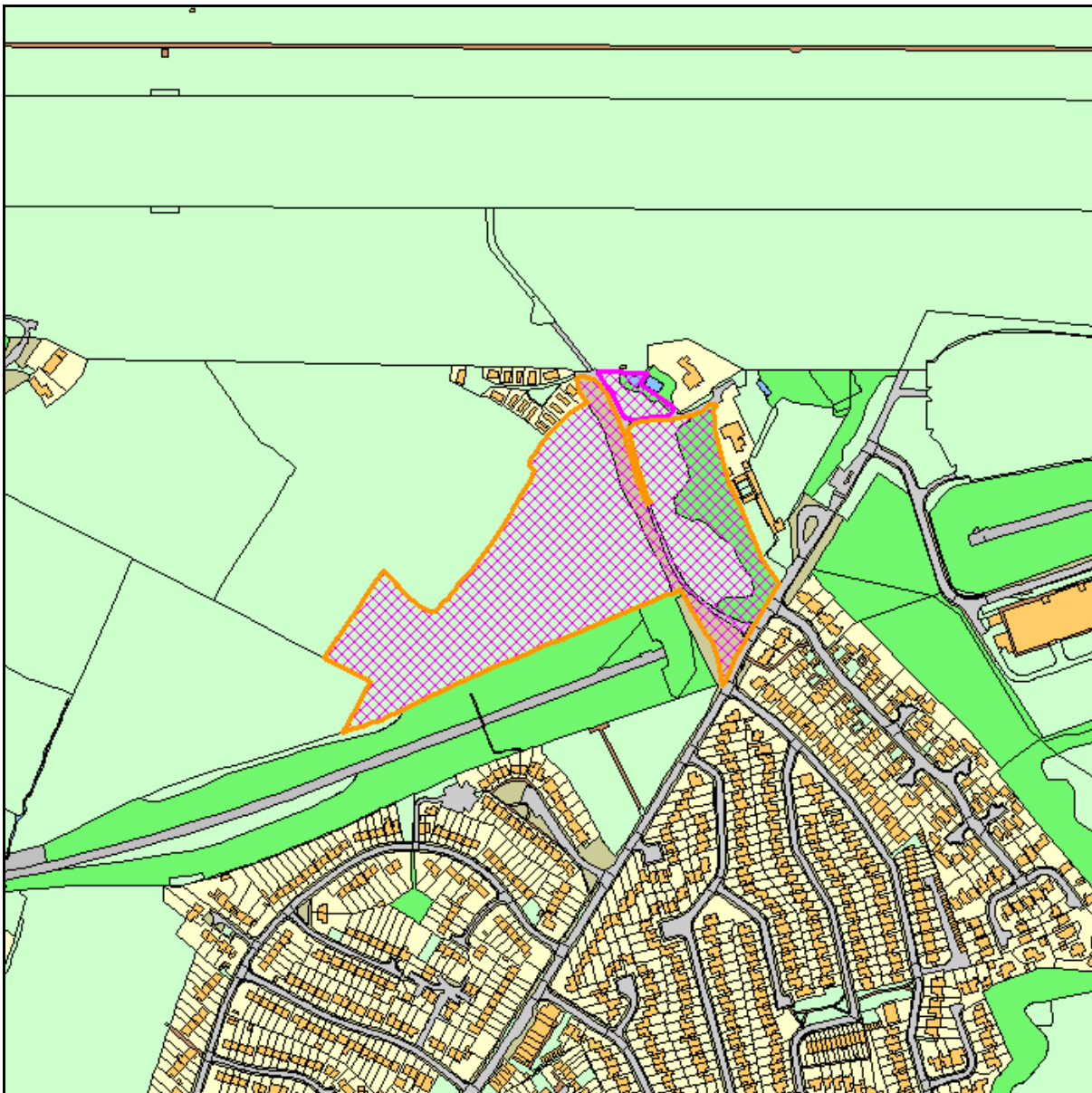
2. The hours of working on site during the period of construction shall be restricted to 07:30 - 18:00 Monday to Friday; 08:00 - 13:00 Saturdays; and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006; and the provisions of the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 44/16 – 4 NOVEMBER 2016

App No.:	PT15/4165/F	Applicant:	Redrow Homes (South West) Limited
Site:	Land Off Charlton Road Filton Bristol South Gloucestershire BS10 6LB	Date Reg:	8th October 2015
Proposal:	Proposed development of 80 dwellings (use class C3 including affordable homes), open space (including children's play space and improvements to Charlton Common), sustainable urban drainage, vehicular access, pedestrian and cycle accesses, pumping station and related infrastructure and engineering works.	Parish:	Almondsbury Parish Council
Map Ref:	358564 180019	Ward:	Patchway
Application Category:	Major	Target Date:	29th December 2015



© South Gloucestershire Council 2015.all rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2015.

N.T.S.

PT15/4165/F

1. THE PROPOSAL

- 1.1 Full planning permission is sought for the erection of 80 dwellings. 52 would be private dwellings of 3 and 4 bedrooms. 28 would be affordable units in a mix of unit sizes from 1 to 4 bedrooms. This comprises 35% affordable dwellings. The proposal also provides for an equipped play area and public open space. Access to the site would be provided from Charlton Common Lane. Works to realign Charlton Common Lane are also proposed, and this route will retain access to the adjacent common land and existing residential properties at Payne Orchard caravan Park and Cedar Lodge. The main access route through the site itself will also provide a vehicular and pedestrian link from Charlton Rd through the site to a point on the north western boundary of the site to serve future development (known as the Fishpool Hill site) as part of the Cribbs Patchway New Neighbourhood (CPNN). The access to the wider CPNN would be restricted by a bus gate which will only allow bus, cycle and pedestrian movement beyond the site boundary.
- 1.2 In addition, the development will also provide a new drainage storage system to serve the new development.
- 1.3 The site application boundary includes Charlton Common and it is proposed to improve the common through management of the vegetation to and provide additional common land to compensate for the realigned Charlton Common Lane, subject to gaining the necessary Section 16 and or Section 38 Common Land Consents.
- 1.4 The site is 3.16Ha in area and lies to the south of Filton Airfield, alongside the main area of Charlton Common. This main site access from the Common for the most part follows the line of the existing lane. Currently this lane has a rural character, with no kerbs or lighting and provides access only to the properties to the north and terminates at the boundary fence which encloses the airfield.

The main area of the site to be developed falls at approximately 1:42, sloping SE – SW, with a steeper slope in the south western corner. The southern boundary of the site is bounded by the railway line, which connects to Avonmouth to the west. Two permissive footpaths currently cross the site, which is bound by mature vegetation along most of its boundaries.

Amendments to the Scheme

Since the application was originally submitted, officers have sought a number of amendments and improvements to the scheme which are summarised as follows:

- Common land included in the application site
- Introduction of equipped play area in the north western edge of the site
- Re- orientation of the layout to ensure it relates to the approved masterplan for Fishpool Hill
- Increase in ecological buffer to the Filton Railway Cuttings SNCI to 5m in width
- Continuity of the design and landscaping of the main access with the adjacent Fishpool Hill site
- Dwellings relocated to face Charlton Common

- Permissive path retained along southern boundary whilst being overlooked from improved personal safety through reorientation of dwellings and layout.
- Improvements to landscape masterplan for the common
- Provision of a package transport improvements.
- Improvements to the residential amenity of future residents
- Improvements to the public realm in the interests of the amenity of existing and future residents

Supporting Information

In support of the application, the following documents have been submitted:

- Planning Statement
- Design and Access Statement – and Addendum
- Statement of Community Involvement
- Building for Life Assessment
- Transport Assessment
- Ecological Assessment
- Flood Risk Assessment and Drainage Strategy
- Landscape Appraisal
- Landscape and Ecology Management Plan
- Arboricultural Constraints Report
- Archaeological Desk Based Survey
- Noise and Vibration Assessment
- Energy Statement

POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012

2.2 Development Plans

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

L1	Landscape Protection and Enhancement
L4	Forest of Avon
L7	Sites of National Nature Conservation Interest
L8	Sites of Regional and Local Nature Conservation Interest
L9	Species Protection
L11	Archaeology
EP2	Flood Risk and Development
H1	Proposed Sites for Residential Development
T12	Transportation Development Control Policy for New Development
LC12	Recreational Routes
L16	Protecting the best agricultural land

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS2	Green Infrastructure
CS4	Renewable or Low Carbon District Heating Networks
CS5	Location of Development
CS6	Infrastructure and Developer Contributions

CS7 Strategic Transport Infrastructure
 CS8 Improving Accessibility
 CS9 Managing the Environment and Heritage
 CS16 Housing Density
 CS17 Housing Diversity
 CS18 Affordable Housing
 CS23 Community Infrastructure and cultural Activity
 CS24 Green Infrastructure, Sport and Recreational Standards
 CS25 Communities of the North Fringe of Bristol Urban Area
 CS26 Cribbs Patchway New Neighbourhood

2.3 Supplementary Planning Guidance

Cribbs Patchway New neighbourhood Development framework SPD (adopted March 2014)
 Landscape Character Assessment SPD (Aug 2005)
 Residential Parking Standards SPD (Dec 2013)
 Affordable Housing and Extra Care Housing SPD (May 2014)
 South Gloucestershire Play Strategy (Agreed by Cabinet 2006)
 South Gloucestershire Statement of Community Involvement (Adopted)

Other material considerations

SGC Policy Sites and Places proposed Submission publication.

3. RELEVANT PLANNING HISTORY

- PT11/2581/F – realignment and widening of Charlton Common Lane to 6.4 metres wide with 3metre wide pedestrian/cycle lane. Granted planning permission January 2012.
- PT14/0565/O -land at HAW WOOD - Mixed use development of 51.49 hectares of land comprising: up to 1,000 new dwellings (Use Class C3); a 36-bed Extra Care Home (Use Class C2); a mixed use local centre including a food store up to 2000 sq.m. gross floor area (Use Classes A1, A2, A3, A4, A5, B1, D1, D2); a 2-form entry primary school; community facilities including a satellite GP surgery, dentist and community centre; associated public open space and sporting facilities; green infrastructure integrated with foot and cycle paths; together with supporting infrastructure and facilities including three new vehicular accesses. Outline application including access, with all other matters reserved. Resolved to grant planning permission 12.3.15. Pending S 106.
- PT12/1930/O- land at FISHPOOL HILL/Wyck Beck Road- mixed use development on 53.8ha comprising up to 1,000 dwellings, a local centre, a primary school together with supporting infrastructure and facilities including new vehicular access with Wyck Beck Rd, public open space and landscaping. Outline application including access, with all other matters reserved. Committee resolution to grant planning permission on Jan 2014 and updated in Feb 2015. Pending S 106.

- PT14/3867/O- Filton Airfield, mixed use development including up to 2,675 dwellings. Resolution to grant planning permission in June 2015 subject to a Section 106 obligation – pending.
- In November 2014 the Council's Planning, Transportation and Strategic Environment Committee endorsed a 'Framework Plan' submitted jointly by developers of the wider Cribbs/ Patchway New Neighbourhood.
- Framework Agreement for the Cribbs Patchway New Neighbourhood – DC West resolved to approve 3rd February 2015.

4. CONSULTATION RESPONSES

4.1 Almondsbury Parish Council

No objection. Would like SGC to provide Community Infrastructure Levy to provide funding for the proposed play areas and their upkeep.

4.2 Bristol City Council Allotments Officer

The increase in vehicular movements on Charlton Rd will increase the hazards when exiting the allotment site. Measures must be taken at the road entrance to improve the safety of the allotments site entrance.

Police Crime Prevention Officer

Plots where cars will be parked in front of garages between buildings are vulnerable to crime and personal safety. Additional light should be provided in this area if there are no habitable rooms overlooking.

Private driveways and communal car parking areas should be provided with lighting to BS5489:2013

Communal POS should be designed to allow overlooking from adjacent dwellings and boundaries between public and private spaces should be clearly defined.

Natural England

No objection as it is not likely to result in any significant impacts on statutory or designated nature conservation sites or landscapes.

The Coal Authority

The application site falls within the defined Development Low Risk Area so there is no need for a Coal Mining Risk Assessment to be submitted. If permission is granted, the Coal Authority's Standing Advice should be attached to the decision notice.

Wessex Water

The site will be served by separate systems of drainage constructed to adoptable standards. The applicant has indicated a point of connection for the disposal of foul drainage from the site with downstream capacity improvements subject to appraisal and agreement. The applicant has indicates surface water will be disposed of at an attenuated rate to an existing storm sewer. We

understand however that this feature is a culvert- approval required from the LLFA and we believe Network Rail.

Highways England

No objection.

Network Rail

Originally had objections to the proposal on the grounds of possible obstruction of the adjacent Network Rail access which is located off Charlton Common Rd immediately to the south of the site boundary and used for the Charlton Tunnel. Following further clarification by the applicant Network Rail has formally withdrawn the objection on condition that no heavy plant/vehicles/equipment is stored directly above or within 10m of the tunnel structures. In addition a number of comment are provided regarding the safe operation of the railway and the protection of Network Rail's adjoining land.

Bristol City Council

BCC concerns relate to transport issues. The main issue is the need to demonstrate how access to the north of the development for motorised traffic, other than buses will be prohibited and effectively enforced. A number of other issues they raise relate to transport improvements in the vicinity of the site to offset the impact of the proposed development. Following a number of iterations of revised plans BCC have requested confirmation of whether BCC will be part of a tripartite S 106 agreement (as in Frenchay Hospital). Further that triggers for the works such as improved bus stops are delivered in time for the first occupation of the development. In addition, comments are given on the detailed design necessary for the bus stops to be improved on Charlton Rd.

BCC consider that a new bus stop should be provided within the application site. Confirmation of acceptable swept path analysis of public transport vehicles passing one another is sought. In addition a condition to prohibit vehicular linkage through the site, other than the public transport route, (this is due to the presence of a hammer head and other roads close to the site boundary with Fishpool Hill).

4.3 Local Residents

Objections

One resident has objected to the proposal:

- These new dwellings are not needed on this green belt site when there will be 3,000 on Filton Airfield site and 5,000 at Cribbs Causeway.
- Additional traffic in an area already gridlocked
- The site has had recreational value for 70 years and must have village green status
- Existing public right of way across the site to Fishpool Hill is a lovely recreational route
- Need to save some wild areas

Comments

One resident has made comments:

- Query the future of the triangle of land to the west of the Charlton Common Rd and Charlton Rd junction.
- We have animal grazing rights and mow over the common
- It against common land law to traverse or park vehicles on the common and there is concern that the new road will encourage this, particularly as it leads to the proposed pub on the Filton Airfield site.
- Ditches or obstacles should be installed along the new access road to prevent vehicular use of the common and anti- social behaviour
- Our right to use the drainage system under and adjacent to the common must not be compromised

Support

One resident supports the proposal:

- The development seems sympathetic to the area and its history
- As long- time residents of the common we are very happy to see the common cut and replanted

4.4 SGC Internal consultees

Environmental Protection

Noise

The recommendations in the Acoustic report shall be the subject of conditions:

1. Trickle ventilation shall be provided in the bedrooms to meet the internal night time requirement of BS8233
2. The proposed pumping station should be designed so that the noise rating level, as defined by BS 4142:2014, does not exceed 40dB at the façade of any existing or proposed noise-sensitive receptor.

SGC Highway Structures

Standard advice given regarding the need to get technical approval from in the event that there are any structures which will support the highway or support the land above a highway. If the application includes a boundary wall alongside the public highway or open space then the responsibility for maintenance for the structure will fall to the property owner.

SGC Lead Local Flood Authority

No objection. However we query whether any further investigations into the 600mm culvert are planned in order to determine its current condition and whether or not it has the capacity to accommodate the surface water runoff from the site and its exact outlet point. A condition survey should be carried out on the 600mm culvert. This culvert also runs under land that is proposed to be developed under the Fishpool Hill planning application and there is the need for joint discussions between the developers to ensure that this feature remains and is undamaged during construction.

A condition is recommended to require 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, together with a detailed maintenance plan for the on-site drainage system outlining responsibility, who will carry out maintenance of the system

and its regime to be submitted to and approved by the Local Planning Authority.

Such details shall include:

- A clearly labelled drainage layout plan showing the pipe network.
- The plan should also show any pipe node numbers referred to within the drainage calculations.
- A manhole / inspection chamber schedule to include cover and invert levels.
- Drainage calculations to show there is no flooding on site in 1 in 30 year storm events; and no flooding of buildings or off site in 1 in 100 year plus 30% climate change storm event.
- Details of the maintenance regime in relation to the Surface Water Network and components such as the underground storage tank.

Land Drainage Consent: The application involves work to an ordinary watercourse/ditch. These works may require formal consent from South Gloucestershire Council.

SGC Archaeology Officer

Field evaluation will be required in order to determine the presence, quality character and date of archaeology on site and how to mitigate any impacts. There is still potential for archaeology to survive, particularly relating to the Roman period, Saxon and medieval and possibly early to mid 20th century (WWI and WWII). The field evaluation will be achieved through a condition to secure a programme of archaeological work. This work would involve trial trenching leading to the publication of mitigation strategy. The condition must require the field evaluation to be undertaken prior to any ground disturbance whatsoever.

SGC Listed Building and Conservation Officer

The proposals affect the settings of a number of designated heritage assets including Cedar House on the edge of the former airfield and the three listed hangars and the pill box. The location of the site means that there are more distant views to the north and west however I concur with the submitted heritage assessment that development here will alter the settings but not cause additional harm to the special significance of the affected listed buildings. It is however important that the screening provided by the mature hedgerows and planting along the eastern boundary of the site and on the Common is maintained. The proposals appear to indicate that this is the case and on this basis I have no objections on Listed building grounds.

SGC POS officer

A number of consultation responses and comments have been provided as the application has progressed. The proposed NEAP complies with policy requirements in terms of area, provided the details are submitted to be agreed by the LPA as part of a planning condition. In the absence of outdoor sports facilities provided on site, a contribution towards off site provision/enhancement and maintenance is required. There is concern that no allotment space is provided. The application provides sufficient natural and semi-natural informal recreational open space. Further details of the POS issues are set out in the 'analysis' section of the report.

SGC Ecologist

There are no ecological constraints to granting planning permission, subject to conditions relating to hedgehogs, reptiles, badgers, a lighting plan and the revised LEMP and Landscape plan.

SGC Public Rights of Way

The southern path through the site will remain available for use and will be within a 5m corridor, fronted by houses with low rails. Access to the land to the west should be maintained prior to it also being developed. On this basis I am happy to withdraw my objection.

The Highway Authority (SGC Transport DM)

There is no objection to the application. In summary, the Applicants have proposed a package of local transport measures to be delivered which can be summarised as follows:

- The upgrading Charlton Road including the refurbishment of its carriageway of between Charlton Meads Drive and Charlton Gardens (inclusive).
- Reconstruction of the North-south road across Charlton Common connecting Paynes Orchard Park and Cedar House to Charlton Road, together with its junction with the main carriageway of that road.
- Provision of a public transport link to allow buses to travel through the site between Charlton Road and the Fishpool Hill part of the Airfield site. This will also be available to pedestrians and cyclists but not general traffic.
- Construction, reconstruction or refurbishment of the footways on all the above sections of road.
- Provision of new bus shelters with Real Time Information (RTI) on both sides of Charlton Road close to Charlton Common.
- Reconstruction of the currently adopted footpath running northward across Charlton Common from Charlton Road opposite Charlton Mead Drive.
- Provision of an informal crossing across Charlton Road close Charlton Mead Drive to connect with the footpath running north into the site and at a location to be agreed adjacent to Chakeshill Drive.

SGC Landscape Architect

Following the submission of a number of iterations of revised plans, the Council's Landscape Architect considers the proposal to be acceptable subject to a tree protection condition. Details of the landscape issues and amendments are contained in the 'analysis' section of this report.

SGC Housing Enabling

The proposal is for 80 dwellings and proposed 28 affordable housing in line with the 35% requirement. The application proposes a tenure split of 78% social rent, 6% affordable rent and 16% shared ownership in line with the SHMA 2009 Addendum. The SHMA 2015 has now superseded this but due to the transitional nature of the application the continued use of the 2009 split and mix is acceptable. Enabling accept the proposed mix. Further details comments are given in the 'analysis' section of this report. There is no objection from the Enabling team subject to an appropriate S106 Agreement.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The site lies within the major mixed use development planned on 480ha of land at Cribbs Causeway Patchway and Filton as defined by Policy CS26 of the adopted South Gloucestershire Local Plan: Core Strategy.

Policy CS26 states that *"It is essential that an area-wide adopted SPD is the policy delivery mechanism to ensure development is comprehensively planned and delivered in accordance with... high quality urban design principles as set out in Policy CS1."*

It goes on to state that *"Development proposals ... should positively facilitate and not prejudice the development of surrounding areas of the New Neighbourhood, and meet the overall vision for the transformation of the area."*

- 5.2 The Cribbs/Patchway New neighbourhood Development Framework SPD was adopted in March 2014 It states that *"Where delivery of infrastructure set out within the SPD is dependent on collaboration from other individuals or organisations applicants will be required to provide formal evidence that this can and will be achieved. To this end, South Gloucestershire Council are facilitating a collaboration agreement (or equivalent) as the most effective mechanism for securing coordinated delivery of sustainable development and infrastructure across the area."*

In requiring development to be comprehensively planned and delivered at Cribbs Patchway the Council is seeking to ensure the required infrastructure for the whole site is delivered at the appropriate time, in the appropriate location. Firstly this relates to ensuring access between individual development sites within the New Neighbourhood, and secondly to the timing and delivery of infrastructure, services and facilities.

- 5.3 In terms of ensuring access between and across sites within the new neighbourhood the principle of the proposals are considered acceptable. The proposed vehicular access arrangements into the site seek to modify the existing junction between Charlton Road and Charlton Common Lane, and will provide a vehicular link to the western boundary of the site, linking with the proposed access road through the adjacent Fishpool Hill/ Wyck Beck Road (Persimmon) site. The principle of this connection between sites is in accordance with the adopted SPD, and in particular the principles set out in the

Access and Movement diagram on pages 30-31, provided the vehicular access is restricted to bus only.

In terms of ensuring the timely delivery of infrastructure, services and facilities the Council have approved an overarching S106 Agreement between other parties within the Cribbs/ Patchway New Neighbourhood that establishes what infrastructure (set out in the adopted SPD) would be provided where, and by whom. This 'Framework' Agreement secures the delivery of the majority of infrastructure required as a result of delivery of the whole of the new neighbourhood (including this site) and so it is not considered necessary to request delivery of, or contributions to those items. However, the application site is liable for CIL, together with any site specific infrastructure/ facility requirements which are not covered by the Framework Agreement. There issues are clarified later in this report.

The adopted SPD also clarifies where infrastructure should be delivered to best serve the whole new neighbourhood, set out on pages 18-19 of the SPD in a framework diagram. This indicates that, other than the provision of a bus priority/ controlled access junction through the site, no other items of infrastructure are required to be delivered as part of this application.

- 5.4 In addition the Council has endorsed a 'Framework Plan', submitted jointly by developers of the wider Cribbs/ Patchway new neighbourhood. The intention of this document is to add detail to the contents of the SPD, and show how the infrastructure required by the SPD could be provided within the allocation. This endorsed plan also shows that no on-site infrastructure (other than the bus-only link to the adjacent Persimmon site) is required to be delivered on this site. Nevertheless the application site will be required to pay CIL.

For these reasons it is considered that the principle of the proposal accords with the requirement for comprehensive development set out in Policy CS26 and the SPD.

5.5 Urban Design

Whilst Policy CS26 sets out the more strategic objectives and requirements for development of the whole new neighbourhood, the SPD seeks to clarify four key delivery issues. The key design objectives that this site should contribute towards are;

- a) creating and improving opportunities for sustainable movement in and around the area, and
- b) contributing to the delivery of a substantial, interconnected and multi-functional network of spaces and green infrastructure.

5.6 *Sustainable movement*

Permissive footpaths

The existing site contains two permissive footpaths, to the southern and north-western boundaries respectively. These currently serve a wider benefit in allowing access to public rights of way and what are currently open fields to the west. As part of the wider redevelopment of the area these routes would serve less of a function, although it should be acknowledged that they will retain a

certain value amongst existing residents. The revised layout now includes a 5m wide open area along the southern boundary of the site in the location of the existing southern permissive path. A link through the site to the north and west will be possible taking into account the approved Fishpool Hill masterplan, and a planning condition will require this link through to be provided. Local residents will therefore retain a known footpath. The revised layout (unlike the originally submitted scheme) has dwellings overlooking the permissive path in order to ensure pedestrian safety.

The existing permissive footpath to the northern boundary, is not well used at present, and taking into account the wider redevelopment, would retain little value for local residents and officers consider that the lack of incorporation of this into the revised layout is acceptable when also taking into account the other pedestrian links proposed, including the southern permissive path and the route across the common.

5.7 *SPD Movement/ Green Infrastructure corridors*

The site incorporates a key movement corridor set out in the SPD (Charlton Road to San Andreas via 'Central Park'). The proposal incorporates the opening up of Charlton Common through the removal of scrub vegetation. The proposal was amended to include a crossing that facilitates a pedestrian link from the southern footpath linking Charlton Road to the north side of the new primary route/ western edge of the Common and onward to Charlton Common Lane.

Green infrastructure network

The application incorporates and includes proposals for Charlton Common. The incorporation of proposals to improve the function, use ability and ecological value of the Common is welcomed. Further detail on this is contained with the later section in this report – 'Charlton Common Issues'.

5.8 *Design and Access Statement*

A Design and Access Statement Addendum has been submitted with the application. This is intended to demonstrate that the applicants have adequately assessed the local and wider context, involved the local community and stakeholders in the preparation of proposals, evaluated proposals, and designed their scheme accordingly. The document has been restructured since its original submission and is improved, however it is still unclear what the design objectives for the site are, or how they are based on a good understanding of the surrounding context or policy objectives.

5.9 *Proposed layout*

The revised layout has been amended to incorporate previous comments from officers. In particular, the layout has been amended as follows:

- to incorporate a larger buffer to the southern boundary for ecological purposes (considered above),
- realign plots and buildings along the primary route to create a more consistent frontage,
- realign plots/ buildings overlooking Charlton Common
- Realign plots and buildings to overlook the site boundary to the western edge (beyond which an area of open space is proposed in the adjoining application).

5.10 *Primary Route*

The reorientation of plots along the primary route has resulted in a better frontage, in line with its more strategic nature as it links in to the adjacent development site. The layout has been further amended to locate the apartment block on the corner of the site entrance (rather than a car park and sub – station). A less prominent location for the electricity sub-station was also found. The treatment of this primary route is critical and as such the proposal was further amended to reduce the number of different house types and treatments of elevational materials in order to improve the coherence of the streetscene. Consistent boundary treatments along this route were also achieved.

Charlton Common

Plots along this frontage have also been re-orientated to address views from the site entrance.

Western boundary

The other key area is the frontage to the western boundary where properties have beneficially been re-orientated to overlook the open area proposed on the adjacent site. There were originally areas within the proposed layout where roads, parking and tarmac would have dominated the streetscene. This has been improved through additional tree planting.

5.11 *Urban Design Conclusions*

The revised layout and submission have sought to address previous concerns and are now considered to comply with CS1, CS26 and the adopted SPD.

5.12 Landscape

The application includes a Landscape Appraisal, which assesses the impact of the development on the existing landscape and contains a thorough description of the existing landscape characteristics. The Council's Landscape Architect considers that it has been carried out in accordance with the approved methodology. The Landscape Assessment relies heavily on the establishment of a strong landscape framework in order to minimise the landscape and visual impact of the development. The retention of the existing vegetation on the periphery of the site together with the proposed landscape structure, will help to mitigate the visual impact of the development and assimilate the proposals into the surroundings. However, it is essential that the proposed landscaping is secured through a planning condition, to ensure this level of landscape mitigation is achieved.

The adopted CPNN SPD key principles with regard to landscape are:-

- The requirement for Green and Blue Infrastructure GI and BI throughout the site should be well designed and connected, creating a robust, multifunctional landscape in accordance with CS2 and the Forest of Avon objectives.
- Well designed, integrated Suds provision throughout the development.
- High quality public and private landscape to provide an attractive and functional setting to development
- Existing landscape features (such as trees, hedgerows, watercourses etc) retained and enhanced throughout the development to inform the layout and provide a basis for a strong landscape framework

- Proposed combined footpath/cycle way, linking to wider PROW network
- The provision of useable, meaningful and maintainable open space as part of development from the outset

The site lies within the Patchway & Filton Landscape Character Area (area 15). There are no landscape designations on the site. The vegetation comprises two pasture fields contained within a network of native hedgerows. These hedgerows are unmanaged and outgrown, with encroachment of large areas of Bramble and scrub into the field margins. There are also a small number of individual hedgerow trees, species such as Ash, Oak and Willow.

Charlton Common lies adjacent to the eastern boundary of the site and has become overgrown with Bramble and scrub encroachment over the years, due to lack of management/grazing.

5.13 *Layout*

With regard to the permissive path and ecological buffer along the southern boundary of the site, this is now welcomed, but the low boundary treatment here needs to be a good quality knee rail, rather than the standard timber type, and this aspect should be conditioned and should be set back from the kerb line slightly to allow a grass margin to the hammerhead and private drive. Along this southern boundary, Network Rail recommend that no trees are planted closer than 1.5 times their mature height to the boundary fence. This has been adhered to, but the Network Rail advice can be included as an Informative.

The avenue of trees proposed along the main access with the approved Fishpool Hill development to the north of this site should be continued along the proposed access road to link with Charlton Common. The revised scheme now includes trees on both sides of the road in a grass verge. It is considered that this would provide continuity between the two housing sites.

The proposed future management of Charlton Common is considered to show the common being brought back into public use, and this is welcomed from a landscape point of view.

5.14 *Existing vegetation*

All the vegetation within the centre of the site, together with hedgerows along part of the western end of the northern boundary are to be removed to facilitate development. Existing hedgerow is to be lost to accommodate the main site access, however the remaining hedgerows and trees around the site boundaries are to be retained. The hedgerows on site are judged as of 'medium value' within the landscape assessment and of 'medium susceptibility to changes and therefore concluded as of 'medium sensitivity'. Sections have been submitted to indicate the impact on existing vegetation, although there is some uncertainty along the northern boundary due to the outline nature of the Fishpool Hill application. In any event, a condition to require tree protection measures to be implemented will be required.

Proposed Planting

Some improvements and additional planting have been included in the scheme and the proposal is now generally acceptable, subject to a number of conditions as noted above

5.15 Transport

Policy background

The Charlton Common development forms part of the Cribbs Patchway New Neighbourhood (CPNN) and is allocated under Policy CS26 of the Core Strategy and the adopted Supplementary Planning Guidance (the CPNN SPD). This secures the development against the delivery of funding for a Transport Package. This package embraces all modes and is designed to ameliorate the development's impact, and wherever possible, to resolve the existing constraints on the network. Within the CPNN, the main sites' contributions to this package are secured through the overarching S 106 Framework Agreement, referred to above in 5.3.

However as the current application site is not party to this agreement, so separate contributions for strategic transport infrastructure via the CIL process will be secured from this site. The application also needs to address its own local transport impacts. To this end the applicants have proposed a number of items of local transport infrastructure.

The CPNN SPD requires all strategic transport infrastructure within that area to be comprehensively planned and delivered at the appropriate time, in the appropriate location. The main item of infrastructure falling in this category is the public transport link (hereafter the 'PT Link') which will be made into the adjoining Fishpool Hill site. As this is restricted to use only by buses, cycles and pedestrians only, and will not be available for general traffic, it is considered to conform to the requirements of the CPNN SPD.

The CPNN SPD also indicates that, other than access and the provision of the PT Link through the site, no other items of strategic infrastructure are required as part of this application.

5.16 *Vehicular access*

It is proposed to access the new houses from the existing Charlton Common Lane which runs North-south road across Charlton Common and currently connects Paynes Orchard Park and Cedar House to Charlton Road. The southern end of this road will be improved to modern standards and a formalised junction will be provided to the northern stub leading to Paynes Orchard Park and Cedar House.

As part of its upgrading, the surface of Charlton Road at this point will be reconstructed and new kerbs provided. However, it does not appear to be necessary to totally rebuild this section of road as the sub-base etc remains sound.

A planning condition will be required to ensure that the PT Link is not available to general traffic and that this is enforced by ANPR provided and maintained by the applicant. The applicant will also need to provide and implement any Traffic Regulation Orders (TROs) required to ensure that the through route from Charlton Common to Fishpool Hill will not be obstructed by parked vehicles in any way. Any redundant sections of highway will be 'stopped up' and returned to the common to compensate for those areas now required for road.

5.17 *Pedestrian and cycle network*

The PT Link to be provided as part of these proposals will allow pedestrian and cycle access into the adjoining Fishpool Hill site. On-site, 3m wide footways will be provided on the route through the site. Elsewhere, pedestrians will be accommodated on 2m footways adjacent to residential frontages. However, there is no dedicated cycle provision on this small site.

The developers initially proposed to reinstate the section of existing footway above the railway tunnel which is currently heavily overgrown. However, SGC considered that it was more logical to relocate this path adjacent to the vehicular surface. This would result in a safer, more secure and cost effective route. The present alignment would then remain undisturbed and could be stopped up and incorporated into the Common. A footway connection to the enhanced bus stop on Charlton Common will be provided.

Bristol City Council initially suggested that a footway should be provided along the northern side of Charlton Road as far as Bindon Drive. However, given the level destruction to the existing hedgerow and likely pedestrian flow associated with this site, SGC did not support this idea. This requirement has now been withdrawn by Bristol City. Nevertheless, it has been agreed to provide a new formal pedestrian crossing (type and exact location to be defined) over Charlton Road adjacent to Chakeshill Drive within BCC.

5.18 *Public transport*

Bus stops are currently provided on Charlton Road immediately adjacent to the site access junction. It is considered that they are located within easy walking distance of the whole of the site. Hence, the applicant is contributing to the upgrading of these stops and providing new shelters with Real time information (RTI) on both sides of the road. These shelters are owned and maintained by Bristol City Council, their approval will be required for any works.

The development of the CPNN is will also mean that the through route to The Mall via Charlton Road will eventually be available to buses travelling on these routes. They can also call at the enhanced stops on Charlton Road.

Public Transport access to the site is catered for by the PT Link into the adjoining Fishpool Hill. Once through travel into the rest of the CPNN is possible, a further stop could be provided within the CPNN immediately to the north.

As noted above the comments of BCC regarding transport issues arising from this site and its relationship with the wider CPNN development have been taken on board throughout the negotiation process of this application. A S 106 obligation will enable the council to prohibit non – public transport traffic access beyond the application site boundary, through the contribution by the applicant towards an ANPR camera and its maintenance at this point. Future Reserved Matters applications at Fishpool Hill in this location will enable the Council to control this further. Furthermore, triggers for the upgrade of the bus stops within BCC have been included in the heads of terms so that they are ready by first occupation. In addition, the heads include reference to the requirement for a tripartite 106 agreement as some of the works and contributions relate to the BCC administrative area. With regard to the suggestion by BCC that a condition be imposed prohibiting the construction of any other vehicular linkage through the site to the Fishpool Hill site other than the public transport link along the spine road, officers can advise that this has been incorporated into a condition regarding the hammerhead at the north western site boundary.

Rail services

New railway stations will be provided as part of the CPNN. However, following consultation with Network Rail, station locations on the approaches to Charlton Tunnel were discounted because of very poor drainage and ground conditions. Hence, this is not part of the current proposals.

Service vehicles

All new roads within the site have been auto-tracked to ensure their safety and operational suitability. This was carried out using templates representing a maximum size bus, SITA's largest operational refuse truck and appropriate emergency vehicles. The Council's transport engineers therefore satisfied that there is sufficient space available.

Construction traffic

In order to permit the construction of the site to take place, it is essential to allow large vehicles to reach the site. To minimise the dirt, noise and disruption caused by these activities, the developers will be required to produce an overall construction traffic management plan for the whole site prior to the commencement of construction activities. This will need to include consideration of vehicular movements and will be the subject of a planning condition.

Smarter measures

Smarter Measures are fundamental to the successful delivery of the CPNN development. To this end, the developers will need to produce a Travel Plan setting out their aims and objectives, together with their goals and targets for encouraging and sustaining non-car travel. This will be the subject of a planning condition.

Other issues

With regard to the comments of the adjacent allotments manager who requested that visibility at the allotment access be improved due to the increase in vehicle movement in the area, officers consider that this is not necessary in road safety terms, and moreover the loss of the mature hedge would have a detrimental impact on the street scene.

5.20 *Conclusions and recommendations*

In order to ensure safe access to the site by all modes of travel in accordance with Core Strategy Policies CS1, CS6 and CS8, together with Policy T12 of the South Gloucestershire Local Plan 2006, the applicants have agreed to S 106 obligation to secure the items as set out in section 7 of this report. The contributions and obligations are considered to be directly related to the development, necessary and fairly and reasonably related in scale and kind, in accordance with the 3 tests within the CIL Regulation 122.

5.21 Charlton Common Issues

The application site red line includes Charlton Common. The applicant has stated that the existing adopted Charlton Lane will be widened where required and realigned to accommodate a 6.1m carriageway, which is sufficient to accommodate two-way bus movements. The proposed realignment of Charlton Common Lane to allow a spur to access the proposed new dwellings, and this would involve the loss of a small area of Common Land for highway purposes. However the applicant has stated that as part of the Commons Act Consent regime, the applicant will gift the equivalent area of replacement land to the Common. The land to be gifted is land that currently abuts the Common. For information purposes, the applicant has submitted a 'Common Land Inquiry Proposed Access Rd Land Compensation Plan'. This indicates the area of land proposed to be transferred to Common Land Ownership located to the east of the proposed dwellings to the site access road. Overall there would be a net gain in Common Land area. The Commons Act Consent process would commence after the grant of any planning permission, and is a separate procedure.

The proposal does not include any other works to the common. The improvements to the Common are considered to make it an accessible and attractive facility to be used by the public; they do not involve development, and would not prejudice the rights of Commoners. The works would be landscape management in the form of clearance of scrub to create grassland and wildflower habitats, with mown grass pathways. The existing good quality trees would be retained along with hedgerows, and some new tree planting would take place. In addition, an existing dry pond will be retained and enhanced to increase its ecological value. As noted in the 'ecology' section of this report, the Council's ecologist has been involved with these proposals and is supports them. As noted by a local resident, there have been issues in the past with unauthorised vehicles parking on the common, however it is not possible to

solve this through the planning process as any further new works on the common such as fencing, bunding or ditches would be likely to need consent under the Commons Act. Notwithstanding this, any existing ditches can be cleared out during the clearance process and it is something that could be explored in the future if necessary once the principles of the new access have been through the Commons Act process. Furthermore the enhanced surveillance of the common through overlooking by the new houses would be likely to discourage unauthorised vehicle parking in any event. With regard to the local resident comment concerning the need for protection of an underground pipe across the common, this is a civil matter and cannot be dealt with through the planning process.

The Common is a proposed Local Green Space in the June 2016 SGC Policies Sites and Places Proposed Submission Document. It has been included for its recreational value to residents of the existing local community in north Bristol. Charlton Common is located in close proximity (easy walking distance) to this existing local community which it serves. It also has historic significance in that it is a remnant of a common associated with Charlton village that was demolished to make way for Filton airfield in the 1940s. The site provides an opportunity for tranquillity for the residents of the local communities in north Bristol by providing a break from the urban environment and an opportunity to enhance biodiversity. It is considered that the current proposal would dovetail with these aspirations.

5.22

Heritage

The proposals affect the settings of a number of designated heritage assets including Cedar House to the north east of the site on the edge of the former airfield and the three listed hangars and the pill box. The location of the site means that there are more distant views to the north and west. The council's Listed Building officer concurs with the submitted heritage assessment that development will alter the settings but not cause additional harm to the special significance of the affected listed buildings. It is however important that the screening provided by the mature hedgerows and planting along the eastern boundary of the site and on the Common is maintained. The proposals will result in some thinning of the vegetation along this boundary as there are a number of dead elms, however new tree planting is proposed in order to retain the line of the old field boundary and provide some softening of views of the site from the east. On this basis there are no objections on Listed building grounds.

5.23

Archaeology

There is still potential for archaeology to survive, particularly relating to the Roman period, Saxon and medieval and possibly early to mid 20th century (WWI and WWII). Field evaluation will be required in order to determine the presence, quality character and date of archaeology on site and how to mitigate any impacts. The field evaluation will be achieved through a condition to secure a programme of archaeological work. This work would involve trial trenching leading to the publication of mitigation strategy. The condition requires the field evaluation to be carried out prior to any ground disturbance whatsoever. Subject to this, the proposal is in compliance with Policy CS9 of the adopted South Gloucestershire Local Plan: Core Strategy.

5.24

Drainage

There are no water bodies on the site, however there are existing drainage ditches associated with the hedgerow network along the northern and eastern boundaries of the site. The Lead Local Flood Authority – SGC Drainage have no objection to the proposal. However queried whether any further investigations into the 600mm culvert are planned in order to determine its current condition and whether or not it has the capacity to accommodate the surface water runoff from the site and its exact outlet point. A condition survey should be carried out on the 600mm culvert. This culvert also runs under land that is proposed to be developed under the Fishpool Hill planning application and there is the need for joint discussions between the developers to ensure that this feature remains and is undamaged during construction works. A condition has been imposed relating to this and the applicant has agreed to it.

A condition is included, as per the LLFA advice, to require 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, together with a detailed maintenance plan for the on-site drainage system outlining responsibility, who will carry out maintenance of the system and its regime to be submitted to and approved by the Local Planning Authority.

Subject to these conditions, the application is acceptable in terms of drainage.

5.25

Residential amenity including noise

The application includes a noise report, which at the officer's request was amended to take into account the fact that the adjacent railway line is currently used for freight and will be used more intensively in the future – the proposed Metrowest project to reopen the Henbury line. An additional noise survey was carried out to measure noise and vibration from passing trains. The noise was found to be below the pre-existing ambient noise levels and not considered significant. Further, vibration was not an issue. This is largely due to the railway track being in cutting adjacent to the site. The Council's Environmental Protection (EP) officer has no objections subject to conditions regarding trickle vents.

With regard to the proposed pumping station located in the south western part of the site, the Council's EP officer has no objection subject to a condition requiring it to be designed to specific noise rating levels measured at the nearest dwelling façade.

With regard to existing residents, the closest dwellings are located adjacent to the northern boundary of the site within the residential caravan park. The closes being 15m from the side elevation of a proposed dwelling, with existing vegetation between that would be retained. There are no issues of intervisibility due to the offset location of the proposed dwellings in relation to the existing mobile homes. There are no other dwellings adjoining or near the site.

With regard to the comments of the Police Crime Prevention Officer, a condition is proposed which requires the private drives be lit. Furthermore, since the comments were received, the application has been significantly amended to omit the secluded footpath that was not overlooked, and due to reorientation of the layout, the permissive path area is overlooked by adjacent dwellings.

With regard to the amenity of future residents, officers have sought amendments to the layout to ensure that there are no outstanding issues of privacy or overbearing effect, and sufficient amenity space is provided. Subject to conditions, the proposal is therefore satisfactory in terms of residential amenity.

5.26

Public Open Space

Policy CS24 states provision for green infrastructure, outdoor space, sport and recreation facilities will be sought for all new developments, to the appropriate local standards of provision in terms of quantity, quality and accessibility.

(i) Outdoor Sport

The applicant proposes no on site outdoor sports provision. Based on the predicted population increase that would result from the development (80 Dwellings) a requirement of 2,942sq.m outdoor sports space will be required. As such a financial contribution of £141,029 towards off site provision of sports open space will be required. In addition, there will be a requirement to contribute towards the future maintenance of the space which calculated against the spatial requirement would be £42,685. Further detail of this off site provision is contained in the overarching POS Strategy for CPNN which is currently being formulated and is part of the overarching S.106 Framework Agreement. These areas are located within walking distance of the site. The contribution is considered to be directly related to the development, necessary and fairly and reasonably related in scale and kind, in accordance with the 3 tests within the CIL Regulation 122.

(ii) Informal Recreational Open Space

The applicant proposes provision of 2,000sq.m of informal recreational open space. The minimum spatial requirement to comply with policy CS24 of the Core Strategy is 2,137sq.m. The provision of informal recreational POS on site falls very slightly short of the policy requirement but is considered acceptable, having regard to the proposals for Charlton Common.

(ii) Provision for Children and Young People

The housing layout will provide an equipped area for Children and Young People within the informal recreational POS to the south of the site. This play area measures 432sq.m which meets the minimum spatial requirement to comply with Policy CS25.

The applicant indicates they wish the POS to be managed privately. Appropriate in-perpetuity arrangements will be secured in the application site

specific Section 106 Agreement. The comments of Almondsbury Parish Council regarding the use of CIL funding for this are therefore not relevant.

(iii) Natural and Semi-Natural Green Space

The proposals include 18,000 sqm (1.8ha) of on- site provision. This area is located on Charlton Common, which although an existing area of open space is currently, largely impassable to those on foot due to the densely overgrown nature of the area. The management proposals for this area are therefore accepted by officers as a gain in POS. The provision greatly exceeds the minimum standard for this category of POS which is 2,758sqm.

The amounts will be secured by the site specific S106 agreement.

(iv) Allotments

The minimal spatial requirement for allotment space to comply with policy CS24 of the Core Strategy is 369sq.m. The proposal does not provide any allotment space so is therefore deficient in this regard. Officers have however taken into account the size of the application site which only generates a relatively small spatial requirement (20m x18m) for which would be difficult to secure appropriate associated facilities and management.. Whereas larger sites can sometime accommodate grow areas, the size and shape of this application site together with the levels in the south western corner makes this difficult. Furthermore, existing allotments which adjoin the site have been taken into account, as well as the significant overprovision of semi natural open space to be provided and it is concluded that in this instance taking into account the specific site characteristics this is acceptable.

In the event that the applicant intends the public open space within the site to be maintained by a private landscape management entity rather than the Council, the Council can retain a sufficient level of control over the landscape management entity through the s106 agreement.

Given the above, it is considered that the proposed open space provision meets the policy requirements, the majority on-site but with an appropriate contribution off-site for outdoor sports and as such the proposals accord with Policies CS24 and CS25 of the adopted Core Strategy.

5.27

Affordable Housing

The proposal is for 80 dwellings and includes 28 affordable units in line with the Council's 35% target. The application proposes a tenure split of 78% social rent, 6% affordable rent and 16% shared ownership in line with the SHMA 2009 Addendum. The SHMA 2015 has now superseded this but due to the transitional nature of the application, the continued use of the 2009 split and mix is acceptable. The Council's Enabling Team accept the proposed mix. SGC Housing Enabling accept the proposed mix given how far the application has progressed. The intermediate and affordable rent unit mix reflects that 4 bed houses for these tenures are not affordable/ or are undeliverable by Registered Providers in South Gloucestershire.

Affordable rent is currently only deliverable by Registered Providers with the agreement of the HCA. Provision of affordable rented homes is further dependant on the development capacity of Registered Providers. If affordable rented homes cannot be delivered by a Registered Provider then these homes will be delivered as part of the shared ownership percentage. The S106 Agreement will contain a cascade mechanism converting the tenure of affordable rent units to shared ownership to ensure overall affordable housing delivery is not lost through non-delivery of affordable rented homes.

8% of the affordable housing to meet wheelchair accommodation standards. The Council's has developed a wheelchair specification.

Affordable Housing Plan (drawing RHSV.5310.AHP001 Rev C) shows the location of the affordable housing. Plots 37-45 form a cluster of 9 dwellings with 9 flats provided in a single block. It is accepted that there is the need to provide a workable flat block and therefore accept that although the proposed block doesn't comply with the clustering policy the proposals are acceptable in this instance. This is also acceptable given the rest of the affordable housing is now grouped in compliance with the clustering policy.

Subject to a S106 incorporating the Heads of Terms set out at the end of this report, the proposal is acceptable in terms of affordable housing.

5.28

Ecology

The site consists of a former rank agricultural field with associated scrub and hedgerows. The site is not covered by any statutory or non-statutory nature conservation designations. However, its southern boundary adjoins Filton Railway Cutting which is designated as a Site of Nature Conservation Interest (SNCI) for its calcareous grassland.

The application includes a revised Landscape and Ecological Management Plan (LEMP) and revised Landscape Plan. These now specify the various Emorsgate seed mixes to be used on Charlton Common and for the public open space within the development including the addition of kidney vetch – the food plant for small blue butterfly which are known to be associated with the adjoining Filton Railway Cutting SNCI – alongside the railway cutting. The Landscape Plan also indicates the location and type of bat and bird boxes; and scrub habitat map indicating where scrub will be retained and where it will be managed to prevent encroachment into the grassland of the Common. The LEMP and Landscape Plan also depict the existing pond and the proposed management regime to restore its value for wildlife as well as the log piles to be created near it as hibernacula for herpetofauna.

Officers are satisfied that there are no ecological constraints to granting planning permission, subject to conditions being attached relating to hedgehog, reptiles, badger, a lighting plan and the revised LEMP and Landscape Plan.

5.29

CIL Issues

The South Gloucestershire Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide SPD was adopted March 2015. CIL charging

commenced on 1st August 2015 and this development, if approved, would be liable to CIL charging.

6. CONCLUSION

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

7. RECOMMENDATION

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

1. POS:

- Prior to occupation of the 1st dwelling, the applicant shall secure the management and maintenance of the Public Open Space (POS) and Sustainable Drainage System (SuDS) in perpetuity, to adoptable standards, and in accordance with an appropriate management regime to be first approved in writing by the Council. The developer shall open the POS to the public and maintain the POS and SUDs in accordance with the maintenance regime until such time as the whole of the POS and SUDs areas are either transferred to the Council or transferred to a management entity, the details of which shall be first approved by the Council.
- The applicant shall provide 432 sqm of equipped open space provision on site for children and young people. Trigger for completion– 75th dwelling.
- The applicant shall provide 1.8 Ha of natural and semi- natural open space on the application site including on Charlton Common. Trigger for completion – 75th dwelling.
- The applicant shall provide 0.2Ha on site for informal recreational open space.
- The applicant shall make a contribution of £141,029 towards off site provision/enhancement of outdoor sports facilities as defined in the overarching POS Strategy for CPNN, together with a contribution of £42,685 towards its future maintenance. Trigger – 75th dwelling.

2. Transportation

- The refurbishment of Charlton Road (approx. 100m as shown on Vectos drawing W151724_SK13 Rev E), (removal of old surface, replacement of kerb line on north west side and preparation of existing concrete slabs to accept binder and hot rolled asphalt surface courses. Check and prove (by CCTV if necessary) that drainage on Charlton Rd is adequate. In addition LED lighting upgrade to be provided around the

junction of Charlton Rd with the site access and the site road to current adoptable standards. Reconstruction of Charlton Common Rd (approx. 105m) and shared cycleway/footway as shown on as shown on said drawing, including kerbs, markings, LED lighting and drain survey. Stop up and return to common all redundant sections of highway to the common. All works to be the subject of detailed drawings to be prepared by the developer and approved in writing by the Council and completed prior to the occupation of the first dwelling. In the event that the developer agrees that the works are to be carried out by the Council, a contribution of £217,000 will be payable at commencement of development. In the event that the developer carries out the works, a bond of £217,000 will be payable to the Council prior to the commencement of development.

- A contribution of £46,900 towards the improvements to two bus stops on Charlton Rd. Including bus boarders, new shelters, RTI, power supply and any other associated work. All works to be the subject of detailed drawings to be prepared by the developer and approved in writing by the Council and completed prior to the occupation of the first dwelling. In the event that the developer carries out the works, a bond of £46,900 will be payable to the Council prior to the commencement of development.
- A contribution of £35,000 towards the construction of a new formal pedestrian crossing on Charlton Rd (in BCC) adjacent to Chakeshill Drive. All works to be the subject of detailed drawings to be prepared by the developer and approved in writing by the Council and completed prior to the occupation of the first dwelling. In the event that the developer carries out the works, a bond of £35,000 will be payable to the Council prior to the commencement of development.
- A contribution of £50,000 towards the cost of the purchase and installation, including power, software and signage of two ANPR cameras in the location of the bus gate as shown on the planning layout drawing, (drawing RHSW.5310.PL001 Rev G). Payable on construction by others of adjoining highway within the development parcel to the northwest (known as the Fishpool Hill site). Clawback clause after 10 years from the date of completion of the associated highway hereby approved. Bond of £50,000 payable prior to the occupation of the 50th dwelling.
- A contribution of £15,300 towards the cost of the maintenance of the ANPR camera over 10 years. Payable upon installation of the ANPR camera. Bond of £15,300 payable prior to occupation of the 50th dwelling.
- In the event that the developer undertakes the refurbishment works to Charlton Common Lane to meet the costs of implementation of any TROs or other legal procedures required to deliver and ensure the successful operation of the new and amended highways.
- Works/contributions in BCC to be subject to a tripartite agreement between SGC and applicant and BCC, or unilateral undertaking between applicant and BCC as required.

Affordable Housing

- 35% of dwellings to be delivered as affordable housing, as defined by the NPPF.

- Tenure split of 79% social rent, 7% affordable rent and 14% intermediate housing, as identified by the Wider Bristol Strategic Housing Market Assessment (SHMA) 2015.
- A range of affordable unit types to meet housing need based upon the findings from the SHMA 2009 and subsequent Addendum shown below.

Social Rent

Number of units	Type	Min Size m2
6	1 bed 2 person flats	47
3	2 bed 4 person flats	69
6	2 bed 4 person houses	77
5	3 bed 5 person houses 2 storey	90
2	4 bed 6 person houses 2 storey	112

Affordable Rent

Number of units	Type	Min Size m2
0	1 bed 2 person flats	47
0	2 bed 4 person flats	69
1	2 bed 4 person houses	77
1	3 bed 5 person houses 2 storey	90
0	4 bed 6 person houses 2 storey	112

Intermediate

Number of units	Type	Min Size m2
2	1 bed 2 person flats	47
0	2 bed 4 person flats	69
1	2 bed 4 person houses	77
1	3 bed 5 person houses 2 storey	90
0	4 bed 6 person houses 2 storey	112

If affordable rented homes cannot be delivered by a Registered Provider then these homes will be delivered as part of the shared ownership percentage. The S106 Agreement will contain a cascade mechanism converting the tenure of affordable rent units to shared ownership to ensure overall affordable housing delivery is not lost through non-delivery of affordable rented homes.

- 7% of the affordable housing to meet wheelchair accommodation standards:
2 x 2 bed houses for this purpose.
- Affordable housing is to be delivered without any public subsidy.
- The Council to refer potential occupants to all first lettings and 75% of subsequent lettings.
- Affordable housing should be distributed across the site in clusters as shown on the approved planning layout (drawing no. RHSW.5310.PL001 Rev G).

- Design and specification criteria: All units to be built in line with the same standards as the market units (if higher) and to include at least Lifetime Homes standard, Part 2 of Secured by Design, and compliance with the RP Design Brief.
- Phasing: Affordable housing to be built at the same time as the rest of the housing on site in line with agreed triggers.
- The Council will define affordability outputs in the S.106 agreement, without any further information regarding sales values the affordability standards are as follows:
 - social rents to be target rents, set in accordance with the Direction on the Rent Standard 2014
 - shared ownership: no more than 40% of the market value will be payable by the purchaser The annual rent on the equity retained by the RP should be no more than 1.5% of the unsold equity
 - affordable rents to include service charges in line with NPPF definition and set at up to 80% local median market rents
 - service charges will be capped at £650 (April 2016 base) to ensure that the affordable housing is affordable
- Social rented to be retained as affordable housing in perpetuity. Right to Acquire does not apply where no public subsidy is provided.
- Any capital receipts on intermediate housing to be recycled as capital expenditure on approved affordable housing schemes in South Gloucestershire, on the basis that the subsidy increases by any capital appreciation on that subsidy.

7.2 The reason for the above obligations is to ensure that the enhancements needed to off-set the impact of the redevelopment are secured both to the natural and built environment, and to provide a suit of measures to mitigate the impacts of the development on the existing community and to ensure the future community is sustainable.

7.3 That the Head of Legal and Democratic Services be authorised to prepare and seal the agreement.

7.4 Following the Council introducing the CIL tariff that Head of Corporate Finance is authorised to levy the CIL charge.

7.5 Should the agreement not be completed within 6 months of the date of this Circulated Schedule report that delegated authority be given to the Director of Planning, Transport and Strategic Environment to refuse the application if an extension of time to complete the agreement is not sought.

Background Papers PT15/4165/F
Contact Officer: Helen Ainsley
Tel. No. 01454863643

CONDITIONS

1. The development hereby permitted shall begin before the expiration of three years from the date of this decision.

Reason:

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

2. Samples of the materials to be used in the construction of the external finishes of the dwellings hereby approved shall be submitted to and agreed in writing by the local planning authority (LPA) before being incorporated or applied to the buildings.

Reason:

To ensure a satisfactory standard of external appearance of the development, in the interests of visual amenity and to accord with Policy CS1 of the adopted South Gloucestershire Local Plan: Core Strategy.

3. Details of street lighting for the application site and including the junction of Charlton Common Lane and Charlton Rd shall be approved in writing by the LPA before it is installed. The submitted details should be designed to avoid light spill impacting on nocturnal wildlife. All such details as approved by the LPA shall be implemented in phase with the construction of the dwellings hereby approved.

Reason:

in the interests of the amenity of future residents and in the interests of biodiversity and in accordance with Policies CS1, CS9 and CS26 of the adopted South Gloucestershire Local Plan: Core Strategy, and with Policy L9 of the South Gloucestershire Local Plan (adopted January 2006).

4. All planting, seeding or turfing comprised in the landscaping details hereby approved, (Drawings: R.0303-15_H Landscape Masterplan (Dated 04.10.2016); R.0303-17_G Detailed Landscape Proposals (on plot) (Dated 04.10.2016) and R.0303-18_H Common Detailed Planting Plan (Dated 04.10.2016) shall be carried out in the first planting and seeding seasons following the occupation of the related buildings or the completion of the development, whichever is the sooner, and any trees or plants (existing or planted) which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting seasons with others of a size and species as shall reasonably be specified by the LPA.

Reason:

To protect the character and appearance of the area and to accord with Policies CS1 and CS9 of the adopted South Gloucestershire Local Plan: Core Strategy.

5. No development (including any site clearance or demolition works) shall commence until a Tree Protection Plan is submitted and the location of the tree protection fencing agreed in writing by the Local Planning Authority. For the avoidance of doubt, the Tree Protection Plan shall accord with BS5837 (2012). Thereafter the development shall be implemented in accordance with the agreed details, with all tree protection fencing erected PRIOR to any site clearance works. The Council must be notified when all the tree protection and cellular confinement is in place, to allow this to be checked on site and ensure that it is in accordance with the tree protection plan and any 'no dig' construction method statements. The developer's arboricultural consultant should oversee these works. All tree protection must be left in place for the duration of the development and should not be moved without written authorisation by the Local Planning Authority Arboricultural Officer.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the tree, and to accord with The Town and Country Planning (Tree Preservation) (England) Regulations 2012. Also to avoid any damage to existing trees to be retained and ensure the existing trees and hedgerows are protected during the works, in accordance with best arboricultural practice, and to accord with Policies CS1 and CS26 of the adopted South Gloucestershire Local Plan: Core Strategy. Pre- commencement is required in order to protect the trees prior to any works on site.

6. Prior to the commencement of the development hereby approved, 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, together with a detailed maintenance plan for the on-site drainage system outlining responsibility, who will carry out maintenance of the system and its regime shall have been first submitted and approved by the Local Planning Authority. The approved details shall be implemented prior to the first occupation of the development hereby approved. Such details shall include:

Such details shall include:

- A clearly labelled drainage layout plan showing the pipe network. The plan should also show any pipe node numbers referred to within the drainage calculations.
- A manhole / inspection chamber schedule to include cover and invert levels.
- Drainage calculations to show there is no flooding on site in 1 in 30 year storm events; and no flooding of buildings or off site in 1 in 100 year plus 30% climate change storm event.
- Details of the maintenance regime in relation to the Surface Water Network and components such as the underground storage tank.

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. Pre- commencement is required as the drainage details affect any early cut and fill works.

7. Prior to the commencement of development, a Precautionary Method of Working to avoid killing or injuring hedgehog (a Priority Species) shall be submitted to and approved by the Council in writing. All works are to be carried out in accordance with said precautionary method of working.

Reason:

To protect the wildlife and the ecological interests of the site, in accordance with Policy L9 of the South Gloucestershire Local Plan (adopted January 2006) and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy, (adopted Dec 2013). Pre- commencement is required to avoid harm to hedgehogs during construction.

8. The development hereby approved shall be carried out in strict accordance with the Landscape and Ecological Management Plan (LEMP) dated October 2016 and Landscape Masterplan (Rev H) dated 04.10.2016 by Pegasus Design which includes

the creation of new habitat and its management as well as a programme of monitoring of all works for a period of 5 years.

Reason:

To protect the wildlife and the ecological interests of the site, in accordance with Policy L9 of the South Gloucestershire Local Plan (adopted January 2006) and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy, (adopted Dec 2013).

9. Prior to the commencement of development (including clearance of vegetation), the site shall be re-surveyed for badgers and a report detailing the results of the re-survey and any mitigation strategy provided to the Council. The report shall provide details of all works subject to the licensing provisions of the Protection of Badgers Act 1992. All works are to be carried out in accordance with said report.

Reason:

To protect the wildlife and the ecological interests of the site, in accordance with Policy L9 of the South Gloucestershire Local Plan (adopted January 2006) and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy, (adopted Dec 2013). Pre- commencement is required in order to ensure that no harm to any badgers arises during construction.

10. Prior to the commencement of any groundworks whatsoever, including any earth movement or remediation works, a programme of archaeological work and subsequent detailed mitigation and publication strategy, including a timetable for the mitigation strategy (phase 1), must be submitted to and approved by the local planning authority. Thereafter the approved programme of mitigated measures (phases 2, 3) and method of publication (phase 4) shall be implemented in all respects. The condition requires a four phased approach, comprising field evaluation and production of mitigation and publication strategy (phase 1), open area excavation where necessary (phase 2), watching brief where necessary (phase 3) and publication/archiving as appropriate (phase 4).

Reason:

In the interest of archaeological investigation or recording, and to accord with Policy L11 of the South Gloucestershire Local Plan and policies CS9 and CS26 of the adopted South Gloucestershire Local Plan: Core Strategy. Pre commencement is required so that any archaeology is not damaged.

11. Prior to the commencement of construction of the drainage infrastructure, a survey of the existing culvert on the site shall be undertaken. The survey shall identify whether there are any blockages due to failed sections, or any issues which may hinder the flow of water through the culvert. Any such defects shall be repaired as necessary in accordance with details to be first submitted to and approved by the Local Planning Authority, and fully implemented in accordance with the approved details prior to the first occupation of the dwellings hereby approved.

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.

12. The carport hereby approved associated with the wheelchair unit shall be open sided to ensure the maximisation of the available space for a wheelchair user transferring alongside a car.

Reason:

In the interests of the amenity of future wheelchair users and in accordance with Policies CS26 and CS17 of the South Gloucestershire Local Plan: Core Strategy, (adopted Dec 2013).

13. The Ecological Buffer and Permissive Path area running along the southern boundary of the site shall remain open at either end with no impediment to pedestrian use or any fencing or means of enclosure erected within or adjacent to it other than that shown on the plans hereby approved.

Reason:

in the interests of the amenity of local residents and in the interests of biodiversity, and in accordance with policies L9 of the South Gloucestershire Local Plan (adopted January 2006) and Policies CS9 and CS26 of the South Gloucestershire Local Plan: Core Strategy, (adopted Dec 2013).

14. The play area hereby approved shall be completed in accordance with details to be submitted to and approved in writing by the LPA prior to the occupation of the first dwelling hereby approved. Such details shall include the play components, levels, sections, any boundary treatments, surfacing, relationship with the adjacent ditch and details of the adjacent culvert. In addition, details of a footpath link from the area adjacent to the play area to the site boundary with the adjacent 'Fishpool Hill' development parcel shall be submitted for approval by the LPA. The development shall be implemented in accordance with the details as approved in writing by the LPA and be open and available for use by the public prior to the occupation of the 70th dwelling hereby approved.

Reason:

In the interests of recreation and the amenity of future residents and in accordance with Policies CS26 and CS24 of the South Gloucestershire Local Plan: Core Strategy, (adopted Dec 2013).

15. Prior to the commencement of the development hereby approved, a mitigation strategy for reptiles (slowworms) shall be submitted to and agreed in writing by the Council. All works are to be carried out in accordance with said strategy.

Reason:

To protect the wildlife and the ecological interests of the site, in accordance with Policy L9 of the South Gloucestershire Local Plan (adopted January 2006) and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy, (adopted Dec 2013). Pre-commencement is required in order to ensure no harm during construction.

16. The road to be constructed to serve plots 17-20 inclusive shall be constructed to extend fully to the site boundary with the 'Fishpool Hill' site (which adjoins the north western boundary of the site), in accordance with the drawing RHSW.5310.PL001 Rev G hereby approved.

Reason:

In the interests of enabling the comprehensive development of the CPNN and the interests of highway safety and sustainable development and in accordance with Policy CS26 of the South Gloucestershire Local Plan: Core Strategy, (adopted Dec 2013).

17. Driveways in which the external car parking area is provided between two side elevations of dwellings shall be provided with external lighting to illuminate this area and external lighting to BS5489:2013 shall be provided for the private driveways/communal car parking areas of plots 37-45 inclusive, 46-49 inclusive, 72-75 inclusive and 78-80 inclusive.

Reason:

In the interests of personal safety and crime prevention and in accordance with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy, (adopted Dec 2013).

18. Trickle ventilation shall be provided in the bedrooms facing the railway line to units 37-56 inclusive and 69, to meet the internal night time requirement of BS8233.

Reason:

To protect the residential amenity of future occupants, and in accordance with and Policy CS9 of the adopted South Gloucestershire Local Plan: Core Strategy.

19. The proposed pumping station shall be designed so that the noise rating level, as defined by BS 4142:2014, does not exceed 40dB at the façade of any existing or proposed noise-sensitive receptor.

Reason:

to protect the residential amenity of future occupants, and in accordance with and Policy CS9 of the adopted South Gloucestershire Local Plan: Core Strategy.

20. The details of the type and exact location of the proposed knee rail adjacent to the 5m ecological buffer shall be submitted to and approved in writing by the LPA prior to its erection prior to the occupation of any of units 47-56. Only such details as approved shall be used.

Reason:

In the interests of visual amenity and in accordance with accordance with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy, (adopted Dec 2013).

21. Details of the highway verge tree pits shall be submitted to and approved in writing by the LPA prior to the construction of any part of the adjacent highway.

Reason:

To ensure the longevity and healthy growth of the trees and to protect the character and appearance of the area and to accord with Policies CS1 and CS9 of the adopted South Gloucestershire Local Plan: Core Strategy.

22. No development approved by this permission shall be commenced until a Construction Environmental Management Plan (CEMP), including (but not exclusively) pollution prevention measures, the control dust and noise to the appropriate BS

standard, hours of working, water pollution prevention measures, construction vehicle size and routing, has been submitted to and approved by the Local Planning Authority. The plan shall subsequently be implemented in accordance with the approved details and agreed timetable.

Reason:

To prevent pollution and in the interests of highway safety during the construction phase and in accordance with Policy CS9 of the adopted South Gloucestershire Local Plan: Core Strategy, and Policy T12 of the South Gloucestershire Local Plan. Pre-commencement is required as it relates to the construction process.

23. Prior to the occupation of the first dwelling, a travel plan with the aim of providing residents with information regarding reducing the need to travel by car, encouraging healthy commuting and work/non work related journeys shall be submitted to the LPA for their written approval. Such details as approved shall be implemented in phase with the development.

Reason:

In the interests of sustainable development and in accordance with Policy CS26 of the South Gloucestershire Local Plan: Core Strategy, (adopted Dec 2013).

24. Prior to the first occupation of any of the dwellings hereby approved, details shall have been first submitted to and approved by the LPA in writing of boundary treatment to be erected along the hammerhead adjacent to the north western boundary of the site in order to prevent any vehicular access beyond the site boundary. Such details as approved shall be implemented prior to the occupation of the 70th dwelling hereby approved.

Reason:

In the interests of highway safety and sustainable development and in accordance with Policy CS26 of the South Gloucestershire Local Plan: Core Strategy, (adopted Dec 2013).

Informatives

Coal Authority standing advice

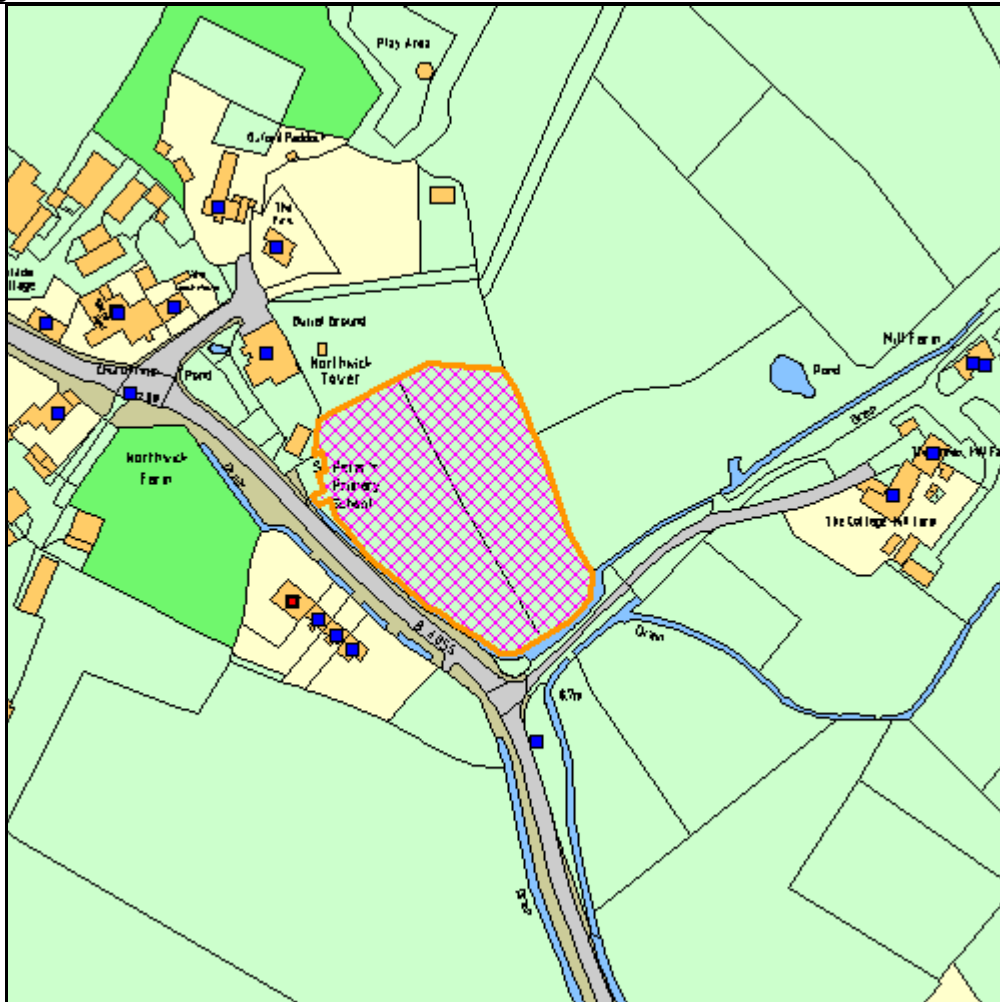
Network Rail safe operation

Highway structures

Contact Officer: Helen Ainsley
Tel. No. 01454 863788

CIRCULATED SCHEDULE NO. 44/16 – 4 NOVEMBER 2016

App No.:	PT16/3148/F	Applicant:	Mr Jason Turley
Site:	Paddock Northwick Road Pilning South Gloucestershire BS35 4HF	Date Reg:	31st May 2016
Proposal:	Change of use of agricultural land to a mixed use for agriculture and keeping of horses (sui-generis). The retention of 1 no. stable block, 2 no. 'Railway carriages', 1 no. steel container, the relocation of 1 no. metal container, and 2 pairs of palisade fence and gates. (Retrospective), and the erection of an extension to an existing stable block.	Parish:	Pilning And Severn Beach Parish Council
Map Ref:	355961 186667	Ward:	Pilning And Severn Beach
Application Category:	Minor	Target Date:	21st July 2016



© South Gloucestershire Council 2015.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2015.

N.T.S.

PT16/3148/F

REASON FOR REFERRING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule following the receipt of objection from local residents, the concerns raised being contrary to the officer recommendation. The proposal also represents a departure from Green Belt policy.

In this case any resolution to grant planning permission for this development does not need to be referred to the Secretary of the State for Communities and Local Government as the development is not of a large enough scale and it would not have a significant impact on the openness of the Green Belt (referral criteria is set out in the Departure Direction 2009).

1. THE PROPOSAL

- 1.1 This is a retrospective application for the change of use of agricultural land to a mixed use for agricultural and keeping horses at Paddock Northwick Road, Pilning. There are a number of structures including a stable, metal containers and horse boxes within the site. The proposal is to retain 2 no. timber 'Railway carriages', 1 no. steel container, 1 no. stable and erect a single storey extension, relocate a metal container to the northwest corner of the site. It is also proposed to retain the existing 2.45 metres high palisade fence and gates at the entrance of the site. During the course of the application, a revised site plan and Certificate D was submitted. A flood risk assessment has also been submitted with the proposal to support the proposal.
- 1.2 The site encompasses 0.4 hectares of land, which is adjacent to a listed building curtilage. It is situated within an open countryside and the Bristol / Bath Green Belt. The site is situated within Flood Zone 2 & 3.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Practice Guidance

2.2 Development Plans

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

L1	Landscape protection and enhancement.
L9	Species Protection
L11	Archaeology
L12	Major Recreational Route
E10	Horse related development
EP2	Flood Risk and Development
T8	Parking Standards
T12	Transportation Development Control Policy for new Development

South Gloucestershire Local Plan: Core Strategy adopted December 2013

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development

CS5	Location of development
CS9	Managing the Environment and Heritage
CS34	Rural Areas

2.4 Emerging Plan

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP7	Development in the Green Belt
PSP10	Development Related Transport Impact Management
PSP17	Parking Standards
PSP18	Heritage Assets and the Historic Environment
PSP20	Wider Biodiversity
PSP21	Flood Risk, Surface Water and Watercourses
PSP22	Environmental Pollution and Impacts

2.3 Supplementary Planning Guidance

SG Landscape Character Assessment. Character Area LCA 3, Ashwicke Ridges.

Development in the Green Belt SPD adopted May 2007

South Gloucestershire Design Checklist (Adopted) 2007

3. RELEVANT PLANNING HISTORY

- 3.1 P85/2633 Erection of detached bungalow. Construction of new vehicular and pedestrian access. (Outline). Refused 15.01.1986

4. CONSULTATION RESPONSES

4.1 Pilning and Severn Beach Parish Council

No objection. Pilning & Severn Beach parish council do not object to this application but if granted should carry a condition for no future change of use. In addition to this, as this application is part retrospective, the parish council would like a member of the Council Enforcement team to visit the site in order to regularise the site in case of future breaches.

Other Consultees:

4.2 Highway Structures

Advice is given regarding the highway structure.

4.3 Drainage

No objection.

4.4 Environment agency

No comments.

4.5 Ecologist

Whilst ecological survey reports have not been submitted, given the scale of the proposals and the condition of the site, it would not be necessary to insist such surveys to be carried out. Therefore, there is no ecological objection to the proposal.

4.6 Conservation Officer

Providing the extraneous storage units are removed and the hedgerow maintained at its current height, the proposal should have no impact on the setting of the designated heritage assets. It is however advised that the existing fence and gate is rather excessive and incongruous. It is suggested to impose appropriate conditions to restrict the introduction of jumps, horse boxes and other associated paraphernalia to reduce the visual amenity of the equestrian use.

4.7 Landscape Architect

The proposed stable is well screened by high hedging and there is no landscape objection to the development subject to a condition seeking a landscaping scheme of tree planting. It is also suggested that a condition be applied to maintain the hedge to screen the stables from the road.

4.8 Highway Officer

No objection subject to condition seeking the existing access gates to be rehung and open into the site only.

Other Representations

4.9 Local Residents

Three letters of objection were received, the concerns are summarised as follows: (Full comments are available from the Council website):

- This site is subject to an SSSI (Coastal Community) and should be left as an Agricultural green field.
- The original site plan is incorrect
- Highway and Ecology Officer raise concerns about the proposal
- The palisade gate on highway land
- No justification for retaining the existing storage units

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

This site is located in the open countryside within the Green Belt. Paragraph 89 of the NPPF states that a local planning authority should regard the

construction of new buildings as inappropriate in Green Belt. Exceptions to this are : i. buildings for agriculture and forestry, ii. Provision of appropriate facilities for outdoor sport, outdoor recreation,..., as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. However the list at paragraph 90 of the NPPF do not include changes of use of land. This aspect of the NPPF has been the subject of a number of legal cases as there is a seeming contradiction. Whilst the legal cases are not unanimous, the balance of decisions would indicate that the correct interpretation of national policy is that the change of use itself is inappropriate development; whereas new buildings for sport/recreation remain appropriate. Accordingly, the change of use of the land requires the consideration of whether very special circumstances exist.

Policy E10 of the Local plan deals with horse related development and identifies that they will be permitted subject to: their impact on the environment, neighbours, vehicular access and parking; whether there is safe and convenient access to bridleways and riding ways; whether there are existing suitable underused buildings available and capable for conversion and where the design of buildings and site size and the number of horses has proper regard for the safety and comfort of horses.

5.2 Impact on the Green Belt and surrounding landscape and very special circumstances

The proposal is to change of use of the agricultural land to a mixed use of agricultural and keeping horses, and to retain the existing stable and a number of storage units within the site. It is also proposed to erect a single storey extension to the side of the existing stable. The proposed extension would be 2.2 metres wide by 3.65 metres long and 2.4 metres to its ridge. Other storage units, such as, 2.4 metres high lorry body, 1 no. old 'dilapidated' small caravan, and 1 no. horse box, will be removed from the site. The applicant indicated that some of these storage units were left by the previous owners. The site visit also revealed that these existing storage units would not be suitable to keep horses nor the hay/feed.

In terms of very special circumstances for the change of use the NPPF declares that one of the beneficial uses of the Green Belt is to provide opportunities for outdoor sport and recreation. The proposal for the change of use of land for a mixed of agricultural use and the keeping of horses for recreational use would therefore be in accordance with this ethos. The proposal can therefore be given considerable weight in this respect. Furthermore, it is considered that the proposed mixed use of the land would not have a materially greater impact upon the openness of the Green Belt than the existing authorised use as agricultural. In physical terms the land would remain open, this is given considerable weight in favour of the proposal. In addition, the site is distinctly rural and as such the keeping of horses would not be out of character. Appropriate conditions limiting horse related equipment stored on the land can ensure the openness is maintained and protect the surrounding landscape. These conditions will also ensure the development has minimum impact on the landscape.

It is considered that the proposed change of use would not cause any material harm to the openness of the Green Belt; and the purpose is advocated as a positive function of Green belt land. It is considered this is sufficient to amount to very special circumstances, especially given that no harm to openness has been identified.

Turning to the retention of an existing stable and the erection of a single storey side extension, the NPPF states the construction of new buildings inside the Green Belt is not inappropriate development if the development relates to an appropriate facility for outdoor sport and recreation, as long as it preserves the openness of the Green Belt. It is considered that the stables are modest in size, adequate for 2no. horses and the existing hedges would also provide a degree of screening to the site. Although it would be unreasonable to impose a condition to maintain the existing hedges as they fall outside the applicant's ownership, a condition can be imposed to secure additional hedges to be planted within the site in order to enhance the landscape character of the site. In addition, the proposal would involve a number of old structures being removed from the site.

Given the above it is considered that the retention of the existing stables and the proposed extension to the stable would not cause harm to the Green Belt, the surrounding landscape and thereby accords with the NPPF and Policy L1.

Regarding the existing temporary structures these include 2 no. 'Railway carriages, 2 no. steel/metal containers, 1 no. caravan, and 1 no. horse box, the submitted drawings show some of these temporary units will be removed and other will be retained on site. It should be noted that all these structures would not fall within the 'Exception' categories of the National Planning Policy Framework, therefore they are inappropriate development in the Green Belt. In fact it is debatable whether they are actually buildings or a use of land given their nature. Nevertheless they seem to have accumulated incrementally with the result being harmful to openness and the rural character of the area. The applicant has indicated that they need storage for the use of the land being a mixed use of the agricultural and equestrian purposes, however, given the land is small in scale, and this proposal would allow for an extended permanent stable structure. This is considered to be the appropriate response to storage needs on a number of grounds other than Green belt (see sections of design and flood risk below). It is not considered that there are sufficient very special circumstances to justify the grant of planning permission for the retention of these structures and as such a condition removing all of them is proposed notwithstanding the submitted plan.

Therefore, it is considered that the proposed mix use of agricultural and equestrian purposes would constitute very special circumstances and the retention of the existing stable and the proposed extension to the stable are appropriate development in the Green Belt. However, the retention of the existing temporary structures or storage units would be harmful to openness, and has not been justified therefore a condition requiring their remove is recommended.

5.3 Design and Visual Amenity

The existing stable building has an overall footprint of 26.2 square metres and the proposed extension would have a footprint of 8.03 square metres. There would be a hardstanding area of 1.04 metres wide in front of the stable building, which would be finished with timber 'overlap' slats to walls and door with grey profiled metal sheeting. Given that the size of the land and the location of the stable building, it is considered that the design of the stable reflects the rural character of the area and the proposed building is appropriate in size. The proposed materials would assist its successful integration into the landscape and area in general. In these terms the proposal is acceptable and can be supported

Regarding the proposed fence and gates, officers acknowledge that they are of industrial appearance. However, they are slightly set back from the existing hedgerow and would be painted in green, it is considered that the retention of these palisade fence and gates would not cause significant adverse impact upon the locality to warrant a refusal of this application.

Regarding the existing temporary structures, the drawings show that 2 no. metal storage / containers, 2 no. railway carriages and a small caravan would be retained. Given that they are temporary structures in poor condition their appearance would be out of keeping with the rural character of the site and the locality. Although the applicant indicated that they were left by the previous owner and they would provide additional storage on site, it is considered that these reasons would not be adequate to justify the grant of planning permission. It is considered that these structures need to be permanently removed from the site as they have caused an adverse impact upon the rural character and appearance of the site itself and the locality. As such, a condition is imposed to secure the removal of these structures.

5.4 Setting of the Heritage Assets

Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Paragraph 133 and 134 of the NPPF states where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

From historic setting perspective, the Paddock is relatively well screened from the public realm, from the grounds of the listed school and also from the graveyard to the listed church tower. The Council Conservation Officer considers that providing the extraneous storage units are removed and the hedgerow maintained at its current height, the proposal would have no impact on the setting of the designated heritage assets. As previously indicated, it would be unreasonable to impose a condition to retain the height of the hedges as they fall outside the applicant's ownership. However, given that the existing stable and the proposed extension would not affect the existing hedgerow, your case officer therefore considered the proposed structures would not cause

significant adverse impact upon the historic setting of the adjacent designated heritage assets subject to conditions securing the removal of some of the existing horse box, dilapidated caravans and lorry body.

The Conservation Officer has also advised that the existing palisade gate is rather excessive and incongruous and the applicant has indicated that the site has been subject to trespass in the past and the fences and gates are to provide necessary security of the site.

Whilst officers consider that the proposed palisade gates would not entirely reflect the rural character of the site and would have an adverse impact upon the setting of the adjacent listed building and structure. Your case officer considers that the adverse impact upon the setting of the adjacent listed buildings would be less than substantial given that the means of enclosure would be adjacent to the setting of the historic buildings and they are further away from the existing listed buildings/structures themselves. It is therefore considered that the proposal would not cause a substantial harm to or a total loss of significance of the heritage assets to warrant the refusal of this application.

Regarding the retention of other temporary structures / storage units within the site. Your case officer agrees that the extraneous storage units should be removed as they would have an adverse impact upon the setting of the historic assets due to its poor design and appearance and the proximity of the historic buildings, a condition is therefore imposed to secure the removal of these units.

5.5 Horse Related Development Policy

Policy E10 Horse Related Development and LC5 Proposals for Outdoor Sports and Recreation outside Existing Urban Area and Defined Settlement Boundary are the relevant horse related policies. These Policies support proposals for horse related development provided it does not have an unacceptable impact in relation to the environment, residential amenity, highway safety and horse welfare. Highway safety is dealt with below within the Transportation section.

It is noted that the existing stable block has room for 2no. horses. The general guidelines from the British Horse Society are that each horse should have between 1-1.5 acres of land; in this case the field is approximately 1 acre. Whilst the size of the land would fall below the suggested guidelines, the proposed extension would provide additional storage for keeping feed and hay and thus helping reduce the effects of long term grazing, giving the grass and ground a chance to recover and preventing overgrazing. As such, it is considered that the proposal would not cause an unacceptable impact upon the horse welfare provided that a condition is imposed to secure that there would not be more than two horses kept at this site.

5.6 Residential Amenity

There are a number of residential properties opposite the application. Given that the nature of the proposed uses and the modest scale of the proposed stable blocks, it is considered that there would be no unreasonable adverse impact on residential amenity and it would not prejudice the amenities of neighbours. .

It is not considered that the mixed use of agricultural and keeping horses would have any adverse unreasonable environmental effects by means of noise, smells or disturbance due to its modest scale.

The development therefore is considered to be in accordance with the criteria listed in saved Policy E10 and saved Policy LC5 and can be recommended for approval subject to conditions regarding the number of horses and general use of the land.

5.7 Transportation issues

This application seeks retrospective permission to change the use of a paddock on Northwick Road, Pilning from agricultural to mixed agricultural and equestrian uses. It also seeks to erect a stable block and site a metal storage container.

Highway Officer has no objection in principle to this proposal but had requested more details of the proposed access arrangements. From the latest plans, it is understood that access will be obtained from the existing access, which will not be changed in any way. However, the gates would be situated very close to the edge of the carriageway, it would be necessary to impose a condition to ensure access gate would only open into the site rather than into Northwick Road. Subject to the condition, the proposal is acceptable from the transportation perspective and will be in accordance with Policy CS8 of the adopted Core Strategy and saved Policy T12 of the adopted Local Plan.

5.8 Landscape Assessment

The application site is located within the open countryside and the Green Belt. The proposed stable is well screened by high hedging and there is no landscape objection to the development. The Landscape Officer has suggested to impose a condition to maintain the hedge to screen the stables from the road. As the applicant does not own the hedgerow, it would be unreasonable to impose such condition, however, additional trees / hedges can be planted along the boundary, a condition is imposed to seek a tree planting scheme to conserve and enhance the landscape character of the locality.

5.9 Flooding and Drainage

The site is situated within the Flood Zone 2 and 3 and the applicant submitted a flood risk assessment to address this particular issue. As the whole site is located within the flood zone, it would be impossible to steer the development away from the Flood Zone. Paragraph 104 of the National Planning Policy Framework states that applications for minor development and change of use should not be subject to the Sequential or Exception Test but should still meet the requirements for site specific flood risk assessment. Therefore the proposal would not need to pass the Sequential Test as it is a change of use and all built development is minor.

In the submitted flood risk assessment, the applicant confirms that the existing stable is built with a concrete slab 210mm above existing ground level to provide a dry surface for horses should the field become waterlogged, any electrical fittings will be positioned at least waist height or higher where practicable, and the applicant will sign up to the Environment Agency flood

warning service for advance notice of when flooding in the area is likely to happen to give time to prepare to evacuate their horses. Given that the proposal would be considered as 'less vulnerable' or 'water-compatible development', it is considered that the proposal would not cause significant risk to flooding to people and property and the proposed flood risk management would be acceptable, therefore the Drainage Officer and your Case Officer are satisfied with the proposal and raised no drainage objection.

In this instance, it is considered that the retention of the stable block and the erection of the extension to the stable would meet the guidance of National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework.

Regarding the retention of other temporary structures, the Technical Guidance to the NPPF states that any proposal involving a change of use of land to a caravan, the Sequential and Exception Test should be applied. Whilst the submitted drawing shows some of the existing structures will be removed, it is indicated that 2 no. metal containers, 2 no. 'railway carriages' will still be retained. These are not caravans, but do pose similar risks in terms of their stability in the event of a flood. Given that they are temporary structures/storage without appropriate surface water drainage provision and lack a sound structural foundation to secure the units, it is considered that they would increase the risk to people and property in the event of a flood. Given the other concerns already identified in relation to these structures this is an added factor to require their removal. As such, the proposal would fail to meet the NPPF and the Technical Guidance to the NPPT, and these temporary units will need to be permanently removed from the site and a condition is imposed to secure this.

5.10 Ecology

Officers acknowledge the concerns regarding the ecological status of the site. The application site itself is not covered by any statutory or non-statutory nature conservation designations. However, it lies within the floodplain of the Severn Estuary which is notified as a Site of Special Scientific Interest (SSSI) and protected under the Wildlife & Countryside Act 1981 (as amended) and designated as a Special Protection Area (SPA) under EC Directive 79/409 on the Conservation of Wild Birds ('the Birds Directive') and Ramsar site under the Ramsar Convention on the Conservation of Wetlands of Importance. The Estuary is also a Special Area of Conservation (SAC) under European Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Fauna and Flora ('the Habitats Directive 1992'), implemented in Britain by the Conservation (Natural Habitats & c) Regulations 2010 ('the Habitat Regulations'), otherwise known as European or Natura 2000 (N2K) Sites.

The Council Ecologist originally raised an objection to the proposal as no ecological information was submitted with the application. Subsequently, the Council Ecologist reviewed the recent photos of the site, which give further information regarding the condition of the land. Given the scale of the proposal and the condition of the site, Officers consider that it would be unnecessary to carry out an ecological survey of the site, as the proposal would not cause an unacceptable adverse impact upon the ecological value of the site.

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.
- 6.3 The proposal represents a departure from the Development Plan as the recommendation for approval is made on the basis that very special circumstances have been demonstrated. The application has been advertised as a departure but it is not considered that a referral to the Secretary of State is necessary.

7. **RECOMMENDATION**

- 7.1 Planning permission is **granted** subject to the conditions set out below and the decision to be issued upon the expiry of the consultation period for the departure advertisement.

Contact Officer: Olivia Tresise
Tel. No. 01454 863761

CONDITIONS

1. Notwithstanding the submitted drawings, No. JT/16/01 Rev B and No. JT/16/02 B, within three months of this decision, all existing temporary structures / storage units including the dilapidated caravan, horse box, lorry body, 2 no. 'railway carriages', 2 no. steel/metal containers, and any other temporary or permanent structures, which are not included in the drawings no. JT/16/01 Rev B and JT/16/02 Rev B, shall be permanently removed from the site. Development shall be retained as such thereafter.

Reason

To protect the open character and appearance of the Green Belt and landscape character in general; and to reduce flood risk to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and the saved Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and the requirements of The National Planning Policy Framework March 2012 and the South Gloucestershire Council SPD - 'Development in the Green Belt' June 2007.

2. At no time shall the development the subject of this permission be used for livery, riding school or other business purposes whatsoever.

Reasons:

- a. To protect the character and appearance of the Green Belt and landscape in general, and to accord with Policy CS1, CS5 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013), and the saved Policy L1 and Policy E10 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and the requirements of The National Planning Policy Framework March 2012 and the South Gloucestershire Council SPD - 'Development in the Green Belt' June 2007.
 - b. In the interests of highway safety, and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and the saved Policies E10 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.
 - c. To protect the amenities of the occupiers of the nearby dwellings, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and the saved Policy E10 of the South Gloucestershire Local Plan (Adopted) January 2006.
3. The number of horses kept on the site edged in red on the plans hereby approved shall not exceed 2 (two).

Reasons:

- a. In the interests of the welfare of horses, to accord with the guidance of the British Horse Society; and the saved Policy E10 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
 - b. To protect the amenities of the occupiers of the nearby dwellings, and to accord with the saved Policy E10 of the South Gloucestershire Local Plan (Adopted) January 2006.
 - c. In the interests of highway safety, and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and the saved Policies E10 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.
4. No jumps, fences, gates or other structures for accommodating animals and providing associated storage shall be erected on the land.

Reason

To protect the character and appearance of the Green Belt and landscape in general, and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and the saved Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and the requirements of The National Planning Policy Framework March 2012 and the South Gloucestershire Council SPD - 'Development in the Green Belt' June 2007.

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

Reason

To protect the character and appearance of the Green Belt, the AONB and landscape in general, and to accord with Policy CS1 and CS9 of the South Gloucestershire Local

Plan: Core Strategy (Adopted December 2013) and the saved Policy L1 and L2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and the requirements of The National Planning Policy Framework March 2012 and the South Gloucestershire Council SPD - 'Development in the Green Belt' June 2007.

6. Within three months of the proposed development hereby approved, a landscaping scheme shall be submitted for approval that shall include the following items:
 - a. tree planting scheme including their species, size and location, times of planting, and specification notes covering topsoil depths, cultivation, irrigation and the landscape maintenance covering a 5 year establishment period to secure planting thrives,
 - b. details of existing and proposed hard-standing area within the area, and
 - c. A timetable for the implementation of the landscaping scheme.

Development shall be carried out in accordance with the agreed details.

Reason

To protect the character and appearance of the Green Belt, the landscape in general, and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and the saved Policy L1 and L2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and the requirements of The National Planning Policy Framework March 2012 and the South Gloucestershire Council SPD - 'Development in the Green Belt' June 2007.

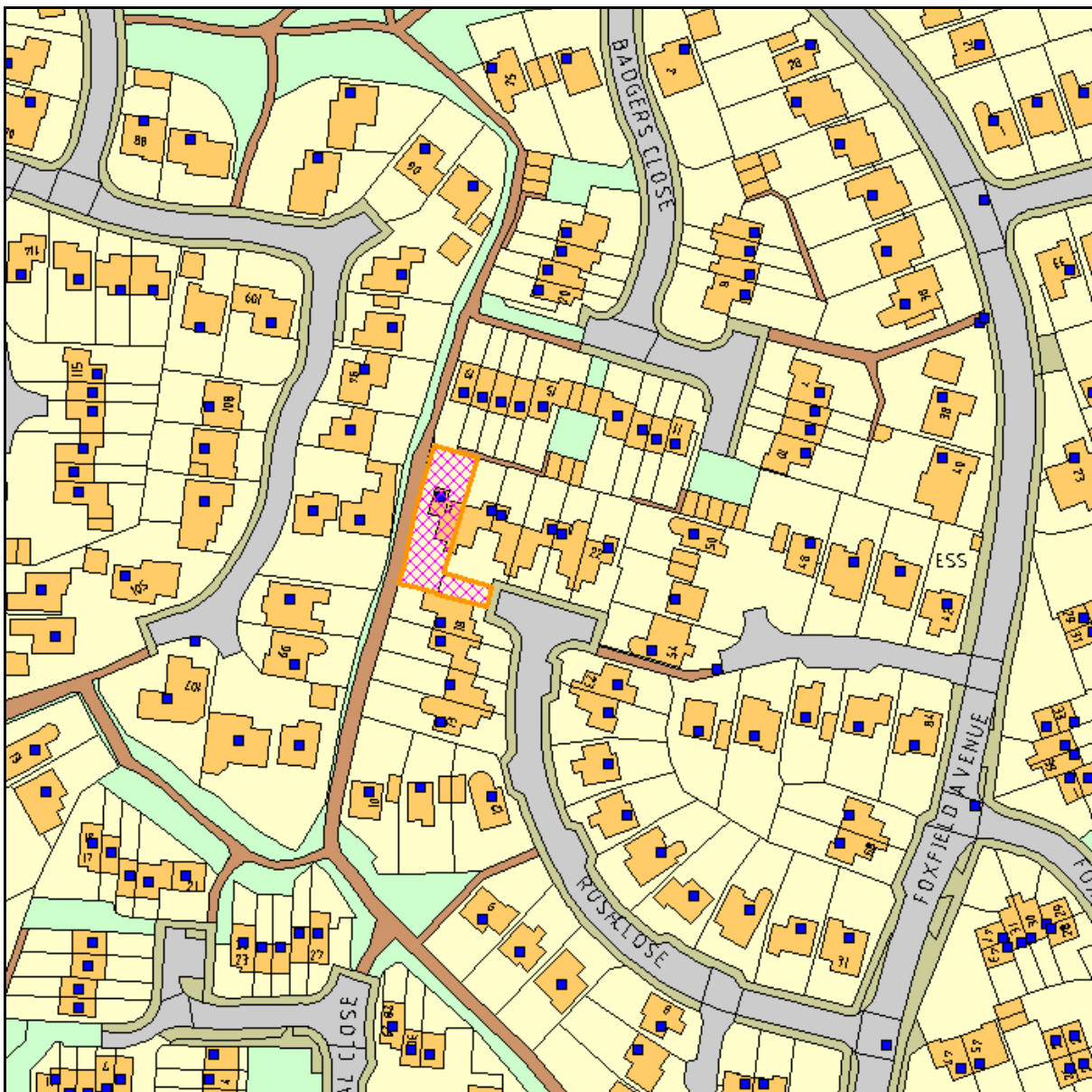
7. Within one month of the decision, all gates to the vehicular access shall be rehung and shall only open into the site rather than into Northwick Road. The development shall be retained as such thereafter.

Reason

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

CIRCULATED SCHEDULE NO. 44/16 – 4 NOVEMBER 2016

App No.:	PT16/4072/F	Applicant:	Mr Richard Redman
Site:	17 Rush Close Bradley Stoke Bristol South Gloucestershire BS32 0BU	Date Reg:	7th July 2016
Proposal:	Demolition of existing garage and erection of 1 no detached dwelling and associated works.	Parish:	Bradley Stoke Town Council
Map Ref:	361647 182966	Ward:	Bradley Stoke North
Application Category:	Minor	Target Date:	30th August 2016



© South Gloucestershire Council 2015.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2015.

N.T.S.

PT16/4072/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the demolition of an existing garage and erection of 1 no. detached dwelling and associated works.
- 1.2 The application site relates to the garden of No. 17 Rush Close, Bradley Stoke. Rush Close is a large cul-de-sac of modest semi-detached and detached properties.
- 1.3 During the course of the application, revised plans were submitted to address concerns raised by the Transportation Officer.

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 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
CS25 Communities of the North Fringe of Bristol Urban Area

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

H4 Residential Development within Existing Residential Curtilages
T7 Cycle Parking
T12 Transportation Development Control Policy for New Development

2.3 Emerging policy: South Gloucestershire Local Plan: Proposed Submission: Policies, Sites and Places Plan June 2016

PSP1 Local Distinctiveness
PSP8 Residential Amenity
PSP11 Development Related Transport Impact Management
PSP16 Parking Standards
PSP20 Flood Risk, Surface Water and Watercourse Management
PSP38 Development within Existing Residential Curtilages
PSP43 Private Amenity Standards

- 2.4 Supplementary Planning Guidance
Design Checklist SPD (Adopted) 2007
Residential Parking Standard SPD (Adopted) 2013
Waste Collection SPD (Adopted) 2015

3. **RELEVANT PLANNING HISTORY**

- 3.1 P90/0020/253 Approved 23/01/1991
Residential development on approximately 3.75 acres of land to include the erection of 45 dwellings with associated garages and screen walls. Construction of associated roads and car parking areas (in accordance with amended plans received by the council on 7th January 1991). (To be read in conjunction with P84/0020/1).
- 3.2 P90/0020/210 Approved 23/05/1990
Residential development on approximately 3.75 acres of land to include the erection of 45 dwellings with associated garaging and screen walls. Construction of associated roads and car parking areas (in accordance with the amended plans received by the council on 8th May 1990).
- 3.3 P88/0020/94 Approved 21/09/1988
Residential development on approximately 2.8 hectares (7 acres) to include erection of 72 dwellings with associated garaging and screen walls. Construction of associated roads and car parking areas (in accordance with the amended plans received by the council on 1st September 1988) (to be read in conjunction with P84/20/1)
- 3.4 P84/0020/1 Approved 03/12/1986
Residential, shopping & employment development inc. Roads & sewers and other ancillary facilities on approx.1000 acres of land.

4. **CONSULTATION RESPONSES**

- 4.1 Bradley Stoke Town Council
Objection:
Overdevelopment
Inadequate and contrived parking provision
- 4.2 Other Consultees

Public Rights of Way
No Objection:
Attach a standard informative to make developer aware that there is a public footpath running adjacent to the property (OAY 40).
- Highway Structures
No Objection:
Details of excavations and the temporary support to be provided during construction are to be submitted to satisfy the highway authority that support to the highway is provided at all times.

If the application includes a boundary wall alongside the public highway or open space land then the responsibility for maintenance for this structure will fall to the property owner.

Lead Local Flood Authority

No Objection

Sustainable Transport

Objection:

Existing garage to be demolished and 1no. detached dwelling erected. Existing dwelling benefits from 2no. off-street parking spaces. It is proposed to allocate 1no. parking space for the existing and 1no. for the proposed. To be able to reverse and manoeuvre effectively out of a parking space, a length of 6 metres is required to reverse into. There is not adequate space on the proposed site to allow this. It is considered that the turning area is inadequate and that manoeuvring out of the proposed sites would be contrived. Proposal would intensify the site and decrease off-street parking.

Updated comments:

No Objection subject to a condition ensuring that parking in accordance with plan 425.095 rev B is provided prior to first occupation of the proposed dwelling.

Other Representations

4.3 Local Residents

Six letters of objection have been received and the points raised are summarised as:

Design

- Out-of-keeping
- Does not meet the rules for the number of dwellings per hectare
- Over-development
- Reduces semi-rural feel of area

Residential Amenity

- Will overshadow 17, 18 and 19 Badgers Close
- Will overlook Nos. 16 Rush Close and 17, 18 and 19 Badgers Close
- Potential claim for compensation for tenancy loss or disturbance. Can work be limited to 09:00-17:00?

Drainage

- Likely to increase flooding as the footpath alongside runs with water as the hedge follows the old ditch. May cause future subsidence to the new house.

Trees

- Will affect trees on the other side of the footpath
- Removal of Silver Birch not sympathetic to current greener environment

Highway Safety

- Pedestrian safety at risk from cars entering and leaving site
- Will encourage on-street parking in busy, overcrowded cul-de-sac
- Cars will have to reverse all the way in or out from Rush Close and there is no space for them to turn around
- Cars could hit No. 16 Rush Close given close proximity.
- Will make corner dangerous for access to emergency vehicles

Other Matters

- Devalues No. 19 Badgers Close
- Sets a precedent for future development
- Owner of No. 16 Rush Close laid down chip stones to side of their property, but plans show these are to be removed and replaced by hardstanding for parking serving host property.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application stands to be assessed against the above listed policies and all material considerations. It is acknowledged that South Gloucestershire Council does not have a five year land supply of housing. As such, paragraph 14 of the NPPF is engaged which states that decision takers should approve development proposals that accord with the development plan without delay, where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
- specific policies in the Framework indicate development should be restricted.

5.2 Notwithstanding the above, the starting point for the assessment is the adopted development plan with which any proposal must accord. Saved policy H4 of the South Gloucestershire Local Plan and Policies CS1, CS5 and CS25 are relevant to this application. Policy T12 deals with highway impact and parking issues. The NPPF promotes sustainable transport and states that development should only be prevented on transport grounds where the residual cumulative impacts of development are 'severe'.

5.3 The proposal being the creation of a new dwelling to the side of No. 17 within the established settlement boundary is considered to accord with the principle of development. This counts in its favour and whilst the provision is limited to only one dwelling, it would still make a contribution and weight is accordingly awarded. The proposal and its impact is discussed in more detail below.

5.4 Design and Layout

Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) 2013 only permits new development where the highest standards of site planning and design are achieved.

This policy requires that siting, overall layout, density, form, scale, height, massing, detailing, colour and materials, are informed by, respect and enhance the character, distinctiveness and amenity of both the site and the locality.

- 5.5 The NPPF states that good design is a key aspect of sustainable development and should *positively contribute to making places better for people* and development should *always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings*.
- 5.6 The emerging Policy, Sites and Places DPD which is out for consultation supplements Policy CS1 and acknowledges that the policy does not seek innovative design, but development should *promote sustainability and health and wellbeing objectives*.
- 5.7 The application site is a small corner plot at the end of a long cul-de-sac in Bradley Stoke. Properties here comprise modest two-storey semi-detached dwelling with shared gable front porches. Set back linked garages are evident. The uniform design and form of development is pleasant and attractive. However, the estate is not protected by any designated or non-designated status. Government planning policy strongly encourages development within built up areas and within residential curtilages and in these terms, the proposal accords with general national policy aims. Weight in favour of the scheme must consequently be awarded for this reason.
- 5.8 Clearly, although the principle of development is acceptable, the scheme must meet other policy areas such as design, appearance and being in-keeping with the character of an area. Comments have been received criticising the proposed design of the new dwelling. It is recognised that a new dwelling at the end of a linear row of semi-detached properties would be slightly different to the existing street scene, primarily being detached, but it is not highly visible. Typically houses here have a garage attached to the main house and additional parking in front of this, whereas the parking for the proposed and main houses would be to the front only. In this way, neither house would have a dedicated garage, but this is not an unusual situation. Planning is constantly assessing change whether that is to existing buildings in the form of extensions or conversions or the introduction of new buildings to areas. Development must be respectful of its surroundings in terms of its appearance and scale and in this instance, despite the differences, it is considered that the new dwelling would be an appropriate addition to this street scene.
- 5.9 One comment has mentioned that the addition of this dwelling would cause a specific number of dwellings on this particular hectare to be exceeded. The development plan does not include a density requirement imposing detailed design control, but Officers will give regard to the location of the proposal in relation to its context and the overall quality of the residential environment to be created. In this case, the site is considered suitable for only a single dwelling with a modest garden and as such, the proposal is appropriate for the size of its location.

- 5.10 Comments received have stated that new development would change the nature of the semi-rural aspect setting of the neighbourhood. It must be noted that the application site is to the side of an existing dwellinghouse so only part of the garden would be built upon and as such, the semi-rural setting of the estate would not be entirely lost.
- 5.11 In design terms, the proposed new dwelling is considered acceptable in terms of its design, scale, massing and materials.
- 5.12 Residential Amenity
Main openings would be to the front and rear. Neighbours are concerned that the first floor windows would affect privacy. Officers have used tools at their disposal to measure the distances. To the front, the proposed new dwelling is about 11 metres to the north of No. 16 Rush Close. Plans indicate that a first floor window, serving a bedroom, is to be installed in the front elevation facing the rear garden of No. 16. Officers note a first floor window, again serving a bedroom, in the front elevation of the host property and whilst there is no direct inter-visibility, there is an indirect view into this neighbouring rear garden. Introduction of another first floor window would create a new viewpoint, but it is not considered that the possible level of overlooking of this neighbour's garden is materially more harmful than the existing level of overlooking that occurs from the host dwelling.
- 5.13 To the rear, the proposed dwelling is to the south of No. 19 Badgers Close. This neighbour has two first floor windows in their rear elevation. Expected distances between these windows would be about 18 metres. It is acknowledged that these neighbours, and others along Badgers Close, would see changes resulting from the introduction of a new development, but in built-up locations, it is not unusual for neighbours to be in close proximity to one another. It must be re-emphasised that the site is within the built-up urban area where development and the best use of land is encouraged. This is given significant weight as would be the creation of a new dwelling.
- 5.14 The proposed new dwelling would face the side elevation of No. 96 Cooks Close separated from it by a tree lined public right of way. A small first floor opening in the side elevation would serve a landing. Given a combination of screening and distance, there would be no adverse impact on the amenity of these neighbours.
- 5.15 Neighbours are concerned that the proposed dwelling will overshadow. The new property would be at the end of a row of linear development and as it would, for the most part, follow the depth of the host property so shadowing would be limited to, around midday, falling on the plot and late afternoon, the rear garden of the host dwelling. Officers acknowledge that the proposed dwelling will extend out to the rear at double storey rather than single storey at present, but Officers have used tools at their disposal to measure a 45 degree angle from the centre of the host dwelling's rear windows to check adequate levels of natural light and outlook will be maintained. Under this test, no part of the new dwelling breaks the angle drawn from the affected window so satisfactory levels of natural light and outlook are likely to remain.

Given the orientation, the impact on the living conditions and residential amenity of the host dwelling is not considered to amount to material prejudice.

- 5.16 The host property and new dwelling will be separated by a shared path giving access to their rear gardens. The applicant has an obscured first floor window in their side elevation serving a bathroom. Plans indicate that an obscured first floor window, also serving a bathroom, is proposed in the side elevation, but positioned further to the north. Given a combination of distance and room function, there would be no adverse impact on the amenity of the applicant.
- 5.17 Bearing in mind that the location of the existing linear development is within a built up area, it is deemed that the resulting private amenity space allotted to the existing and proposed properties would be acceptable. Emerging policy indicates that two bed properties should have 50 sq metres private amenity space. The rear garden space for the proposed new dwelling at about 52 sq metres would be appropriate for this sized home. It would be enclosed by fencing of approximately 1.8 metres in height. A shared path in-between the host property and the new dwelling would give access to their rear gardens. Sufficient garden space of about 60 sq metres would remain to serve the host property.
- 5.18 Concern has been expressed regarding the potential inconvenience caused by the proposal. This is acknowledged as a consequence of development, but the scale must be recognised and as this would be a single dwelling with associated works, the possible disruption would be limited to the construction phase and as additional protection, construction times will be conditioned.
- 5.19 The above has identified that although there would be changes for the neighbouring dwellings, it is considered that these would not be sufficient to warrant a refusal of the application. Limited weight is therefore given to impact on residential amenity.
- 5.20 Sustainable Transport
The applicant seeks to erect a detached 2 bed dwelling within the site boundary of No. 17 Rush Close. Adequate off street parking would be provided for the new dwelling and retained for the existing property on the driveway to the front of the properties. Bin and cycle storage would also be provided for the new property. Town Council and local residents' comments are noted, but the Transport Officer considers the proposed parking layout overcomes the previous transportation concerns and the access arrangement is considered safe for all users and is not an unusual arrangement. Vehicle speeds will be slow when accessing the site, with visibility well within standards. Access for emergency vehicles remains the same as it does with the existing host dwelling and is within the guidance of the standards within building regulations which cover the minimum distance for Emergency vehicles.
- 5.21 Drainage
One local resident has suggested the proposed development will increase the amount of run-off from the site onto the public footpath alongside. The applicant is planning to incorporate drainage measures, in the form of soakaways, to deal with surface water runoff from the new development.

This approach is acceptable to the South Gloucestershire Drainage Engineer and its implementation will help to mitigate any drainage or flood risk originating from the new site.

5.22 Trees

Local residents have commented the proposed development will adversely affect the crownspread or roots of the trees lining the public footpath and removal of the Silver Birch on site is not sympathetic to the current environment for residents. The Arboricultural Officer has considered the proposed development and raises no objection.

5.23 Public Rights of Way

A public footpath (OAY 40) runs to the west of the application. Officers have no objection to the proposed scheme subject to an informative being attached to the decision notice making the applicant aware of limitations regarding public rights of way and development.

5.24 Other Matters

A number of comments have been made and it is therefore useful to separate them as follows:

5.25 Property re-sale value

Any impact on the value of nearby properties is something that falls outside the remit of a planning application and can therefore not be taken into consideration here.

5.26 Development precedent set

Local residents have expressed concern that an approval would set precedence for development. It must be noted that each and every planning application is assessed on its own individual merits taking into account the particular circumstances relating to that site. It is therefore not unusual for new planning applications to be made on existing sites or within existing residential gardens.

5.27 Land ownership

A local resident laid down a gravel strip to the side of their property and they have raised a concern these are to be removed and replaced by hardstanding for parking to serve the new development. On the application form, the applicant has completed Certificate A stating they are the sole owner of the land (land included within the red line on the location plan) to which this application relates and as such, Officers are satisfied the red line includes all the land necessary to carry out the development proposed. However, granting of permission does not construe the applicant the right to carry out work on, or over, land not within the ownership, or control, of themselves.

5.28 Overall conclusion

The proposal is for a single attached dwelling to be located within an existing built up area. Given the lack of five year land supply, some weight can be given to the contribution that this one dwelling would bring. Comments regarding the design of the proposed dwelling, impacts upon residential amenity, parking arrangement and highway safety have been acknowledged and the Town

Council and local residents have expressed the opinion that the proposal would be overdevelopment of the site. The above has shown that the existing garden is large enough to be successfully divided into two reasonable sized plots which does therefore not amount to overdevelopment. The garden for the new dwelling would be slightly larger than suggested in emerging policy, the design has been sympathetic to the existing street scene, albeit not a complete copy or pastiche of the existing dwellings and sufficient off-street parking can be achieved on site, according with adopted standards.

- 5.29 On balance, giving appropriate weighting to the positive versus the negatives of the scheme, the benefits of this new dwelling within the settlement boundary are considered to outweigh any perceived harm and the proposal is considered acceptable and can be recommended for approval.

6. CONCLUSION

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

7. RECOMMENDATION

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

Contact Officer: Helen Braine
Tel. No. 01454 863133

CONDITIONS

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

Reason
To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).
2. The hours of working on site during the period of construction shall be restricted to 7:30 to 18:00 Monday to Friday and 8:00 to 13:00 on Saturdays; and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery, deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with saved Policy H4 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.

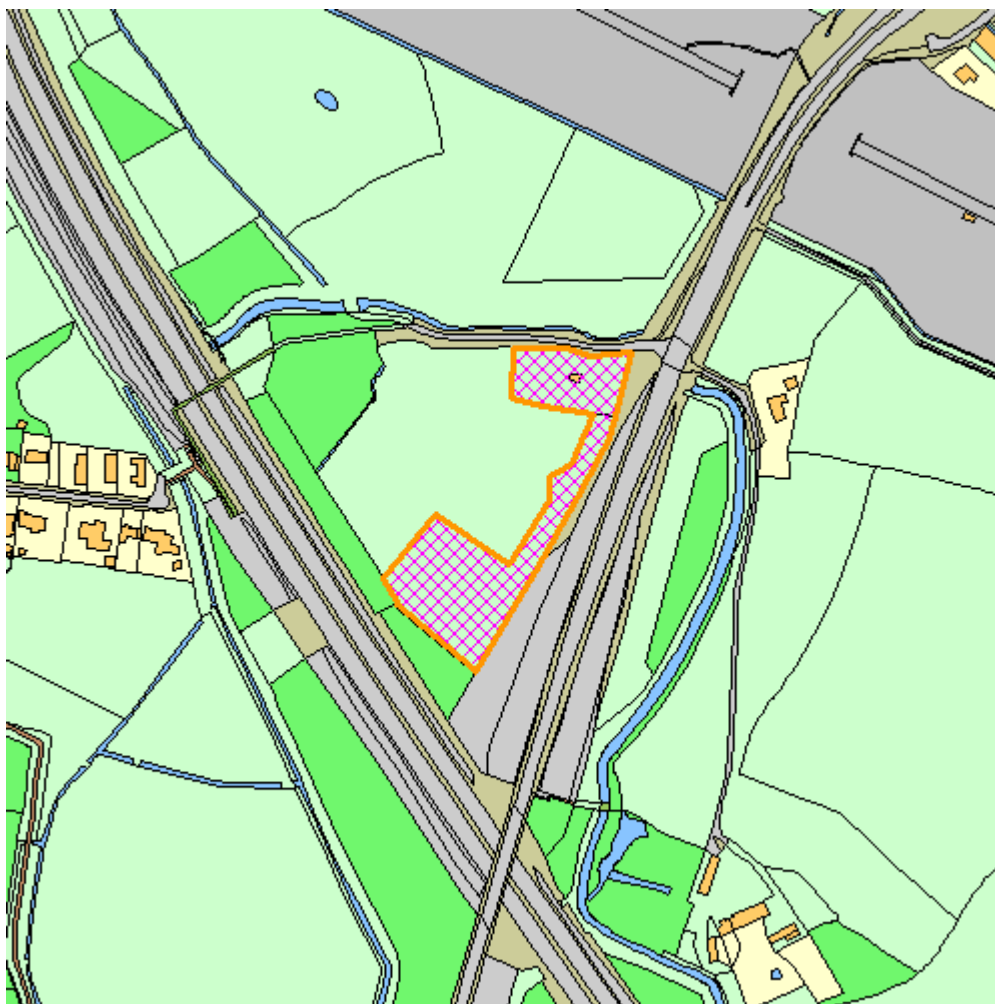
3. The dwelling shall not be occupied until the parking arrangement has been completed in accordance with the submitted details as per plan Proposed Site Plan drawing no. 425.095C (received 25/10/2016).

Reason

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

CIRCULATED SCHEDULE NO. 44/16 – 4 NOVEMBER 2016

App No.:	PT16/4530/RVC	Applicant:	Mr John Clark And Mrs Jane Phelps
Site:	Land Off Church Road Severn Beach Bristol South Gloucestershire BS35 4PW	Date Reg:	8th August 2016
Proposal:	Removal of condition 11 attached to Appeal Decision for PT14/2213/F.	Parish:	Pilning And Severn Beach Parish Council
Map Ref:	354331 184881	Ward:	Pilning And Severn Beach
Application Category:	Major	Target Date:	1st November 2016



© South Gloucestershire Council 2015.all rights reserved.
This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
100023410, 2015.

N.T.S.

PT16/4530/RVC

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule following the receipt of an objection from Pilning and Severn Beach Parish Council, the concerns raised being contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 This application seeks to remove condition 11 attached to the allowed appeal against the refusal of PT14/2213/F - 'Erection of building (Use Class B2/B8) to accommodate the processing and storage of chipped timber, an office, a weighbridge, an internal access road, landscaping and ancillary parking'.

Condition 11 reads as follows:

"The building hereby permitted shall be used solely for the storage and processing of forestry products and the storage of processed timber".

In effect, the removal of condition 11 would allow an unfettered use of the building for B2/B8 uses, subject to the remaining conditions. At this moment in time, the end user (should condition 11 be removed) is unknown.

- 1.2 The site is located between the villages of Pilning (300m to the north-east) and Severn Beach (to the south-west). The Severn Beach industrial estate lies approximately 1Km to the south. The closest residential property lies c100m to the east, on the opposite side of the A403. The application relates to 1.3ha of land to the west of the A403 and south of Church Road, a no through road which is also a public footpath. The application site is located beyond the Severn Beach settlement boundary within the open countryside, but contrary to the Parish Council's belief, the site does not lie within the Green Belt. The application site is however located within Flood Zone 3.
- 1.3 At the time of the original application PT14/2213/F, the north-eastern part of the site was a hard-standing area used for the processing and storage of chipped timber. There was a small office building to the north-east of the site, an area used for incoming waste timber and an area used for the storage of chipped timber. The rest of the field was undeveloped. The then existing uses benefited from planning permission PT06/1422/F with a condition limiting the height of stored timber to a maximum of 3 metres.
- 1.4 The appeal against refusal of PT14/2213/F granted a full planning permission for the erection of a building (B2/B8) to accommodate the specific existing uses found on the north-eastern part of the field and this use is reflected in the description of the development. Permission was also granted for an associated office, a weighbridge, an internal access road, landscaping and ancillary parking. The application followed the dismissal in 2013 of an appeal (see para. 3.7 below) for a similar development (PT12/1764/O) at this site and sought to overcome the reasons for dismissal of the appeal relating to that refusal.
- 1.5 The Design and Access Statement (para. 6.15) for PT14/2213/F advised that the proposal was to satisfy a need identified, agreed and supported by the

Environment Agency to mitigate problems of dust emission from the open air wood chipping processes that were being carried out on the site. Officers also considered that the existing outdoor use was unsightly and that the visual amenity and character of the landscape would be enhanced by housing the use within a suitably designed and located building. This at the time weighed in favour of the then proposal.

1.6 The application PT14/2213/F was supported by the following documents:

- Planning Statement
- Flood Risk Assessment
- Preliminary Ecological Appraisal
- Phase 1 Habitat Survey
- Appeal Decision for PT12/2873/O
- Planning Decision Notices for PT06/1422/F, PT09/0359/RVC, PT10/1235/RVC and PT12/2873/O.

1.7 Officers were satisfied that the original proposal PT14/2213/F did not fall within those types of developments requiring an Environmental Impact Assessment as listed in The Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012

National Planning Practice Guidance 2014

The National Waste Management Plan for England - December 2013

The National Planning Policy for Waste – 16th Oct. 2014

'Planning Practice Guidance - Flood Risk and Coastal Change' - CLG, 7th March 2014.

ODPM Circular 06/05 – Biodiversity and Geological Conservation

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

L1 - Landscape Protection and Enhancement

L7 - Sites of National Nature Conservation Interest

L9 - Species Protection

EP2 - Flood Risk and Development

T8 - Parking Standards

T12 - Transportation Development Control for New Development

E6 - Employment Development in the Countryside.

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

CS1 - High Quality Design

CS2 - Green Infrastructure

CS4A - Presumption in favour of Sustainable Development

CS5 - Location of Development

CS9 - Managing the Environment & Heritage

- CS13 - Non-Safeguarded Economic Development Sites
- CS34 - Rural Areas
- CS35 - Severnside

The West of England Joint Waste Core Strategy (Adopted) March 2011

Policy 2 - Non-residual waste treatment facilities.

Policy 11 - Planning Designations

Policy 12 - General Considerations

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

Policy 6 - Landscape Protection

Policy 11 - The Forest of Avon

Policy 20 - Water Quantity and Quality

Policy 21 - Flooding

Policy 22 - Residential Amenity

Policy 23 - PROW

Policy 24 - Traffic Impact

2.3 Emerging Plan

Proposed Submission : Draft Policies, Sites & Places Development Plan June 2016

PSP1 - Local Distinctiveness

PSP2 - Landscape

PSP11 - Development Related Transport Impact Management

PSP16 - Parking Standards

PSP17 - Heritage Assets and the Historic Environment

PSP18 - Statutory Wildlife Sites: European sites & Sites of Special Scientific Interest (SSSIs)

PSP19 - Wider Bio-Diversity

PSP20 - Flood Risk, Surface Water and Watercourse Management

PSP21 - Environmental Pollution and Impacts

PSP27 - B8 Storage and Distribution Uses

PSP28 - Rural Economy

2.4 Supplementary Planning Guidance

Trees on Development Sites SPG Adopted No. 2005.

SG Landscape Character Assessment as adopted Aug 2005:-LCA 20 – Pilning Levels.

3. RELEVANT PLANNING HISTORY

3.1 P92/1712/AD: Use of land for pony paddocks.
Refused: 12 August 1992

3.2 P98/2770/P: Erection of storage barn. Prior Notification
Approved: 18 December 1998

3.3 PT00/2685/F: change of use of land for open storage of forestry products and logs (retrospective).

Refused: 5 February 2003

- 3.4 PT06/1422/F: Change of use from agriculture to allow continued use of land for storage of forestry products and logs (Class B8) as defined in the Town and Country Planning (Use Classes) Order 2005.
Refused: 21 June 2006
Appeal Allowed: 15 October 2007
- 3.5 PT09/0359/RVC: Variation of Condition A attached to planning permission PT06/1422/F to allow the land to be used for the storage of forestry products and machined timber including waste timber.
Allowed: 2 April 2009
- 3.6 PT10/1235/RVC: Variation of Condition 1 attached to planning permission PT09/0359/RVC to allow the site to be used for the storage of forestry products, machined timber including timber waste and processing.
Allowed: 14 October 2010
- 3.7 PT12/1764/O: Erection of a building (Outline) to house shredding machinery and for the storage of chipped waste timber; all matters reserved.
Refused: 19 July 2012 for the following three reasons:
1. *The introduction of an industrial building in this rural location that is beyond the built up area and any settlement boundary would detract from the open rural character and appearance of the application site and would be contrary to Planning Policies D1, L1 and E6 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist (Adopted) Supplementary Planning Document.*
 2. *Insufficient information has been provided to demonstrate that noise associated with the development hereby proposed would not have an unacceptable adverse impact on residential amenity. The proposal is therefore considered to be contrary to Planning Policies E6 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist (Adopted) Supplementary Planning Document.*
 3. *Insufficient information has been provided to demonstrate that the proposal would be acceptable having regard to issues of flood risk. The proposal is therefore considered to be contrary to Planning Policies EP2 and L17 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist (Adopted) Supplementary Planning Document.*

APPEAL APP/P0119/A/12/2188035 dismissed 13th March 2013 on the grounds that a building of the scale proposed would adversely affect the character and appearance of the surrounding area.

- 3.8 PT12/2928/RVC: Variation of condition 3 attached to planning permission PT10/1235/RVC to allow the storage of forestry and timber products and timber waste to a height not exceeding 5 metres.
Refused 6th Nov. 2012 for the following reason:

'The increased height (5 metres) of the forestry, timber products and timber waste proposed in this rural location that is beyond the built up area and any settlement boundary would have a significantly greater visual impact than the permitted height (3 metres) that would be detrimental to the character and appearance of the surrounding rural landscape. The proposal would therefore be contrary to Planning Policies D1, L1 and E6 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist (Adopted) Supplementary Planning Document.'

APPEAL APP/P0119/A/12/2188037 dismissed 13th March 2013.

- 3.9 PT14/2213/13/F - Erection of building (Use Class B2/B8) to accommodate the processing and storage of chipped timber, an office, a weighbridge, an internal access road, landscaping and ancillary parking.
Refused 31st October 2014 for the following reasons:

- 1. The introduction of a utilitarian building of the scale proposed, together with the associated yard, track, weighbridge and office into this rural location, that is beyond the built up area and any settlement boundary, would detract from the rural character and appearance of the area, contrary to Policies L1 and E6 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policies CS1 and CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013.*
- 2. In the absence of the appropriate ecological surveys of the site, it has not been demonstrated that the proposal would not have an adverse impact upon protected species and/or their habitat, contrary to Policies L7 and L9 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 and the requirements of the NPPF (paras. 109-125).*
- 3. The level of detail in support of this application is insufficient to demonstrate that the proposal would not have an adverse impact on the archaeological resource of the site, contrary to Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 and Policy L11 of the South Gloucestershire Local Plan (Adopted) 6th Jan. 2006 and the requirements of the NPPF.*

Appeal APP/P0119/W/15/3028051 Allowed 11 Nov. 2015

It should be noted that by the time the Inspector made his decision, refusal reasons 2 and 3 had fallen away following the submission of further information; so the appeal decision only really related to refusal reason 1.

4. CONSULTATION RESPONSES

4.1 Pilning and Severn Beach Parish Council

Pilning & Severn Beach parish council strongly object to this application because removing the condition which limits the use to forestry products will enable the applicant to chip any sort of wood which could potentially contain carcinogenic paint or dust. If this condition were removed then the result would be open B8 consent in the Greenbelt. Similarly, if this condition were removed then there would be no requirement for the building to house the chipping of the wood and the whole field would be piled high with unsightly, dangerous piles of wood-chipped material.

4.2 Other Consultees (including internal consultees of the Council)

Sustainable Transport

No objection.

PROW

The application will affect public footpath ORN28. Although a previous application on this site has provided for a segregated walkway to be placed on the north side of the lane to link with the pavement on the A403 this will not reduce the legal line of the public right of way to just this width. The presumed width of a public right of way in an enclosed area, in the absence of a given width on the Definitive Statement, is boundary to boundary. Any development that increases vehicular use of the public right of way over what is already agreed for the site would not be conducive to the safety of users of the public right of way and we would wish to see vehicular movements limited in number if permission is given.

The applicant subsequently clarified the details agreed under Condition 8 to the PROW officer's satisfaction (see para. 5.28 below).

Landscape Officer

No response

Lead Local Flood Authority

No objection. The proposed development will need to be completed as per the approved FRA (Hydrock, May 2014).

The Environment Agency

No response

Ecology Officer

No response

Wessex Water

No response

Avon Wildlife Trust

No response

Other Representations

- 4.3 Local Residents
No responses

5. ANALYSIS OF PROPOSAL

Principle of Development

- 5.1 The scope of a variation/removal of condition application (section 73 application) is more limited than a full planning application. The Local Planning Authority may only consider the question of the condition(s), and cannot revisit or fundamentally change the original permission. It may be decided that the permission should be subject to the same conditions as were on the original permission; or that it should be subject to different conditions; or that permission may be granted unconditionally. There is a right of appeal in the usual way against any conditions imposed.
- 5.2 In assessing this application it is necessary to consider whether or not the relevant condition (11) or any variations satisfy the requirements of planning conditions as set out in the National Planning Policy Framework (NPPF). The NPPF requires all planning conditions to pass three tests, these being 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
- 5.3 Whilst being mindful of the reason for attaching the condition (11) in the first instance, when assessing this current application officers must consider whether the removal of the condition would undermine the objective of Policies within the South Gloucestershire Local Plan (Adopted), Core Strategy and NPPF to take account of the impact on the environment and amenity of the locality.
- 5.4 In assessing this application, officers will give significant weight as to why the condition was imposed in the first place and whether or not there is clear justification now for the removal of the condition. In doing so, officers will consider the applicant's submitted justification for removing the condition and whether or not there have been changes in policy since the condition was imposed or whether there have been any relevant changes on the ground.

Policy Regime

- 5.5 On 27th March 2012 the National Planning Policy Framework (NPPF) was published. The policies in this Framework are to be applied from this date with due weight being given to policies in the South Gloucestershire Local Plan 2006 (SGLP) subject to their degree of consistency with this Framework. It is considered that the Local Plan policies as stated in section 2.2 of this report are broadly in compliance with the NPPF. It is noted that the NPPF puts

considerable emphasis on delivering sustainable development and not acting as an impediment to sustainable growth, whilst also seeking to ensure a high quality of design and good standard of amenity for all existing and future occupants of land and buildings.

- 5.6 The South Gloucestershire Local Plan Core Strategy was adopted in Dec. 2013 and forms part of the Development Plan. The Policies, Sites and Places Development Plan Document is only a draft document and whilst it is a material consideration, the policies therein can currently only be afforded very little weight.
- 5.7 The National Planning Policy Framework (para.19) advises that planning authorities should adopt a positive and constructive approach towards planning applications for economic development; *'The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system'*.
- 5.8 Local Plan Policy E6 relates to employment development in the countryside and advises that proposals for new employment B1 business uses, B2 general industrial uses and B8 storage uses outside of the existing urban areas and the settlement boundaries will not be permitted unless for one of the following:
- A. Conversion and reuse of existing rural buildings;
 - B. (On sites not in the Green Belt), extensions or intensification of existing employment generating uses;
 - C. Development permitted by policies E4- E7 and E11.

Development will only be permitted if it does not have an unacceptable adverse impact on the environment, on residential amenity or in terms of traffic generation. Furthermore Core Strategy Policy CS1 (3) requires development to demonstrate that existing features of landscape, nature conservation, heritage or amenity value and public rights of way, are safeguarded and enhanced through incorporation into the development. Local Plan Policy L1 also seeks to conserve and enhance the character, distinctiveness, quality and amenity of the landscape.

- 5.9 Core Strategy Policy CS9 seeks to protect the natural and historic environment. Clause 3 of Policy CS9 expects development to "conserve and enhance the character, quality, distinctiveness and amenity of the landscape".
- 5.10 The Inspector for the appeal relating to PT14/2213/F acknowledged the relevance of these policies, stating at para 5 of his Decision Letter:
- "There is no doubt that the appeal site is in the countryside. On the face of things, the proposed development would run contrary to what is sought by clause 3 of Policy CS9 of the adopted South Gloucestershire Local Plan Core Strategy; the introduction of a large new building would fail to conserve or enhance the character, quality or distinctiveness of the landscape. It would similarly run contrary to saved Policy L1 from the South Gloucestershire Local Plan 2006. The reason for refusal also refers to Core Strategy Policy CS1,*

which seeks high quality design, and saved Policy E6, which resists new employment uses in the countryside.”

Officers consider that these policies are just as relevant to-day as they were at the time of the appeal decision in November 2015.

Reasons for Imposing Condition 11

- 5.11 The Inspector at para. 11 of his appeal decision letter stated that:-

“Limits to the use, a prohibition on direct sales and outside storage and a restriction on the hours of operation all go to ensuring no harmful environmental or amenity impact.”

- 5.12 The Inspector, to some extent, clarified this statement in his concluding comments at paras. 12 and 13, where he stated:-

“Looked at in isolation, the proposed development would run contrary to Core Strategy Policy CS9 and saved Policy L1 because of its impact on landscape character and appearance. However, the existing use is a lawful one and the proposal is, in effect, an extension or consolidation of that use, in a new location within the same site. The greater prominence of the stacks of material presently sited in the open air must be balanced against the impact of the proposal. Saved Policy E6 resists new employment/industrial/distribution uses in the countryside – but the use of the site is, existing and lawful, so this policy ought not apply. Core Strategy Policy CS1 is satisfied because the design of the proposed building respects the countryside character of the site; the scheme also enhances that character by removing the open air storage and activity associated with the existing operation; and appropriate landscaping is shown on the plans and can be secured by condition.

On balance, the enhancement from bringing the existing unsightly use of the land indoors outweighs the harmful impact on landscape character of a large new building. The net effect does not represent a breach of adopted or saved policy. The appeal may be allowed and planning permission granted subject to conditions.”

Applicant's Justification for the Removal of Condition 11

- 5.13 The applicant provides his justification in a supporting letter dated 18th July 2016, and e-mails dated 14th Oct. 2016 and 17th Oct. 2016. The applicant acknowledges the intention to use the building for “open Class B2 and B8 use”. A summary of the points made in justification are as follows:

- The occupation of the building by a use not associated with timber processing and recycling will remove the potential for future amenity concerns that may arise with residents who have previously held concerns.
- The site is being marketed by experienced commercial agents, Alder King who have advised that there is a very limited market for the timber processing and recycling industry. Alder King have received no enquiries from potential occupiers looking for a site capable of accommodating timber recycling and processing because this market is very limited and the likelihood of an operator approaching them is very small.

- The planning permission secured at appeal was on behalf of XP Recycling, who have gone into administration. Therefore the intended occupier of the site and building now no longer exist. In comparison to Veolia which operate in Avonmouth on a much larger site, the prospect of the site being occupied by a timber processing company is very low.
- The site would be attractive to storage and distribution occupiers and other businesses within the Use Classes B2/B8 therefore providing a better opportunity for the site to be built out, occupied, create employment opportunities and generate business rates, therefore providing wider benefits.
- The pre-commencement conditions have been discharged so the building can now be lawfully erected.
- The condition is overly restrictive.
- The remaining wood piles would be removed.
- There is no interest identified by Alder King from any businesses who could operate from the site with the restrictive condition in place.
- The building will be left vacant if the condition is not removed.
- The Inspector did not consider the building to be visible or harmful to the character or appearance of the area.

Analysis

5.14 Previous planning permissions and appeals have established the following:

- There is an extant planning permission PT10/1235/RVC for the site to be used for the open air storage of forestry products, machined timber including timber waste and processing. Notwithstanding the fact that the current user has gone into administration and the use has currently ceased, there is still the potential for another user to resume the authorised use of the site. This fall-back situation is material in the determination of this current application.
- Planning permission PT14/2213/F was allowed on appeal and this consent is extant and valid until 31st October 2017. The pre-commencement conditions have been discharged and the permission could easily be implemented by merely digging the footings of the building approved. Notwithstanding the fact that from the applicant's own submissions, it seems unlikely that the building would be erected if Condition 11 remains in place; the extant permission remains a significant material consideration in the determination of the current application. Officers consider that for the purposes of Policy E6, given the situation, the application must be considered as if the building exists.
- The Inspector for the last appeal confirmed (para. 5 of Decision Letter) that the location does lie within the countryside.
- The Inspector described the building as large (paras.5 & 9) but considered it to 'have the characteristics of an agricultural building' (para. 9) and did not object to its scale or design. Furthermore, subject to conditions, he did not object in terms of impact on landscape character.

- The Inspector concluded (para. 12) that the proposal was, in effect, an extension or consolidation of what was (and still is), a lawful use of the site. As such, the Inspector stated that Policy E6 'ought not apply'.
 - The Inspector also concluded that 'Core Strategy Policy CS1 is satisfied because the design of the proposed building respects the countryside character of the site.'
- 5.15 The recent appeal decision granted consent for a B2/B8 building. However, Condition 11 of the extant planning permission specifically restricts the use of the building approved to:
- "The storage and processing of forestry products and the storage of processed timber"*
- The reasons given by the Inspector (para.11) for the condition, relate to ensuring no harmful environmental or amenity impact. Officers are however unclear as to exactly what environmental or amenity impacts the Inspector is referring to.
- 5.16 The wording of condition 11 does not in fact fully reflect the existing lawful use. Planning permission PT10/1235/RVC granted consent for:
- "The storage of forestry products, machined timber including timber waste and processing."*
- The wording does not accord with that of the Council's suggested condition 12 which replicated the wording of the use approved under PT10/1235/RVC i.e. it included the word 'machined timber including timber waste'. In this respect the condition imposed by the Inspector seems to be over restrictive for no apparent reason, especially given that the uses would be contained within the building. Officers consider that this at the very least gives justification to vary the wording of the condition.
- 5.17 The acceptance of a building of the scale, design, character and siting as that approved on appeal is established and could be built tomorrow. Officers consider that it would be unreasonable to consider this current application on any other basis.
- 5.18 The removal of condition 11 would allow the building to be used for any use falling within the B2/B8 Use Classes, subject to the remaining conditions which include: a prohibition on direct sales (13), a prohibition on outside storage (12) and a restriction on the hours of operation (14).
- 5.19 Subject to these conditions, along with the landscaping condition, officers consider that there is no justification to refuse the removal of Condition 11 on any grounds of adverse impact related to design, scale, siting or appearance.
- 5.20 In considering the impact that another use of the building within the B2/B8 Use Classes might have, officers note that the NPPF at para. 28 states that:
- "Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new*

development. To promote a strong rural economy, local and neighbourhood plans should:

- Support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings.”

5.21 It is noted that the policy supports “**all types of business**” (my emphasis) not just rural ones. Furthermore, Local Plan Policy E6(A) supports the conversion or re-use of existing rural buildings for B2/B8 uses in the countryside. The Inspector described the building as having the characteristics and appearance of an agricultural building. Policy E3 directs ‘large scale’ B8 uses to the large employment areas of Severnside, Cribbs Causeway or Emersons Green Area B but the supporting text defines large scale as those buildings with a floor space exceeding 1,000 sq.m. The building the subject of this application has a floor space of only 562.5 sq.m. and is therefore not ‘large scale’ for the purposes of Policy E3.

Impact on Residential Amenity

5.22 The application site is remote from residential properties with the closest on the opposite side, and set back from, the A403. On this basis, it was not considered in PT14/2213/F that the erection of the building on this site, in the position proposed (to house the existing lawful uses) would cause any significant adverse impact in residential amenity and the Inspector raised no objection on residential amenity grounds.

5.23 Whilst the B2/B8 Use classes include a variety of different types of use, given the other conditions imposed by the Inspector and normal environmental health controls, officers do not consider that the removal of Condition 11 would result in a significant adverse impact on residential amenity, over and above the existing lawful use of the site.

Highway Safety

5.24 The proposal would continue to utilise the existing access off Church Road, the same as for the uses previously approved at the site; there are no changes proposed to this access. The Councils Highways Officer has raised no objection in respect of this application. As previously, it is noted that in the event that planning permission were approved, it would be necessary to impose the same conditions in respect of parking, the access road and HGV turning areas to ensure that sufficient space was retained for any future use.

5.25 The proposed internal arrangements, which include turning areas and a passing bay, have been designed to accommodate HGV's and would allow vehicles to enter and exit the site in forward gear. The proposed parking provision of 6 spaces, accords with the parking standards outlined in Policy T8 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006. The number of spaces is calculated on the floor space of the building, which would not change if Condition 11 is removed. Condition 11 was not imposed on highway grounds. The proposal is therefore considered to accord with Policies T8, T12 and E6 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

PROW

- 5.26 The nearest recorded public right of way, ORN 28, is a public footpath that runs along the access road to the site and beyond. This is a well used path linking Severn Beach to Pilning via the M49 footbridge. The applicant previously submitted Land Registry documents that confirm that the applicants XP, have right of way across the length of Church Road **“for any purpose”** in connection with the land owned by XP.
- 5.27 The current unsightly operations on the site are visible from the PROW, also dust and noise pollution have a detrimental impact on the amenity of the PROW, especially as the prevailing wind generally blows across the site and onto the footpath. The SGMWLP Policy 23 seeks to ensure that development which may impact upon the utility or amenity of a PROW incorporate acceptable mitigation measures. As the previously approved appeal proposal moved the processing and storage operations further away from the PROW to accommodate them in the approved building, it was considered that this policy requirement was met.
- 5.28 Having regard to the intensification of use of the access and the concerns raised by the PROW officer, the consent was subject to conditions to enhance this part of the footpath to incorporate protection for vulnerable users and to improve its surface in the vicinity of the application site access. The gate would be re-hung and re-positioned so that pedestrians could continue along the footpath leading off the A406 down Church Road without having to cross Church Road in front of the site access. Subject again to these conditions, officers have no objections in relation to this issue. The access would be acceptable for all other B2/B8 uses should condition 11 be removed.

Flood Risk and Drainage

- 5.29 The site lies within Environment Agency Standing Advice Developments and Flood Risk Matrix (Jan 2014) Flood Zone 3 as development category ‘Changes of use application (excluding self-contained ground floor or basement units)’. The NPPF at para.104 confirms that applications for changes of use should not be subject to the Sequential or Exception Tests but should still meet the requirements for a site-specific flood risk assessment (FRA). The applicant has previously submitted such a FRA that confirms that the building floor levels are 100mm above ground level. The FRA does not consider that the site is at risk of flooding. In any event the site benefits from being within the Environment Agency’s Estuary Flood Warning area. Officers consider that this equally applies to wider B2/B8 uses should condition 11 be removed.

Planning Balance

- 5.30 Officers have considered this proposal in the round, giving weight to the positive aspects of the proposal whilst considering the two possible fall-back positions; the reasons given by the inspector for imposing condition 11; the comments and conclusions of the Inspector and the current Policy regime which itself has not changed since the appeal was allowed.
- 5.31 Officers have sought to identify the environmental and amenity reasons stated by the Inspector for imposing condition 11. Given the Inspector’s conclusions with respect to the scale, appearance, character and siting of the building;

officers conclude that having regard to the other conditions imposed, any harm to the landscape character of the site to result from the removal of condition 11 is difficult to identify and as such is not considered to carry significant weight. Equally there are no objections on residential amenity, highway or drainage grounds. The matters of ecology and archaeology have previously been addressed by conditions which equally apply in this case.

- 5.32 Balanced against any harm to the environment and amenity, such as it is, is the lack of any Policy reason to refuse the application. Indeed the proposal would ensure the likelihood of the approved building being used for employment purposes and therefore making a positive contribution to the rural economy which represents policy support. Without Condition 11, the likelihood of the existing authorised open air use, with its associated problems of dust and unsightliness, being resumed, is significantly reduced.
- 5.33 The wording of condition 11 is over restrictive in that it would prevent in its entirety the existing lawful use of the site, despite being housed within the building. Such wording is not considered to be reasonable and therefore fails the test of a condition as outlined in the NPPF (bullet point 3).
- 5.34 Given the above, and the fact that all the other conditions (or details already secured by conditions) would be retained to adequately provide a tight control on the use of the site and building, whatever B2/B8 use that may be in the future, officers consider that condition 11 is no longer necessary. As such the condition would fail the test of a condition as listed in the NPPF (see para. 5.2 above).
- 5.35 Officers are however mindful that without Condition 11, permitted development rights for the conversion of B2/B8 buildings to unsustainable office or residential uses could come into play. A further condition to withdraw such permitted development rights is therefore considered to be justified should condition 11 be removed.
- 5.36 Subject to this condition and having regard to all of the above, officers conclude that on balance, planning permission should be granted and condition 11 removed.

Other Issues

- 5.37 Regarding the Parish Council's objection:
- The site does not lie within the Green Belt so there can be no Green Belt objection.
 - Any future processes would be subject to normal environmental health controls.
 - Condition 12 would be retained which prevents any outside storage of materials.
 - The existing lawful use already permits the processing of machined timber.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant planning permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 as set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 That Planning Permission PT14/2213/F (allowed on appeal) be re-issued with condition 11 deleted, all relevant conditions (or details already secured under condition) carried over and a condition added to remove permitted development rights under Class I and Class P of Schedule 2 Part 3 of The Town and Country Planning (General Permitted Development) (England) Order 2015.

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CONDITIONS

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

Reason

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 12-1565-200 Rev E; 12-1565-201 Rev E; 12-1565-202 Rev F; 12-1565-203 Rev C; 12-1565-204 Rev D (two plans with the same number together showing all four elevations of the building); and DQ1212 Rev E.

Reason

For the avoidance of doubt.

3. The access road and vehicle parking and turning areas shown on the approved plans shall be completed before the building hereby permitted is first brought into use.

Reason

To ensure the satisfactory provision of access, parking facilities and turning areas in the interests of highway safety and the amenity of the area, and to accord with Policy CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013, Policies T8, T12 and E6 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

4. The development hereby approved shall be completed in accordance with the materials samples approved 26th August 2016 under application DOC16/0243.

Reason

In order that the development is of an appropriate quality of design to protect the character and appearance of the area in accordance with the national guidance set out at the NPPF and to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013.

5. The development hereby approved, shall be carried out in full accordance with the Landscape Details approved 26th August 2016 under application DOC16/0243.

Reason

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

6. The development hereby approved, shall be carried out in full accordance with the Ecological Management Plan approved 26th August 2016 under application DOC16/0243.

Reason

In the interests of protected species in accordance with Policy L9 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013.

7. The development hereby approved, shall be carried out in full accordance with the External Lighting Details approved 26th August 2016 under application DOC16/0243.

Reason

In the interests of protected species in accordance with Policy L9 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013.

8. The development hereby approved, shall be carried out in full accordance with the Scheme of Enhancement Details for that part of Church Road between the A403 and entrance to the site, approved 26th August 2016 under application DOC16/0243.

Reason

In the interests of the users of the PROW and to accord with Policies T12 and LC12 of the South Gloucestershire Local Plan (Adopted) 6th Jan. 2006.

9. The development hereby approved, shall be carried out in full accordance with the details of surface water drainage and flood resilience measures, approved 26th August 2016 under application DOC16/0243.

Reason

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to reduce the impact of flooding on the proposed development and

future occupants in accordance with Policy EP2 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

10. Before the building hereby permitted is brought into use, a scheme for the restoration to agricultural land of existing areas used for hardstanding and storage shall be submitted to and approved in writing by the Local Planning Authority. Restoration shall be carried out in accordance with the approved scheme within one month of the building hereby permitted being first brought into use.

Reason

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

11. There shall be no outside storage of materials.

Reason

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

12. There shall be no direct sales from the site to the public or the trade.

Reason

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

13. No machinery shall be operated, no process carried out and no deliveries taken at or despatched from the site outside the hours of 08:00 - 18:00 on Mondays to Fridays, 08:00-13:00 on Saturdays or at any time on Sundays or Bank or Public Holidays.

Reason

In the interests of visual amenity and to protect the amenity enjoyed by those living in the locality to accord with Policy E6 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

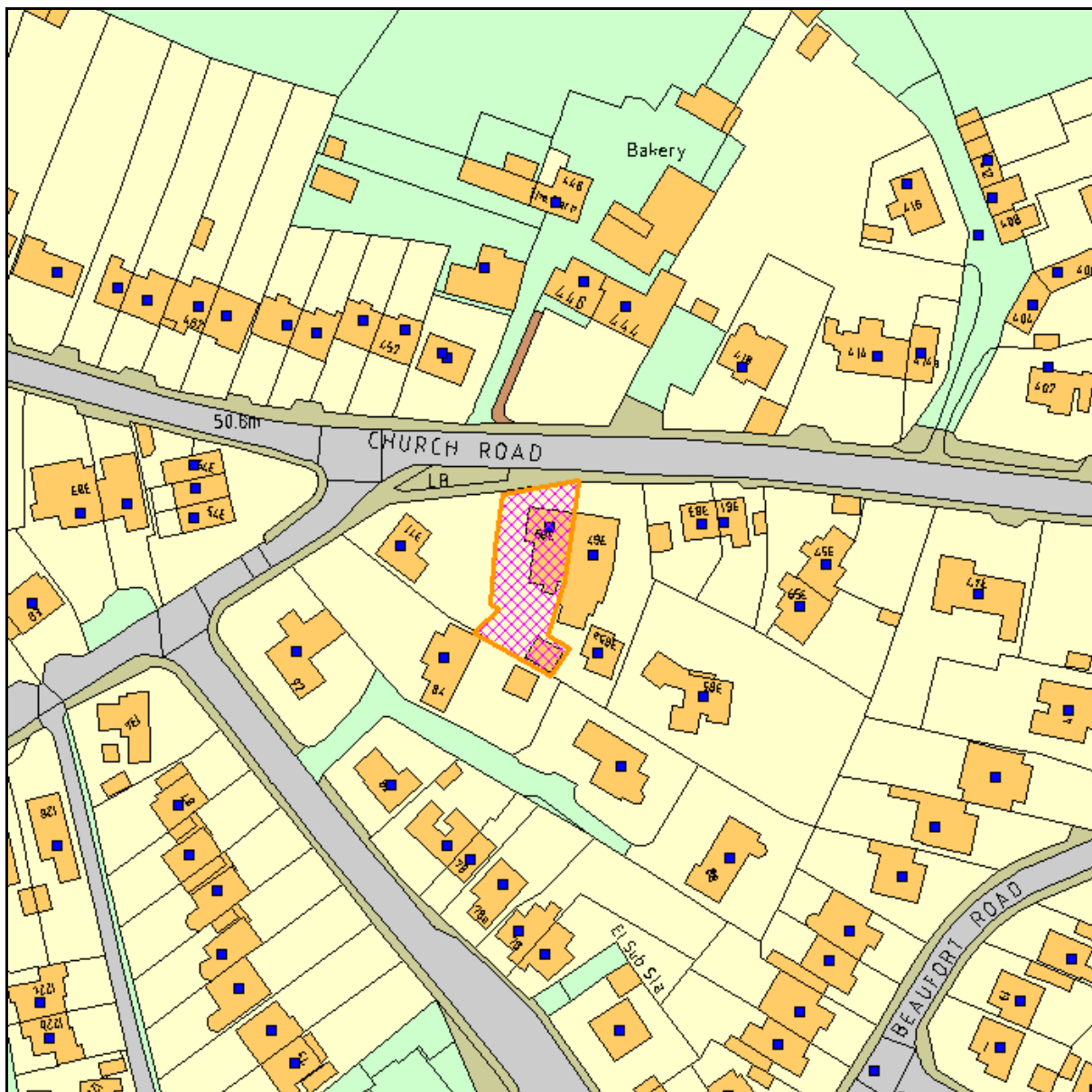
14. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 3 (Classes I and P) shall be carried out without the prior written consent of the Local Planning Authority.

Reason

Having regard to the site's location in the open countryside and Flood Zone 3, to accord with Policies H3 and EP2 respectively of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006, Policy CS5 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 and the provisions of the NPPF.

CIRCULATED SCHEDULE NO. 44/16 – 4 NOVEMBER 2016

App No.:	PT16/4662/LB	Applicant:	Mr Andrew Simpson
Site:	369 Church Road Frampton Cotterell South Gloucestershire BS36 2AQ	Date Reg:	31st August 2016
Proposal:	Works to replace rooflight on rear facing roof, install larger loft hatch and replace existing fireplace to rear wing.	Parish:	Frampton Cotterell Parish Council
Map Ref:	366361 182018	Ward:	Frampton Cotterell
Application Category:	Minor	Target Date:	26th October 2016



© South Gloucestershire Council 2015.all rights reserved.
This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
100023410, 2015.

N.T.S.

PT16/4662/LB

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been placed on the Circulated Schedule due to the objections to the proposed scheme being received from the local parish council.

1. THE PROPOSAL

- 1.1 369 Church Road is a Grade II listed building located on the southern side of Church Road close to the junction with School Road. The building was added to the statutory list in 1985.
- 1.2 As noted within the list description, the subject building is considered to date from the early nineteenth century. It comprises of two-storey elevations that (to the front) feature sash windows with stepped voussoirs and keystone under a double Roman tiled roof with central and end stacks. It can also be noted that the property has been extended significantly to the rear with extensions undertaken in the late nineteenth century and more recently a kitchen extension in 1975.
- 1.3 This application seeks listed building consent for the following three proposals:
 - 1) The replacement of an existing rooflight to the rear;
 - 2) The insertion of new loft hatch; and
 - 3) The removal and replacement of fire place to the rear wing (dining room).

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

L13 Listed Buildings

South Gloucestershire Local Plan: Proposed Submission: Policies, Sites and Places Plan June 2016

PSP17 Heritage Assets and the Historic Environment

3. RELEVANT PLANNING HISTORY

- 3.1 None of relevance for this application.

4. CONSULTATION RESPONSES

4.1 Frampton Cotterell Parish Council

The application has been subject to two consultation processes due to initial problems with the validity of the application.

In response to the first consultation exercise, in a response received on 22nd September, Frampton Cotterell Parish Council made the following comments:
“The Council objects to the proposed removal of an historic fireplace and would hope that the Conservation Officer supports the retention of this and any other important features of the listed building.”

Following a correction of the information submitted, a further consultation was undertaken and in a response received on 6th October 2015, Frampton Cotterell Parish Council made the further following comments:

“The Council reiterates its previous objection to the proposed removal of an historic fireplace and supports the retention of this and any other important features of the listed building.”

Other Representations

4.2 Local Residents

No consultation responses were received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

This application stands to be assessed against National Planning Policy Framework March 2012 and Planning (Listed Buildings and Conservation Areas) Act 1990.

5.2 Each of the proposals will be discussed in turn.

5.3 1) *Rooflight:*

The existing rooflight is of crude construction and is in poor condition. Water ingress is stated to have occurred and the concern is that this is rotting the roof timber structure and so needs replacement to help make the roof and building weather tight.

5.4 The existing rooflight is not considered to be of any historic significance and is clearly in need of replacement. The principle of its removal is therefore acceptable.

5.5 In regard to its replacement, some manufacturer's details have been submitted to indicate a “conservation style” replacement, but no large scale construction details have been included to demonstrate dimensions, profile and flush construction (with the tiles). A scaled section and elevation will therefore be a suggested condition of any consent.

(2) *Loft Hatch*

5.6 The current roof hatch is only 15” x 13” (or 380mm x 330mm) which is considered too restrictive to be able to provide functional access to the roofspace. The justification for the proposed loft hatch is that it will allow the current ineffective insulation to be removed and new 160mm deep sheep wool insulation to be installed. The proposed new hatch is to be 700mm x 1120mm

- 5.7 As confirmed on a submitted loft plan, the proposed loft hatch would require the partial removal of 1no. floor ceiling joist along with the partial removal of the original lath and plaster ceiling. Although the proposed loft hatch would result in a loss of fabric, the scale of the loss is not considered significant and the historic and architectural interest of the building would be preserved.
- 5.8 *(3) Dining Room Fireplace:*
As submitted the proposal was to alter an existing fireplace located within the dining room to a nineteenth century wing. This would see the fire place removed and the chimney breast largely removed apart from its jambs to open up the space.
- 5.9 The chimney breast is considered to be an original feature of the rear wing which was constructed in the late nineteenth century. It therefore can be considered to be an important feature that represents historic fabric that should be maintained. Following negotiations with the applicant, this proposal has therefore been removed from the scheme and so the chimney breast will be left unaltered.
- 5.10 The existing fireplace located within the dining room is however not considered to be original. Its brick construction and appearance appears to suggest it could be a "Claygate" fireplace, which were first popular in the 1930s. Claygate fireplaces tended however to be built of distinctive thin and long bricks, which is not the case in this instance. The Tudor arch design of the fireplace however of note, as this style was popular in the 1950s as an evolution of the Edwardian Arts and Crafts designs deployed during the inter-war period.
- 5.11 As a fireplace considered to be circa 1950s, it is not considered to be of such historic significance that an objection could be justified or sustained. This view is also supported by the view that the design of the fireplace is not truly in keeping with the character of the building. Consequently although the fireplace represents part of the history of the building's evolution, there is considered not to be the basis to substantiate an objection to its removal.
- 5.12 Furthermore, following the objection to the removal of the chimney breast, rather than open up just the fireplace the applicant has confirmed that the existing fire place is going to be removed and more appropriate fireplace will be installed in its place. No details have been submitted but a condition will be applied to ensure the potential enhancement that this could provide is delivered.
- 5.13 Overall although the loss of the existing fireplace is regrettable, it is not considered that the fireplace makes a positive contribution to the historic and architectural significance of this listed building. Its removal also represents an opportunity to enhance the character of the building and so there are no objections to the proposed scheme.

6. **CONCLUSION**

- 6.1 The recommendation to **grant** Listed Building Consent has been taken having regard to the section 16(2) of the Planning (Listed Buildings and Conservation

Areas) Act 1990 and Government advice contained in the National Planning Policy Framework.

7. RECOMMENDATION

- 7.1 Listed building consent is grant subject to the conditions noted on the decision notice.

Contact Officer: Robert Nicholson
Tel. No. 01454 863536

CONDITIONS

1. The works hereby permitted shall be begun before the expiration of three years from the date of the consent.

Reason

As required by Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) to avoid the accumulation of Listed Building Consents.

2. Prior to the commencement of development, the detailed design of the following items shall be submitted and approved in writing by the local planning authority.
 - a. The proposed replacement rooflight;
 - b. The proposed new fireplace (details of surround/ mantelshelf/ hearth)

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

Reason

In light of the above details not being submitted at determination stage for consideration and approval, a pre-commencement condition is necessary in order to ensure that the works serve to preserve the architectural and historic interest of the listed building, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at the NPPF and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

3. The application has been approved on the basis of the list of the following submitted documents.
 - Existing photographs of roof lights and first floor ceiling
 - Existing fireplace and chimney breast elevation
 - Proposed ground floor layout
 - Proposed first plan layout
 - Proposed ceiling plan and landing section
 - Photograph of existing fireplace
 - Site location plan

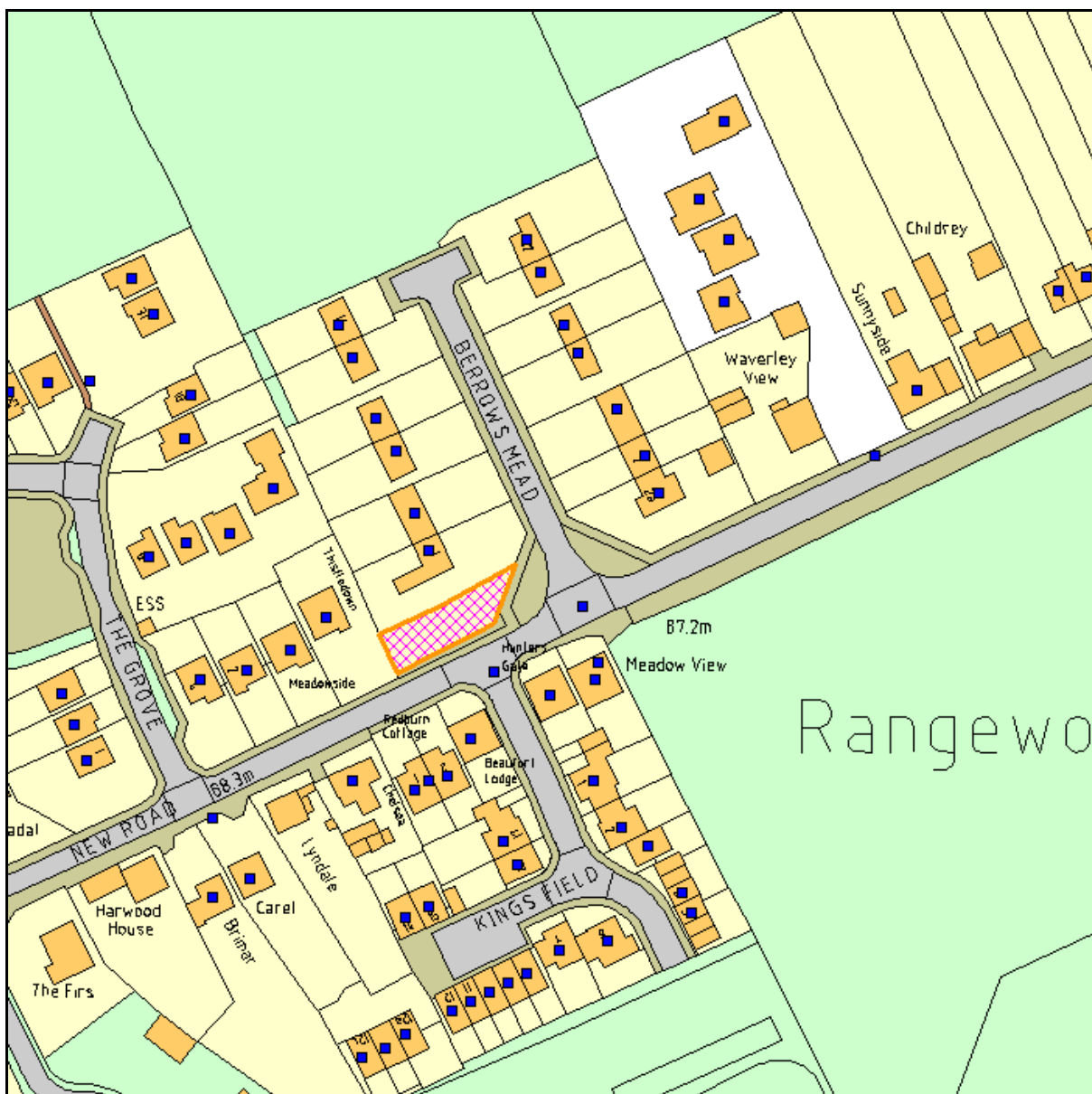
The development shall proceed exactly in accordance with the above approved documents.

Reason

To ensure that the development is carried out in accordance with the approved plans in order to comply with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

CIRCULATED SCHEDULE NO. 44/16 – 4 NOVEMBER 2016

App No.:	PT16/5065/F	Applicant:	Mr John Nelson
Site:	Land Adjacent To 1 Berrows Mead Rangeworthy Bristol South Gloucestershire BS37 7QQ	Date Reg:	22nd September 2016
Proposal:	Erection of 1no detached dwelling and associated works (re-submission of PT16/3539/F).	Parish:	Rangeworthy Parish Council
Map Ref:	369376 185906	Ward:	Ladden Brook
Application Category:	Minor	Target Date:	14th November 2016



© South Gloucestershire Council 2015.all rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2015.

N.T.S.

PT16/5065/F

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application has been referred to the circulated schedule for determination as public comments of objection and an objection from the Parish Council have been received. Such comments are contrary to the officer recommendation for approval.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection a bungalow at a site in Rangeworthy. An application (PT16/3539/F) was withdrawn earlier this year to allow for the submission of arboricultural information.
- 1.2 The proposal is for a 2-bedroom dormer bungalow on land to the south of 1 Berrows Mead in Rangeworthy. 1 Berrows Mead is an extended semi-detached 2-storey property at the start of a small close of bungalows with similar 2-storey properties opposite. The existing detached garage on the site would be demolished to be replaced by the proposed bungalow. Outside the application site, the junction of Berrows Mead with New Road has a wide grass verge and mature trees, which are subject to Tree Preservation Orders. The site is bounded by a mature hedges. An existing access is provided in the southwest corner of the site to serve the proposed property and the main access on Berrows Mead would be retained to serve no.1.
- 1.3 The application site is located within the settlement boundary for Rangeworthy and is currently lawfully used as residential curtilage. There are no further land use designations that cover the site.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

L1 Landscape
L5 Open Areas within Defined Settlements
T7 Cycle Parking
T12 Transportation

H4 Development within Existing Residential Curtilages

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

3. RELEVANT PLANNING HISTORY

- | | | | |
|-----|--|-------------------------|------------|
| 3.1 | PT16/3539/F | Withdrawn | 15/08/2016 |
| | Erection of 1no detached dwelling and associated works | | |
| 3.2 | PT09/5706/F | Refused | 31/12/2009 |
| | Erection of 1 no. detached bungalow and associated works (Re-Submission of PT09/0922/F) | | |
| | Reason | | |
| | 1. The proposed dwelling by reason of its siting, layout, height, scale and massing, would give rise to a cramped form of development and would result in an incongruous addition to the street scene. Furthermore the development fails to be informed by, respect, or enhance the character, distinctiveness, and amenity of the site and locality. Therefore, for these reasons, the proposed dwelling is considered to be contrary to policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist SPD (Adopted) 2007. | | |
| 3.3 | PT09/0922/F | Refused | 29/06/2009 |
| | Erection of 1 no. detached dwelling and associated works. | | |
| 3.4 | PT03/2145/F | Approve with Conditions | 29/08/2003 |
| | Erection of two storey side and rear extension to form lounge, utility room and WC with bedroom, bathroom and ensuite facilities over. Erection of front porch, rear conservatory, detached garage and boundary fence. (Resubmission of PT03/1015/F). | | |
| 3.5 | PT03/1015/F | Refused | 23/05/2003 |
| | Erection of front, side and rear extensions. | | |
| 3.6 | P88/2946 | Refused | 23/11/1988 |
| | Erection of detached dwelling. Construction of new vehicular and pedestrian access (outline) | | |

Land at 2 Berrows Mead

- | | | | |
|-----|--|-------------------------|------------|
| 3.7 | PT07/0052/F | Approve with Conditions | 23/03/2007 |
| | Erection of 1 no. dwelling and erection of 1 no. garage. | | |

4. CONSULTATION RESPONSES

- | | |
|-----|--|
| 4.1 | <u>Rangeworthy Parish Council</u> |
| | Objection: Overdevelopment of the site; concern over vehicular access caused by new opening; New Road subject to congestion. |

- 4.2 Highway Structures
No comment
- 4.3 Lead Local Flood Authority
No objection
- 4.4 Transportation
No objection
- 4.5 Tree Officer
No objection subject to conditions

Other Representations

- 4.6 Local Residents
One comment of objection has been received raising the following points:
- Not in keeping with building line
 - Impact on visual amenity of the area
 - Plans do not show existing dwelling at Thistledown
 - Overdevelopment of the site
 - Tandem parking does not work effectively; will lead to additional on-street parking
 - New Road heavily trafficked and lacks visibility
 - Existing hedge will impede visibility
- One comment of support has been received raising the following points:
- Proposal is a modest addition to the street scene
 - Site is within the settlement boundary

5. ANALYSIS OF PROPOSAL

- 5.1 This application seeks planning permission for the erection of a detached bungalow at a site within the settlement boundary for Rangeworthy.
- 5.2 Principle of Development
The application site is located within the defined settlement boundary for Rangeworthy. Under policy CS5 – which defines the strategic approach to development in the district – new development is directed towards the existing urban areas and defined settlements. Therefore, the proposed development would not conflict with the locational strategy as defined in the development plan.
- 5.3 However, at present the local planning authority cannot demonstrate a 5-year housing land supply. In accordance with guidance in the NPPF, the policies in the development plan which restrict the supply of housing are therefore out of date. When the development plan is absent, silent, or out of date, applications must be assessed against the presumption in favour of sustainable development. This states that applications should be approved unless the adverse impacts of doing so *significantly and demonstrably* outweigh the

benefits of the proposal or specific policies and guidance indicate that permission should be refused.

- 5.4 The proposal is therefore acceptable in principle but should be determined against the analysis set out below taking into account the current undersupply of housing in the district.

5.5 Design and Layout

Planning permission for a bungalow on this site was refused in 2009 as it was concluded that the proposal would have an adverse impact on the visual amenity of the area and failed to reach an acceptable standard of design. The building proposed in 2009 was materially different in appearance to that proposed under the current application. Whilst the past refusal of development on this site holds significant weight as a material planning consideration, it must be noted that (notwithstanding the current housing undersupply) there has been a change in policy since this application was determined. Policy D1 which features in the reason for refusal has expired and has been replaced by policy CS1.

- 5.6 In 2009 a single level of accommodation was proposed which lead to a notable projection of the proposed bungalow beyond the rear elevation of the existing garage (which would have been replaced by the development). Under this application, the proposal includes dormer windows to provide living accommodation on the first floor. By introducing an increase in the height of the proposed building, the footprint has been substantially reduced. Whilst the proposed bungalow is bigger than the garage which it is to replace, it is not significantly bigger to the extent that the development in 2009 proposed.

- 5.7 From the officer's report in 2009 it is clear that an objection was also raised to the development as it faced New Road rather than Berrows Mead. Under this proposal, whilst the vehicular access would be from New Road (utilising an existing access point) there would be pedestrian access to the front door from the junction and the front of the dwelling faces Berrows Mead.

- 5.8 The officer's report is light on the assessment of how the new attached dwelling to 2 Berrows Mead (no.2A), permitted under PT07/0052/F, affects the layout and street scene in the locality. This has the effect of bringing development closer to New Road. The existing side extension to 1 Berrows Mead also brings development closer to the road. The impact of this it that the 'open' nature of the verge and entrance into Berrows Mead has been diluted. In 2009 comparison was drawn between the existing garage as a subservient domestic building and a new separate residential planning unit. The proposed bungalow would follow the building line of 1 Berrows Mead and its extension whilst keeping the increase in the footprint of the building over that of the garage to a minimum.

- 5.9 Taking the above into account, it is not considered that the layout of the proposed development would result in a significant and demonstrable harm to the visual amenity of the locality. The proposal would be larger but not vastly different in size to the existing garage and therefore the level of harm that can be attributed to this factor is limited.

Furthermore, the layout allows for the provision of sufficient parking and vehicular access and enables the frontage of the dwelling to face Berrows Mead. This overcomes in part some of the objections raised in 2009. The location of Thistledown to the west of the site is set behind the existing properties on Berrows Mead. It is not considered that the proposal is inconsistent with the layout of the wider area surrounding the site.

- 5.10 Turning to the appearance of the building, the proposal is very modest. It is a simplistic with windows arranged around a central entrance on the principal elevation. Residential dwellings in the locality are a mix of ages and styles. It is therefore considered appropriate to keep the design simple in nature to avoid any over complication of the appearance of the street scene. The gabled roof design approach is also considered to be in keeping with the properties nearby including the relatively steep pitch to the roof; properties on Berrows Mead also have relatively steeply pitched roofs where as those to the west are more shallow in nature.
- 5.11 However, the predominant building material in the area is brick and concern is raised over the intention to finish the proposed bungalow externally in render. It is noted that there are some rendered buildings opposite the site on the south side of New Road. The proposed building would relate more to the northern side of New Road and therefore it is appropriate that the building is constructed from brick. A condition will therefore be used to control the final finish of the building which, for the avoidance of doubt, should be brick.
- 5.12 When considered in line with the conditions proposed it is not considered that the appearance of the proposed building would result in a significant and demonstrable harm to the visual amenity of the locality.
- 5.13 Residential Amenity
Development should not be permitted which has a prejudicial impact on residential amenity or which fails to provide adequate living conditions for future occupiers of the proposed dwelling.
- 5.14 The new windows resulting from the development which could be considered to impact on amenity would be those in the roof space. However, these are not considered to have a material impact on privacy or overlooking as the spaces over which views could be gained are already subject to public views. The layout of the proposal retains sufficient separation distances to maintain privacy and prevent intervisibility. With this in mind the layout is also not considered to resulting in any overbearing impact on adjacent occupiers.
- 5.15 The proposed dwelling is also considered to benefit from adequate living conditions. The proposed rear garden (excluding the parking area) provides over 70 square metres of amenity space. This is in excess of the proposed minimum standards coming forwards through the Policies, Sites and Places Plan (PSP43) of 50 square metres for a 2-bedroom property.
- 5.16 The assessment of residential amenity has not identified any harm that would result from the development if it were permitted.

5.17 Transport and Parking

For development of this nature, the most pressing highways concern is the provision of appropriate off-street parking. Under the Residential Parking Standard SPD, a 2-bedroom property is expected to provide 1.5 parking spaces. As only a single dwelling is proposed, this would be rounded down to 1 parking space. Plans submitted with the application indicate the provision of 2 parking spaces; the proposal would therefore supply parking in excess of the minimum required by the Standard and is therefore acceptable.

5.18 Concern has been raised about the impact of the proposal on New Road. Whilst it is noted from the officer's site visit there is some on-street parking in the locality, the proposed development provides off-street parking to meet its own needs. It cannot therefore be argued that the proposal would directly lead to an increase in on-street parking. It is also noted that the access is existing and therefore no objection is raised to its location or use. Whilst the development would lead to some traffic generation, within the operation of the highway as a whole, this would be minor. The site is within the settlement boundary for Rangeworthy which indicates it is a sustainable location for additional development.

5.19 It is not considered that the proposal would result in a highway hazard and therefore any impact of the development cannot be considered to be severe. The development is therefore acceptable in terms of transport and parking. A condition will be used to secure the provision of the off-street parking facilities.

5.20 Trees and Landscape

Two trees subject to preservation orders stand at the entrance to Berrows Mead, both are outside of the site with one potentially having its root area affected by the proposal. An application was withdrawn earlier this year as the impact of the proposal on the trees was unclear. A tree report has now been submitted. This report identifies that the nearest tree is a category B tree.

5.21 Due to the existing driveway, it is concluded within the report that the root protection area is provided adequate ground protection. However, plans included with the application show the removal of the driveway, formation of pedestrian path and the formation of the front garden.

5.22 It is therefore considered necessary to seek further information by condition. This shall include details of dedicated cement mixing locations (to prevent toxins from running off into the root protection area), details of service runs, and details of the means by which the existing driveway shall be removed following construction.

5.23 Presumption in Favour of Sustainable Development

Under the presumption in favour of sustainable development, planning permission should be granted unless the adverse impacts of doing so significantly and demonstrably outweigh the benefits of the proposal.

5.24 The proposed development would result in the benefit of 1 additional dwelling towards housing supply in the district. Given the scale of development, this is considered to be of moderate benefit.

5.25 Through the above discussion it was concluded that there would not be a significant or demonstrable harm as a result of the development. It should also be noted that the site's location within the defined settlement boundary indicates that the proposal is socio-economically sustainable. The lack of harm through design makes the proposal environmentally sustainable.

5.26 Therefore, the presumption in favour of sustainable development falls in towards the grant of planning permission.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Griff Bunce
Tel. No. 01454 863438

CONDITIONS

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

Reason

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

2. Prior to the commencement of the relevant part of the development details of the roofing and external facing materials proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. For the avoidance of doubt, the external finish should be of brick.

Reason

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

3. The off-street parking facilities shown on Proposed Site Plan rev.A hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

Reason

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

4. Prior to the commencement of development, a plan indicating a dedicated location for cement mixing (to include provisions for the prevention of run-off from the dedicated area) shall be submitted to and approved in writing by the Local Planning Authority. Cement mixing shall solely be carried out in the agreed location.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the tree, and to accord with The Town and Country Planning (Tree Preservation) (England) Regulations 2012, policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies), and the provisions of the National Planning Policy Framework.

5. The existing driveway shall be retained until the development is complete. Prior to the commencement of the relevant part of the development, details of:

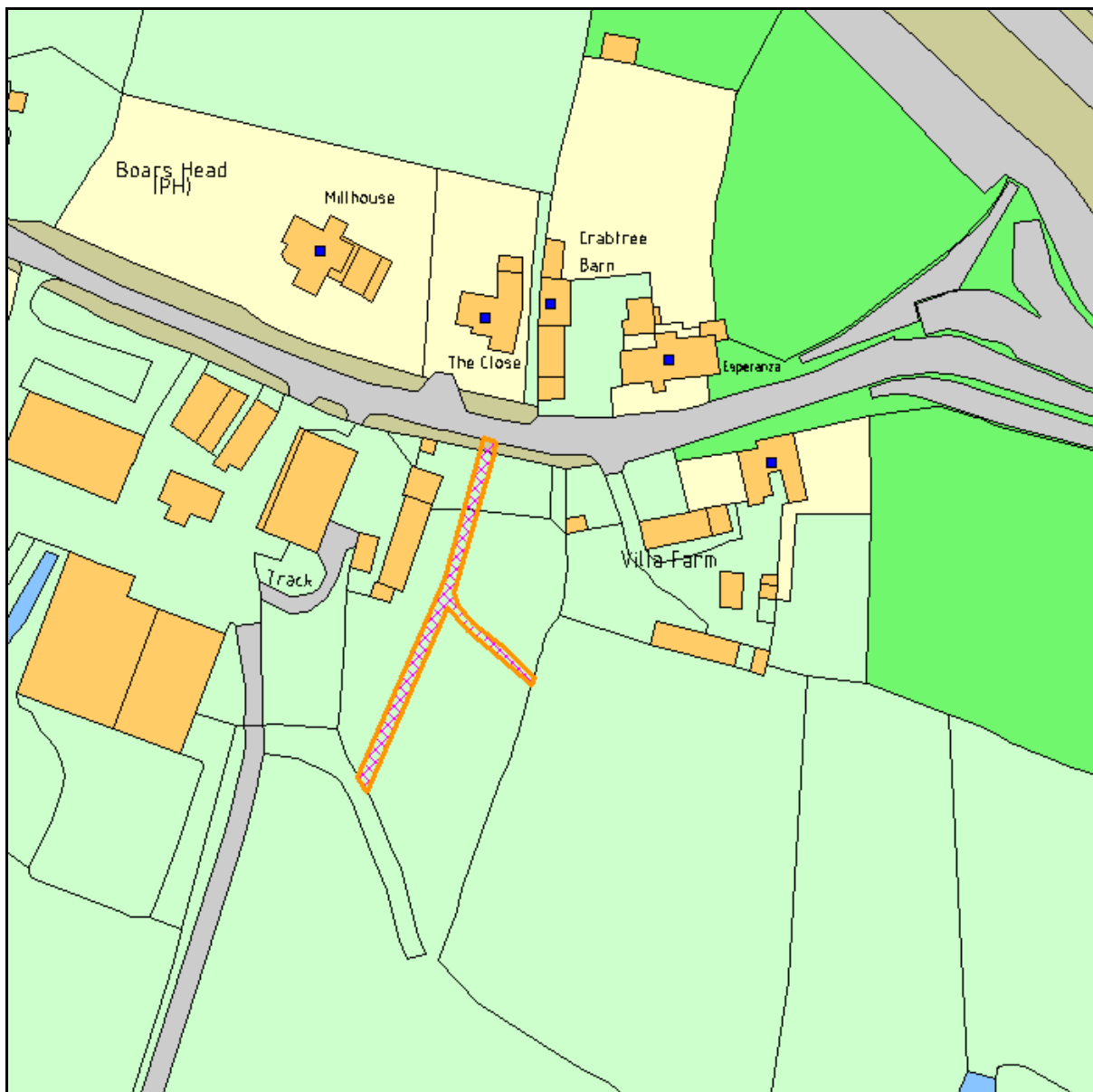
- a) Any service runs required in connection with the development; and,
 - b) The means through which the driveway shall be removed following the completion of the development and the site made good,
- shall be submitted to and approved in writing by the Local Planning Authority. The development will be carried out in accordance with the approved details.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the tree, and to accord with The Town and Country Planning (Tree Preservation) (England) Regulations 2012, policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies), and the provisions of the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 44/16 – 4 NOVEMBER 2016

App No.:	PT16/5104/F	Applicant:	Mr D Sheasby C/O North & Letherby
Site:	Villa Farm Main Road Aust Bristol South Gloucestershire BS35 4AX	Date Reg:	12th September 2016
Proposal:	Construction of an agricultural access road, including part demolition of a stone wall to allow splayed highway access.	Parish:	Aust Parish Council
Map Ref:	357671 188940	Ward:	Severn
Application Category:	Minor	Target Date:	2nd November 2016



© South Gloucestershire Council 2015.all rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2015.

N.T.S.

PT16/5104/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is circulated as a result of the parish Council comment and that of the neighbours.

1. THE PROPOSAL

- 1.1 The application seeks planning permission for the insertion of a new vehicular access and a track across fields associated with Villa Farm, Aust. The proposed track would measure approximately 85 m long with an additional 25m long spur to another field. The access onto the highway would be via a 4.5m wide opening in the stone boundary wall. The track itself would be 3m wide. The surfacing material would be recycled tarmacadam and be dark grey and a splay of up to 6.1m is proposed on the highway verge. A five bar gate is proposed to close the gap.
- 1.2 The application is situated outside an established settlement boundary, within the open countryside and with the Green Belt. The Farmhouse itself is a grade II listed building but the wall subject of the opening is not considered part of the listing.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework
Planning Policy Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

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

T12 Transportation Development Control Policy for New Development
L13 Listed buildings

2.3 Emerging policy: South Gloucestershire Local Plan: Proposed Submission: Policies, Sites and Places Plan June 2016

PSP1 Local Distinctiveness
PSP8 Residential Amenity
PSP16 Parking Standards

2.4 Supplementary Planning Guidance
Design Checklist SPD (Adopted) 2007
Green Belt (Adopted) 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PT16/4604/PNA Prior notification of the intention to construct an access track. Refused because the proposal was not permitted development, as a result of the setting of Villa Farm and as the site is archeologically sensitive and these issues could not be dealt with by condition as a result of the nature of a Prior Notification Application.

4. CONSULTATION RESPONSES

- 4.1 Aust Parish Council
Parish Council neither supported nor objected to this application. However, if it were permitted, safety would be improved if the splay were widened and the gate set back from the road.

- 4.2 Other Consultees
Archaeology Officer
Neither supported nor object to this application. However, if it were permitted, safety would be improved if the splay were widened and the gate set back from the road.

Highway officer

Bearing in mind the fact that Main Road is a dead-end, we have no objection to this element of these proposal.

We would however, draw the applicants attention to the need to ensure that they obtain the appropriate approvals from the Council for any works to be undertaken on that section of the proposed access road which lies within the ownership of the Highway Authority.

Landscape officer

No landscape objection with regards to Policies L1 and CS1 on the provision that a condition is attached requiring that where the wall is removed the end elevations are appropriately restored.

Lead Local Flood Officer

No objection

Archaeology Officer

The application affects an archaeologically sensitive area and there is a risk that surviving archaeology may be damaged during construction. It is suggested that an archaeological watching brief takes place during ground disturbance. This could be achieved by way of a standard condition HC11 and reason HR05.

Highway Structures

No comment

Other Representations

4.3 Local Residents

One neighbour does not object to the location of the second access but has practical concerns as follows:

- That the farm down the road has a bigger turning circle to gain access with their farm machinery and suggest that this access is insufficient to gain access with agricultural machinery.
- Cars park opposite the proposed entrance.
- Suggests a wider opening of up to 10m wide and/or that the access is set back

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application stands to be assessed against the above listed policies and all material considerations. Of particular importance is the impact the new access would have on highway safety but consideration of the setting of the listed building and the wider landscape is also relevant. Additionally the site is agriculturally sensitive. The application site is located in the Bristol/Bath Green Belt where development is restricted to certain criteria. Engineering operations such as this application promotes are one of the forms of development not considered inappropriate in green belt.

5.2 The proposal is considered to accord with policy and this is discussed in more detail below.

5.3 Green Belt

The NPPF states that engineering operations are appropriate development in the Green Belt and the removal of a section of wall with a five bar gate 4.5m wide has no detrimental impact on the green belt. As such the works are considered acceptable.

5.4 Transportation

The applicant claimed that the existing narrow gate which leads past the farm house, other outhouses and through to the farmland via narrow, steep and uneven gateways is neither safe nor suitable for larger agricultural machinery. It is claimed that this makes mowing, tedding, raking and baling the land difficult and has a significant detriment to the viability of the agricultural business.

5.5 It is noted that the main farm access was separated from this site when the farmland was split up and there is now a clear planted boundary between the large modern farm and the lands remaining with this site. This would previously have given access to the applicant's landholding.

5.6 Officers take the view that the applicant will be aware what space they believe they need to be able to carry out their work, together with any access needs and also that cars park on the public highway opposite the proposed access.

Your highway officer considers that the proposed access will not affect highway safety and notes that the road is not a thoroughfare. Whilst it is understood that the neighbour believes that a larger access is required to make the access more practical, that is not the application before the Local Planning Authority. Moreover a larger access would also have further implications for the setting of the listed building. Overall therefore the application is acceptable in highway safety terms.

5.7 Design and Impact on Listed Building

This application is considering the removal of a 4.5m section of wall and the implications of a three metre wide agricultural track. It is considered that the removal of the section of wall, being a simple form of access would have no harmful effect on the visual amenity of the street. Whilst the setting of the Villa Farm farmhouse is a consideration for any development this too is not considered materially impacted upon by such a simple scheme. The proper finishing off of the wall with matching materials has been requested by the landscape officer and this is considered reasonable to ensure that the access is clearly defined and the remaining walling is retained to complement the rest of the streetscene. The material of the track itself is recycled tarmac and as such will not be dissimilar to the existing material of Main Road. As such it is considered acceptable with regards to its impact on the listed building and can therefore be recommended for approval.

5.8 Archaeology

The site is agriculturally sensitive but it is considered that a planning condition requiring a programme of archaeological investigation and recording can adequately secure information which would otherwise be lost as a result of the engineering operation.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 That planning permission is granted subject to the conditions set out below:

Contact Officer: Karen Hayes
Tel. No. 01454 863472

CONDITIONS

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

Reason

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

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

Reason

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

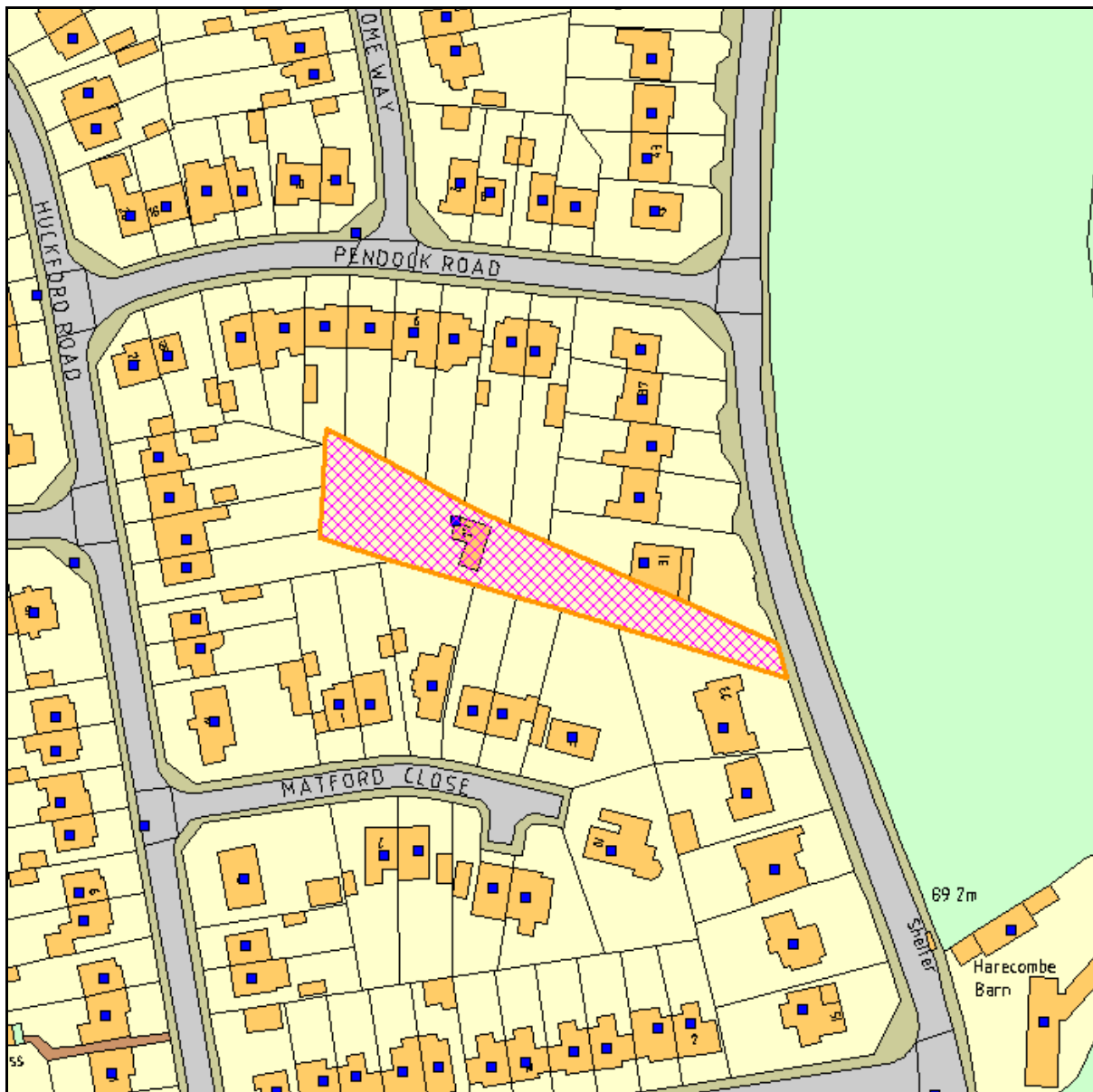
3. The sides of the access wall as altered by the proposal shall be finished in facing stonework to match the existing original stonework of the road fronting surface in respect of colour, texture, coursing, jointing and pointing.

Reason

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

CIRCULATED SCHEDULE NO. 44/16 – 4 NOVEMBER 2016

App No.:	PT16/5149/F	Applicant:	Mr And Mrs Down
Site:	27 Hicks Common Road Winterbourne South Gloucestershire BS36 1EH	Date Reg:	15th September 2016
Proposal:	Erection of two storey rear extension to form additional living accommodation, erection of first floor side extension to form guest annexe, erection of front porch and erection of detached garage/gym.	Parish:	Winterbourne Parish Council
Map Ref:	365352 180167	Ward:	Winterbourne
Application Category:	Householder	Target Date:	8th November 2016



© South Gloucestershire Council 2015.all rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2015.

N.T.S.

PT16/5149/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the erection of a two-storey rear extension to form additional living accommodation, the erection of a first floor side extension to form a guest annexe, the erection of a front porch and the erection of a detached garage/gym.
- 1.2 The application site lies within the established settlement boundary of Winterbourne and relates to a two-storey detached dwellinghouse.
- 1.3 During the course of the application and following comments from a neighbour expressing concerns regarding the proposed height, revised plans reducing the height of the garage to that proposed by the neighbour, to which he would then have no objection, were received by the Council.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework
Planning Policy Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

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

H4 Residential Development within Existing Residential Curtilages
T12 Transportation Development Control Policy for New Development

2.3 Emerging policy: South Gloucestershire Local Plan: Proposed Submission: Policies, Sites and Places Plan June 2016

PSP1 Local Distinctiveness
PSP8 Residential Amenity
PSP16 Parking Standards
PSP38 Development within Existing Residential Curtilages

2.4 Supplementary Planning Guidance

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

3. **RELEVANT PLANNING HISTORY**

- 3.1 PRE15/0583 Extension to rear of property, over existing single storey extension or a New two storey extension. Erection of new porch, a Garage and Workshop to the front of the property. Advice given in support
- 3.2 PT11/0529/F Erection of two storey front extension including first floor balcony to provide additional living accommodation, erection of rear conservatory and associated works. Refusal 15.4.11

4. **CONSULTATION RESPONSES**

- 4.1 Winterbourne Parish Council
No objection

- 4.2 Other Consultees

Sustainable Transport Officer
No objection

Archaeology
No objections

Other Representations

- 4.3 Local Residents

Garage:

- As currently proposed, the garage/gym roof has a ridge height of around 4.5m. Due to the difference in levels between our properties this would add another 1m from our rear garden patio. The proposed new building would therefore stand 5.5m above our ground level and extend from the back of our house a long way into our back garden. Such a structure would make a substantial impact on the skyline for us, reducing our enjoyment of the garden and making the ground floor rooms at the back of the house darker. Having reviewed this with my neighbour (the applicant), he has agreed to a reduction in ridge height by 1m from the current proposal. We would be prepared to accept this as a compromise.

Plans subsequently submitted by the applicant show the garage to have been reduced by the 1metre suggested by the neighbour. Therefore as stated there is no objection to this structure

First floor side extension:

- Proposed guest annexe should remain within the existing footprint of the current garden room
- Trees and hedges currently obscure our view of existing garden room – would object if these are cut down or severely pruned

- Object if the annexe is to be used for paying guests
- If scaffolding needed within my property it should be done in an extremely careful manner to protect the dry stone wall and my plants
- If any trimming of the bullace tree is needed this should be done by a qualified tree surgeon and scaffolding should not damage the tree

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The application stands to be assessed against the above listed policies and all material considerations. Of particular relevance is the resulting appearance of the dwelling, its impact on the character of the area, impact on residential amenity of the host property and that of neighbours and impact on highway safety and parking. Pre-application advice was supportive of development within the curtilage of this house.

The proposal is considered to accord with policy and can be recommended for approval. This is discussed in more detail below.

5.2 Design and Visual Amenity

The application site is a large detached property which has undergone extensive modernisation in recent years. It is set back from the highway, accessed via a long drive and benefits from a good size rear garden. The property also benefits from a two-storey rear extension and a single storey extension to the northern side which projects into the rear garden. The proposed development would in the first instance see the erection of a two-storey rear addition to infill an area to the south along the rear building line of the main house, thus effectively removing the current stepped rear elevation. Secondly, a first floor addition above the existing single storey side/rear extension is proposed to serve as an annex to the property. A small porch would be added to the front elevation and a garage/gym in the front garden. It is useful to discuss each element in turn.

5.3 With regards to the two-storey addition this would be of a height to match the existing two-storey rear extension, thus resulting in a double hipped rear elevation. It would have a footprint of about 5 metres by 3.3 metres. Openings would be in the rear elevation only and materials would be to match the existing house. In terms of its design, scale and massing this is considered acceptable. Moving on to the porch this would have a footprint of 1.5 metres by 2.7 metres, have a dual pitched roof and be of materials to match the existing dwelling. Again this is considered acceptable.

5.4 With regards to the proposed first floor extension above the existing single storey side/rear addition to create an annexe. It is usual for an annexe to have some reliance on the host property and not to be totally independent of the main dwelling. Although in this instance the proposed annexe would have a bedroom, sitting room, bathroom and small kitchen, it would be physically connected to the main house and could only be accessed by passing through or around the existing property. A suitably worded condition attached to the decision notice would ensure it remains accommodation ancillary to No. 27 and not a separate dwelling.

Concern has been expressed by a neighbour that the annexe could become bed and breakfast accommodation. No such details have been provided with the application to indicate this would be the intention. But regardless, it is possible to use rooms in a dwelling as a bed and breakfast without the need for planning permission. What is important to consider is the scale of the business use with the relevant tests being: has the main function of the property changed from being a private residence; would there be a marked rise in traffic or people calling and; would there be a disturbance/nuisance at unreasonable hours. In this instance the development is assessed as being ancillary accommodation to the main dwelling.

5.5 In terms of appearance the proposed extension would have a flat roof and be clad in timber at first floor level. It is acknowledged that the existing house has a white rendered exterior and black slate roof tiles which has changed to overall appearance of this once character cottage. However, the proposed approach is to continue the modern theme and the proposed timber clad flat roofed extension would not be out of place on this now altered property. To confirm, it would follow the footprint of the existing ground floor being no larger at first floor than at existing ground level. The main openings would be in the south elevation facing the garden and a small obscured glazed window to serve the bathroom would be in the east elevation. It is considered an appropriate to the modernised property and in-keeping with the residential development in the area.

5.6 Moving on to the garage, during the course of the application revised plans were received indicating the height of the structure was to be reduced by 1 metre following the suggestion from the neighbour, who would then remove the objection. As such it would measure about 10.8 metres in length and 6.6 metres at its widest point, eaves to 2 metres and achieve 3.4 metres at its highest point. Two garage doors would face east, a bank of full height windows in the west elevation and windows in the south would serve the proposed gym area. In terms of the design, scale, massing and materials the proposal is considered in keeping and acceptable.

5.7 Residential Amenity

The application site is bound on all sides by high close-boarded fencing of about 2 metres in height and this coupled with the orientation of nearby houses plus mature planting, successfully screens the property from its neighbours. The house sits within a good size plot and sufficient amenity space would remain to serve the property following the development. No new openings would be located in the northern first floor side elevation of the annexe and as such there would be no overlooking or inter-visibility issues for closest neighbours in Pendock Road. It is acknowledged that there would be changes for properties along Pendock Road but at a distance of over 25 metres from the proposed first floor it is considered there would be no adverse issues of overshadowing or overbearing resulting from the development. Similarly, the two-storey infill would not impact on neighbours to the south as they are about 18 metres away. New fenestration is noted for the existing dwelling in this southern elevation but the first floor window would be of obscure glazing to serve a bathroom and this is considered appropriate.

The roof of the garage would be visible above the fence but its slope would be away from neighbours to the north at No. 31 Hicks Common Road. There would be no negative effect on the amenity of this neighbour.

- 5.8 The amenity of neighbouring dwellings has been fully assessed and it has been found that the proposal would not have an adverse consequence on these properties; the scheme is therefore considered acceptable in these terms.

5.9 Sustainable Transport

The proposal includes the erection of a large garage and attached gym to the front of the dwelling within the long drive. It is noted that the proposal would result in a dwelling having a total of 5 bedrooms. Three off street parking spaces would be required and it is considered that these can be accommodated to the front of the property and within the proposed garage. As such the development would comply with adopted residential parking standards.

5.10 Other matters

Properties on Pendock Road are at right angles to the application site and the bottom of their gardens share a boundary with the northern side of No. 27 Hicks Common Road. Two neighbours have made comments relating to the potential impact on their trees and shrubs. There exists in common law the right to cut back tree branches that overhang onto the property of another. The issue of overhanging branches cannot be taken into consideration under this planning application, but it is suggested that any works to the trees be undertaken by a trained professional to ensure the health and longevity of the trees/shrubs. Similarly, should scaffolding need to be erected in the garden of a neighbour, this would be an arrangement to be agreed between the relevant parties and is quite a common feature of development proposals.

6. CONCLUSION

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

7. RECOMMENDATION

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

Contact Officer: **Anne Joseph**
Tel. No. **01454 863788**

CONDITIONS

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

Reason

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

2. The annex hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 27 Hicks Common Road, Winterbourne, Bristol BS36 1EH.

Reason

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

CIRCULATED SCHEDULE NO. 44/16 – 4 NOVEMBER 2016

App No.:	PT16/5479/CLP	Applicant:	Mrs Sarah Walters
Site:	Grace Cottage 5 The Down Alveston South Gloucestershire BS35 3PH	Date Reg:	6th October 2016
Proposal:	Certificate of lawfulness for the proposed installation of a ground floor rear window.	Parish:	Alveston Parish Council
Map Ref:	362909 188087	Ward:	Thornbury South And Alveston
Application Category:	Certificate of Lawfulness	Target Date:	28th November 2016



© South Gloucestershire Council 2015.all rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2015.

N.T.S.

PT16/5479/CLP

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule for determination as a matter of process. The application is for a certificate of lawfulness for a proposed development.

1. THE PROPOSAL

- 1.1 This application seeks a formal decision as to whether or not the proposed installation of a ground floor rear window at Grace Cottage 5 The Down in Alveston would be permitted under the regulations contained within The Town and Country Planning (General Permitted Development) (England) Order 2015.
- 1.2 This application is not an analysis of planning merit, but an assessment as to whether the development proposed accords with the above regulations. There is no consideration of planning merit, the decision is based solely on the facts presented.

2. POLICY CONTEXT

- 2.1 This is not an application for planning permission. Thus it cannot be determined through the consideration of policies contained within the Development Plan; the determination of this application must be undertaken as an evidential test against the regulations listed below.
- 2.2 National Guidance
The Town and Country Planning (General Permitted Development) (England) Order 2015.

3. RELEVANT PLANNING HISTORY

- 3.1 PT16/3408/F Erection of a two storey side and rear and a single storey side extension to provide additional living accommodation.
Refused 27.07.2016
- 3.2 PT15/2313/CLP Application for a certificate of lawfulness for the proposed erection of a single storey rear extension.
Approved with Conditions 10.08.2015
- 3.3 PT15/2326/F Erection of two storey rear extension to form additional living accommodation.
Refused 07.08.2015
- 3.4 P94/1373 Demolition of existing single storey extension and erection of two storey side extension to form kitchen, utility, hall and porch with bedroom and bathrooms over
Approval Full Planning 02.06.1994

4. CONSULTATION RESPONSES

- 4.1 Alveston Parish Council
No comments received.

- 4.2 Councillor
No comments received.

Other Representations

- 4.3 Local Residents
No comments received.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 The following evidence was submitted to the Local Planning Authority on 03 October 2016 –
- Site Location Plan (03)
- 5.2 Further evidence was submitted to the Local Planning Authority on 05 October 2016 –
- Existing Combined (1581_P001)
 - Proposed Combined (1581_P002)

6. ANALYSIS OF PROPOSAL

- 6.1 This application seeks a certificate of lawfulness for the installation of a ground floor rear window at Grace Cottage in Alveston.

6.2 Principle of Development

An application for a Certificate of Lawfulness is purely an evidential test and is a formal way to establish whether or not the proposed development can be implemented lawfully without the need for planning permission. Thus there is no consideration of planning merit, the application is based on facts presented. The submission is not a planning application and therefore the Development Plan is not of relevance to the determination of this application.

- 6.3 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 Town and Country Planning (General Permitted Development) (England) Order 2015.

- 6.4 The proposed development is to install a ground floor rear window to the property. This development would fall within Schedule 2, Part 1, Class A this allows for the enlargement, improvement or other alteration of a dwellinghouse, provided it meets the criteria as detailed below

- 6.5 Assessment of Evidence: installation of ground floor rear window
Schedule 2 Part 1 Class A allows for the enlargement, improvement or other alteration of a dwellinghouse, subject to meeting the following criteria:

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 of this Schedule.

- (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 proposal will not increase the footprint of the site as it is for the installation of a ground floor window.

- (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 application is for an installation of a ground floor window.

- (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 application is for an installation of a ground floor window.

- (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 application is for an installation of a ground floor window.

- (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 is for an installation of a ground floor window.

- (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

- (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 application is for an installation of a ground floor window.

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

The application is for an installation of a ground floor window.

- (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 application is for an installation of a ground floor window.

- (k) **It would consist of or include –**

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

The proposal does not include any of the above, the proposal is for the installation of a new ground floor window.

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 is not situated within 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 dwellinghouse;**

The existing windows in the property are white upvc style, the proposed new window will be of a similar design and material to match those within the existing dwelling.

- (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**

The proposed window will be located on the ground floor rear elevation.

- (c) where the enlarged part of the dwellinghouse had 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.**

This is not applicable for the proposed development.

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 on the balance of probabilities the proposed installation of a ground floor rear window falls within the permitted rights afforded to householders under Schedule 2, Part 1, Class A of the Town and Country Planning General Permitted Development Order 2015.

Contact Officer: Fiona Martin
Tel. No. 01454 865119