



**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. 49/16**

**Date to Members: 09/12/2016**

**Member's Deadline: 15/12/2016 (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](mailto: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](mailto: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.

**Dates and Deadlines for Circulated Schedule**  
**Christmas & New Year Period 2016/17**

<b>Schedule Number</b>	<b>Date to Members 9am on</b>	<b>Members Deadline 5pm</b>
<b>50/16</b>	<b>Thurs 15 Dec 2016</b>	<b>Weds 21 Dec 2016</b>
<b>51/16</b>	<b>Thurs 22 Dec 2016</b>	<b>Weds 04 Jan 2017</b>
<b>01/17</b>	<b>Fri 06 Jan 2017</b>	<b>Thurs 12 Jan 2017</b>
<b>Timetable back to normal.</b>		

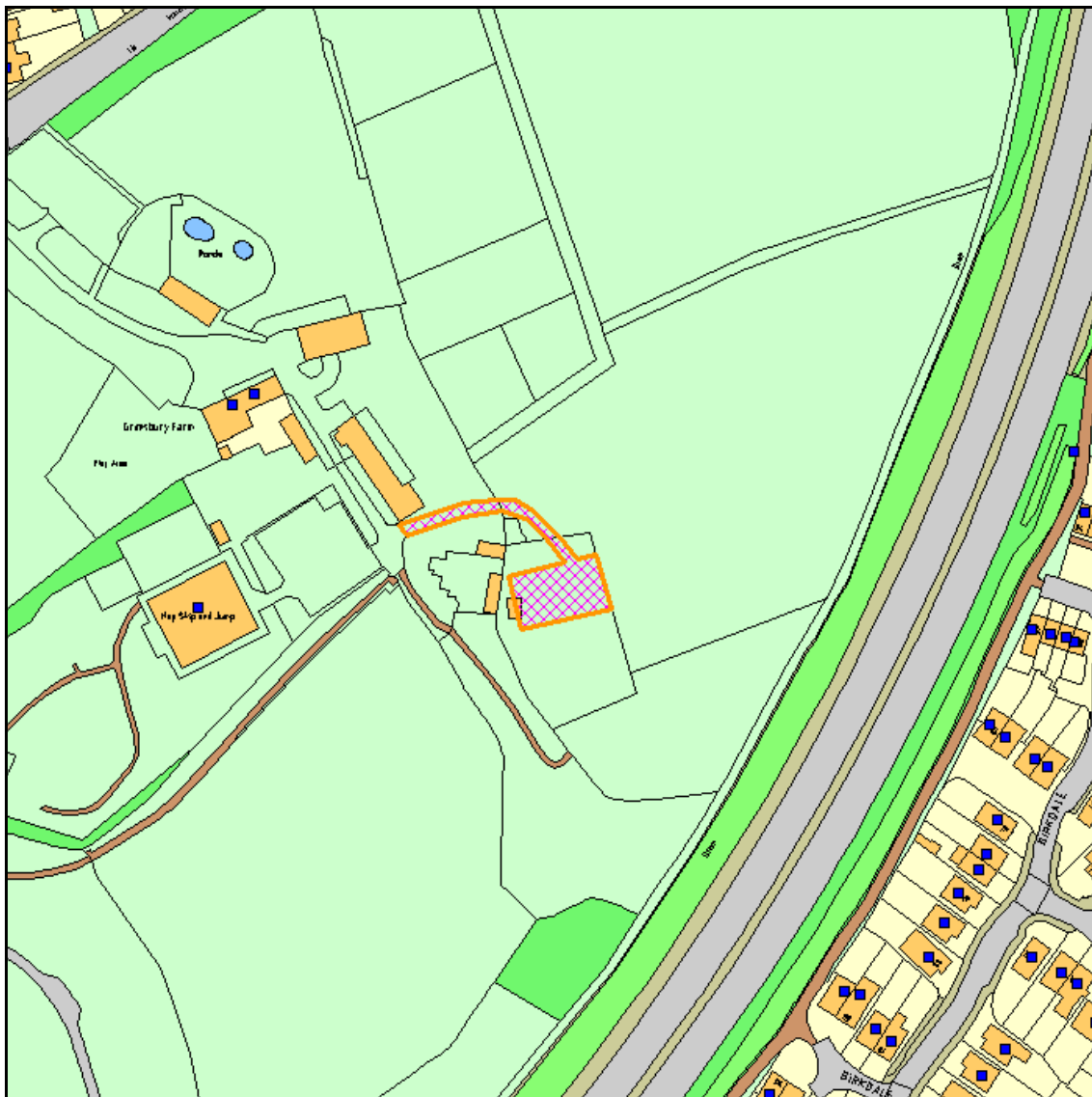
Highlighted in Red above are details of the schedules that will be affected by date changes due to the Bank Holidays at Christmas & New Year 2016/17.

# CIRCULATED SCHEDULE - 9 December 2016

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK16/1524/R3F	Deemed Consent	Grimsbury Farm Grimsbury Road Kingswood South Gloucestershire BS15 9SE	Parkwall	Oldland Parish Council
2	PK16/4665/MW	Approve with Conditions	Chipping Sodbury Quarry Barnhill Road Chipping Sodbury South Gloucestershire	Chipping	Sodbury Town Council
3	PK16/4674/MW	Approve with Conditions	Chipping Sodbury Quarry Barnhill Road Chipping Sodbury South Gloucestershire	Chipping	Sodbury Town Council
4	PK16/5138/F	Approve with Conditions	Land North East Of Courtney Cottage Parkfield Pucklechurch South Gloucestershire BS16 9NS	Boyd Valley	Pucklechurch Parish Council
5	PK16/5217/MW	Approve with Conditions	Wickwar Quarry The Downs Wickwar Wotton Under Edge South Gloucestershire GL12 8LF	Charfield	Cromhall Parish Council
6	PK16/5220/F	Approve with Conditions	253 Badminton Road Downend South Gloucestershire BS16 6NR	Emersons	Downend And Bromley Heath Parish Council
7	PK16/5370/F	Approve with Conditions	Mafeking Hall Ram Hill Coalpit Heath South Gloucestershire BS36 2UF	Westerleigh	Westerleigh Parish Council
8	PK16/5376/F	Approve with Conditions	Warmley Service Station Deanery Road Kingswood South Gloucestershire BS15 9JB	Siston	None
9	PK16/5565/TRE	Approve with Conditions	10 High Street Iron Acton South Gloucestershire BS37 9UG	Frampton Cotterell	Iron Acton Parish Council
10	PK16/5697/F	Approve with Conditions	29 Ham Farm Lane Emersons Green South Gloucestershire BS16 7BW	Emersons	Emersons Green Town Council
11	PK16/5712/ADV	Approve with Conditions	Flat Beaufort Hunt 64 Downend Road Downend South Gloucestershire BS16 5UE	Downend	Downend And Bromley Heath Parish Council
12	PK16/6090/TCA	No Objection	Holmray The Green Iron Acton South Gloucestershire BS37 9TQ	Frampton Cotterell	Iron Acton Parish Council
13	PK16/6095/F	Approve with Conditions	58 Oakdale Road Downend South Gloucestershire	Downend	Downend And Bromley Heath Parish Council
14	PK16/6104/CLP	Approve with Conditions	62 Naishcombe Hill Wick South Gloucestershire BS30 5QS	Boyd Valley	Wick And Abson Parish Council
15	PT16/4703/F	Approve with Conditions	Bri-Mar New Road Rangeworthy South Gloucestershire BS37 7QH	Ladden Brook	Rangeworthy Parish Council
16	PT16/4965/RVC	Approve with Conditions	Colony Farm Hortham Lane Almondsbury South Gloucestershire BS32 4JW	Almondsbury	Almondsbury Parish Council
17	PT16/5345/RVC	Approve	The Cornfields Gloucester Road Whitfield South Gloucestershire GL12 8ED	Charfield	Falfield Parish Council
18	PT16/5942/F	Approve with Conditions	31 Bridgman Grove Filton South Gloucestershire BS34 7HP	Filton	Filton Town Council
19	PT16/6045/PDR	Approve with Conditions	128 Pursey Drive Bradley Stoke South Gloucestershire BS32 8DP	Stoke Gifford	Bradley Stoke Town Council

**CIRCULATED SCHEDULE NO. 49/16 – 9 DECEMBER 2016**

<b>App No.:</b>	PK16/1524/R3F	<b>Applicant:</b>	South Glos. Council
<b>Site:</b>	Grimsbury Farm Grimsbury Road Kingswood South Gloucestershire BS15 9SE	<b>Date Reg:</b>	18th April 2016
<b>Proposal:</b>	Erection of agricultural building for the housing of farm animals and storage of feed and machinery. Construction of access track.	<b>Parish:</b>	Oldland Parish Council
<b>Map Ref:</b>	366347 173160	<b>Ward:</b>	Parkwall
<b>Application Category:</b>	Minor	<b>Target Date:</b>	7th June 2016



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**N.T.S.****PK16/1524/R3F**

## **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

This report appears on the circulated schedule to follow set procedure given that South Gloucestershire Council is the applicant.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of 1no. agricultural building for the housing of farm animals and storage of feed and machinery at Grimsbury Farm, Grimsbury Road, Kingswood. Construction of an access track is also proposed.
- 1.2 During the course of the application, a Coal Mining Risk Assessment was received at the request of the Coal Authority.
- 1.3 The site is located within the settlement boundary and a Development High Risk Coal Area. Grimsbury Farm is a locally listed building.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

National Planning Policy Framework March 2012  
National Planning Policy Guidance

#### 2.2 Development Plans

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

E9 Agricultural Development  
L1 Landscape Protection  
L15 Locally Listed Buildings  
T12 Transportation Development Control Policy

##### 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

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

PSP2 Landscape  
PSP11 Transport Impact Management  
PSP17 Heritage Assets and the Historic Environment  
PSP29 Agricultural Development

#### 2.4 Supplementary Planning Guidance

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

### 3. **RELEVANT PLANNING HISTORY**

- 3.1 Numerous planning applications related to this site can be found on the Council's website.

### 4. **CONSULTATION RESPONSES**

- 4.1 Oldland Parish Council  
No objection.

- 4.2 Other Consultees

Coal Authority

Objection:

Coal Mining Risk Assessment Report needed.

*Update:*

Coal Mining Report submitted 21/06/2016.

*Objection:*

*Provides basic information, but no assessment of the risks to any proposed development on site and, where necessary, propose mitigation measures to address any issues of land instability.*

*Update:*

Coal Mining Risk Assessment Report submitted 21/09/2016.

*No Objection subject to a condition securing site investigation works prior to commencement of development.*

Sustainable Transport

No objection.

Conservation Officer

Remain unconvinced about siting of new building. Appears somewhat remote and extend built form into open area; there should be some attempt at trying to visually contain new building within or as close to the existing cluster of farmstead buildings. Defer to Council's Landscape Architect for possible alternatives.

Landscape Officer

No objection.

#### **Other representations**

- 4.3 Local Residents  
None received.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

The application seeks planning permission for the erection of an agricultural barn, situated within a settlement boundary. Saved Local Plan policy E9 permits proposals for the erection of agricultural buildings in principle subject to criteria relating to the availability of alternative buildings, access and manoeuvring, environmental effects, and residential amenity. Design, heritage and landscape consideration must be made against policies CS1, CS9, L1 and L15 respectively. The proposal is considered to accord with the principle of development.

### 5.2 Alternative Buildings

There are existing buildings within the site, however, the applicant confirms there is a small paddock used on the land for occasional animal grazing and some farm materials and equipment is being stored outside. The proposed new barn will allow the wintering of farm animals and machinery and animal feed to be stored inside and in the summer, provide a safe working area for machinery repairs to be carried out and for cattle to calve away from the public. It is therefore considered that the building is appropriate for the sheltering of animals and internal storage and no suitable alternative buildings are available to the applicant.

### 5.3 Design, Heritage and Landscaping

It is proposed that the building is to be constructed with concrete panel walls clad in timber boarding up to eaves with a metal roller shuttered door on the northern elevation. The roof will be formed of corrugated fibre cement sheets with sky lights.

5.4 Although the proposed new building is unlikely to cause such demonstrable harm to the setting of the locally listed Grimsbury Farm that a refusal could be justified, the Conservation Officer remains unconvinced about the siting of the new building. Rather than appearing somewhat remote and extend the built form into the open area, the Conservation Officer argues there should be some attempt at trying to visually contain the new building within or as close to the existing cluster of farmstead buildings. For possible alternatives, this was deferred to the Council's Landscape Architect whom raises no objection to the siting.

5.5 It is acknowledged there are relatively few modern buildings on the farm, but it is considered that the building remains in-keeping with the surrounding agricultural setting and the other buildings in the farmyard.

### 5.6 Access and Manoeuvring

The proposed access track, formed of compacted crushed stone, would extend from a farm road, through an existing gate into the site and up to the entrance door of the barn. The Transport Officer does not raise an objection to the scheme.



5.7 Environmental Effects

The proposed building would be located within an established agricultural area. On this basis, it is considered that the proposal is unlikely to create any significant environmental effects in terms of noise, pollution, flooding or other such disturbance.

5.8 Residential Amenity

Due to the distance between any residential dwellings and the proposed development, the proposal is not expected to have any detrimental impacts on residential amenity.

5.9 Coal Referral Area

The application site falls within a defined Development High Risk Area. The Coal Authority previously objected to the application due to the lack of a Coal Mining Risk Assessment. In response, the applicant has submitted a Coal Mining Risk Assessment on 21/09/2016. The site has been subject to mining of deep and unrecorded shallow coal seams and this proposes a risk to the proposed development.

5.10 The Report recommends carrying out intrusive ground investigations (boreholes) to investigate ground conditions and the depth and condition of shallow coal seams, and to inform any necessary remedial measures required. The Coal Authority advises a condition is attached to the decision notice securing these intrusive site investigation works prior to commencement of development. In the event that mine workings are encountered, consideration must be given to the potential risk posed by mine gas to the proposed development.

5.11 The applicant should ensure that the exact form of any intrusive site investigation including the number, location and depth of boreholes, is agreed with The Coal Authority's Permitting Team as part of their permit application. The findings of these should inform any mitigation measures, which will also be conditioned to be undertaken before development, such as grouting stabilisation works, foundation solutions and gas protection measures, which may be required in order to remediate mining legacy affecting the site and to ensure the safety and stability of the proposed development.

5.12 It is noted that the Report identifies that unrecorded mine entries could potentially be present within the application site. Whilst no specific site investigations are proposed in connection with this matter, caution should be exercised during construction and should any previously unrecorded mine entry be found, The Coal Authority should be consulted immediately. If a mine entry is discovered, appropriate treatment will be required i.e. filling and capping, and revisions to the site layout may be necessary.

**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. Prior to the commencement of development, intrusive site investigation works to establish the coal mining legacy on the site shall be carried. A scheme of intrusive site investigations shall be prepared and submitted and approved in writing by the local planning authority. The approved scheme of investigation shall then be carried out in full.

### Reason

To ensure that the risk posed by the past coal mining activity in the area is adequately identified and where necessary mitigated and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and the provisions of the National Planning Policy Framework. This is required prior to commencement to fully engage with the coal mining legacy.

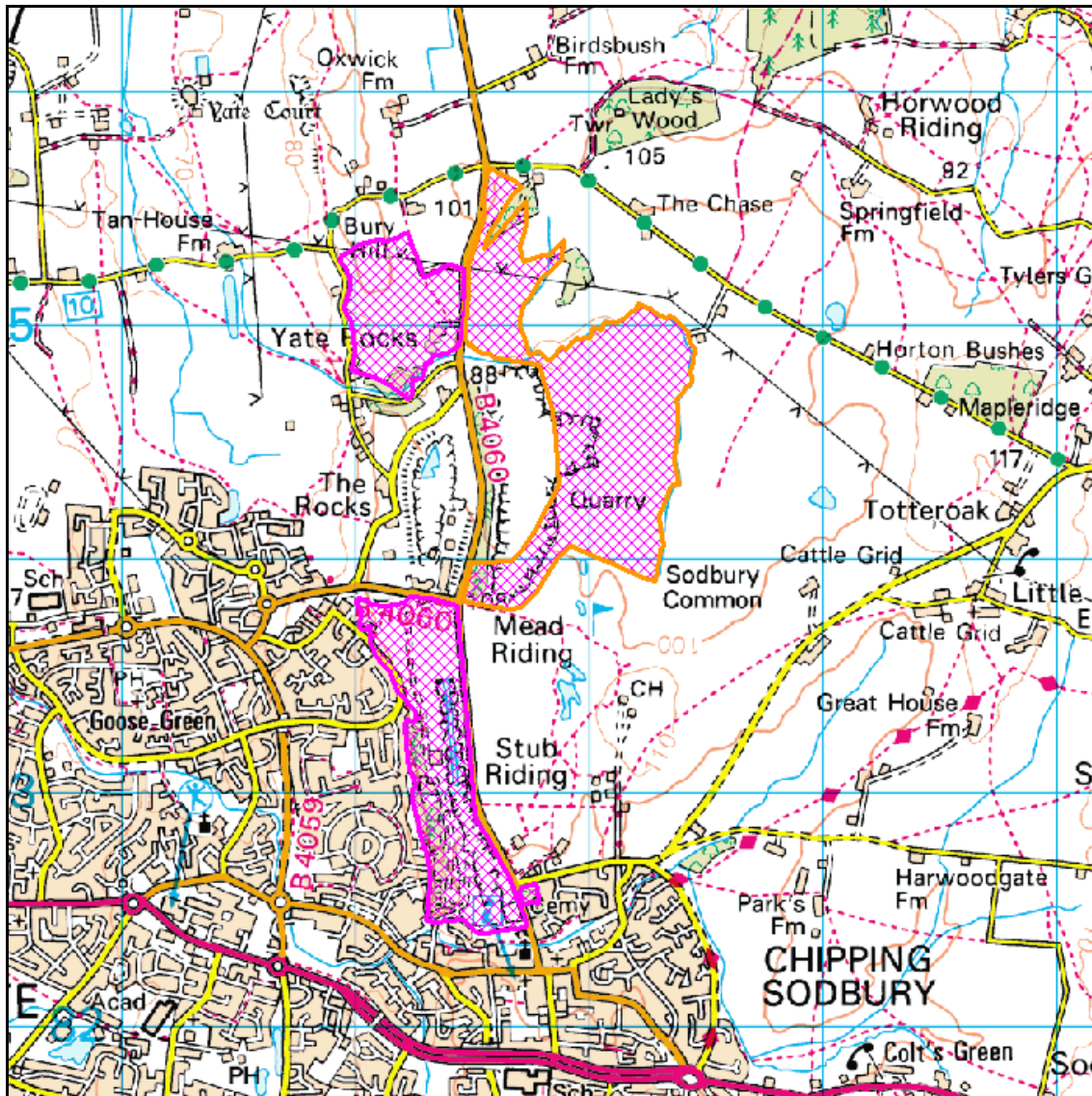
3. Following the site investigations required by Condition 2, and prior to the commencement of development, a report of the findings of the investigations shall be submitted to and approved in writing by the local planning authority. Should the report identify that remedial works are required, details of the proposed remediation shall be included within the submission to the local planning authority for approval in writing. The approved remedial works shall be carried out in full.

### Reason

To ensure that the risk posed by the past coal mining activity in the area is adequately identified and where necessary mitigated and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and the provisions of the National Planning Policy Framework. This is required prior to commencement to fully engage with the coal mining legacy.

**CIRCULATED SCHEDULE NO. 49/16 – 9 DECEMBER 2016**

<b>App No.:</b>	PK16/4665/MW	<b>Applicant:</b>	Hanson Quarry Products Europe Ltd
<b>Site:</b>	Chipping Sodbury Quarry Barnhill Road Chipping Sodbury South Gloucestershire BS37 6AY	<b>Date Reg:</b>	22nd August 2016
<b>Proposal:</b>	Variation of condition 39 attached to planning permission PK11/0612/MW to substitute plan no. C43m/338 with C43m/361 and to amend the restoration deadline to 7th April 2017.	<b>Parish:</b>	Sodbury Town Council
<b>Map Ref:</b>	372332 182458	<b>Ward:</b>	Chipping Sodbury
<b>Application Category:</b>	Major	<b>Target Date:</b>	16th November 2016



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## 1. THE PROPOSAL

1.1 Chipping Sodbury Quarry is situated immediately to the north of Chipping Sodbury on the B4060. It is a Carboniferous Limestone complex of quarries comprising five physically separate development areas which have a combined planning permission area of approximately 192 hectares. Each area represents a different phase in the total operation. The old worked out quarry at Barnhill and the current plant site at Southfields lie to the west of the B4060. Current extraction is proceeding on the east side of the B4060, in the Hampstead Farm phase towards the south of the Brinsham Stream. Future planned working is to progress to the north of the Brinsham Stream and into the East Brinsham Farm area, before re-crossing the B4060 into the West Brinsham Farm area in the longer term.

1.2 The Planning and Compensation Act 1991 introduced procedures for dealing with historic extant permissions for the winning and working of minerals or the depositing of mineral waste, in particular through the review of older consents and accompanying conditions. This was done under planning reference PK11/0612/MW. Condition no. 39 of that consent stated that:

*‘(a) Stocks of less than 20mm processed limestone at Barnhill shall be progressively reduced in volume, with no additional stocks smaller than 20mm to be placed within the Barnhill stock area after 30th May 2015. Thereafter, all less than 20mm stocks shall be accommodated in the new Southfields stock area in accordance with the details illustrated on plan ref C43m/338 submitted to the MPA on 18th December 2014. Residual stocks of less than 20mm within the Barnhill stock area shall be depleted and fully removed from the Barnhill stock area by 31st December 2015. All greater than 20mm stock shall be relocated to the northern area of Barnhill by 31st March 2016, in accordance with the details illustrated on plan ref C43m338. Thereafter, processed limestone stocks at Barnhill shall be confined to greater than 20mm stock located in the northern area of Barnhill. Future stocks within the Barnhill stock area shall attain a height of no greater than 7m above the stock area floor level.*

*(b) Future stocks within the Barnhill stock area shall attain a height of no greater than 7m above the stock area floor level. The existing dust suppression system at Barnhill shall be retained within the reduced stock area, and within 6 months of the date of the permission a scheme of dust suppression for the Southfields stock area shall be submitted for the written approval of the MPA, and thereafter implemented as agreed.*

*(c) The southern area of Barnhill, as illustrated on plan ref C43/338, shall, from 30th September 2016 be restored to grassland via the spreading of 200mm of top soil and seeding with a general purpose meadow mixture (Emorsgate EM1).*

The application initially sought to extend the timescale until 1<sup>st</sup> November 2016 to allow a slightly longer time period to achieve the works and amend/revise the referred to plan with an updated and revised version to provide a more diverse restoration and retain existing mature vegetation.

- 1.3 Subsequently, and due to the apparent timescales involved in context with optimum seeding and restoration seasons and weather conditions, it was decided that it would be necessary to extend the timescale further to ensure that any permission provided enough time and scope for works during available optimum conditions. The extended timescale now sought is 7<sup>th</sup> April 2017. The application was subsequently amended and reconsulted.

## **2. POLICY CONTEXT**

### **2.1 National Guidance**

National Planning Policy Framework March 2012

National Planning Policy Frameworks Technical Guidance 2012 (Minerals)

### **2.2 Development Plans**

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

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

Policy 6 Landscape Protection

Policy 22 Residential/Local Amenity

Policy 24 Traffic Impact

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

PSP23 Mineral Working and Restoration

## **3. RELEVANT PLANNING HISTORY**

- 3.1 IDO 542 – Quarrying was originally granted under IDO (Interim Development Order) permission 542 issued on 11<sup>th</sup> October 1947 for all areas, other than Southfields.
- 3.2 NA/IDO/OO4 – The planned development of land for quarrying dated 11<sup>th</sup> October 1947. Agreed 28<sup>th</sup> September 1992. This was essentially the registration and up to date recognition of the early IDO permission referred to above.
- 3.3 PK11/0613/MW - Application for determination of conditions under the Environment Act 1995 - formerly P98/2078/MR – Approved 11<sup>th</sup> March 2015.
- 3.4 PK11/0612/MW - Application for determination of new conditions under the Planning and Compensation Act 1991 - formerly NA/IDO/004A. Approved 11<sup>th</sup> March 2015.

## **4. CONSULTATION RESPONSES**

### **4.1 YateTown Council**

*'Object to the proposals*

- Grass seed needs to be sown at the appropriate time of year, ideally in September and before mid-October; there has been plenty of time for the quarry operator to comply to the agreed deadline. Is it necessary to have a delay till the end of October? The stone piles were moved earlier this year, giving plenty of time for restoring the ground. - There are continuing dust problems with trucks circling the stockpile site, which could be rectified with the erection of the proposed fence. - The restoration of the water suppression measures on the remaining stone piles at the northern end of the site could rectify the continuing dust problems. - No reason has been given for the delay.'

Upon reconsultation of the extended deadline a further objection response was received, as follows:

*'Object to any further extension to the deadline without valid reason. Objection to retention of eastern bund unless conditions are imposed to control height and landscaping of this bund.'*

Sodbury Town Council

No objections

Wickwar Parish Council

No objections

4.2 Other Consultees

Public Rights of Way

No objections, however points out that developer should recognise limitation associated with footpath in vicinity

The Environment Agency

The Environment Agency can agree to the variation of this condition.

Natural England

No objection

Health and Safety Executive

No comments to make

Landscape

There is no objection to substituting plan C43m/338 with C43m/361 and amending the restoration deadline to 7th April 2017.

**Other Representations**

4.3 Local Residents

One letter of objection has been received, as follows:

*'An extension to the end of October does appear to be somewhat late in the year for sowing grass seed and allowing it to get established before winter sets in. The quarry operator has had many months to carry out the required restoration, and NO extension to the original agreed deadline should be permitted.'*

*The remedial work should also specify restoration of water suppression measures on the remaining stone piles at the northern end of the site. None have been in place during this year resulting in the continued creation of dust problems.'*

Upon reconsultation of the extended deadline a further objection response was received, as follows:

*'I note that the previous Planning Application proposed an extension of the completion date to 31 Nov 2016, but consent was never given, and the same Application has now had the completion date altered to 7th Apr 2017. Is it the intention of the Quarry operator to extend the deadline indefinitely and for SGC to continually accommodate them? The original Planning Permission laid down a clear date for completion of this work (30 Sep 2016). The area was cleared by 31 Mar 2016, and I see no acceptable reason why the original completion date should not have been met. This work needs to commence IMMEDIATELY.'*

One further response was received, as follows:

*'ADDENDUM to my earlier objection. The quarry operator should be heavily penalised for having made no attempt whatsoever to meet the original condition 39 deadline of 30 September 2016. The reprofiling of the bank, deposition of topsoil, and erection of the fence should be completed no later than 31 December 2016.'*

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

The principle for the use of the site as a whole for quarrying is established through existing consents. With these consents is a requirement for restoration, in this instance over part of the area previously used for stocking. This restoration requirement is an established requirement of a specific and prescriptive condition. The main issue for consideration is whether the proposed variations to the condition overseeing this particular area of restoration are acceptable in their own right, or whether the variations sought would give rise to any significant or material impact in terms of the timescale proposed or the nature of restoration itself.

### **5.2 Issues**

The restoration of the area of the former stockpile area is established and will occur and the proposal to extend the timescale does not alter this requirement. The applicants consider there to be a requirement to regularise an existing situation controlled by a condition currently in force. Regardless of whether it is considered that the operator has had sufficient time or not to implement the proposals, the LPA has been presented with a scheme that seeks to vary the requirements and it is therefore for the LPA to assess whether approving the scheme would give rise to any significant issues. The stockpiles have been removed as agreed in accordance with the requirements and this addresses any immediate amenity concerns. Concerns over relevant seeding seasons and the appropriate months are noted, however, the site is required to be

restored and this will be achieved in accordance with the approved plans. In this respect a slight delay in its achievement does not cause material harm or significant amenity impact. A management scheme is provided with the plan with the requirement to allow the seeded area to establish and stabilise and it will be for the operators to ensure this is achieved through ensuring that seeding establishes, thus addressing seeding at an appropriate time. In the short term, taking into account the site and surroundings and long-standing historic use of the site, it is not considered that any such delay would have significant landscape impacts.

5.3 Dust issues and dust suppression have been dealt with extensively within the main applications for the site.

5.4 Existing Quarry Permissions

Whereas it may normally be expected, on variation of condition applications, to consolidate any new consent approved with all of the existing conditions, practically and pragmatically, in this instance, given the nature of the existing original consent and the number of conditions (55), it is not considered that it would be beneficial, necessary or expedient to do so in this instance. Notwithstanding this, it should however be made clear that all conditions applicable for the quarry as a whole under the extensive review permissions, other than as amended by this application would remain extant and in force. An informative of the consent has been drafted to make this clear and a copy of the extent permission for the site should be appended to any decision notice.

## 6. CONCLUSION

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

6.2 The recommendation to grant 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.

**Contact Officer: Simon Ford**  
**Tel. No. 01454 863714**

## CONDITIONS

1. The southern area of Barnhill, as illustrated on plan ref C43m/361, shall, from 7th April 2017 be restored to grassland via the spreading of 200mm of top soil and seeding with a general purpose meadow mixture (Emorsgate EM1).

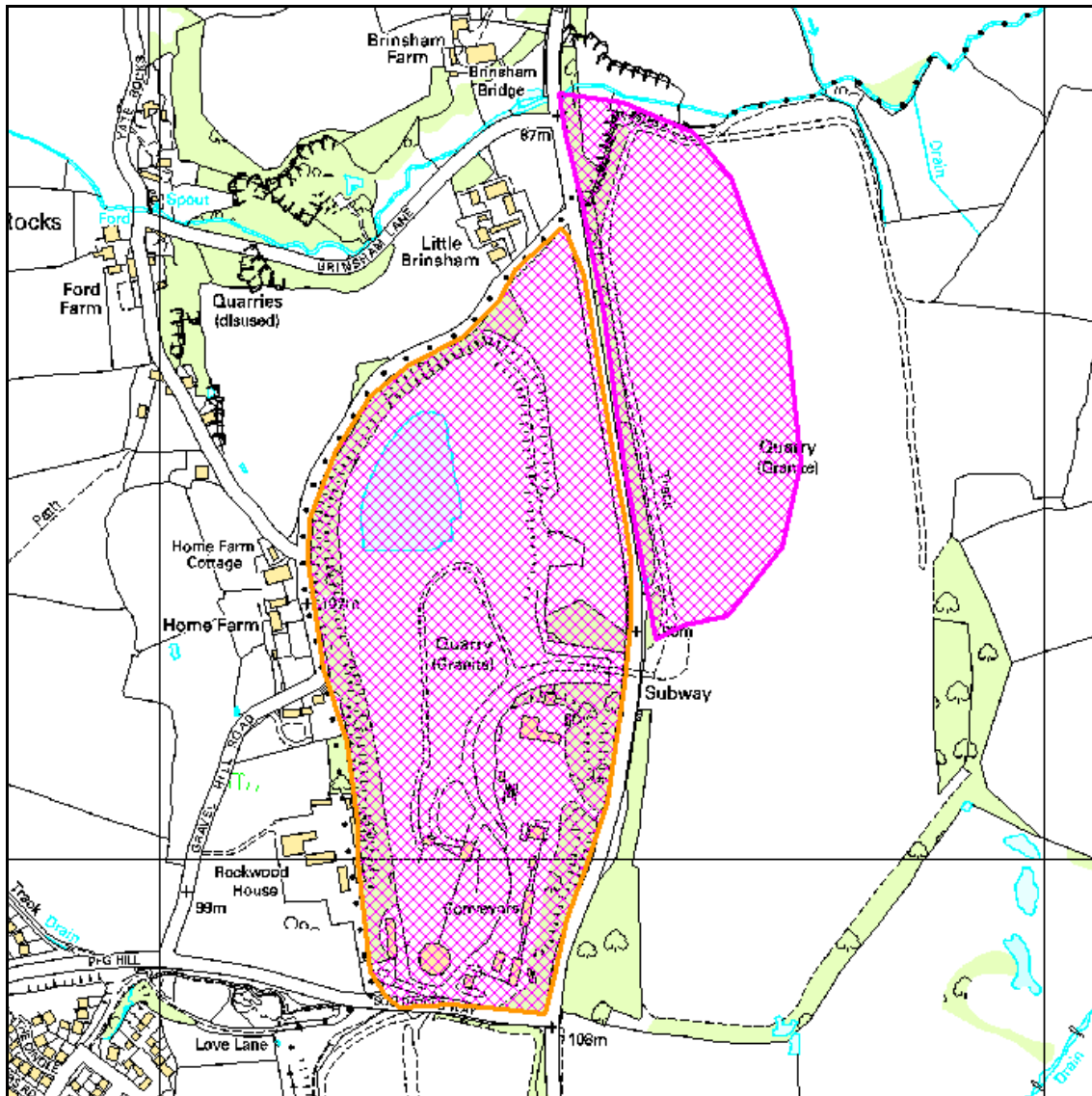


Reason

To protect the amenities of the local area and in accordance with Policy 22 of the South Gloucestershire Minerals and Waste Local Plan (Adopted) May 2002.

**CIRCULATED SCHEDULE NO. 49/16 – 9 DECEMBER 2016**

<b>App No.:</b>	PK16/4674/MW	<b>Applicant:</b>	Hanson Quarry Products Europe Ltd
<b>Site:</b>	Chipping Sodbury Quarry Barnhill Road Chipping Sodbury Bristol South Gloucestershire BS37 6AY	<b>Date Reg:</b>	22nd August 2016
<b>Proposal:</b>	Variation of condition 39 attached to planning permission PK11/0613/MW to substitute plan no. C43m/338 with C43m/361 and to amend the restoration deadline to 7th April 2017.	<b>Parish:</b>	Sodbury Town Council
<b>Map Ref:</b>	372332 182458	<b>Ward:</b>	Chipping Sodbury
<b>Application Category:</b>	Major	<b>Target Date:</b>	17th November 2016



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 100023410, 2015. N.T.S. PK16/4674/MW

## 1. THE PROPOSAL

1.1 Chipping Sodbury Quarry is situated immediately to the north of Chipping Sodbury on the B4060. It is a Carboniferous Limestone complex of quarries comprising five physically separate development areas which have a combined planning permission area of approximately 192 hectares. Each area represents a different phase in the total operation. The old worked out quarry at Barnhill and the current plant site at Southfields lie to the west of the B4060. Current extraction is proceeding on the east side of the B4060, in the Hampstead Farm phase towards the south of the Brinsham Stream. Future planned working is to progress to the north of the Brinsham Stream and into the East Brinsham Farm area, before re-crossing the B4060 into the West Brinsham Farm area in the longer term.

1.2 The Environment Act 1995 introduced procedures for dealing with historic extant permissions for the winning and working of minerals or the depositing of mineral waste, in particular through the review of older consents and accompanying conditions. This was done under planning reference PK11/0613/MW. Condition no. 39 of that consent stated that:

*‘(a) Stocks of less than 20mm processed limestone at Barnhill shall be progressively reduced in volume, with no additional stocks smaller than 20mm to be placed within the Barnhill stock area after 30th May 2015. Thereafter, all less than 20mm stocks shall be accommodated in the new Southfields stock area in accordance with the details illustrated on plan ref C43m/338 submitted to the MPA on 18th December 2014. Residual stocks of less than 20mm within the Barnhill stock area shall be depleted and fully removed from the Barnhill stock area by 31st December 2015. All greater than 20mm stock shall be relocated to the northern area of Barnhill by 31st March 2016, in accordance with the details illustrated on plan ref C43m338. Thereafter, processed limestone stocks at Barnhill shall be confined to greater than 20mm stock located in the northern area of Barnhill. Future stocks within the Barnhill stock area shall attain a height of no greater than 7m above the stock area floor level.*

*(b) Future stocks within the Barnhill stock area shall attain a height of no greater than 7m above the stock area floor level. The existing dust suppression system at Barnhill shall be retained within the reduced stock area, and within 6 months of the date of the permission a scheme of dust suppression for the Southfields stock area shall be submitted for the written approval of the MPA, and thereafter implemented as agreed.*

*(c) The southern area of Barnhill, as illustrated on plan ref C43/338, shall, from 30th September 2016 be restored to grassland via the spreading of 200mm of top soil and seeding with a general purpose meadow mixture (Emorsgate EM1).*

The application initially sought to extend the timescale until 1<sup>st</sup> November 2016 to allow a slightly longer time period to achieve the works and amend/revise the referred to plan with an updated and revised version to provide a more diverse restoration and retain existing mature vegetation.

- 1.3 Subsequently, and due to the apparent timescales involved in context with optimum seeding and restoration seasons and weather conditions, it was decided that it would be necessary to extend the timescale further to ensure that any permission provided enough time and scope for works during available optimum conditions. The extended timescale now sought is 7<sup>th</sup> April 2017. The application was subsequently amended and reconsulted.

## **2. POLICY CONTEXT**

### **2.1 National Guidance**

National Planning Policy Framework March 2012

National Planning Policy Frameworks Technical Guidance 2012 (Minerals)

### **2.2 Development Plans**

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

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

Policy 6 Landscape Protection

Policy 22 Residential/Local Amenity

Policy 24 Traffic Impact

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

PSP23 Mineral Working and Restoration

## **3. RELEVANT PLANNING HISTORY**

- 3.1 IDO 542 – Quarrying was originally granted under IDO (Interim Development Order) permission 542 issued on 11<sup>th</sup> October 1947 for all areas, other than Southfields.
- 3.2 NA/IDO/OO4 – The planned development of land for quarrying dated 11<sup>th</sup> October 1947. Agreed 28<sup>th</sup> September 1992. This was essentially the registration and up to date recognition of the early IDO permission referred to above.
- 3.3 PK11/0613/MW - Application for determination of conditions under the Environment Act 1995 - formerly P98/2078/MR – Approved 11<sup>th</sup> March 2015.
- 3.4 PK11/0612/MW - Application for determination of new conditions under the Planning and Compensation Act 1991 - formerly NA/IDO/004A. Approved 11<sup>th</sup> March 2015.

## **4. CONSULTATION RESPONSES**

### **4.1 YateTown Council**

*'Object to the proposals*

- Grass seed needs to be sown at the appropriate time of year, ideally in September and before mid-October; there has been plenty of time for the quarry operator to comply to the agreed deadline. Is it necessary to have a delay till the end of October? The stone piles were moved earlier this year, giving plenty of time for restoring the ground. - There are continuing dust problems with trucks circling the stockpile site, which could be rectified with the erection of the proposed fence. - The restoration of the water suppression measures on the remaining stone piles at the northern end of the site could rectify the continuing dust problems. - No reason has been given for the delay.'

Upon reconsultation of the extended deadline a further objection response was received, as follows:

*'Object to any further extension to the deadline without valid reason. Objection to retention of eastern bund unless conditions are imposed to control height and landscaping of this bund.'*

Sodbury Town Council

No objections

Wickwar Parish Council

No objections

4.2 Other Consultees

Public Rights of Way

No objections, however points out that developer should recognise limitation associated with footpath in vicinity

The Environment Agency

The Environment Agency can agree to the variation of this condition.

Natural England

No objection

Health and Safety Executive

No comments to make

Landscape

There is no objection to substituting plan C43m/338 with C43m/361 and amending the restoration deadline to 7th April 2017.

**Other Representations**

4.3 Local Residents

One letter of objection has been received, as follows:

*'An extension to the end of October does appear to be somewhat late in the year for sowing grass seed and allowing it to get established before winter sets in. The quarry operator has had many months to carry out the required restoration, and NO extension to the original agreed deadline should be permitted.'*

*The remedial work should also specify restoration of water suppression measures on the remaining stone piles at the northern end of the site. None have been in place during this year resulting in the continued creation of dust problems.'*

Upon reconsultation of the extended deadline a further objection response was received, as follows:

*'I note that the previous Planning Application proposed an extension of the completion date to 31 Nov 2016, but consent was never given, and the same Application has now had the completion date altered to 7th Apr 2017. Is it the intention of the Quarry operator to extend the deadline indefinitely and for SGC to continually accommodate them? The original Planning Permission laid down a clear date for completion of this work (30 Sep 2016). The area was cleared by 31 Mar 2016, and I see no acceptable reason why the original completion date should not have been met. This work needs to commence IMMEDIATELY.'*

One further response was received, as follows:

*'ADDENDUM to my earlier objection. The quarry operator should be heavily penalised for having made no attempt whatsoever to meet the original condition 39 deadline of 30 September 2016. The reprofiling of the bank, deposition of topsoil, and erection of the fence should be completed no later than 31 December 2016.'*

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

The principle for the use of the site as a whole for quarrying is established through existing consents. With these consents is a requirement for restoration, in this instance over part of the area previously used for stocking. This restoration requirement is an established requirement of a specific and prescriptive condition. The main issue for consideration is whether the proposed variations to the condition overseeing this particular area of restoration are acceptable in their own right, or whether the variations sought would give rise to any significant or material impact in terms of the timescale proposed or the nature of restoration itself.

### **5.2 Issues**

The restoration of the area of the former stockpile area is established and will occur and the proposal to extend the timescale does not alter this requirement. The applicants consider there to be a requirement to regularise an existing situation controlled by a condition currently in force. Regardless of whether it is considered that the operator has had sufficient time or not to implement the proposals, the LPA has been presented with a scheme that seeks to vary the requirements and it is therefore for the LPA to assess whether approving the scheme would give rise to any significant issues. The stockpiles have been removed as agreed in accordance with the requirements and this addresses any immediate amenity concerns. Concerns over relevant seeding seasons and the appropriate months are noted, however, the site is required to be

restored and this will be achieved in accordance with the approved plans. In this respect a slight delay in its achievement does not cause material harm or significant amenity impact. A management scheme is provided with the plan with the requirement to allow the seeded area to establish and stabilise and it will be for the operators to ensure this is achieved through ensuring that seeding establishes, thus addressing seeding at an appropriate time. In the short term, taking into account the site and surroundings and long-standing historic use of the site, it is not considered that any such delay would have significant landscape impacts.

5.3 Dust issues and dust suppression have been dealt with extensively within the main applications for the site.

5.4 Existing Quarry Permissions

Whereas it may normally be expected, on variation of condition applications, to consolidate any new consent approved with all of the existing conditions, practically and pragmatically, in this instance, given the nature of the existing original consent and the number of conditions (55), it is not considered that it would be beneficial, necessary or expedient to do so in this instance. Notwithstanding this, it should however be made clear that all conditions applicable for the quarry as a whole under the extensive review permissions, other than as amended by this application would remain extant and in force. An informative of the consent has been drafted to make this clear and a copy of the extent permission for the site should be appended to any decision notice.

**6. CONCLUSION**

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

6.2 The recommendation to grant 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.

**Contact Officer: Simon Ford**  
**Tel. No. 01454 863714**

## **CONDITIONS**

1. The southern area of Barnhill, as illustrated on plan ref C43m/361, shall, from 7th April 2017 be restored to grassland via the spreading of 200mm of top soil and seeding with a general purpose meadow mixture (Emorsgate EM1).

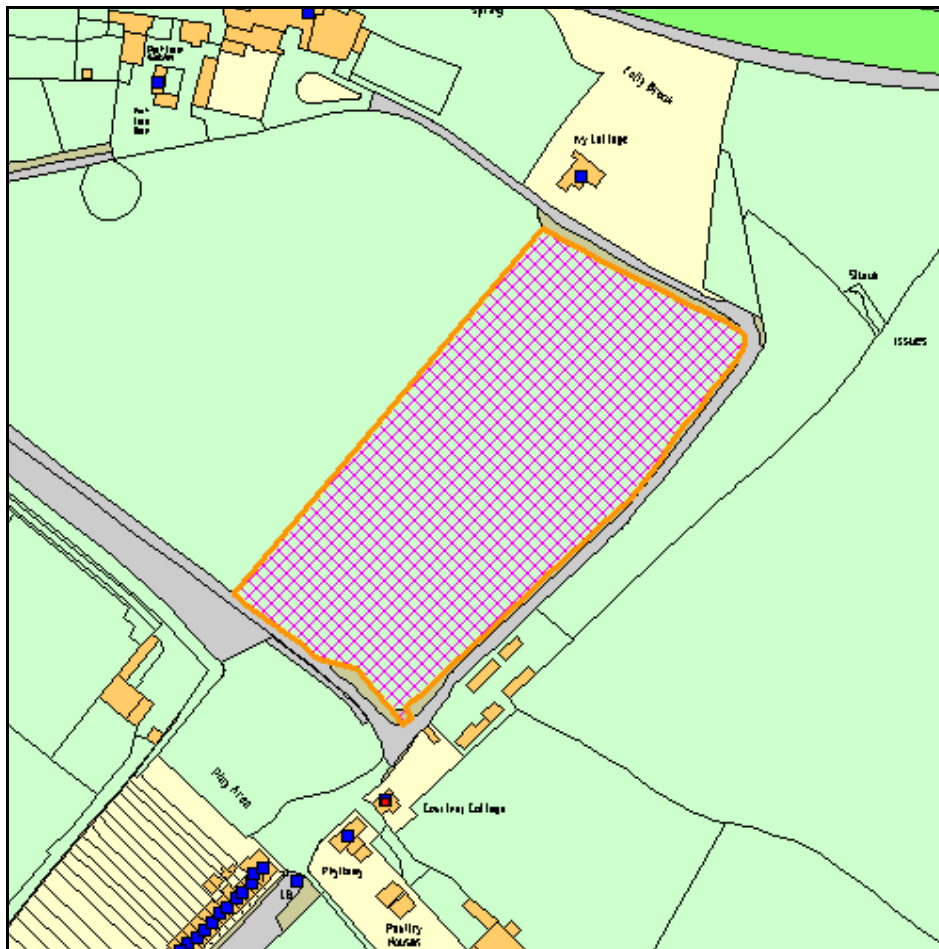
### Reason

To protect the amenities of the local area and in accordance with Policy 22 of the South Gloucestershire Minerals and Waste Local Plan (Adopted) May 2002.



**CIRCULATED SCHEDULE NO. 49/16 – 9 DECEMBER 2016**

<b>App No.:</b>	PK16/5138/F	<b>Applicant:</b>	Mr Larry Prewett
<b>Site:</b>	Land North East Of Courtney Cottage Parkfield Pucklechurch Bristol South Gloucestershire BS16 9NS	<b>Date Reg:</b>	16th September 2016
<b>Proposal:</b>	Change of use of land from agricultural to mixed use of agricultural and private equestrian. Erection of a building to provide store/stabling.	<b>Parish:</b>	Pucklechurch Parish Council
<b>Map Ref:</b>	369255 177487	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Major	<b>Target Date:</b>	15th December 2016



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## **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

This application is referred to the Circulated Schedule as it represents a departure from relevant Green Belt policy within the Development Plan. The application has been advertised as a departure.

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 application seeks planning permission for the change of use of land from agricultural to mixed use of agricultural and private equestrian and erection of a building to provide store/stabling.
- 1.2 The application site relates to a site of approximately 1.37 hectares of agricultural grassland, located at the end of Parkfield Rank. The access is at the southern corner via an existing gated entrance and enters the land onto existing hardcore, where the proposed building will be located. The land is Green Belt and is outside of the settlement boundary.
- 1.3 The land slopes south to north. The site is surrounded by hedgerows to the east and west. To the north it borders further grass fields which are currently being used for equestrian grazing by a different landowner. On the adjacent side of the lane there is an existing equestrian yard with a couple of stables.
- 1.4 The application site is adjacent to a group of older agricultural outbuildings and stables, located to the south. The owners of this adjacent site have recently purchased the application site as they require land to keep their horses and an additional and more modern store/stable building.

### **2. POLICY CONTEXT**

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)  
E10 Horse Related Development

L1 Landscape Protection and Enhancement  
L16 Protecting the Best Agricultural Land  
T12 Transportation Development Control Policy

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

PSP1 Local Distinctiveness  
PSP2 Landscape  
PSP7 Development in the Green Belt  
PSP30 Horse Related Development  
PSP44 Outdoor Sport and Recreation Outside of Settlement Boundaries

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

### **3. RELEVANT PLANNING HISTORY**

None relevant to the application site, but an application for a similar development near the application site was approved in July 2016:

3.1 PK16/1111/F Change of use of land from agricultural to equestrian use. Change of use of stable building to cattery unit (sui generis) as defined in Town and Country Planning (Use Classes) Order 1987 (as amended) (Retrospective)  
Approved 14.07.16

### **4. CONSULTATION RESPONSES**

4.1 Pucklechurch Parish Council  
No objection, providing the below conditions are met:

- Equestrian use allowed for in the green belt - the applicant implies this will be used for grazing we require a condition that no jumps, fences, gates, structures etc. be erected on the land in order to preserve its openness.
- The building is in keeping with agricultural style and location therefore we ask that a condition to ensure a satisfactory standard of external appearance, to protect the rural character of the landscape.
- Guidance provided by the British Horse Society for permanent grazing is 1-1.5 acres per horse so adequate size for 3 with extra feed as per application a request that this be a maximum number conditioned as part of change of use.

4.2 Arts and Development  
No comment received.

4.3 Ecology  
There is no ecological objection to this application.

4.4 Environment Agency  
No comment received.

- 4.5 Highway Structures  
No comment.
- 4.6 Lead Local Flood Authority  
No objection.
- 4.7 Landscape  
There is no objection to the proposed change of use or erection of the agricultural building with regards to policies L1 and CS1.
- 4.8 Avon Fire and Rescue  
No comment received.
- 4.9 Open Spaces Society  
No comment received.
- 4.10 Police Community Safety  
No comment received.
- 4.11 Public Rights of Way  
The proposed development is unlikely to affect the nearest public right of way reference LPU/12/10 which runs along the south easterly border or LPU/11/10 which runs along the northern border of the development area.
- 4.12 Sustainability  
No comment received.
- 4.13 Sustainable Transport  
No objection.

It is unclear how many horses they intend to stable at this location, however, we would suggest that it is no more than 3 or 4. As result of our review, although we believe that it is likely that this proposal will change the travel demand associated with this land, provided that all the horses are under the same ownership, we do not think this change is likely to be very significant. Therefore, as the applicants have indicated that this is the case, we would not recommend an objection is made on this basis.

It is also unclear how the proposed building will be arranged internally. Consequently, we are unable to fully determine how much of it will be used to accommodate the horses and how much could be devoted to ancillary activities. Nevertheless, as we consider that the building is not very large, we believe that it is unlikely that this would be very important in transportation terms and so we would not recommend an objection is made on this basis either.

Finally, we would not normally accept the proposed access arrangements as they join the local highway network very close to an existing junction. However, the applicants have indicated that this arrangement relies upon an existing field gateway which until recently was very overgrown. As there is evidence in our records to indicate that this indeed the case and understand that this section of

road is not public highway, we would not recommend an objection is made on this basis either.

Notwithstanding our broad acceptance of this development, in order to address any remaining uncertainty about this proposal, we would recommend that conditions be placed on any planning permission granted for this site.

- 4.14 Wessex Water  
No comment received.

### **Other Representations**

- 4.15 Local Residents  
No comments received.

## **5. ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development  
Paragraph 79 of the NPPF states that the government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 5.2 In accordance with para.187 of the NPPF, Core Strategy Policy CS4A states that; when considering proposals for sustainable development, the Council will take a positive approach and will work pro-actively with applicants to find solutions, so that sustainable development can be approved wherever possible.
- 5.3 Chapter 4 of the NPPF promotes sustainable transport and states that development should only be prevented on transport grounds where the residual cumulative impacts of development are severe.
- 5.4 Saved Policy LC5 of adopted Local Plan 2006, states that proposals for outdoor sports and recreation outside the urban area and defined settlement boundaries will be permitted, subject to a number of criteria being met.
- 5.5 Furthermore saved Policy E10 of the adopted Local Plan reinforces the view that 'proposals for horse related development will be permitted outside the urban boundaries of settlements', subject to the following criteria being met:
- A. Development would not have unacceptable environmental effects; and
  - B. Development would not prejudice the amenities of neighbouring residential occupiers; and
  - C. Adequate provision is made for vehicular access, parking and manoeuvring and would not give rise to traffic conditions to the detriment of highway safety; and
  - D. Safe and convenient access to bridleways and riding ways is available to riders; and
  - E. There are no existing suitable underused buildings available and capable of conversion; and

- F. The design of buildings, the size of the site and the number of horses to be accommodated has proper regard to the safety and comfort of horses.

The Officer's analysis of the proposal in relation to these criteria is considered below in further detail.

5.6 Impact on the openness of the Green Belt

The proposed development is located in the Bristol/Bath Green Belt and therefore the proposed change of use is not strictly compatible with appropriate development which is clearly defined in the National Planning Policy Framework (2012) which does not include any change of use of land. The proposal is for the change of use of agricultural to mixed use agricultural and private equestrian. In this respect, the proposal in respect of the equestrian use amounts to inappropriate development in the Green Belt, which is by definition harmful and should not be approved except in 'very special circumstances' (paragraph 87). Where the NPPF does define appropriate development at paragraph 89, the exceptions include new buildings for 'appropriate facilities for outdoor sport and recreation'.

- 5.7 The NPPF at para. 90 goes on to say that 'certain other forms of development are also not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt'. A list of those developments that are not considered to be inappropriate is given and includes 'the re-use of buildings provided that the buildings are of permanent and substantial construction' but these do not include the change of use of the land.

- 5.8 Paragraph 81 of the NPPF states 'local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation'. Given that the NPPF makes it clear that where facilities for recreation are 'appropriate', new buildings can be constructed, and buildings of permanent and substantial construction can be re-used. The recreation use is essentially supported in the Green Belt, as are new and re-used buildings appropriate for that use.

- 5.9 The proposed store/stable building, being an appropriate facility for an equestrian use, is therefore not considered to be inappropriate development within the Green Belt. As the application also includes the change of use of agricultural land to a mixed use of agricultural and the recreational keeping of horses, it is considered that the change of use of land, in light of case law, is inappropriate. On this basis, 'very special circumstances' are required for this part of the proposal to be approved.

- 5.10 The proposal involves the use of the land for agricultural and recreational purposes, in particular equestrianism, which would retain the open nature of the field. The agricultural use of the land does not require planning permission as it does not constitute development and it is only the equestrian use of the land that needs to be considered in detail. The adjoining field is currently in equestrian use and the proposal would therefore be in keeping with the

surrounding land use. The presence of grazing horses is not an uncommon feature of this landscape and will not significantly alter the appearance of the land to the detriment of the rural character of the area. The impact on openness would be negligible and can be further protected by the imposition of conditions restricting additional equestrian paraphernalia from cluttering the field. On balance, this is considered to clearly outweigh any harm to openness by reason of inappropriateness and amounts to very special circumstances to justify a departure from Development Plan Policy.

- 5.11 The proposed store/stable building would be located close to the entrance of the field, on the existing hardcore. As such, it would be located closer to the existing stable buildings and yard across the lane to the immediate south. There are no existing underused buildings on the site. There would be no encroachment on the Green Belt given the modest scale of the building and its sensitive location in close proximity to the existing surrounding buildings and established hedgerows. The building would measure 9.2 metres in width by 11 metres in length, with an eaves height of 3.5 metres and overall height of 4.5 metres, and appropriately constructed in green metal profiled sheeting. The building would have a traditionally agricultural appearance as it is to be used as a store and stabling for the mixed agricultural and equestrian use of the land.
- 5.12 Policy E10 of the adopted Local Plan (2006) covers a number of criteria for proposed horse related development. The application site will be home to 3no. horses. The ratio of paddock size to horses proposed is in line with DEFRA's guidance of one horse per acre. The horses on site will be for private use only by the applicant and his family. Whilst there are no direct links from the site to local bridleways, there is one in close proximity to the south of the application site which runs along the north of Pucklechurch according to The British Horse Society website. The applicant intends to hack out on the local roads, given the site is surrounded by country lanes.
- 5.13 Impact on Residential Amenity  
The application site is adjacent to an existing equestrian yard with a couple of stables, which are occupied by the applicant. The nearest neighbouring property is Courtney Cottage, further to the south. The proposed building would be located on the existing hardcore and nearer to the entrance of the field. It is considered that the proposal would not adversely affect neighbouring occupiers, given the rural location and surrounding similar land uses.
- 5.14 Ecology  
There are no special ecological designations. The field is in poor ecological condition in its current use and will remain so in its proposed use.
- 5.15 Landscaping  
The land will remain unaltered, retaining existing mature trees and hedgerows. The existing hedgerows will screen a large amount of the new building. There are no concerns in respect of the landscape impact.
- 5.16 Transportation  
There is an existing access on the corner junction of Parkfield into the application site via a gated entrance onto Parkfield Rank; this will remain

unchanged. The existing gateway access was overgrown and upon re-opening the access way recently a slightly wider gate has been installed allowing better access onto the site for horse boxes. Although the Transportation Officer considers the proposal will change the travel demand associated with the land, it is unlikely to be significant given the use is for private equestrian and the applicant lives within 0.5 mile of the site. Given the above, the Transportation Officer has recommended conditions be imposed restricting the number of horses kept on site and no commercial use of the land. Therefore, there is no transportation or highway safety objection to the proposal.

## **6. CONCLUSION**

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

## **7. RECOMMENDATION**

- 7.1 That planning permission is **APPROVED**, subject to the attached conditions.

**Contact Officer: Katie Warrington**  
**Tel. No. 01454 864712**

## **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 number of horses kept on the site edged in red shall not exceed 4.

### Reason 1

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

### Reason 2

In the interests of the welfare of horses, to accord with the guidance of the British Horse Society, and Policy E10 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies), and the National Planning Policy Framework.



3. No permanent 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, to accord with Policies CS1, CS5 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, Policies L1 and E10 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies), and the National Planning Policy Framework.

4. At no time shall the land and associated store/stable building the subject of this permission be used for a livery, riding school or other business purposes whatsoever.

Reason 1

To protect the character and appearance of the Green Belt, and to accord with Policies CS1; CS5 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies), and the National Planning Policy Framework.

Reason 2

In the interests of highway safety, and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, Policies E10 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies), and the National Planning Policy Framework.

5. The development hereby approved shall be carried out in accordance with the following plans:  
Combined Plan (Drawing No. AH2016/70), received by the Council on 11th September 2016.

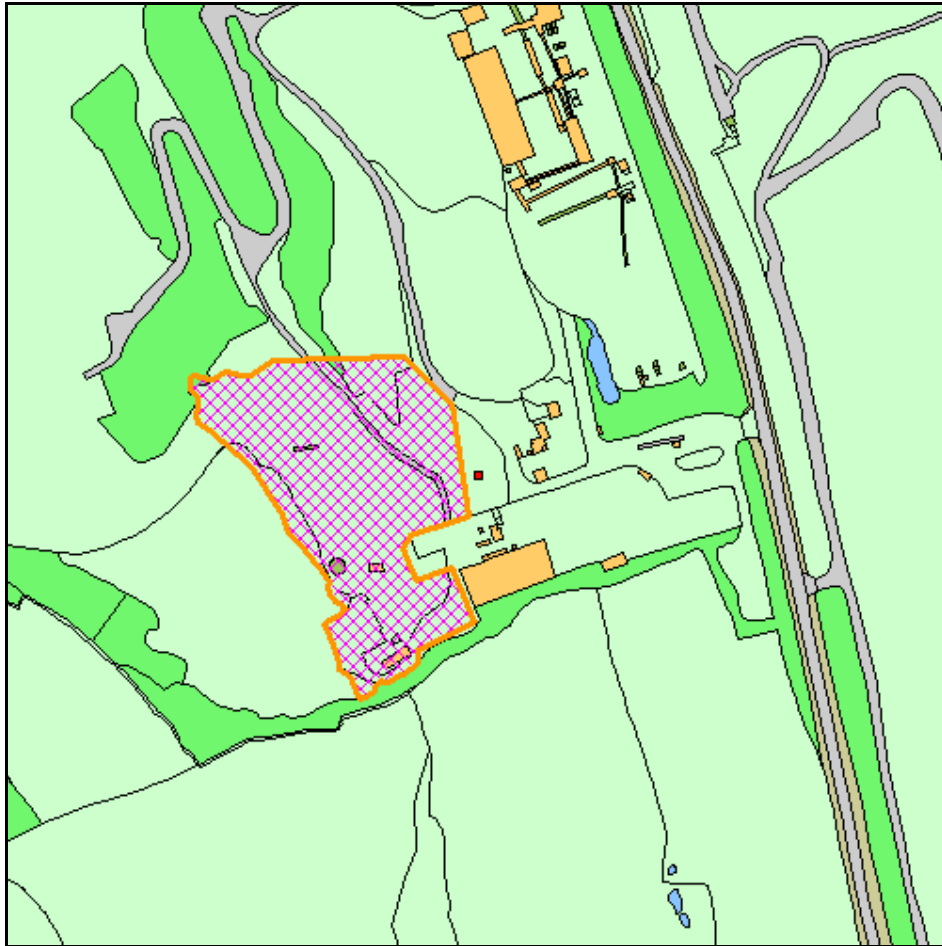
Reason

To ensure that the development is carried out in accordance with the plans and drawings, as assessed in the application, and in the interests of the visual amenity of the site and the surrounding locality. To accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

**CIRCULATED SCHEDULE NO. 49/16 – 9 DECEMBER 2016**

<b>App No.:</b>	PK16/5217/MW	<b>Applicant:</b>	Cemex UK Materials Ltd
<b>Site:</b>	Wickwar Quarry The Downs Wickwar Wotton Under Edge South Gloucestershire GL12 8LF	<b>Date Reg:</b>	21st September 2016
<b>Proposal:</b>	Retention of temporary secondary aggregate facility for a further period of five years	<b>Parish:</b>	Cromhall Parish Council
<b>Map Ref:</b>	371541 189824	<b>Ward:</b>	Charfield
<b>Application Category:</b>	Major	<b>Target Date:</b>	16th December 2016

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 100023410, 2015. N.T.S. PK16/5217/MW

## **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

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

### **1. THE PROPOSAL**

- 1.1 The application seeks permission to retain an existing aggregate recycling facility within the boundaries of the existing quarry complex for the importation of up to 80,000 tonnes of construction and demolition material for recycling. The proposals otherwise remain as per a previous approval for the site under application reference PT11/2288/MW. That proposal involved the importation of up to 60,000 tonnes per year of construction and demolition waste materials (although no more than 20,000 tonnes would be on site at any one time). That permission was temporary, for a period of 3 years. That period has however expired. A full new application has therefore been submitted.
- 1.2 Materials are imported from a variety of sources, including the quarry itself through recycling of reject blocks and returned loads of concrete and asphalt, as well as waste products from other local sites. It is considered that other materials will include concrete, hardcore, blocks, bricks and tiles, asphalt planings, returned loads and soils. The facility for the processing operations would consist of storage areas for incoming material, storage bays and stock area. The processing itself would utilise of a variety of mobile crushers and screeners. The materials produced from the facility would be dependent upon the nature and quality of the material imported and would range from high grade recycled aggregate that can be substituted for primary won material, hardcore/bulk fill and soils for re-use and restoration. On the basis of the maximum proposed throughput, and without taking into account opportunities for back loading, up to around 80 additional movements per day could be generated, equating to an average of 8 per hour. Contaminants, residues or materials that the facility would not recycle would be separated and stored to await disposal to an appropriate site. Hours of operation sought are the same as those attached to the previous consent i.e. 0700- 1900 Monday to Fridays, 0700 – 1300 Saturdays and no working on Sundays or Bank Holidays. The application seeks a 5 year temporary permission in order to allow the company to test and assess what is considered to be a volatile market before committing to a longer term facility. The application has been screened under the requirements of the Environmental Impact Regulations where it was considered that the proposals did not constitute development that would warrant a full EIA within the context and meaning of the regulations.
- 1.3 The site itself is located immediately adjacent to the existing concrete block plant and behind the existing site office area and forms part of the quarry yard area within the quarry complex. The majority of the site is therefore surrounded and screened by quarry related uses. The southern boundary of the site is screened by existing peripheral vegetation. The nearest individual residential properties are located approximately 750 metres away to the east across the B4509. The hamlet of Churchend is located over 1km away to the north-east across the B4509 and Westend is located approximately 1km to the south, towards Wickwar.

## **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework  
National Planning Policy Guidance  
National Planning Policy for Waste
- 2.2 South Gloucestershire Minerals and Waste Local Plan (Adopted) 2002  
Policy 22 Residential/Local Amenity  
Policy 24 Traffic Impact  
Policy 27 Ancillary and Secondary Operations
- 2.3 West of England Joint Waste Core Strategy (Adopted) March 2011  
Policy 4 Recycling, storage and transfer of construction, demolition  
and excavation waste at minerals sites  
Policy 12 General Considerations
- 2.4 South Gloucestershire Core Strategy  
CS1 High Quality Design
- 2.5 Policies Sites and Places Plan: Proposed Submission  
PSP8 – Residential Amenity  
PSP11 – Transport Impact Management  
PSP23 – Mineral Working and Restoration

## **3. RELEVANT PLANNING HISTORY**

- 3.1 8670 - Erection and use of quarry plant for crushing and screening rock quarried at Churchwood (Wickwar) quarry, including the erection and use of plant for the production of ready mixed concrete and coated roadstone. Granted 27th June 1983
- 3.2 P93/1796 - Restoration of quarry by landfilling. Approved by the former Avon County Council in May 1994 subject to the prior completion of a Section 106 Agreement. The Section 106 was completed and the decision notice issued on 27th March 1996.
- 3.3 PT00/2183/REP – Variation of P93/1796 to extend the time limit for commencement of development for landfilling of former stone quarry. Approved with S106 signed 13<sup>th</sup> January 2006.
- 3.4 PT01/1841/F - Recycling of bottle bank glass to produce secondary aggregates. Approved 3rd December 2001
- 3.5 PT07/0573/F - Extension of existing limestone quarry through progressive extraction in a northwards direction, and associated planting and landscaping. Approved 15<sup>th</sup> January 2010.
- 3.6 PT11/2288/MW (PT11/029/SCR – Screening Opinion. The application was screened in accordance with the 2011 EIA Regs. It was concluded that no EIA was necessary.

- 3.7 PT11/2288/MW - Temporary secondary aggregates re-cycling facility for a period of 3 years. Approved 18<sup>th</sup> November 2011.
- 3.8 PK16/052/SCR – Screening Opinion for PK16/5217/MW. Full EIA not required

#### **4. CONSULTATION RESPONSES**

##### 4.1 Charfield Parish Council

NO OBJECTIONS – However the Parish Council considers this a disingenuous application. The original planning application (PT11/2288/MW) technically expired on 7th November 2014, therefore this application should be considered as a new one. The Parish Council was also concerned over the increased number and size of vehicle movements to and from the site, and would ask that SGC closely monitor this. After due consideration of the communication received from the Churchend Environmental Protection Group, the Parish Council would further ask that all levels of pollution and noise be strictly monitored to avoid any unnecessary distress to neighbouring dwellings. The Parish Council also requests that lorry drivers using the Wotton Road through Charfield respect the 30 mph speed limit and drive with caution when crossing the railway bridge. The size of these vehicles can cause tremendous ‘back draught’ which is frightening and a potential danger to pedestrians, especially children and the elderly.

##### 4.2 Other Consultees

###### Transportation

We note that this planning application seeks permission to retain a temporary secondary aggregate facility at Wickwar Quarry for a further period of five years. We also understand that the applicants are proposing to increase the output of this facility from 60,000 tonnes to the 80,000 per annum.

Whilst, we acknowledge that this is bound to increase the number of goods vehicles travelling to and from the site, we are not objecting to the present application. This is primarily because no physical changes to this facility are proposed. We also consider that some of the increased vehicle movements would overlap with other activities on the site thereby providing back loads etc and so the total increase will not directly equate to the amount of material to be moved. Likewise, we were also mindful of the fact that landfill operations had previously been permitted on this site and this would be likely to generate an even larger volume of trips.

Therefore, on balance, we do not believe that we can sustain a highways or transportation objection to this application.

We would however, take this opportunity to remind the applicants of the need to share to their existing routing agreement and avoid un-necessary goods vehicle movements through adjacent settlements.

#### Landscape

There is no objection with regards to Policies L1 and CS1 to the retention of the temporary aggregate facility at Wickwar Quarry for an additional five years.

#### Environmental Protection

No objections, recommends existing conditions.

#### Archaeology

No comments

#### Environmental Agency

No objections in principle but advises that the proposals may require a variation of its Environmental Permit.

#### Coal Authority

No observations

### **Other Representations**

#### 4.3 Local Residents

A letter has been received from a group called Churchend Environment Protection Group, which states it is a group of homeowners and residents from Charfield and Churchend, with the names and address of 9 households on Churchend Lane at the bottom of the letter, raising objections to the proposals, as follows (full details are available on the Council's website):

- concern over the fact that the original temporary consent has ceased and the site is being operated in breach of the original permission
- implications of a further breach is a serious local concern, and leads to concerns over what else is being breached
- before this application is considered, all work should stop, the breach should be reviewed and resolved through a comprehensive report of all activities to ensure compliance with all other restrictions
- further planning applications should be refused on the basis of previous breaches alone
- the accompanying letter is almost identical to the original application, except for the change to term (from 3 to 5 years) and tonnage (from 60,000 to 80,000) and supporting details refer to out of date policy
- Effect of any permission is to increase heavy traffic in the rural setting, increase noise and dust nuisance and continue to cause significant damage to local roads
- Cemex should be required to provide a more detailed projection of tonnage, markets, the nature of raw materials, the likely use of the manufactured product, the number of 'back load' traffic movements

- additional noise and dust nuisance for local residents and concerns over background noise analysis
- more detailed assessment of pollution should be provided
- Increased traffic congestion and associated noise and pollution and dangers to other road users is not acceptable
- HGV's causing damage to local roads
- Previous works towards highways improvements and Section 106 obligations that have been implemented are not relevant to this application
- Proposals are contrary to provisions of the Local Plan and NPPF, particularly in sustainable transportation terms
- the temporary period proposed is too long
- the harm of the proposals outweighs any benefit

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

The principle of re-using and recycling of waste material is clearly supported through national and local policy. The NPPF (paras 14 and 15) provides a presumption in favour of sustainable development. In this instance the proposals have joint sustainability benefits in terms of preventing material from being disposed of to landfill as well as reducing the amount of land won minerals required. Policy 4 of the West of England Joint Waste Core Strategy states that proposals for recycling, storage and transfer of construction, demolition and excavation waste at minerals sites, subject to development management policies, will be granted provided that the proposed development is for a temporary period commensurate with the operational life of the mineral site. The proposals are located at an existing and operational minerals site. The proposal is for a 5 year period.

5.2 The application has not been submitted as a variation seeking to extend the timescale but as a new application seeking to retain existing operations. It is correctly pointed out that any breaches or unauthorised operation would have been subject to separate enforcement action, where deemed expedient. This full new application must however be judged on its own individual merits.

### **5.3 Local Amenity**

The proposals are located at an existing minerals site and policy indicates that this is likely to be an acceptable location for the type of development proposed. Operations at the existing site involve the use of crushers and screeners as part of the quarrying operations to process excavated material into various products. The nearest individual residential properties are located approximately 750 metres to the east across the B4509, whilst the hamlet of Churchend is located over 1km away to the north east across the B4509 and the nearest properties at West End, are located approximately 1km away to the

south. It is considered that the addition of recycling facility, as proposed, would be in keeping with the existing quarry in terms of the processes used and the stockpiling of materials nor is it likely give rise to additional issues or issues in its own right that could not be satisfactorily mitigated and controlled through condition, environmental restrictions and operational management. In this respect there are no objections from the Councils Environmental Health Officer or the Environment Agency. It is considered therefore that all perceived issues could be controlled so as not to unacceptably impact upon local amenity and in this respect conditions reflecting those previously imposed on the site can be recommended. Conditions are recommended to control noise levels to national standard guidelines, in accordance with controls over the existing operational quarry plant. Monitoring of noise levels emanating from the quarry complex already takes place as a result of conditions imposed on permissions controlling the quarry processing plant, and would similarly cover any additional activities within the quarry. Similarly hours of operation conditions are recommended which would be in keeping with existing daytime operations at the quarry. Crushing plant would also require environmental permits to ensure that they meet the required environmental standards in terms of emissions. Water bowsers and sprays are already available on site for the purposes of dust suppression and it is considered that the location of the site and measures in place are sufficient to adequately address any potential dust issues. In addition to any planning permission, the site would also be subject to Environment Agency licensing requirements and Environmental Protection authorisations.

#### 5.4 Transport

It is considered that the proposals, on the basis of the site operating at 80,000 tonnes per annum, would give rise up to an additional 80 HGV movements per day. This would approximately equate to an additional 8 per hour in a working day of 0700 – 1900 hours. This figure is also based on an assumption of no 'back loading' (utilising otherwise empty vehicles arriving or leaving the quarry), which would clearly be in the company's interests to undertake if the opportunity arose. Back loading would therefore clearly be beneficial where it is practical to implement, taking into account unnecessary haulage costs associated with empty vehicles, and the applicants consider that this could reduce up to 20% of the HGV movements that may otherwise be generated. Vehicular access to and from the site would be as per also required in a S106 Agreement attached to the quarry extension permission ref. PT07/0573/F, via the existing link to the M5 via the B4508 and B4509, except for local deliveries to specific destinations. It is not considered that, in planning terms, further controls are necessary over and above highways controls already in place nor would they meet the relevant tests of conditions in this instance.

- 5.5 Whilst it is clear therefore that there would be additional vehicle movements upon the local highway network, taking into account the scale of the proposals the nature and context of the site, and the local highway network, it is not considered that this would be significant or material such as to warrant objection and sustain refusal of the application on these grounds. On this basis there are no transportation objections to the proposals. Any individual additional issues of driving contrary to highways regulations would not be a planning matter but a legal highways matter.



#### 5.6 Landscape

The site lies within an existing operational quarry complex. The activities the subject of this proposal would be contained within and be in keeping with the range of activities associated with the quarry complex. There are no landscape objections to the proposals. Conditions, as previously, are however recommended to restrict the height of any stockpiles, this would reflect other restrictions on the adjacent block making plant, immediately to the east.

#### 5.7 Drainage

The site consists of hard surfacing and lies within an existing operational quarry complex. No new surfacing or buildings are proposed and surface water run-off will not be altered as a result of the 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 Minerals and Waste Local Plan (Adopted) 2002, and the West of England Joint Waste Core Strategy (Adopted) 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, subject to the recommended conditions.

**Contact Officer: Simon Ford**  
**Tel. No. 01454 863714**

### CONDITIONS

1. The development hereby permitted shall cease 5 years from the date of this permission.

Reason:

In accordance with the requirements of the application and to enable the Local Planning Authority to review the impact of the operations upon local amenity and to accord with Policies 4 and 12 of the West of England Joint Waste Core Strategy (Adopted) March 2011.

2. No operations, use of plant or machinery or HGV deliveries or dispatches hereby permitted shall take place on site except between the hours of 0700 and 1900, Monday to Friday, 0700 and 1300 on Saturdays. There shall be no operations on Sundays or Bank Holidays.

Reason:

In the interests of local amenity and in accordance with Policies 4 and 12 of the West of England Joint Waste Core Strategy (Adopted) March 2011.

3. The level of noise emitted from the site shall not, at the nearest noise sensitive properties, exceed 55 dB(A). For the purpose of clarity the units are dB(A) LAeq, 1 hour (freefield).

Reason:

In the interests of local amenity and in accordance with Policies 4 and 12 of the West of England Joint Waste Core Strategy (Adopted) March 2011.

4. Vehicular access to the site shall be gained only from the B4509, via the existing entrance to the site.

Reason:

In the interests of local amenity and highway safety and in accordance with Policies 4 and 12 of the West of England Joint Waste Core Strategy (Adopted) March 2011.

5. No more than 80,000 tonnes of material shall be imported to the site in any one year. Records of deliveries shall be maintained and made available to the Local Planning Authority upon request.

Reason:

In the interests of local amenity and highway safety and in accordance with Policies 4 and 12 of the West of England Joint Waste Core Strategy (Adopted) March 2011.

6. All vehicles leaving the site shall pass through an on site wheel wash

Reason:

In the interests of local amenity and highway safety and in accordance with Policies 4 and 12 of the West of England Joint Waste Core Strategy (Adopted) March 2011.

7. The height of stockpiles shall not exceed 6 metres.

Reason:

In the interests of local amenity and in accordance with Policies 4 and 12 of the West of England Joint Waste Core Strategy (Adopted) March 2011.

8. Nothing other than construction, demolition and excavation waste shall be accepted at the site for processing.

Reason:

In the interests of local amenity and to protect the local water environment and in accordance with Policies 4 and 12 of the West of England Joint Waste Core Strategy (Adopted) March 2011.

9. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a

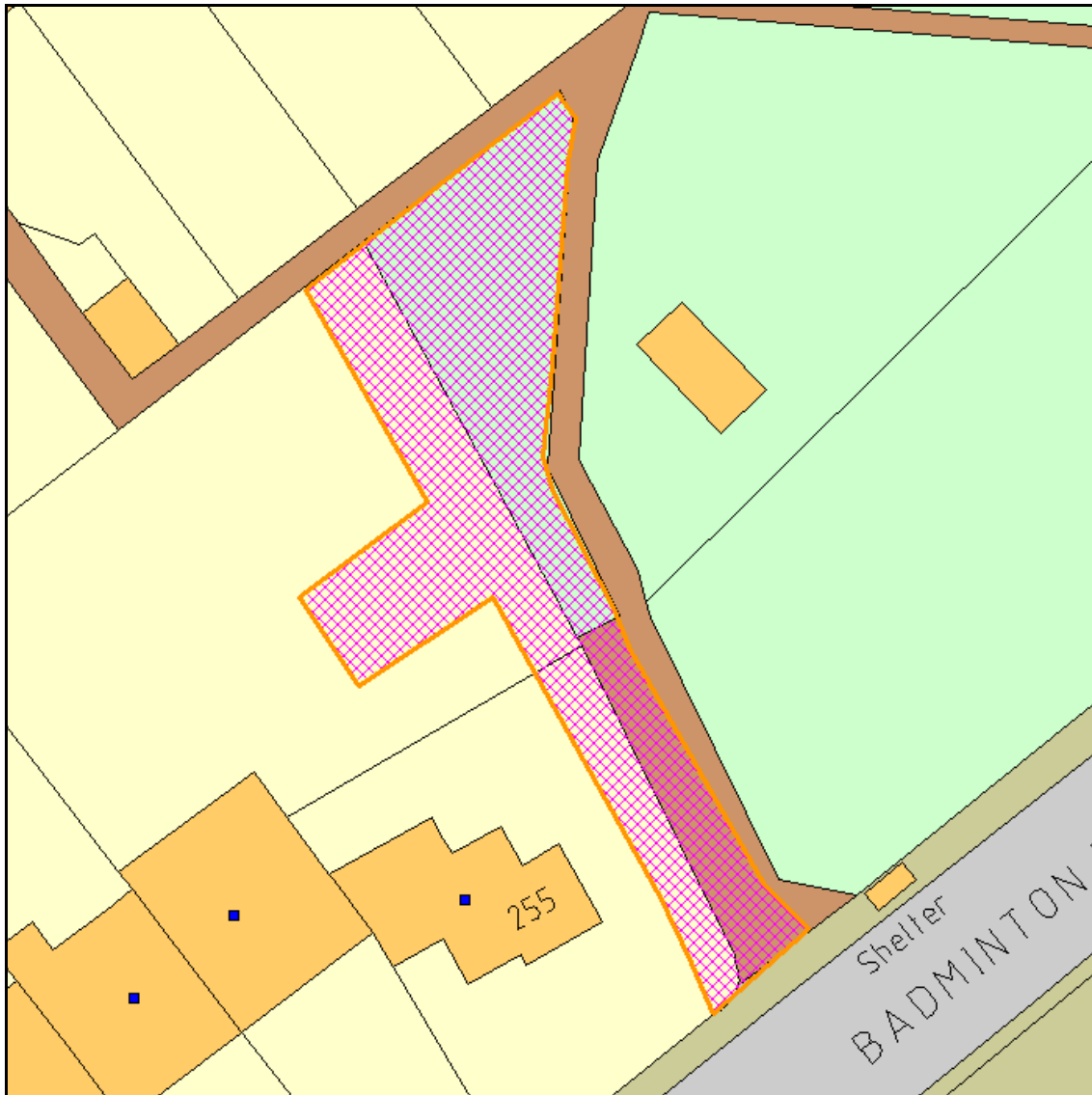
remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason:

In the interests of protection of the water environment, and in accordance with Policy of 12 of the West of England Joint Waste Core Strategy (Adopted) March 2011.

**CIRCULATED SCHEDULE NO. 49/16 – 9 DECEMBER 2016**

<b>App No.:</b>	PK16/5220/F	<b>Applicant:</b>	Mr Lee Buck
<b>Site:</b>	253 Badminton Road Downend Bristol South Gloucestershire BS16 6NR	<b>Date Reg:</b>	21st September 2016
<b>Proposal:</b>	Erection of 1no detached dwelling and associated works. (re-submission of PK16/0396/F).	<b>Parish:</b>	Downend And Bromley Heath Parish Council
<b>Map Ref:</b>	365603 177882	<b>Ward:</b>	Emersons Green
<b>Application Category:</b>	Minor	<b>Target Date:</b>	11th November 2016



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 100023410, 2015. **N.T.S.** **PK16/5220/F**

## **REASON FOR REPORTING TO THE CIRCULATED SCHEDULE**

This application has been referred to the circulated schedule as objections have been received against the proposal. The officer recommendation is one of approval although this recommendation is finely balanced for the reasons set out in the report below.

### **1. THE PROPOSAL**

1.1 This application seeks planning permission for the erection of a detached 2-bedroom dwelling on a piece of land to the northeast of 255 Badminton Road in Downend. This application is an attempt to overcome the previous refusal of planning permission for development on this site. Planning application PK16/0396/F for the erection of a detached 3-bedroom dwelling was refused by the local planning authority on 25 July 2016 for the following reasons:

1. The development, if permitted, would result in a cramped and contrived form of development by virtue of the shape and location of the plot. The proposal, if permitted, would have an adverse impact on the footpath that bounds the site due to the resulting enclosing nature. It is therefore considered that the proposed development fails to respect and enhance the character and appearance of the area or integrate successfully into the existing built form. The development fails to reach the highest possible standards of design and this is considered to result in a significant and demonstrable harm which would outweigh the moderate benefit of the proposal. The proposed development is therefore contrary to Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and the provisions of the National Planning Policy Framework.
2. The proposed access arrangements are unsatisfactory due to the narrowness of the route and the intersection with the main road. If permitted, the intensified use of the existing access would result in conflict between vehicular and pedestrian movements and fail to allow all movements onto the highway to be undertaken in a forward gear, to the detriment of the safe and free-flow of traffic on the A432. Although mitigation measures have been promoted by the applicant, the local planning authority is not satisfied that those measures could be satisfactorily implemented, as it would require land in control of a third party and an appropriate legal agreement to secure highway works necessary to facilitate the development. The proposed development is therefore considered to result in a severe impact on highway safety and guidance dictates the application should be refused as it is contrary to Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies) and paragraphs 7, 14, 32, 203, 204 and 206 of the National Planning Policy Framework.

1.2 In order to overcome these reasons, the development has been reduced in scale and works undertaken to the junction of the public highway.

1.3 The site is broadly triangular in shape with the path running around its edges. More recently as part of the development of the neighbouring plot the site has been cleared and a new fence erected. Located in the east fringe of Bristol, the site is within the existing urban area.

To the front of the site runs the A432 Badminton Road. There are no further land use designations on the site that would act as a constraint to development

- 1.4 It is proposed to erect a 2-bedroom detached house. The proposed property would have a gabled roof with the ends facing towards the access road and properties on Four Acre Crescent. Parking would be provided in a tandem arrangement to the west side of the dwelling with a turning area shared with the existing new dwelling. Externally the building would be finished in a mix of render above first floor level with bricks used for the ground floor. A grey roof tile would be used and the doors and windows would be finished in a grey colour. In appearance the building would reflect the recently completed dwelling adjacent.

## 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
CS29	Communities of the East Fringe of Bristol

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

L1	Landscape
L5	Open Areas within the Existing Urban Area
T12	Transportation
LC12	Recreational Routes

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

PSP1	Local Distinctiveness
PSP2	Undesignated Open Spaces within Urban Areas
PSP8	Residential Amenity
PSP10	Active Travel Routes
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP37	Internal Space Standards for Dwellings
PSP43	Private Amenity Space Standards

### 2.3 Supplementary Planning Guidance

Residential Parking Standard SPD (Adopted) December 2013  
CIL Charging Schedule SPD (Adopted) March 2015

### 3. **RELEVANT PLANNING HISTORY**

- |     |  |                            |            |
|-----|--|----------------------------|------------|
| 3.1 | PK16/0396/F  | Refusal                    | 25/07/2016 |
|     | Erection of 1 no. detached dwelling and associated works                                 |                            |            |
| 3.2 | PK11/2672/F  | Refusal (Appeal Dismissed) | 18/10/2011 |
|     | Erection of 1 no. detached dwelling and associated works. (Resubmission of PK11/0074/F). |                            |            |
| 3.3 | PK11/0074/F  | Refusal (Appeal Dismissed) | 06/04/2011 |
|     | Erection of 1 no. dwelling and associated works. (Resubmission of PK07/0933/F)           |                            |            |
| 3.4 | PK07/0933/F  | Withdrawn                  | 17/12/2008 |
|     | Erection of 1 no. detached dwelling with associated works.                               |                            |            |

#### *In relation to adjacent land*

- |     |   |                         |            |
|-----|---|-------------------------|------------|
| 3.5 | PK16/3762/F   | Approve with Conditions | 07/10/2016 |
|     | Erection of 1 no. new dwelling and associated works. Amendment to previously approved scheme PK14/3385/F (Retrospective). |                         |            |
| 3.6 | PK14/3385/F   | Approve with Conditions | 13/11/2014 |
|     | Erection of 1no. detached dwelling with access and associated works.  |                         |            |
| 3.7 | PK12/1841/F   | Approve with Conditions | 24/05/2013 |
|     | Erection of 1 no. detached dwelling with access, parking and associated works.  |                         |            |

### 4. **CONSULTATION RESPONSES**

- |     |  |
|-----|--|
| 4.1 | <u>Downend and Bromley Heath Parish Council</u>              |
|     | No objection   |
| 4.2 | <u>Emersons Green Town Council</u>                           |
|     | No comment   |
| 4.3 | <u>Highway Structures</u>                                    |
|     | No comment   |
| 4.4 | <u>Lead Local Floor Authority</u>                            |
|     | No objection   |
| 4.5 | <u>Sustainable Transport</u>                                 |
|     | No objection subject to legal agreement and other conditions |

#### **Other Representations**

- |     |  |
|-----|--|
| 4.6 | <u>Local Residents</u>   |
|     | 6 comments of objection have been received which raise the following points: |

- Access is not sufficient to serve two dwellings
- Amendments do not overcome policy objection
- Boundary wall should be extended to protect pedestrians
- Developer has previously not complied with planning regulations
- Development is contrived
- Development would adversely affect the amenity of the area
- Drawings do not include scale reference
- Highways officer should visit the site
- Land should be used as garden
- No assurance if planning permission given the development will be carried out in accordance with the approved drawings
- Pedestrian route has been blocked a number of times
- Pedestrians would be at risk
- Plans do not accurately depict the surrounding development
- Property is too small for a 2-bedroom dwelling
- Proposal is of bad design
- Proposal is overdevelopment of the site
- Public footpath has been shrunk
- Queries over access to individual properties
- Residents of Princess Way should be given opportunity to comment
- Use of land should be prohibited

## 5. **ANALYSIS OF PROPOSAL**

- 5.1 This application seeks planning permission for the erection of a dwelling on land to the north of Badminton Road, Downend.
- 5.2 Principle of Development  
The application site is located within the existing urban area of the east fringe of Bristol. Under policy CS5, new development is directed in the first instance to the existing urban areas and defined settlements. The proposal would accord with the locational strategy of the council and no objection is raised with the principle of development at this location.
- 5.3 However, whilst there is no in-principle objection to development on this site, at present the local planning authority cannot demonstrate a 5-year supply of deliverable housing land. In accordance with guidance in the NPPF, the policies in the development plan (insofar as they relate to housing) are out-of-date and residential proposals should be assessed against the presumption in favour of sustainable development.
- 5.4 The presumption in favour of sustainable development states that, when the development plan is out-of-date, planning permission should be granted unless the adverse impacts of doing so *significantly and demonstrably* outweigh the benefits of the proposal.



### *Benefit of Proposal*

- 5.5 Before looking in detail at the proposal, it should be made clear what the benefit of granting planning permission would be. Should permission be granted it would result in the provision of 1 additional dwelling. It is considered very likely that this dwelling would be provided within a period of 5 years and therefore the additional dwelling would contribute towards meeting the current 5-year housing supply shortfall.
- 5.6 Taking into account the modest contribution (of 1 dwelling) this proposal would make to housing supply, the benefit of the proposal is given moderate weight.
- 5.7 In order for this application to proceed, the development must demonstrate that the previous refusal reasons have been overcome. This can be either through a fully policy supported proposal or by reducing the resulting harm from the development so that it did not significantly and demonstrably outweigh the benefit. The application should therefore be determined against the analysis set out below.

### *Design and Layout*

- 5.8 Planning permission was previously refused, in part, due to design concerns connected with the provision of a larger 3-bedroom dwelling. Under this proposal, the size of the dwelling has been reduced. Under PK16/0396/F the development footprint extended to 55 square metres; this has been reduced to 43 square metres. The dwelling has also been pulled away from the site boundaries by just under 0.9 metres to the east and 0.3 metres to the north. In terms of height, the previously proposed dwelling had an eaves height of 5.3 metres and an overall height of 7.8 metres (in the interests of completeness it also had a width of 6 metres and a depth of 9 metres). This has been reduced to 4.6 metres for the eaves and an overall height of 6.7 metres (with a width of 4.9 metres and depth of 8.6 metres).
- 5.9 The result is a small dwelling. It has the appearance of a mews style or courtyard cottage. Where development results in a higher density, the proposal would not necessarily look out of place. In this situation the proposal needs to overcome the previously identified cramped and contrived form of development. The reduction in size has certainly led to a reduction in the cramped nature; the proposal no longer appears to 'fill' the plot and a more spacious form of development is proposed. However, the reduced proportions do make the proposal appear squat.
- 5.10 Policy CS1 requires development in the district to meet the highest possible standards of site planning and design. However, due to the current housing supply shortage the presumption in favour of sustainable development applies. Under the presumption, development should only be resisted when the adverse impacts of the development significantly and demonstrably outweigh the benefit. In order to make that assessment, the design must be assessed for its harm and the degree of harm established.

- 5.11 This proposal cannot be described as promoting exemplary design. The issue with the design is the proportions of the proposal and its resulting diminutive appearance. Whilst the design is not 'the highest possible' standard, it is not considered that should the proposal be permitted, the adverse impact on visual amenity would be so significant that it would outweigh the benefit of the proposal. Permitted development rights should be restricted to prevent further development on this site in the interests of the layout and appearance of the site.
- 5.12 Concern has been raised about the impact of the development on the amenity of the footpath that runs along the eastern and northern boundaries of the site. A 1.8 metre high close board fence is indicated on the plans to enclose the garden of the proposed dwelling; this fence appears to have been erected. Under Class A of Part 2 of the Second Schedule of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) gates, fences, walls, and other means of enclosure have a deemed consent provided that (and subject to other considerations) when adjacent to a highway used by vehicular traffic it does not exceed 1 metre in height, or does not exceed 2 metres in height in any other case. The footpath does not allow for vehicular traffic and therefore the applicable height for the fence to be permitted development is 2 metres. This is a material consideration of substantial weight. Whilst the enclosure of the footpath would be undesirable due to its impact on the amenity of the route and the perceived safety that the route provides, given that the fence can be erected without the express permission of the local planning authority it would be unreasonable to resist this aspect of the development.
- 5.13 The dwelling itself is no closer to the footpath than the completed dwelling on the adjacent site and therefore the built form (particularly given its scale and proportions) would not be overbearing on the footpath. The lack of windows providing surveillance over the footpath is not ideal, however some overlooking of the dog-leg corner would be possible from the windows on the northeast elevation. Whilst it is acknowledged that there would be an impact on the amenity of the footpath, given that the fence can be erected without planning permission and there would be some (albeit limited) overlooking of the route the development is considered to be acceptable in this regard. The impact is not so severe that it would amount to a significant and demonstrable which outweighed the benefit of the proposal.

#### *Highways and Access*

- 5.14 The second previous refusal reason related to width of the access lane at its intersection with the highway. This was because there was insufficient width for two vehicles to pass one another leading to potential conflicts and undesirable movements on to the category A highway.
- 5.15 In order to address this issue, the width of the access at its intersection with the highway has been increased. This has been achieved through the acquisition of land from no.255 Badminton Road. By including additional land, the width of the highway has been increased to 4.8 metres. From there the nominal vehicle width would reduce to 3.7 meters with a 1.2 metre pedestrian 'zone'. The

roadway and pedestrian route are located within the designated highway, with the access becoming a private drive beyond the line set by the rear boundary of 255 Badminton Road. Land which forms part of the designated highway is subject to controls under the Highways Act 1980.

- 5.16 The increase in the width of the highway has been completed, although the extent of any works undertaken within the dedicated highway are unclear. Works within the designated highway require the consent of the highways authority.
- 5.17 By increasing the width of the access at its intersection with the public highway, the previous concern about the ability of vehicles to pass one another and pedestrian safety has been overcome. The previous refusal specifically referred to mitigation measures which would require land not in the control of the applicant. This land has now been secured and forms part of the increased width of the access. The previously identified 'severe' risk to highway safety has therefore been overcome and the proposal is acceptable with regard to highway safety.
- 5.18 In comments from the sustainable transport team, a request was made for the applicant to enter into a legal agreement under section 106 of the Town and Country Planning Act 1990 to secure highway improvement works and dedicate the additional land as part of the highway. This request is not being taken forward for the following reasoning. In terms of considerations connected with the grant of planning permission, the test in the NPPF is whether the impact would be severe or not. The proposed mitigation has reduced the impact of the development on highway safety to a level where any residual impact would not be severe. As a result planning permission can be granted provided that the proposed mitigation takes place. As the mitigation works have been started, the local planning authority can have certainty of their provision.
- 5.19 Paragraph 203 of the NPPF states that conditions should be used to make otherwise unacceptable developments acceptable. The paragraph goes on to state that planning obligations (i.e. legal agreements) should only be used where it is not possible to address the impacts through a planning condition. A condition could be added to any approval which required the provision of an access of a minimum vehicular width of 4.8 metres and retain the access at that width thereafter. This would satisfy the 'tests' in determining a planning application; whether the access forms part of the dedicated highway is not, in this instance, a decisive factor in granting planning permission. There are provisions within the Highways Act which would ensure that the highway works are undertaken to the appropriate standard and which would enable the designation of land as highway. This therefore does not need to be undertaken under the Planning Act. An additional condition would be imposed which prevented the occupation of the development permitted prior to the widening of the access road.
- 5.20 As with the previous application, parking to a level to accord with the Residential Parking Standard SPD is proposed. This can be secured through the use of a planning condition. Concern has been raised by the sustainable transport team that, should the turning area be used for parking, there is

potential that vehicular movements on to the highway would be 'unsafe' as they could not be undertaken in a forward gear. It has been suggested that to overcome this concern, the turning area could be subject to 'keep clear' markings. As these would not be on land that formed part of the designated highway, they would not be subject to statutory parking enforcement. A planning condition could be used to assist in ensuring that the turning area is kept free from parked vehicles. Whilst 'keep clear' markings would have a certain design impact, the condition could seek the agreement of the local planning authority for means to prevent parking in this area. A condition could not be used to specifically prevent such parking as it is not considered to be enforceable.

- 5.21 Taking into account the changes to the scheme between the previously refused application and the current application, sufficient amendments have been made to overcome the identified severe highway impact. As a result the development is now acceptable on highways grounds.

#### *The Presumption in Favour of Sustainable Development*

- 5.22 The design of the proposed dwelling is still subject to a degree of harm; this has been identified in the scale and proportions of the building. However, due to the position of the dwelling, it would be highly visually prominent in the street scene and the harm would be localised in nature. The level of harm is therefore limited.
- 5.23 Amendments to the access arrangements have overcome the previously identified severe highway impact (when read in conjunction with the proposed conditions). As the development cannot now be said to result in harm, in terms of the planning balance this factor acts neither to support or resist development; it is therefore given neutral weight.
- 5.24 As stated earlier, the benefits of the proposal have moderate weight in favour of granting planning permission. The limited environmental harm that would result from the design does not significantly or demonstrably outweigh this benefit. Therefore the proposal is considered to be sustainable development and in accordance with the presumption in favour of sustainable development, planning permission for the proposal should be granted.
- 5.25 Residential Amenity  
No objection to development on this site has previously been raised with regard to residential amenity. The reduction in the size of the proposed dwelling has resulted in additional amenity space to serve the house and a material increase in the separation of the proposed dwelling from other nearby dwellings. While no previous harm to residential amenity was identified, the changes to the layout have resulted in a slight improvement to living conditions nonetheless.
- 5.26 Whilst concern has been raised by the residents of properties to the rear on Four Acre Crescent about the impact on amenity, the development would not result in an unusual arrangement in a built-up area. There is sufficient separation between the proposed house and the existing dwellings and the fenestration would largely avoid any undue overlooking, although it is noted

that there would be some limited overlooking to the east. The new dwellings to the east (on the Methodist church site) are set on an angular relationship to the dwelling subject to this application. Given this layout and relationship, it is considered unlikely that the proposal would result in undue harm to the amenities of either the new dwelling or recently completed dwellings.

- 5.27 Consultation responses have suggested that the new residents should be given the opportunity to comment on the proposals contained in this application. At the time the application was submitted, there was little evidence that the dwellings on the Methodist church site were occupied. The planning authority must consult on a moment in time and cannot be said to act reasonably to allow for a delay to allow future residents to comment. Details of the application have been available on the council's website and therefore it is not considered that any interested party would be disadvantaged by determining this application at this time.
- 5.28 Given the above, it is not considered that the development would result in a prejudicial impact on residential amenity. Residential amenity is therefore a neutral factor in terms of attributing weight to different aspects of the development and would not affect the planning balance undertaken above.
- 5.29 Environmental Considerations  
Given the site's location in the existing urban area, it is not considered that, if permitted, the proposal would have a significant environmental effect. This is therefore a neutral factor in decision taking.
- 5.30 Other Matters  
The majority of issues raised as a result of the public consultation have been addressed in the body of this report. This section will respond to those issues which fall outside of the above analysis.
- 5.31 Drawings submitted with a planning application must be to scale; it is not a requirement for drawings to be annotated with dimensions. The drawings do not show the development at the Methodist church site but sufficient information is available for an informed recommendation to be made.
- 5.32 Whether the developer has failed to comply with a previous planning decision does not carry weight in the determination of this application. Furthermore there is sufficient assurance that the development will be carried out appropriately as, should there be a breach of planning control, when expedient the local planning authority can take the necessary enforcement action.
- 5.33 This is an application to development the land subject to this application. Therefore under this application the local planning authority cannot amend the development so that the site's final use was as a garden or wholly prohibit the use of the land.
- 5.34 There is no evidence that the public footpath has been shrunk and any blockage of the public footpath would be a matter to be addressed under the Highways Act. Access to individual properties are shown on the submitted plans.

## 6. CONCLUSION

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

## 7. RECOMMENDATION

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

**Contact Officer: Griff Bunce**  
**Tel. No. 01454 863438**

## CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
  
Reason  
To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).
2. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, D, and E) other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.  
  
Reason  
To ensure a satisfactory standard of external appearance and layout and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.
3. A vehicular access of a minimum of 4.8 metres in width (excluding any width provided for pedestrians) at the intersection of the access lane and Badminton Road, as shown in principle on drawing 16.037-101A, shall be provided. Thereafter the access will be retained at such width.

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.

4. The dwelling hereby permitted shall not be occupied until the increase in the width of the vehicular access required by condition 3 is completed in full to the council's adoptable standard.

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.

5. Prior to the first occupation of the dwelling hereby permitted, a scheme of management for the car parking and turning areas shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme and any mitigation or intervention identified in the scheme shall be maintained thereafter. For the avoidance of doubt, the management scheme shall demonstrate how the turning area shall be kept free of parked vehicles to enable all vehicular movements to and from the site to be undertaken in a forward gear.

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.

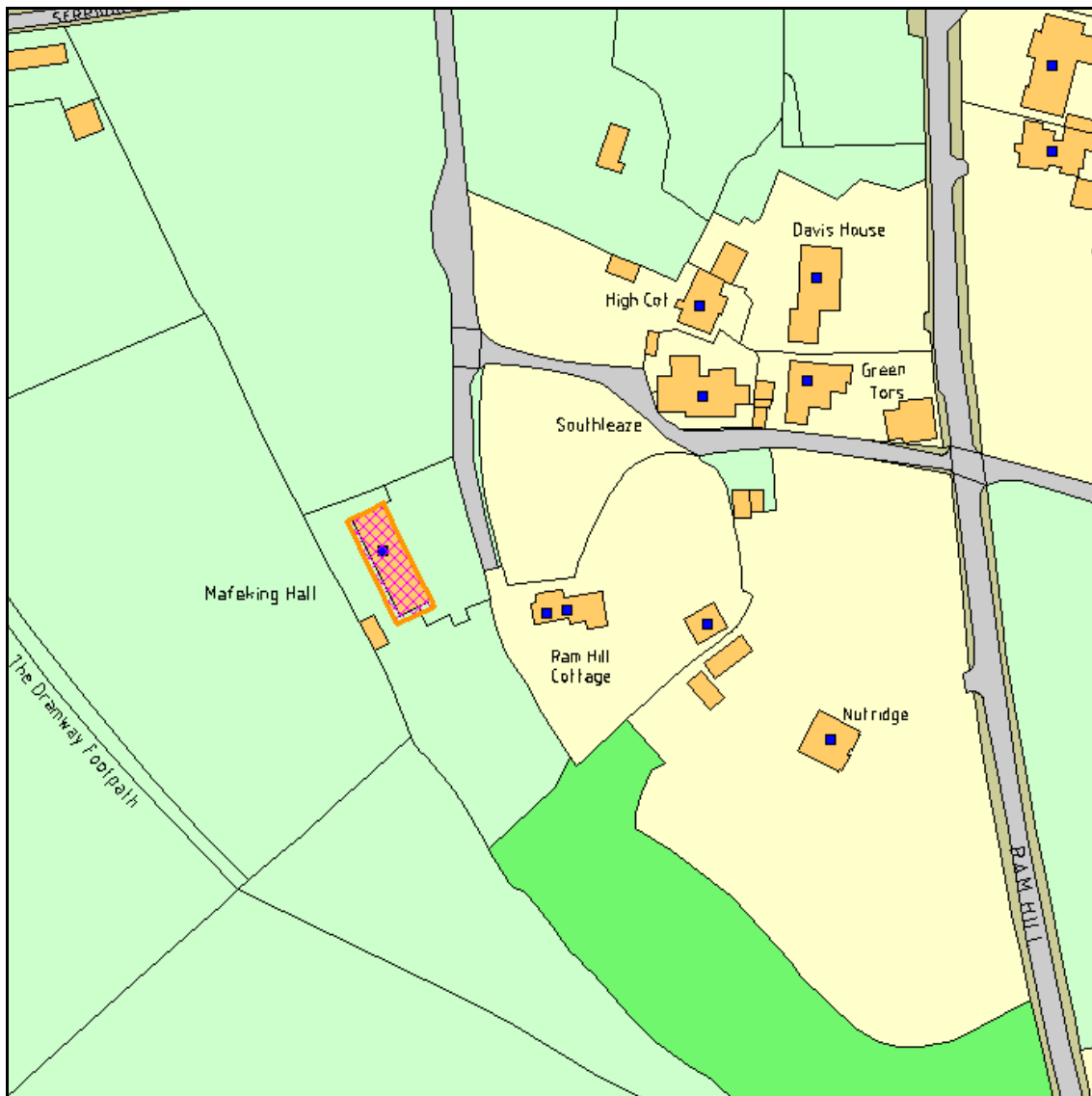
6. The off-street parking facilities as shown on plan 16.037-101A hereby approved shall be provided before the dwelling hereby permitted is first occupied, and thereafter retained for that purpose.

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. 49/16 – 9 DECEMBER 2016**

<b>App No.:</b>	PK16/5370/F	<b>Applicant:</b>	Cotswold Edge District Scouts
<b>Site:</b>	Mafeking Hall Ram Hill Coalpit Heath South Gloucestershire BS36 2UF	<b>Date Reg:</b>	14th October 2016
<b>Proposal:</b>	Change of use from Nursery (Class D1) to mixed use Nursery (D1) and Scout Hut (Class D2) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended)	<b>Parish:</b>	Westerleigh Parish Council
<b>Map Ref:</b>	367693 179711	<b>Ward:</b>	Westerleigh
<b>Application Category:</b>	Minor	<b>Target Date:</b>	7th December 2016



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## **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

This application has been submitted to the Council's Circulated Schedule procedure, following an objection from the Parish Council which is contrary to the recommendation within this report.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for a change of use from the current use as a nursery (D1) to a mixed use as a nursery (D1) and a scout hut (D2) as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended).
- 1.2 The application site relates to a single storey building currently used as a nursery following a prior approval application under Class T of Part 3 of the Second Schedule of the Town and Country Planning (General Permitted Development) (England) Order 2015, which changed the use of the building and the area of associated green space to the land to the south from a scout hut to a nursery. The scouts have continued to use the building on occasion in an ancillary manner, however they now seek to formalise and intensify this arrangement.
- 1.3 Despite the address being Ram Hill, the site is more commonly accessed from Serridge Lane. The site is located outside of the settlement boundary of Coalpit Heath, within the open countryside and the Bristol/Bath Green Belt.
- 1.4 The red line boundary surrounds only the building, however the blue line boundary indicating the applicant's ownership also includes the green space to the south used as outdoor space by the nursery, and the field to the north which is still used by the scouts for camping and did not form part of the previous prior approval application under Class T.

### **2. POLICY CONTEXT**

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design  
CS5 Location of Development  
CS8 Improving Accessibility  
CS9 Environment and Heritage  
CS23 Community Infrastructure and Cultural Activity  
CS34 Rural Areas

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

L1 Landscape  
L9 Protected Species  
EP4 Noise Sensitive Development

- T8 Parking Standards
- T7 Cycle Parking
- LC5 Provision of Recreation Facilities outside of Settlement Boundaries

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

- PSP1 Local Distinctiveness
- PSP2 Landscape
- PSP7 Development in the Green Belt
- PSP8 Residential Amenity
- PSP16 Parking Standards
- PSP28 Rural Economy
- PSP44 Outdoor Sport and Recreation Outside of Settlement Boundaries

- 2.3 Supplementary Planning Guidance  
Development in the Green Belt SPD  
South Gloucestershire Design Checklist SPD

**3. RELEVANT PLANNING HISTORY**

- 3.1 DOC16/0049 Conditions Discharged 23/03/2016  
Discharge of condition 1 (travel plan), 2 (visibility) and 3 (parking and turning) attached to planning permission PK15/3118/PNVE
- 3.2 PK15/3118/PNVE Approve with Conditions 02/09/2015  
Prior notification, under Class T of Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015, of a change from Scout Hut (Class D2) to Registered Nursery (Class D1) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).
- 3.3 PT13/1930/F Approve with Conditions 17/07/2013  
Erection of extension to building and external alterations including re-cladding, installation of steps and changes to doors/windows.  
*This planning permission does not appear to have been implemented and is now lapsed.*

**4. CONSULTATION RESPONSES**

- 4.1 Westerleigh Parish Council  
Objection on the grounds that not all of the immediate neighbours have been consulted (some of which appear to be afraid of reprisals should they be named as objectors) and that there is no mention of private hire arrangements and that on prior occasions the hall has been used more times than the former conditions permit.
- 4.2 Other Consultees  
  
Community Enterprise  
No comment.

Sustainable Transport  
No objection subject to conditions.  
Planning Enforcement  
No comment.

Landscape Officer  
No objection.

### **Other Representations**

4.3 Local Residents  
None received.

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

The principle of the use as a nursery has already been established under PK15/3118/PNVE, which approved the change of use from the scout hut using the prior approval process. Prior approvals under Schedule 2 Part 3 Class T of the GPDO 2015 allow the site to return to the previous lawful use (subject to prior approval), so the fall-back position of returning to an unrestricted D2 use is also acceptable in principle. The proposed mixed use of D1 and D2 is therefore acceptable in principle, subject to an assessment of the impact on the openness of the Green Belt, residential amenity, access, parking and any environmental impacts. Policy LC5 also requires that proposals for recreational development in the open countryside do not result in unacceptable levels of external lighting or advertisements to the extent that they are harmful to residential amenity or create a road safety hazard.

### **5.2 Impact on the Green Belt**

The proposal is to change the use of an existing building, with the surrounding land being utilised for the same purposes as previously approved. It is therefore unlikely that the development will have any impact on the openness of the Green Belt.

### **5.3 Residential Amenity**

There are a number of residential properties in the area, the closest being Ram Hill Cottage, and it is considered that an unrestricted D1/D2 use could cause noise pollution to the detriment of the amenities of the neighbouring occupiers. The source of the noise pollution would primarily be traffic coming and going and the sound of the scouts in the evening, or in the case of a noisier D2 use such as a dance hall or a bingo hall for example, noise from adults using the hall and music. It is therefore considered necessary to apply a condition restricting the D2 use to the scouts only, as the voluntary nature of the organisation limits the intensity of the use in the evenings and the weekends. The nursery will be subject to the same conditions relating to noise pollution on PK15/3118/PNVE, restricting the number of children to 36 at any time and limiting the opening hours for the nursery. Subject to these conditions, the residential amenities of the neighbouring occupiers are considered to be safeguarded.

#### 5.4 Design

No external changes are proposed, and therefore it is not considered that the site will be altered visually from the extant situation.

#### 5.5 Transport

The previous application for prior approval to change from a scout hut to a nursery (PK15/3118/PNVE) was subject to a number of conditions requiring visibility splays, parking and turning space to be maintained within the blue line, and a travel plan to be implemented. These conditions should be carried over in the event the application is approved. As has been discussed previously in the residential amenity section of this report, the voluntary nature of the scout organisation restricts the intensity of the use, and the current ancillary use of the hall by the scouts for a few evenings a week and at weekends is unlikely to intensify significantly. It is therefore appropriate that the D2 use is restricted to the scouts for transportation reasons, as well as residential amenity.

#### 5.6 Ecology

Although the building is located in a rural area, an ecological appraisal has not been requested as no external or internal works are proposed to accommodate the change of use.

#### 5.7 Other Issues

The Parish Council are concerned that not all neighbours have been consulted. There is only one immediate neighbour, which is Ram Hill Cottage, and they have been consulted in accordance with the Council's Statement of Community Involvement.

### 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 on the decision notice.

**Contact Officer: Trudy Gallagher**  
**Tel. No. 01454 862217**

## **CONDITIONS**

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

Reason

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

2. The travel plan agreed with the Local Planning Authority for the nursery use (D1) under discharge of condition reference DOC16/0049 shall be implemented for the nursery use hereby approved, and remain in place thereafter.

Reason

To reduce and control traffic movement to and from the site in the interests of highway safety, and to accord with policy CS8 of the South Gloucestershire Core Strategy (Adopted) December 2013, policy T12 of the Local Plan (Adopted) January 2006 and the National Planning Policy Framework.

3. The visibility splays agreed with the Local Planning Authority under discharge of condition reference DOC16/0049 shall be implemented for the use hereby approved, and be satisfactorily maintained thereafter.

Reason

To ensure maximum visibility at the site in the interests of highway safety, and to accord with policy CS8 of the South Gloucestershire Core Strategy (Adopted) December 2013, policy T12 of the Local Plan (Adopted) January 2006 and the National Planning Policy Framework.

4. The turning head, vehicular parking and cycle facilities agreed with the Local Planning Authority under discharge of condition reference DOC16/0049 shall be implemented for the use hereby approved, and be retained for such a purpose thereafter.

Reason

To ensure adequate parking at the site in the interests of highway safety, and to encourage sustainable transport choices, to accord with policy CS8 of the South Gloucestershire Core Strategy (Adopted) December 2013, policy T7, T8 and T12 of the Local Plan (Adopted) January 2006 and the National Planning Policy Framework.

5. The nursery use (D1) hereby permitted shall not be open outside the following times; Monday to Friday 7.45 am - 3.45 pm.

Reason

In the interests of highway safety and to minimise noise pollution in accordance with policy CS8 and CS9 of the South Gloucestershire Core Strategy (Adopted) December 2013, policy T12, EP4 and LC5 of the South Gloucestershire Local Plan (Adopted) January 2006 and the National Planning Policy Framework.

6. The nursery (D1) use hereby approved shall not accommodate more than 36 children at any one time.

Reason

In the interests of highway safety and to minimise noise pollution in accordance with policy CS8 and CS9 of the South Gloucestershire Core Strategy (Adopted) December 2013, policy T12, EP4 and LC5 of the South Gloucestershire Local Plan (Adopted) January 2006 and the National Planning Policy Framework.

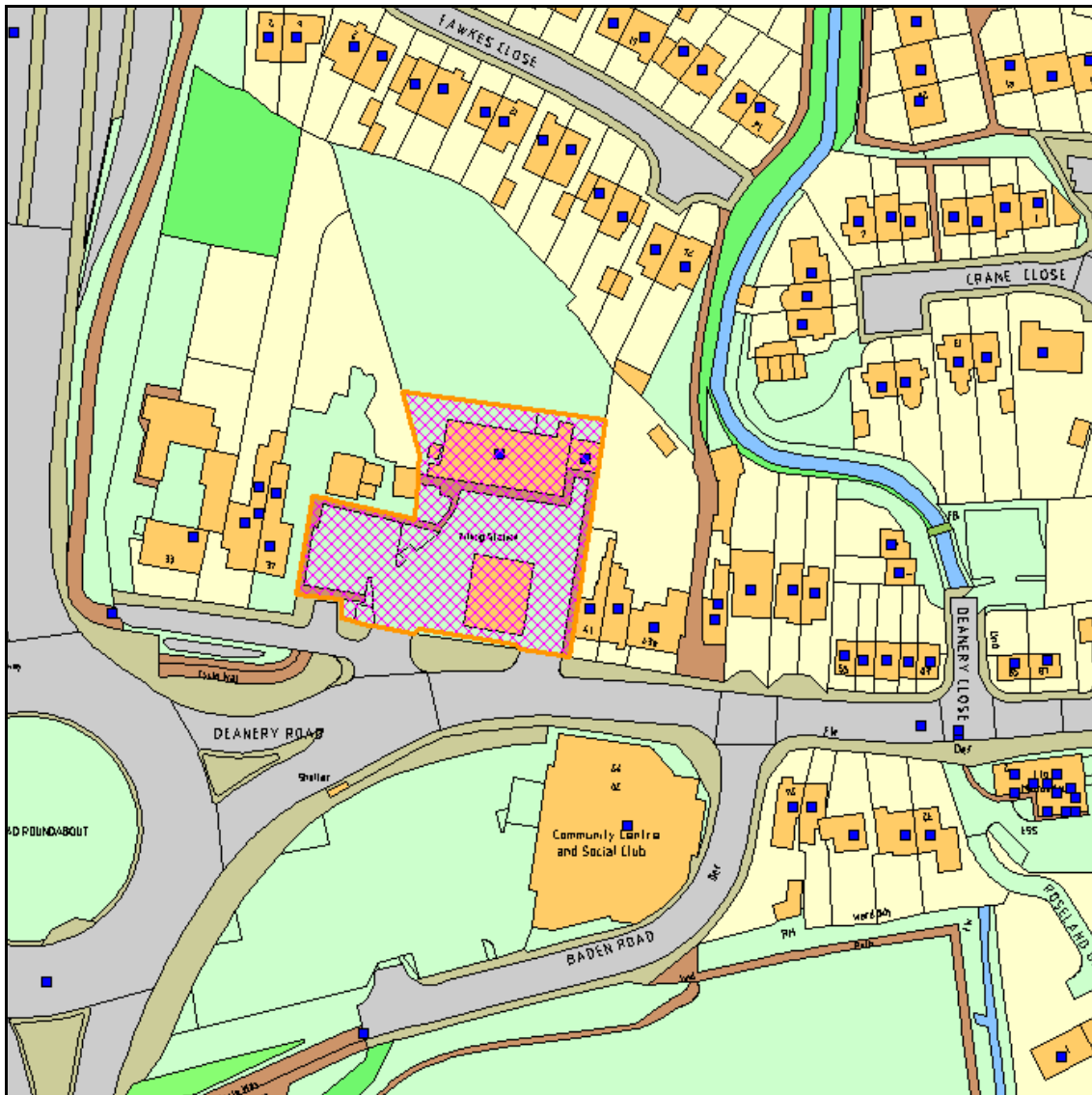
7. The leisure use (D2) hereby approved shall be restricted to use by the Scout Association only, and shall not be used for any other D2 purpose.

Reason

To allow the Local Planning Authority to have the opportunity to re-assess the transport and residential amenity impacts of alternative D2 use, in the interests of highway safety and to minimise noise pollution in accordance with policy CS8 and CS9 of the South Gloucestershire Core Strategy (Adopted) December 2013, policy T12, EP4 and LC5 of the South Gloucestershire Local Plan (Adopted) January 2006 and the National Planning Policy Framework.

**CIRCULATED SCHEDULE NO. 49/16 – 9 DECEMBER 2016**

<b>App No.:</b>	PK16/5376/F	<b>Applicant:</b>	Tesco Stores Ltd
<b>Site:</b>	Warmley Service Station Deanery Road Kingswood Bristol South Gloucestershire BS15 9JB	<b>Date Reg:</b>	7th October 2016
<b>Proposal:</b>	Demolition of existing service area. Erection of side extension to form store.	<b>Parish:</b>	None
<b>Map Ref:</b>	366690 173621	<b>Ward:</b>	Siston
<b>Application Category:</b>	Minor	<b>Target Date:</b>	30th November 2016



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## **REASONS FOR REPORTING TO CIRCULATED SCHEDULE**

The application has been subject to a representation contrary to the findings of this report. Due to the current scheme of delegation the application is required to be taken forward under the circulated schedule procedure as a result.

### **1. THE PROPOSAL**

- 1.1 The proposal seeks to demolish and existing service area in order to facilitate the erection of a side extension to form store.
- 1.2 The subject property is a late 20th century single storey purpose built service station. The property is a modern unit with metal clad elevations and a flat roof. The petrol filling area is covered and detached from the shop unit. To the side is an existing lean-to structure with timber frame and corrugated roof.
- 1.3 The site is level and situated in the built up area of Kingswood adjacent to the A4174 Ringroad.

### **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
- CS11 Distribution of Economic Development Land
- CS13 Non-safeguarded Economic Development Sites
- CS14 Town Centres and Retail

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

- E1 Proposals for Employment Development
- E3 Criteria for Assessing Employment Development with Urban Areas
- T12 Transportation
- RT5 Out of centre and edge of centre retail development
- RT8 Small scale retail uses within the urban areas and the boundaries of small settlements

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

- PSP1 Local Distinctiveness
- PSP3 Trees and Woodland
- PSP8 Residential Amenity
- PSP22 Unstable Land
- PSP33 Shopping Frontages



- 2.3 Supplementary Planning Guidance  
Design Checklist SPD (adopted) August 2006

### **3. RELEVANT PLANNING HISTORY**

- 3.1 PK15/2265/ADV – Advert Approval – 09/07/2015 – Display of forecourt signage, including 2no. externally illuminated wave signs, 2no. externally illuminated blade signs, 4no. non-illuminated koala signs and 8no. non-illuminated pump number signs.
- 3.2 PK08/1960/RVC – Approval – 03/10/2008 – Variation of Condition 8 attached to previously approved planning permission PK07/2827/F dated 6 June 2008 to allow deliveries of goods to the Convenience Store to be made from 06.00hrs to 24.00hrs Monday to Saturday inclusive and 08.00hrs to 22.00hrs Sunday and Bank Holidays.
- 3.3 PK07/2827/F – Approval – 06/06/2008 – Demolition of existing petrol filling station and other buildings to facilitate the erection of convenience store to include petrol sales. Installation of 2no. ATMs. Erection of canopy and forecourt with associated car parking and works. Installation of replacement fuel storage tank. Erection of 2.5m high metal palisade fence and gate.
- 3.4 PK07/2826/ADV – Approval – 08/01/2008 - Installation of 1 no. fascia sign with internally illuminated lettering, 1 no. ingress and 1 no. front internally illuminated canopy sign, 1 no. egress and 1 no. rear non illuminated canopy sign, 2 no. free standing ID signs with illuminated lettering and 3 no. free standing non illuminated signs.
- 3.5 PK04/4044/F – Approval – 18/01/2005 – Installation of roller shutter door to north and east facing elevations with new roof on existing car wash.
- 3.6 PK04/4027/ADV – Advert Approval – 19/01/2005 – Display of 2 no. Tiger Wash internally illuminated single sided fascia signs, 1 no. non-illuminated single sided vinyl promotional banner, 1 no. non-illuminated single sided entrance fascia sign, 1 no. Tiger Wash directional single sided non-illuminated sign with legs, 1 no. non-illuminated car wash menu poster sign and 1 no. non-illuminated car wash instruction sign.
- 3.7 P99/4818 – Approval – 15/10/1999 – Installation of automatic telling machine.
- 3.8 P97/4778/A – Advert Approval – 06/02/1998 – Retention of freestanding internally illuminated sign
- 3.9 K1343/2 – Approval – 29/06/1992 – Demolition of existing service station and erection of replacement service station, including the change of use of adjoining parcels of land from filling station to res. and from res. to general industrial.
- 3.10 K1343 – Approval – 17/08/1976 – Erection of building for department of the environment motor car testing and tyre/exhaust centre

### **4. CONSULTATION RESPONSES**

- 4.1 Siston Parish Council  
No adverse comment
- 4.2 Other Consultees
- Tree Officer  
No Objection

Highway Structures

No Comment

Lead Local Flood Authority

No Objection

Transport Officer

No objection following provided details

Coal Authority

No objection subject to the appendage of a condition requiring a scheme of intrusive site investigation prior to commencement

Economic Development

No Objection

**Other Representations**

4.3 Local Residents

One comment received objecting to the application as no notification of the application was sent to 41 and 43 Deanery Road. The comment also questions the method for attaching the proposal to the wall beside it. Furthermore the commenter indicates concern over noise-pollution and waste falling into no 41 and 43. Lastly they suggest that no weekend work will take place during development and that any damage to the boundary wall will be the liability of Tesco and they will be required to put it right. These comments are discussed in the relevant sections below.

**5. ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Policy RT5 states retail development will not be permitted unless there is a need for the development which could not reasonably be accommodated within the town centres; it is no greater in scale than is required; it is in proportion to the role and function of the proposed location; there are no preferable sites; it would not unacceptably impact the vitality of town centres; it would not have unacceptable environmental or residential amenity impacts; and it would include residential, community or employment generating spaces on the upper floors. This policy is no longer fully compliant with the provisions of the NPPF (2012) and Policy CS14 of the South Gloucestershire Core Strategy has superseded parts of this policy and is also relevant to the consideration of this application. The proposal is subject to the consideration below.

5.2 Retail Development

The subject site is located outside of the perceived retail area and Town Centre of Kingswood in what may be considered a tertiary out-of-centre location. The existing site provides a convenience store associated with a petrol filling station. This building contains a reasonable area of retail space, ancillary storage and staff facilities; the existing site also includes a covered service area that provides a proportion of storage.

The proposal seeks to replace the existing service area to the side of the building with a structure of more substantial construction and very similar floor area.

- 5.3 The site provides A1 retail space; this use could be considered to be an appropriate Town Centre use. Policy CS14 and Saved Policy RT5 state the impact of allowing development in out-of-centre locations should be considered by sequential testing and development should not be permitted where there is a sequentially preferable location. In this instance the site provides an existing A1 use with an existing associated ancillary service yard and storage area. The purpose of the development is to provide a more secure storage area for the existing A1 use. By virtue of this officers do not consider it practical or reasonable to locate this storage in the nearest Town Centre, therefore, sequentially there is no preferable position and the proposal is considered to pass the sequential test for location.
- 5.4 In addition to the location testing the NPPF (2012) requires that retail developments in excess of 2500 m<sup>2</sup> are supported by a Retail Impact Assessment (RIA). Since the implementation of this framework the South Gloucestershire Core Strategy was released (2013). This plan includes the policy CS14 which provides a lower threshold to trigger such an assessment. This states that any edge-of-centre or out-of-centre development in excess of a 1000m<sup>2</sup> of gross area should be supported by a RIA. The subject property has a gross area in the region of 370m<sup>2</sup> and following development would only be around 375m<sup>2</sup> and is substantially lower than the 1000m<sup>2</sup> threshold. Given this consideration the proposal is not required to be supported by a RIA.
- 5.5 As earlier mentioned the proposal seeks to replace the existing structure (of around 40m<sup>2</sup>) with a more substantial constructed storage area (of around 45m<sup>2</sup>). This development is considered to be small in scale and is associated with the existing A1 use of the site and would not provide any additional retail space. On this basis it is unlikely to have any significant or additional impact on the viability or vitality of existing Centres.
- 5.6 Lastly Policy CS13 of the Core Strategy (2013) seeks to protect the viability of existing local shops in unallocated locations. The subject property is a local convenience store falling into an A1 class and serves the locality well. The development proposed would be considered to assist the viability of the existing A1 use by improving the facility and would work in the public interest. Overall the proposal is seen as acceptable with regard to saved policy RT5 of the adopted Local Plan (2006), Policies CS13 and CS14 of the Core Strategy (2013) and the provisions of the NPPF (2012).
- 5.7 Design and Visual Amenity  
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.

- 5.8 The proposal consists of the erection of a replacement side extension and the demolition of the existing lean-to structure. The existing structure is of a lightweight construction and provides a service area. The proposal looks to introduce a structure of a very similar size but with more substantial construction in the same location. The subject site is surrounded by a rubble boundary wall of around 1.8 metres and currently a timber closed panel fence to the front of the compound that screen the majority of the building from surrounding properties and the public realm. The proposed extension will match the height and roof pitch of the existing structure. As a result of this consideration the proposal is not seen to have any further detrimental impact on the character of the existing building or the area in general.
- 5.9 The materials proposed will be of a similar appearance to those used in the existing retail unit and would act to improve the appearance of the property over that of the existing structure.
- 5.10 Comments were received questioning the method of attaching the extension to the boundary wall. The plans provided make it clear that the proposal will not adjoin the wall and therefore no method for attachment is provided. The proposal also indicates that there will be a rainwater gutter running along the length of the roof pitch with a rainwater pipe to the front.
- 5.11 Overall, it is considered that the proposal would not cause harm the character or appearance of the area or the host property 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 accord with policy CS1 and the criteria identified in the adopted Local Plan.
- 5.12 Residential Amenity  
The subject site is located next to predominately residential uses and its impact on these properties should be assessed to ensure the proposal would not result in an unacceptable impact on the amenity of nearby residential properties.
- 5.13 A comment has been received objecting to the proposal on amenity grounds. The main concern in relation to this is the potential for additional noise pollution both during operation and during the construction phase; the comments also suggest that no construction should take place during the weekends. It should be noted that the proposal will replace an existing structure with a more substantial form of construction. Given this consideration the proposal would actually reduce the potential for noise pollution during operational hours by virtue of improved sound insulation. Furthermore it is reasonable to expect an amount of temporary construction works and associated noise pollution in an area such as this from time to time. That said it is possible to restrict the times of construction to guideline times. These are considered to be 07:30 – 18:00 Monday to Friday; 08:00 – 13:00 Saturday and at no times on Sundays or public holidays. In consideration of the request to restrict Saturday construction time's attention has been given to the situation of the proposal site. The objecting party's property is located near the junction between the A4174 Ringroad and the A420 (Deanery Road) and is likely to experience a high level of noise resulting from this proximity to major roads as it stands.

Given these properties have no particular sensitivities and the actual structures are located a reasonable distance from the proposal it is not seen as appropriate to restrict the hours of construction beyond the norm. A condition will be attached to that affect.

- 5.14 The comments also suggest that rubbish that falls into the gardens of 41 and 43 should be removed. This is an issue beyond the control of the planning department. If an issue relating to this concern arises, it is suggested that the affected party contact the Environmental health department or the Police.
- 5.15 Lastly the commenting party asks that Tesco is liable for any damage to the wall and garden of no.43 and that they put it right if this does occur. The proposal should not affect the existing boundary wall and this is a civil matter beyond the remit of the planning department. It should be noted that planning permission shall not be construed as granting rights to carry out works on, or over, land not within the ownership, or control, of the applicant and the prior written consent of the owner and occupier of any land upon which it is necessary for you to enter in order to construct, externally finish, decorate or in any other way carry out any works in connection with development including future repairs/maintenance, or to obtain support from adjoining property. Planning permission does not authorise anyone to take such action without first obtaining such consent. Your attention is also drawn to the Access of Neighbouring Land Act 1992 and Party Wall Act 1996
- 5.16 Sustainable Transport and Parking Provision  
The proposal will replace the existing structure and would not require any additional parking provision. The proposal is also not considered to result in any harm to highway safety and there is no objection with regard to parking provision or highway safety.
- 5.17 Risk of Historic Coal Mining  
The subject property has been identified as being in an area at high risk of historic coal mining and the associated unstable land. The application has been supported by a Coal Mining Risk Assessment but comments from the Coal Authority suggest that this assessment is not sufficient to properly identify risks and that a scheme of intrusive site investigation and remedial works are required prior to the commencement of construction works. This will be applied in the form of a condition.
- 5.18 Planning Balance  
The proposal is for an improvement to an existing retail use. The site is in an 'out-of-centre' location and this location has been sequentially tested. It has been found that there is no sequentially preferable position and there is no objection to its location. The site serves as a local convenience store. Policy CS13 seeks to retain the viability of such properties and on this basis the application could be given material positive weight in relation to retail policy considerations. Furthermore the proposal will have a positive impact on the residential amenity of the locality due to the more substantial form of construction and associated sound insulation/noise pollution. The proposal will have a neutral influence on transport considerations and the design would improve the appearance of the property.

The NPPF (2012) states sustainable development should be permitted unless the adverse impact of doing so would significantly and demonstrably outweigh the benefits of doing so. In this case very little negative impact has been identified and the proposal would improve existing local facilities; on this basis the proposal is considered acceptable.

## **6. CONCLUSION**

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

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

## **7. RECOMMENDATION**

7.1 That the application be **APPROVED** subject to 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 E3 of the South Gloucestershire Local Plan (Adopted) January 2006; and the provisions of the National Planning Policy Framework.

3. Prior to the commencement of any other development, the following shall be submitted to and approved by the Local Planning Authority, and then implemented in accordance with the approved details:

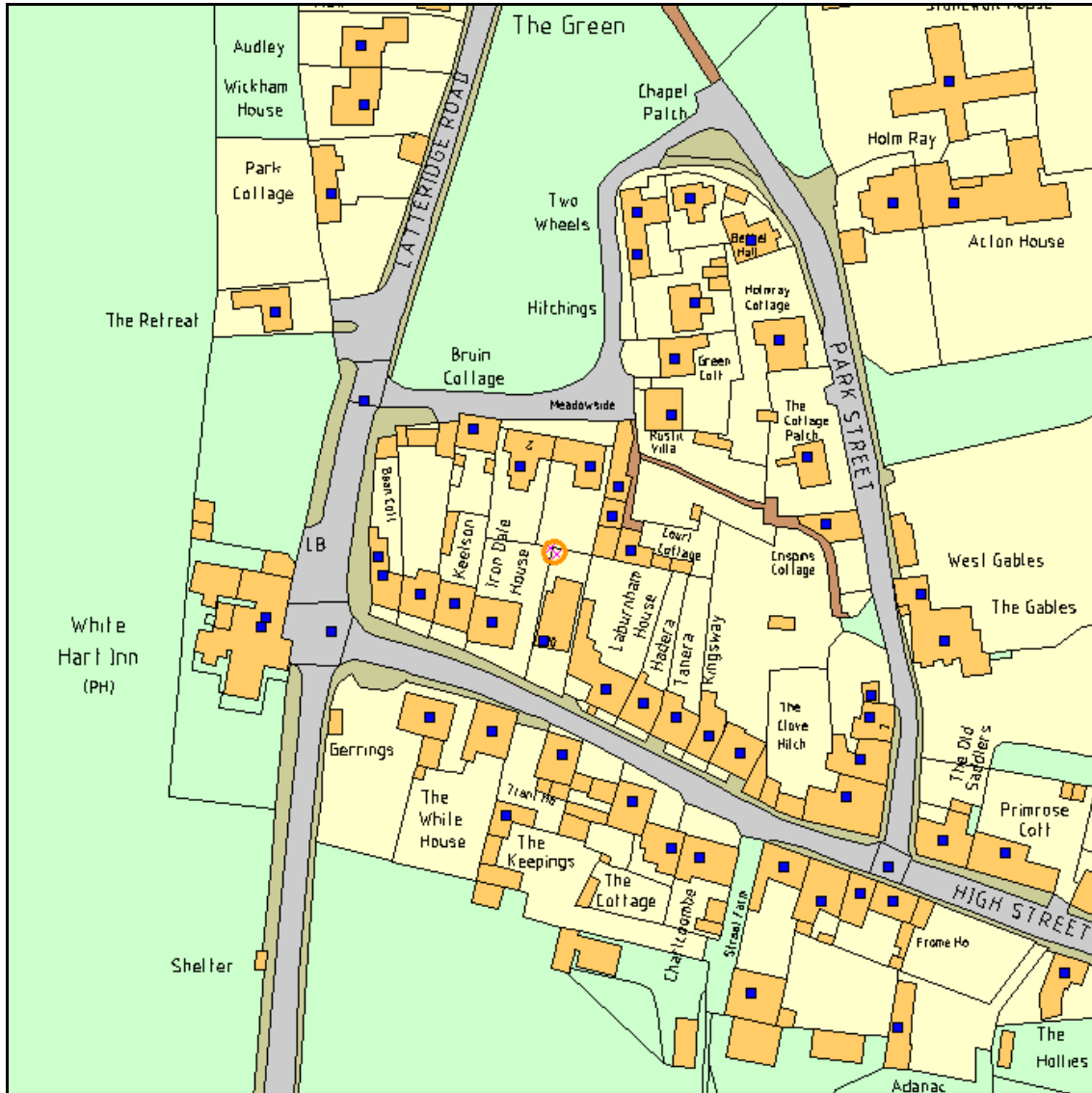
- (a) The submission of a scheme of intrusive site investigations for approval;
- (b) The undertaking of that scheme of intrusive site investigations;
- (c) the submission of a report of findings arising from the intrusive site investigations;
- (d) The submission of a scheme of remedial works for approval; and
- (e) The implementation of those remedial works.

Reason

To accord with policy EP7 of the South Gloucestershire Local Plan (adopted) January 2006 and the National Planning Policy Framework. Information is required prior to commencement to prevent remedial works later on.

**CIRCULATED SCHEDULE NO. 49/16 – 9 DECEMBER 2016**

<b>App No.:</b>	PK16/5565/TRE	<b>Applicant:</b>	Mrs Diana Porter-Smith
<b>Site:</b>	10 High Street Iron Acton Bristol South Gloucestershire BS37 9UG	<b>Date Reg:</b>	27th October 2016
<b>Proposal:</b>	Works to crown reduce 1no. Silver Birch tree back to previous points covered by Tree Preservation Order TPO0773 dated 5th September 2012 367705 183630	<b>Parish:</b>	Iron Acton Parish Council
<b>Map Ref:</b>		<b>Ward:</b>	Frampton Cotterell
<b>Application Category:</b>		<b>Target Date:</b>	19th December 2016



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 100023410, 2015. **N.T.S.** **PK16/5565/TRE**



## **REASON FOR REPORTING TO THE CIRCULATED SCHEDULE**

This application is referred to the circulated schedule as comments have been received that are contrary to the Officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 Works to crown reduce 1no. Silver Birch tree back to previous points covered by Tree Preservation Order TPO0773 dated 5th September 2012.
- 1.2 The tree is in the rear garden of no.10 High Street, Iron Acton, Bristol, South Gloucestershire, BS37 9UG.

### **2. POLICY CONTEXT**

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

### **3. RELEVANT PLANNING HISTORY**

- 3.1 PK13/0522/TRE, Site Address: 10 High Street, Iron Acton, South Gloucestershire, BS37 9UG. Decision: COND, Date of Decision: 15-APR-2013, Proposal: Works to 1 no. Silver Birch tree to crown lift and crown thin by 30% tree covered by South Gloucestershire Council Tree Preservation Order 773 (The Plot Iron Dale House Iron Acton) dated 5th September 2012, CIL Liable:
- 3.2 PK12/2699/TCA, Site Address: The Plot, Iron Dale House, High Street, Iron Acton, Bristol, South Gloucestershire, BS37 9UG, Decision: OBJ, Date of Decision: 11-SEP-2012, Proposal: Works to pollard 1 no. silver birch tree all situated within Iron Action Conservation Area., CIL Liable:

### **4. CONSULTATION RESPONSES**

- 4.1 Iron Acton Parish Council has no objection to the proposal.

#### **Other Representations**

- 4.2 Local Residents

Comments were received from a local resident objecting to the proposal on the grounds that a previous application for works to this tree was refused.

### **5. ANALYSIS OF PROPOSAL**

- 5.1 Works to crown reduce 1no. Silver Birch tree back to previous points covered by Tree Preservation Order TPO0773 dated 5th September 2012.

5.2 Principle of Development

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

5.3 Consideration of Proposal

The tree officer visited the site to assess the tree in light of the application. It is apparent that the tree has been pruned previously probably following the consent issued for the application ref. PK13/0522/TRE.

5.4 The refusal cited by the objector was to application PK12/2699/TCA where an application was made to pollard the tree. This is extremely heavy pruning that would effectively destroy any amenity value the tree provided and seriously reduce the tree's longevity. It was at this point the tree was made the subject of a Tree Preservation Order.

5.5 The proposed works is considered appropriate and proportionate for the tree and its location. The works, carried out by a competent tree surgeon and to the British Standard for tree works, will not have a detrimental effect on the tree's amenity or long term health.

**6. RECOMMENDATION**

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

**Contact Officer: Simon Penfold**  
**Tel. No. 01454 868997**

**CONDITIONS**

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

Reason

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

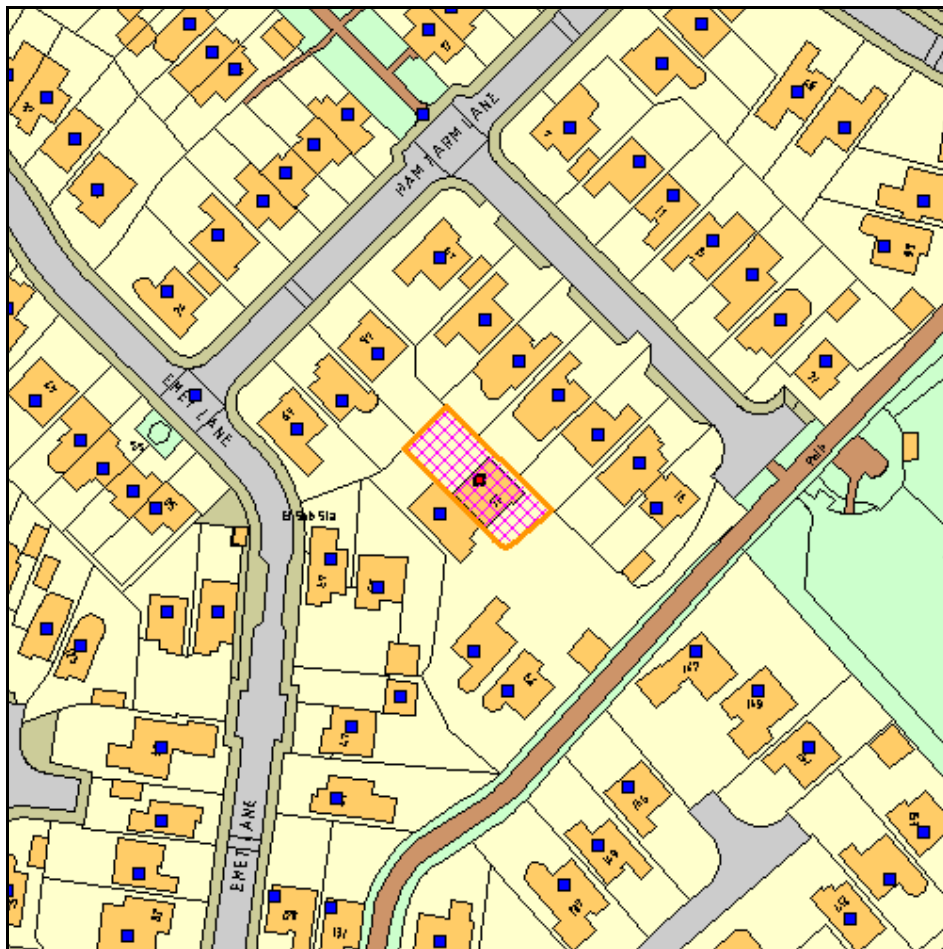
2. The works hereby authorised shall comply with British Standard 3998: 2010 - Recommendations for Tree Work.

Reason

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

**CIRCULATED SCHEDULE NO. 49/16 – 9 DECEMBER 2016**

<b>App No.:</b>	PK16/5697/F	<b>Applicant:</b>	Mr Crumpton
<b>Site:</b>	29 Ham Farm Lane Emersons Green Bristol South Gloucestershire BS16 7BW	<b>Date Reg:</b>	31st October 2016
<b>Proposal:</b>	Erection of a first floor side extension to provide additional living accommodation.	<b>Parish:</b>	Emersons Green Town Council
<b>Map Ref:</b>	366794 176543	<b>Ward:</b>	Emersons Green
<b>Application Category:</b>	Householder	<b>Target Date:</b>	22nd December 2016



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 100023410, 2015. **N.T.S.** **PK16/5697/F**

## **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

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

### **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission for the erection of a first floor side extension to provide additional living accommodation. The application site is a modern, detached dwelling, 29 Ham Farm Lane in the established settlement of Emersons Green.

### **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 PK12/3711/F Erection of single storey rear extension to provide additional living accommodation.  
Approved 4.1.13
- 3.2 PK03/2207/F Erection of rear conservatory.  
Approved 2.9.03

#### **4. CONSULTATION RESPONSES**

4.1 Emersons Green Town Council  
No objection

4.2 Other Consultees

Transport  
No objection

#### **Other Representations**

4.3 Local Residents

Two local residents have commented on this application, summarised as:

- No objection but access to no. 29 is across our property and involves a sharp right angled turn. So, there is a practical limitation to the size and weight of any vehicles required to access the site for the proposed work, if damage to the access way surface and surrounding hedges and garden is to be avoided.
- Generally neutral but would object if the additional massing so close to our rear boundary overshadows our garden and impacts on the enjoyment of our garden or the rear of our house (as it includes a conservatory). No windows proposed which directly face the rear of our house but potential for rear bedroom window to have a sightline into one of our rear bedrooms. More impact from the new windows overlooking both our neighbours' gardens and rooms. No details about the removal or change of the rear boundary fencing. Would like to be able to make further comments. Also no details about access or any potential impact for our property due to building works so we can only comment that access is tight and damage should be avoided.

#### **5. ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The proposal stands to be assessed against the above listed policies and all material considerations. Of particular relevance is the impact on the existing dwelling and the character of the area in general, the impact on the amenity of the host property and that of its neighbours and the impact on highway safety and on-street parking.

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

5.2 Design and Visual Amenity

The application site is part of a modern estate within Emersons Green. It is situated in a small secluded cul-de-sac of four houses but surrounded by other residential dwellings. The property benefits from an attached single storey garage to the north side. The proposal would be to introduce a first floor above this existing garage.

- 5.3 The proposed extension would follow the footprint of the garage and would have eaves to match the height of the main dwelling whilst the ridge line would be slightly lower. The roof would be hipped to match the style of the host property. Openings would be in the northwest and southeast elevations and materials would be to match the existing property.
- 5.4 In terms of the overall design, scale, massing and resulting appearance the proposal is considered appropriate to the host property and the area in general, is therefore acceptable and can be recommended for approval.
- 5.5 Residential Amenity  
The application site currently benefits from a landing window to the northeast side. This would be replaced by the proposed first floor extension and all openings would be removed from this side elevation. Comments have been received from concerned neighbours to the northeast. Properties here are side-on to the application site, about 8 metres away at their closest point which would include the neighbour's conservatory, and currently separated by high fencing. Given that the proposed first floor extension would be within the existing footprint of the garage, be attached to the main house with a ridge height lower than the host property there would be no issues of loss of light over and above the existing situation. The proposal is therefore acceptable in these terms.
- 5.6 Another comment suggests the potential for inter-visibility from the proposed first floor bedroom from the rear facing window. Again it must be noted that the properties are at right-angles to one another so there would be no issues of direct inter-visibility. The comment goes on to suggest that other neighbours would be impacted by the new windows. However, it is considered that the introduction of these particular additional openings would not have an adverse impact over and above the current situation and the amenity of neighbours would not be adversely affected. The proposal would not impact on the amount of garden space serving the property. It is therefore considered that in respect of amenity the proposal is acceptable.
- 5.7 Sustainable Transport  
The development will increase the bedrooms to the first floor from three to four. The existing vehicular access and parking are unaffected by this development. On that basis, there is no transportation objection to the proposed development.
- 5.8 Comment has been received from a local resident expressing concerns regarding potential damage given that access is across his property. The access is a shared driveway. Any issues regarding damage or impact on this shared driveway would be a civil matter to be discussed between the relevant parties.
- 5.9 Other Matters  
One comment has mentioned the boundary between the application site and this neighbour. This is currently a fence and plans show that there is and would remain a gap in between the garage and the fence. Plans indicate no changes to the existing situation. Access onto the land of another is again not

something that can be covered under the remit of a planning report and would be a matter to be discussed between the relevant parties.

## **6. CONCLUSION**

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

## **7. RECOMMENDATION**

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

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

## **CONDITIONS**

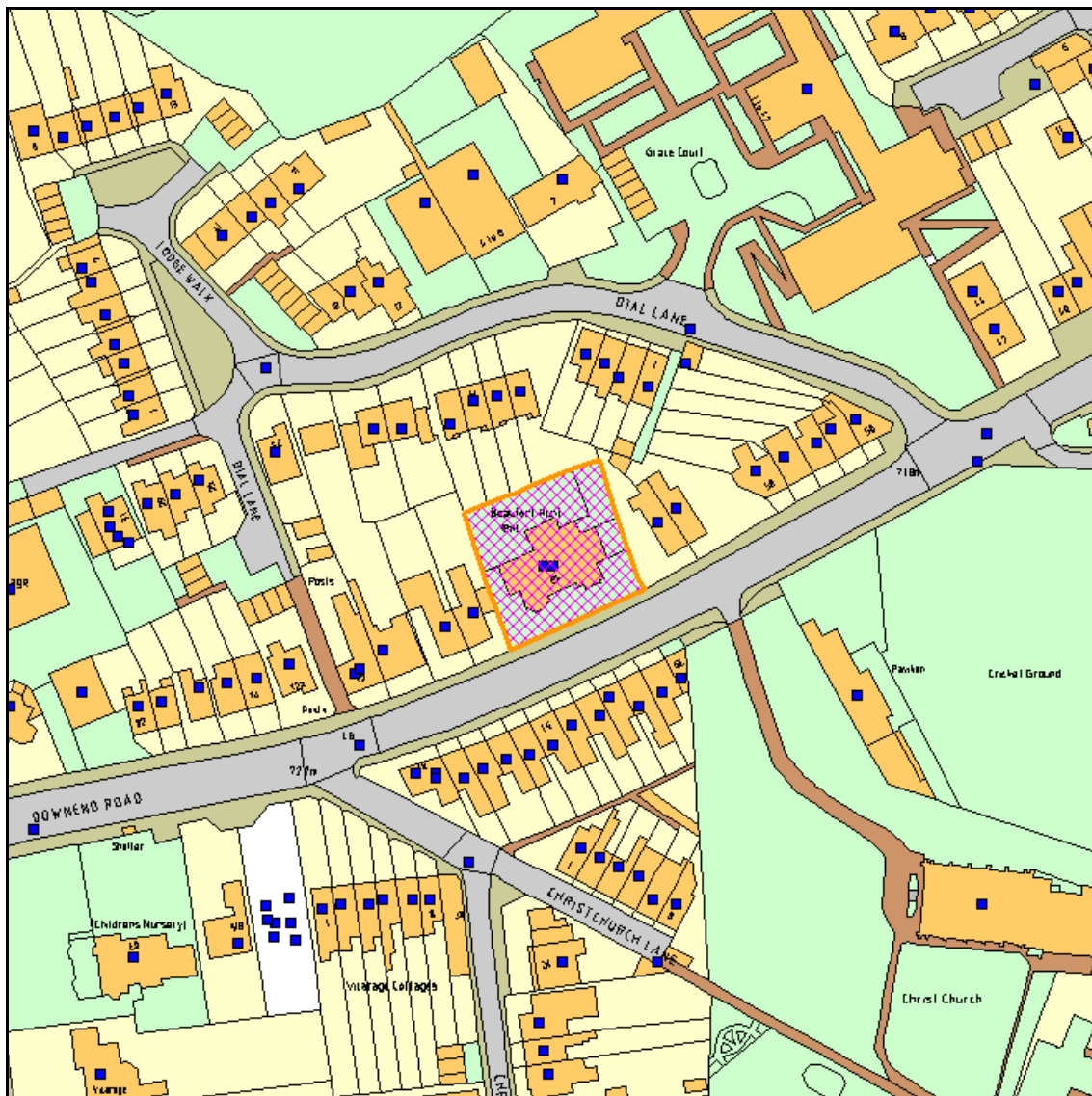
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

## CIRCULATED SCHEDULE NO. 49/16 – 9 DECEMBER 2016

<b>App No.:</b>	PK16/5712/ADV	<b>Applicant:</b>	Enterprise Inns
<b>Site:</b>	Flat 64 Beaufort Hunt Downend Road Downend Bristol South Gloucestershire BS16 5UE	<b>Date Reg:</b>	26th October 2016
<b>Proposal:</b>	Display of 1no. externally illuminated fascia sign, 1no. externally illuminated hanging sign, 2no. non illuminated fascia signs, 1no. internally illuminated display case, 2no. internally illuminated lanterns. (Retrospective)	<b>Parish:</b>	Downend And Bromley Heath Parish Council
<b>Map Ref:</b>	364871 176567	<b>Ward:</b>	Downend
<b>Application Category:</b>	Minor	<b>Target Date:</b>	16th December 2016



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 100023410, 2015. N.T.S. PK16/5712/ADV



## **REASON FOR REPORTING TO THE CIRCULATED SCHEDULE**

The planning application has been referred to the Council's Circulated Schedule procedure due to objections received from Downend and Bromley Heath Parish Council and local residents regarding the proposed signs.

### **1. THE PROPOSAL**

- 1.1 The application seeks advertisement consent to display:
- 1no. externally illuminated fascia sign;
  - 1no. externally illuminated hanging sign;
  - 2no. non-illuminated fascia signs;
  - 1no. internally illuminated display case;
  - 2no. internally illuminated lanterns.
- 1.2 The applicant site is a detached public house in Downend. The public house is surrounded by residential dwellings. The public house is formerly known as The Beaufort Hunt, however signage shows it will be renamed as The Duck & Willow.
- 1.3 Officers note that following a second site visit on the 5<sup>th</sup> December 2016 that the signs have already been erected, this makes the application a retrospective one.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

National Planning Policy Framework March 2012  
The Town and Country Planning (Control of Advertisements) (England) (Amendment) Regulations 2007

#### **2.2 Development Plans**

South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)  
T12 Transportation Development Control Policy for New Development  
RT1 Development in Town Centres

South Gloucestershire Local Plan Core Strategy Adopted December 2013  
CS1 High Quality Design  
CS5 Location of Development  
CS14 Town Centres and Retail

South Gloucestershire Local Plan: Proposed Submission: Policies, Sites and Places Plan June 2016  
PSP1 Local Distinctiveness

#### **2.3 Supplementary Planning Guidance**

South Gloucestershire Design Checklist SPD (Adopted) August 2007  
Shopfront and Advertisements Design Guidance SPD (Adopted) April 2012

### **3. RELEVANT PLANNING HISTORY**

- 3.1 PK16/3468/F Erection of front entrance porch  
Approved with Conditions 06.07.2016
- 3.2 PK06/2602/F Erection of single storey side extension to form toilets including disabled facilities. Installation of disabled access ramp to side elevation.  
Approved with Conditions 26.10.2006

### **4. CONSULTATION RESPONSES**

- 4.1 Downend and Bromley Heath Parish Council  
Objection, the proposed new sign above the porch will have an overbearing impact on the houses directly opposite. The bedrooms of these properties could be directly affected by the light.
- 4.2 Sustainable Transport  
The application seeks to provide new external signs at the Beaufort Hunt public house on Downend Road, Downend. The proposal will result in the replacement of existing signs with newer versions, the majority of which are sited in approximately the same location. Consequently the proposal is not considered to create any highways or transportation issues, as such we have no comments to make about this application.
- 4.3 The Listed Building and Conservation Officer  
No comments.

### **Other Representations**

- 4.4 Local Residents  
Two letters of objection have been received from local residents raising the following comments:
- the dimensions shown for 11a and 11d are contradictory if the measurements are in metres, we believe the height of the fascia board should be 0.80 metres not 8.00 metres.
  - The fascia sign on the front elevation (11a) is considerably higher than the one it replaces due to the new porch- this means it is level with our bedroom windows, the signage will be on a white background which could be quite reflective and intrusive on our privacy.
  - The delegated report for PK16/3468/F (for the erection of the porch) it states the front porch would not significantly alter the present situation, whilst we accept that fact we did not realise it would impact the positioning of the illuminated signs.
  - The plans for the signs and the front porch are both dated 26.07.2016 and we feel the owners would be aware of the repositioning of the signs.
  - Whilst we are not illumination experts we believe that the proposed luminance levels will be very bright for a residential area.
  - The pub opening hours are late and the bright lights will remain on till the early hours.

- The higher signage will be intrusive into our house and will encourage people to use the small limited car park to socialise outside the premises rather than inside, intruding further into our quality of light.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

Within the National Planning Policy Framework (2012) it is stated that poorly placed adverts can have a negative effect on the appearance of the built and natural environment. Furthermore the National Planning Policy Framework also states that advertisements should only be controlled in the interests of amenity and public safety, the cumulative impact of signs should also be taken account of. Using policy CS1 of the Core Strategy the design and design quality is assessed with regards to visual amenity. Public safety will be assessed using saved policy T12 of the Local Plan to ensure the proposed advertisements are not detrimental to highway safety or create a traffic hazard.

### 5.2 Visual and Residential Amenity

The application site is situated on Downend Road. The building is located within a residential area of Downend. The application seeks advertisement consent for the display of 7no. signs; although officers note that only 1no. internally illuminated lantern has been put up and is located above the door rather than either side of the front entrance.

5.3 The proposed signs are all located on the front elevation of the pub. The majority of signs are replacing existing signs. However there are a number of concerns about sign A as it will be externally illuminated and located at a higher level than the existing sign because of the previously approved front porch. There are concerns raised regarding the impact of this on the residential amenity of surrounding residents. Officers note that the sign A will be illuminated by a trough light above the sign resulting in downward lighting. Nevertheless Officers believe it is appropriate to condition the hours of illumination to protect the residential amenity of nearby properties. From the information available to Officers the public house is open 14:00- 23:00 Monday to Thursday; 12:00- 01:00 Friday and Saturday; and 12:00-23:00 on Sunday.

5.4 Cumulatively the impact on the visual amenity of the site is not considered to be adverse with the majority of proposed signs being located in the same places as the existing on ground floor level elevations. Whilst Officers note the concerns regarding sign A it is believed the concerns can be addressed by conditioning the hours.

5.5 Overall, the proposed signs are not considered to be adversely detrimental to the visual amenity or residential amenity of the area.

### 5.6 Public Safety

The Council's transport team have been consulted for this proposal but do not believe that the proposed signs will create any highways or transportation issues as the signs will be situated in similar location to the existing.

## 6. CONCLUSION

- 6.1 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 advertisement consent is **GRANTED** with the following conditions.

**Contact Officer:** Fiona Martin  
**Tel. No.** 01454 865119

## CONDITIONS

1. The illuminated signs hereby approved shall not be illuminated outside the licensed opening hours of the public house that they are associated with.

### Reason

To prevent unnecessary light pollution and to protect the residential amenity of the surrounding residents, in accordance with policy CS1 and CS9 of the Core Strategy (Adopted) December 2013 and the provisions of the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 49/16 – 9 DECEMBER 2016

<b>App No.:</b>	PK16/6090/TCA	<b>Applicant:</b>	Lucy
<b>Site:</b>	Holmray The Green Iron Acton Bristol South Gloucestershire BS37 9TQ	<b>Date Reg:</b>	3rd November 2016
<b>Proposal:</b>	Works to fell 1 no. Sorbus and reduce crown by 2m to 1 no. Yew tree situated within the Iron Acton Conservation Area	<b>Parish:</b>	Iron Acton Parish Council
<b>Map Ref:</b>	367790 183719	<b>Ward:</b>	Frampton Cotterell
<b>Application Category:</b>		<b>Target Date:</b>	14th December 2016



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 100023410, 2015. N.T.S. PK16/6090/TCA

## **REASON FOR REPORTING TO THE CIRCULATED SCHEDULE**

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

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

### **1. THE PROPOSAL**

- 1.1 Works to fell 1 no. Sorbus and reduce crown by 2m to 1 no. Yew tree situated within the Iron Acton Conservation Area.
- 1.2 The trees are situated on the frontage of Holmray, The Green, Iron Acton, Bristol, South Gloucestershire, BS37 9TQ.

### **2. POLICY CONTEXT**

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

### **3. RELEVANT PLANNING HISTORY**

- 3.1 None relevant

### **4. CONSULTATION RESPONSES**

- 4.1 Iron Acton Parish Council has no objection to the proposal.

#### **Other Representations**

- 4.2 Local Residents

Comments have been received from a resident objecting to the proposal on the grounds that the applicant has given no reason for the proposed work.

### **5. ANALYSIS OF PROPOSAL**

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

5.2 Principle of Development

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

5.3 Consideration of Proposal

The grounds for the objection are unfounded. Under the legislation an applicant is not required to provide reasons for works to trees in a conservation area, unless the tree is specifically included on a Tree Preservation Order.

5.4 The Sorbus – Rowan – is not a significant tree and provides limited amenity in the area. The tree would not meet the criteria for inclusion on a Tree Preservation Order.

5.5 The works to the Yew tree is considered to be acceptable and proportionate.

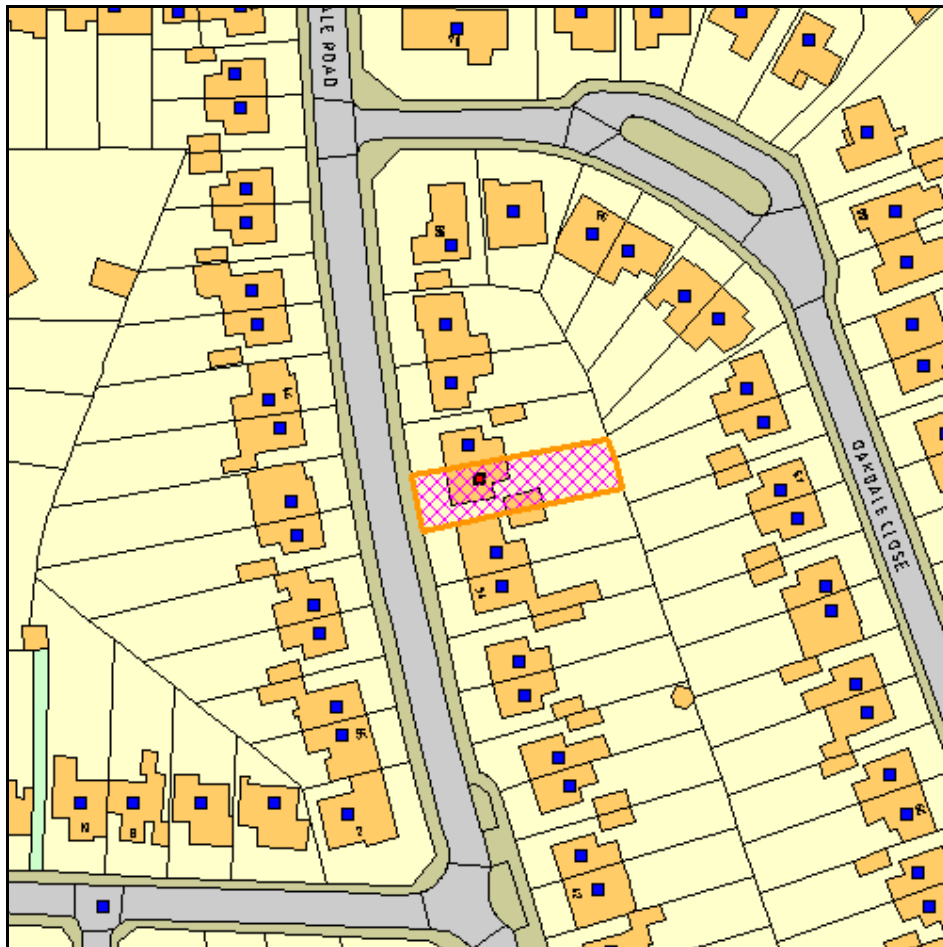
6. **RECOMMENDATION**

6.1 No objections.

**Contact Officer: Simon Penfold**  
**Tel. No. 01454 868997**

**CIRCULATED SCHEDULE NO. 49/16 – 9 DECEMBER 2016**

<b>App No.:</b>	PK16/6095/F	<b>Applicant:</b>	Mr Luke Clarke
<b>Site:</b>	58 Oakdale Road Downend Bristol South Gloucestershire BS16 6EA	<b>Date Reg:</b>	4th November 2016
<b>Proposal:</b>	Erection of single storey side and single storey rear extensions to provide additional living accommodation.	<b>Parish:</b>	Downend And Bromley Heath Parish Council
<b>Map Ref:</b>	365066 177636	<b>Ward:</b>	Downend
<b>Application Category:</b>	Householder	<b>Target Date:</b>	28th December 2016



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## **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

The application has been subject to representations contrary to the findings of this report. Under the current scheme of delegation it is required to be taken forward under the Circulated Schedule procedure as a result.

### **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for the erection of a single storey side and rear extension to provide additional living accommodation at No. 58 Oakdale Road, Downend.
- 1.2 The application site consists of the southern portion of a semi-detached pair set within a long, narrow plot in the urban fringe area of Downend. The main dwelling is finished in a mixture of red brick and grey pebbledash. The dwelling incorporates ground floor and first floor front-facing bay windows, with a concrete tiled hip to gable roof. The immediate surrounding area is characterized by uniformed semi-detached properties; similar in finish and style to the subject property.
- 1.3 Amended plans were requested and received on 15<sup>th</sup> November 2016. These plans indicated the provision of two on-site parking spaces; each measuring a minimum of 2.4 metres in width and 4.8 metres in depth.

### **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

##### 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

PSP8 Residential Amenity

PSP38 Development within Existing Residential Curtilages, Including Extensions and New Dwellings

#### 2.3 Supplementary Planning Guidance

Design Checklist SPD (Adopted) 2007

Residential Parking Standards SPD (Adopted) 2013

### **3. RELEVANT PLANNING HISTORY**

3.1 The application site has no planning history. However works have previously been approved and implemented at neighbouring properties:

3.2 PK11/0060/F *48 Oakdale Road*  
Erection of two storey side and single storey rear extension to form garage and additional living accommodation. Installation of rear dormer to facilitate loft conversion. Erection of raised decking area to rear.  
Approved: 02.03.2011

3.3 PK07/1874/F *54 Oakdale Road*  
Erection of single storey side and rear extension to form garage and additional living accommodation. Installation of 1 no. rear dormer window to facilitate loft conversion.  
Approved: 31.07.2007

### **4. CONSULTATION RESPONSES**

4.1 Downend and Bromley Heath Parish Council  
No objection

4.2 Other Consultees

Sustainable Transport

No objection - As this development will require alterations to the existing vehicular access onto Oakdale Road (ie widening), the applicant is requested to obtain the permission of South Gloucestershire Council (Development Implementations) Team prior to commencing any works on the public highway.

Subject to the above and a condition that the proposed parking is provided prior to the commencement of the side extension, there is no transportation objection to the proposed development.

#### **Other Representations**

4.3 Local Residents

One comment of objection has been received. This raises concerns over the proximity of the proposed extension to the boundary wall of a neighbouring property. Concerns are raised over the potential for a build-up of damp at the boundary wall. A request is made for a distance of at least 600mm to be retained between the proposed extension and the boundary wall, to ensure that the ground between the buildings is properly drained.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

The application seeks permission for the erection of a single storey rear and side extension to provide additional living accommodation. Policy H4 of the Local Plan permits extensions and alterations to existing dwellings within established residential curtilages subject to an assessment of design, amenity and transport. As well as the criteria of policy H4, the proposal will be considered with regards to design against policy CS1 of the Core Strategy. The development is acceptable in principle but will be determined against the analysis set out below.

### 5.2 Design and Visual Amenity

Policy CS1 of the Core Strategy and policy H4 of the Local Plan seek to ensure that development proposals are of the highest possible standards and design. This means that developments should have appropriate: siting, form, scale, height, massing, detailing, colour and materials which are informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context.

#### *Single storey side*

- 5.3 By virtue of the location of a portion of the proposed extension to the side of the property, this portion of the extension would be visible from the public domain offered along Oakdale Road, and would have some impact upon the streetscene and character of the immediate surrounding area. An extension of very similar scale and design has previously been approved and implemented at No. 54 Oakdale Road, to the south of the application site. As such, it is deemed that an extension of this nature would be in keeping with the character of the immediate surrounding area. In addition to this, it is deemed that the scale, design and finish of the proposed side extension would allow for it to appear subservient to, and in keeping with the main dwelling.

#### *Single storey rear*

- 5.4 By virtue of the location of a portion of the proposed extension to the rear of the property, this portion of the extension would not be visible from the public domain offered along Oakdale Road, and as such would not significantly impact upon the streetscene and character of the immediate surrounding area. It is deemed that the scale, massing and design of the proposed rear extension allows for it to appear subservient to the main dwelling. In addition to this, the materials proposed to finish the extension would match the materials used in the finish of the main dwelling. Overall, it is deemed that the proposal conforms to design criteria set out in policy CS1 of the Core Strategy and policy H4 of the local plan.

### 5.5 Residential Amenity

Policy H4 of the Local Plan explains that development will be permitted provided that it would not detrimentally impact the residential amenities of nearby occupiers and would not prejudice the retention of adequate private amenity space.

- 5.6 When considering the impacts of the proposed extensions on the residential amenity of the occupiers of neighbouring properties; the main properties under consideration are the adjoining properties at No's. 60 and 56 Oakdale Road, as well the properties located immediately to the front of the application site at No. 67 Oakdale Road, and immediately to the rear at No's. 45 and 47 Oakdale Close.
- 5.7 By virtue of the single storey nature of the proposed rear extension, it is not considered that the proposal would impact upon the residential amenity of occupiers of neighbouring properties through loss of light, privacy or a sense of overbearing. It is noted that the proposal would result in a loss of outdoor private amenity space, however it is deemed that sufficient levels of outdoor private amenity space would remain at the site. Overall, in terms of residential amenity, it is considered that the proposal satisfies the criteria set out in policy H4 of the Local Plan.
- 5.8 Transport  
The proposed side extension will extend from the side of the property on to an existing area of hardstanding. This area currently provides enough space for the parking of a minimum of two vehicles, parked end-to-end. As a result of the proposed side extension, the number of parking spaces provided to the side of the property will be reduced to one. It is noted that part of this side extension will be used as a garage. However this garage is not large enough to be considered a parking space in accordance with South Gloucestershire Residential Parking Standards.
- 5.9 The subject property currently has 3 bedrooms. The proposed works would not result in any increase in the number of bedrooms at the property. South Gloucestershire Residential Parking Standards SPD outlines that a 3 bed dwelling must provide a minimum of 2 parking spaces; each measuring a minimum of 2.4m x 4.8m. Revised plans indicate the provision of two parking spaces; each measuring 2.4m x 4.8m. These parking spaces would be located side by side, with one on the existing area of hardstanding, and the other immediately to the north replacing a small portion of the existing front garden. The revised plans would also involve the widening of the access to the site to a minimum of 5m.
- 5.10 In line with the Transport Officer comments on this application, following the submission of revised plans, the parking arrangements indicated as part of the proposal are deemed to be acceptable. However a condition will be attached to any decision requiring a minimum of two parking spaces to be provided prior to the first occupation of the proposed extensions. It is not deemed that the widening of the access would have any significant impact on highway safety. As such, it is considered that the proposal conforms to criteria set out in saved policies H4 and T12 of the Local Plan (2006), as well as South Gloucestershire Residential Parking Standards SPD.
- 5.11 Objection Comments  
Concerns have been raised relating to the proximity of the proposed extension to a boundary wall, and the impacts that this could have on the wall.

5.12 With regard to the distance between the proposed extension and the boundary wall, it is considered that the extension of the garage to within approximately 200mm of the boundary would not have any significant detrimental impacts on residential amenity. With regard to concerns surrounding the impacts on the boundary wall, this is deemed to be a civil matter as opposed to a planning matter, and is an issue that will be dealt with by a Building Regulations Officer.

## **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 included on the decision notice.

**Contact Officer: Patrick Jackson**  
**Tel. No. 01454 863034**

## **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 off-street parking facilities (for all vehicles, including cycles) shown on the plan (681-P4) hereby approved shall make provision for the parking of a minimum of 2 vehicles (measuring at least 2.4m by 4.8m), and shall be provided before the building is first occupied, and thereafter retained for that purpose.

Reason

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

**CIRCULATED SCHEDULE NO. 49/16 – 9 DECEMBER 2016**

<b>App No.:</b>	PK16/6104/CLP	<b>Applicant:</b>	Mr Kevin Blanning
<b>Site:</b>	62 Naishcombe Hill Wick Bristol South Gloucestershire BS30 5QS	<b>Date Reg:</b>	7th November 2016
<b>Proposal:</b>	Application for a certificate of lawfulness for the proposed erection of a single storey rear extension.	<b>Parish:</b>	Wick And Abson Parish Council
<b>Map Ref:</b>	370326 173400	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Certificate of Lawfulness	<b>Target Date:</b>	29th December 2016



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 100023410, 2015. **N.T.S.** **PK16/6104/CLP**

## **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

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

### **1. THE PROPOSAL**

- 1.1 The applicant is seeking a formal decision as to whether the proposed single storey rear extension to 62 Naishcombe Hill, Wick would be lawful.
- 1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based solely on the facts presented.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

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

The submission is not a planning application thus the Development Plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful on the balance of probabilities, the Local Planning Authority must grant a Certificate confirming that the proposed development is lawful.

### **3. RELEVANT PLANNING HISTORY**

- 3.1 N6690                      Erection of 3 dwellings and construction of 3 vehicular accesses.  
Approved: 11.09.1980
- 3.2 N6690/2                    Erection of house and construction of shared vehicular access (in accordance with revised plans received by the local planning authority on the 27th November 1981).  
Approved: 24.12.1981
- 3.3 P98/4754                    Erection of attached garage and relocation of vehicular access.  
Approved: 02.12.1998
- 3.4 PK02/0625/F                Erection of attached garage, 2 No. front bay windows with canopy roof, and front porch.  
Approved: 26.04.2002

#### **4. CONSULTATION RESPONSES**

4.1 Ward Councillors  
No comments received

4.2 Wick and Abson Parish Council  
No comment received

#### **Other Representations**

4.3 Local Residents  
No comment received

#### **5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION**

5.1 Site Location Plan  
Survey and Proposed Section A-A - (Drawing No. 1038.AL(0)01)  
Proposed Elevations and Floor Plans - (Drawing No. 1038.AL(0)02)  
Existing and Proposed Site Plan - (Drawing No. 1038.AL(0)03)  
(All plans received by the Local Authority 3<sup>rd</sup> November 2016).

#### **6. ANALYSIS OF PROPOSAL**

##### **6.1 Principle of Development**

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

6.2 The key issue in this instance is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class A of the GPDO (2015).

6.3 The proposed development consists of a single story extension to the rear of the property. This development would fall within Schedule 2, Part 1, Class A, which allows for the enlargement, improvement or other alteration of a dwellinghouse, provided it meets the criteria as detailed below:

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

- (a) Permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use)**



The dwellinghouse was not granted under classes M, N, P or Q of Part 3.

- (b) As result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);**

The total area of ground covered by buildings (other than the original dwellinghouse) would be less than 50% of the total area of the curtilage.

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

The height of the rear extension would not exceed the height of the roof of the existing dwellinghouse.

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

The height of the eaves of the rear extension would not exceed the height of the eaves of the existing dwellinghouse.

- (e) The enlarged part of the dwellinghouse would extend beyond a wall which—**

- (i) forms the principal elevation of the original dwellinghouse; or**  
**(ii) fronts a highway and forms a side elevation of the original dwellinghouse;**

The extension does not extend beyond a wall which fronts a highway or the principal elevation of the original dwellinghouse.

- (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 proposal does not extend beyond the rear wall of the original dwellinghouse by more than 4 metres, or exceed 4 metres in height.

- (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 extension would be single storey.

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

The extension would not be within 2 metres of the boundary.

- (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 proposal does not extend beyond a side wall of the original dwellinghouse.

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

The development would not include any of the above.

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

- (a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;**

- (b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or
- (c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.

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

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

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

The submitted plans indicate that the proposal will be finished with reconstituted stone, with a flat roof with double glazed lantern rooflight and double glazed french doors. The proposed materials would therefore be similar to those used in the construction of the existing dwellinghouse.

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

Not applicable.

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

Not applicable.

**7. RECOMMENDATION**

- 7.1 That a certificate of Lawfulness for Proposed Development is **granted** for the reasons listed below:

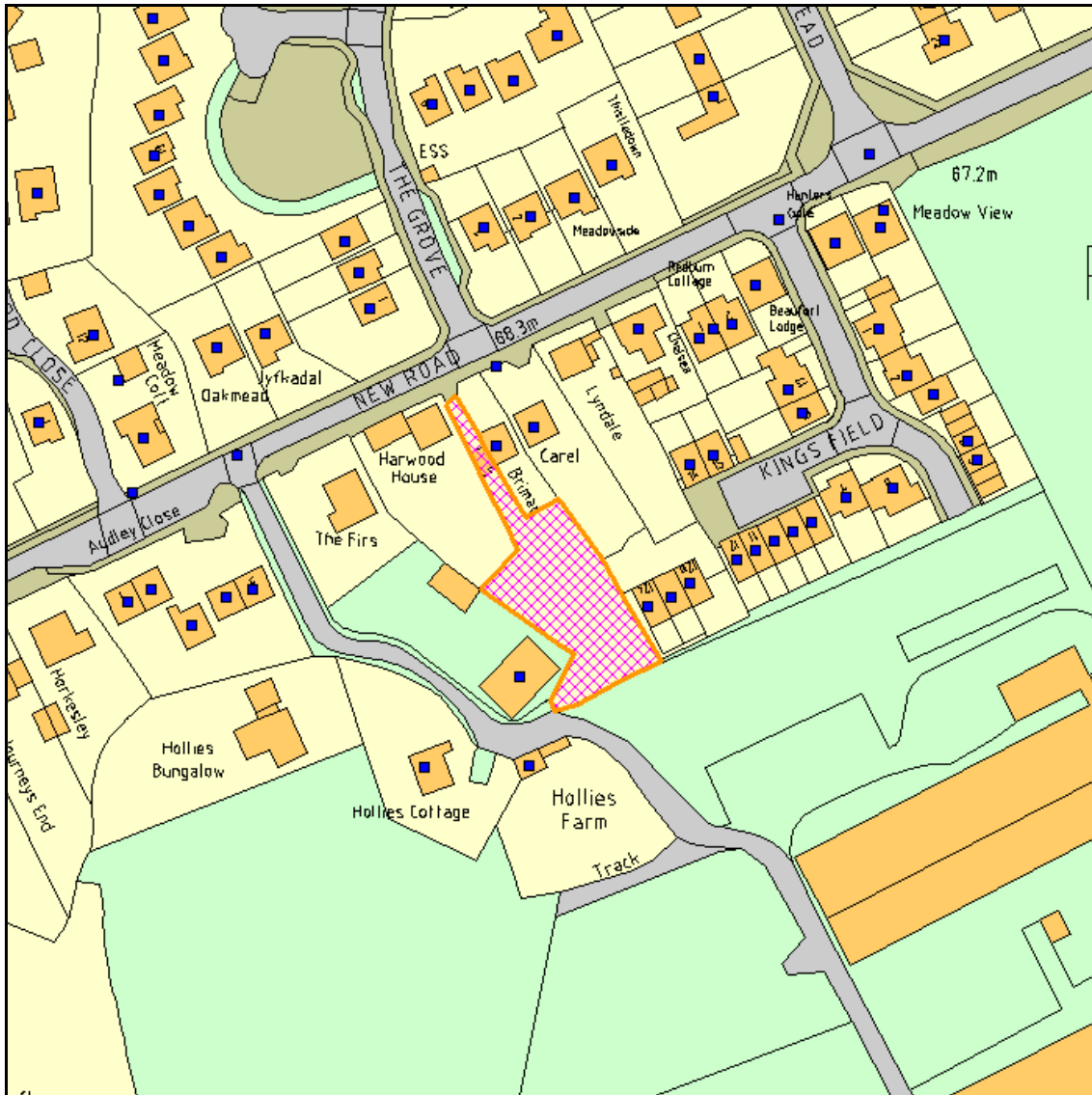
**Contact Officer: Patrick Jackson**  
**Tel. No. 01454 863034**

## **REASON**

Evidence has been provided to demonstrate that the proposed extension would be allowed as it is considered to fall within the permitted rights afforded to householders under Part 1, Class A of the Town and Country Planning General Permitted Development Order 2015.

**CIRCULATED SCHEDULE NO. 49/16 – 9 DECEMBER 2016**

<b>App No.:</b>	PT16/4703/F	<b>Applicant:</b>	Mrs Marilyn Wite
<b>Site:</b>	Bri-Mar New Road Rangeworthy South Gloucestershire BS37 7QH	<b>Date Reg:</b>	19th September 2016
<b>Proposal:</b>	Demolition of garage. Erection of 2no detached dwellings with associated works.	<b>Parish:</b>	Rangeworthy Parish Council
<b>Map Ref:</b>	369330 185832	<b>Ward:</b>	Ladden Brook
<b>Application</b>	Minor	<b>Target</b>	7th November
<b>Category:</b>		<b>Date:</b>	2016



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 100023410, 2015. **N.T.S.** **PT16/4703/F**

## **REASONS FOR REFERRING TO CIRCULATED SCHEDULE**

The application has been referred to the Circulated Schedule following the receipt of objections from local residents; the concerns raised being contrary to the officer recommendation.

### **1. THE PROPOSAL**

- 1.1 The application site is part of the large rear garden of a modern, 2-storey dwelling i.e. Bri-Mar, which is located on the southern side of New Road, Rangeworthy. The site lies within the heart of the village and is within the Established Settlement Boundary (ESB). The location is residential in character, although what appears to be a bus depot/yard lies immediately to the west and in part has a common boundary with Bri-Mar. To the south is open countryside characterised by the agricultural development around Hollies Farm. Bri-Mar itself is flanked by Harwood House, an older property to the west and 'Carel' to the east, which is a property of similar age and design to Bri-Mar. To the east and south-east is a modern housing estate built around Kings Field a cul-de-sac, whilst to the north of New Road is another modern housing estate accessed by The Grove.
- 1.2 An existing two-storey extension to the western side of Bri-Mar would be demolished to facilitate vehicular access to the application site utilising the current access from New Road. Prior to the erection of the extension a driveway extended to the bottom of the long rear garden at the end of which is a double garage.
- 1.3 It is proposed to demolish the existing double garage and erect two, 2-bedroom, detached houses at the southern end of the garden to Bri-Mar. It is also proposed to erect a new double garage to serve the existing property; this along with the parking areas for the new dwellings would be accessed via the existing access off New Road and an upgraded driveway.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

National Planning Policy Framework March 2012  
The National Planning Practice Guidance 2014

#### **2.2 Development Plans**

The South Gloucestershire Local Plan (Adopted) 6<sup>th</sup> January 2006 (saved policies)

L1 - Trees and landscape

L5 - Open Areas within the Existing Urban Areas and Defined Settlements.

L9 - Species Protection

L11 - Archaeology

EP2 - Flood Risk and Development

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

T7 - Cycle Parking

T12 - Highway Safety

- LC1 - Provision for Built Sports, Leisure and Community Facilities (Site Allocations and Developer Contributions)
- LC2 - Provision for Education Facilities (Site Allocations and Developer Contributions)
- LC12 - Recreation Routes

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

- CS1 - High Quality Design
- CS4A – Presumption in Favour of Sustainable Development
- CS5 - Location of Development
- CS6 - Infrastructure and Developer Contributions
- CS8 - Improving Accessibility
- CS9 - Managing the Environment and Heritage
- CS15 - Distribution of Housing
- CS16 - Housing Density
- CS17 - Housing Diversity
- CS18 - Affordable Housing
- CS23 - Community Infrastructure and Cultural Activity
- CS24 - Green Infrastructure, Sport and Recreation Standards
- CS34 - Rural Areas

2.3 Supplementary Planning Guidance

- Trees on Development Sites SPG (Adopted) Nov. 2005.
- The South Gloucestershire Design Check List (SPD) Adopted Aug 2007.
- Affordable Housing SPD Adopted Sept.2008.
- South Gloucestershire Council Residential Parking Standards (SPD) Adopted.
- SG Landscape Character Assessment as adopted Aug 2005.
- Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide SPD – Adopted March 2015
- Waste Collection: guidance for new developments (SPD) Adopted Jan. 2015

2.4 Emerging Plan

Proposed Submission : Policies, Sites & Places Development Plan Document June 2014

- PSP1 - Local Distinctiveness
- PSP2 - Landscape
- PSP3 - Trees and Woodland
- PSP6 - Onsite Renewable & Low Carbon Energy
- PSP11 - Development Related Transport Impact Management
- PSP16 - Parking Standards
- PSP17 - Heritage Assets and the Historic Environment
- PSP19 - Wider Biodiversity
- PSP20 - Flood Risk, Surface Water and Watercourses
- PSP21 - Environmental Pollution and Impacts
- PSP38 - Development within Existing Residential Curtilages, Including Extensions and New Dwellings
- PSP43 - Private Amenity Space Standards

### 3. RELEVANT PLANNING HISTORY

3.1 None

### 4. CONSULTATION RESPONSES

4.1 Rangeworthy Parish Council  
No response

4.2 Other Consultees

Highway Structures  
No comment

Lead Local Flood Authority  
No objection subject to a condition to secure a SUDS Drainage Scheme

Transportation D.C.  
Although we note that these dwellings will generate additional travel demand, we do not consider that this proposal will materially alter local traffic patterns. As a consequence, we have no highways or transportation comments about this application.

Historic Environment – Archaeology  
No objection

#### Other Representations

4.3 Local Residents

Letters/e.mail of objection have been received from 3no. local residents. The concerns raised are summarised as follows:

- The access will not be adequate for emergency or service vehicles.
- The bedroom and living room of no. 1 The Grove are directly in line with the access; car lights will shine into these rooms resulting in an adverse impact on residential amenity.
- The access and visibility splay encroaches on land owned by the occupier of Harwood House and cuts in front of the front window of this property.
- The occupier of Harwood House parks her car on the gravel hard-standing to the front, which will block visibility for cars exiting the site.
- The proposed garage for Plot 2 would be located directly on the boundary with neighbouring 'Carel'.
- There are no plans showing the elevations of the garage.  
*These were subsequently provided.*
- The proposed garage for plot 2 encroaches onto the boundary hedgerow with 'Carel'.
- The boundary hedgerow with 'Carel' should be retained in its entirety.



## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Para. 14 of the NPPF 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-Year Land Supply

5.2 The Council's Annual Monitoring Review (AMR) reveals that the Council cannot currently demonstrate a 5-year housing land supply. As there is provision for windfall sites in the calculation, this weighs in favour of the proposal, which would make a positive contribution, to the housing supply within South Gloucestershire; as such para. 14 of the NPPF is therefore engaged.

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

5.4 In accordance with para.187 of the NPPF, Core Strategy Policy CS4A states that; when considering proposals for sustainable development, the Council will take a positive approach and will work pro-actively with applicants' to find solutions, so that sustainable development can be approved wherever possible. NPPF Para.187 states that, Local Planning Authorities should look for solutions rather than problems and decision-takers at every level should seek to approve applications for sustainable development where possible.

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

5.6 Paragraph 50 of the NPPF sets out the importance of delivering a wide range of residential accommodation. This policy stance is replicated in Policy CS17 of the Core Strategy which makes specific reference to the importance of planning for mixed communities including a variety of housing type and size to accommodate a range of different households, including families, single persons, older persons and low income households; as evidenced by local needs assessments and strategic housing market assessments.

5.7 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'.

The NPPF encourages efficient use of land and paragraph 47 requires the need to 'boost significantly the supply of housing'.

- 5.8 Core Strategy policies CS5 and CS34 define Rangeworthy as within 'the rural areas', where limited housing development would be allowed within those villages or parts of villages which have settlement boundaries. However, in a recent appeal decision APP/P0119/W/15/3133771 relating to the erection of 10 dwellings just outside the Rangeworthy ESB, the inspector considered that given the Council's lack of a five year supply of deliverable housing sites these Core Strategy Policies cannot be considered up to date.
- 5.9 It was previously proposed to bring forward through the 'Policies Sites and Places Plan' (PSP Plan) detailed policies to manage new development and allocate and safeguard sites for various types of development. The PSP Plan's initial approach was to support communities to bring forward new housing sites in the rural areas, rather than propose sites at the outset. This process did identify a site for 20 dwellings off New Road and close to the application site, to meet local need. However, it has now been decided to progress housing allocations via a separate Local Plan and as such the PSP has now been submitted to the Planning Inspectorate for examination without the aforementioned policy.
- 5.10 At this stage, South Gloucestershire Council cannot demonstrate that it has a five-year supply of deliverable housing land. As such, Paragraph 14 of the NPPF is the starting point for the consideration of this planning application. In this instance, the NPPF makes a presumption in favour of approving sustainable development provided that the benefits of doing so (such as the provision of new housing towards the 5yr HLS) are not significantly and demonstrably outweighed by any adverse impacts. Notwithstanding this position, the site is located within the ESB as defined in the South Gloucestershire Local Plan (Adopted) 6<sup>th</sup> Jan 2006 where new residential development is acceptable in principle.
- 5.11 On this basis, there is a presumption in favour of approving this application.

#### Sustainable Development

- 5.12 At the heart of the NPPF is the presumption in favour of sustainable development. It sets out the three criteria – economic, social and environmental – that need to be considered, and that these should not be taken in isolation. Moreover, para.55 of the NPPF states that in order to promote sustainable development, housing should be located where it would enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, developments in one village may support services in a village nearby.
- 5.13 The Inspector for the recent appeal acknowledged that the services and facilities available in Rangeworthy include: a Church; recreation area; primary school; pub; Indian restaurant and takeaway; bus stop; and village hall. The nearest retail and health facilities are approximately 5km away in Yate.

### Economic Role

- 5.14 In creating an additional 2no. dwellings, the proposal would, albeit in a small way, help to address the housing shortage. The potential use of local suppliers and contractors during the construction phase could aid local businesses and make a small contribution to the local economy. The proposal would have some economic benefit although the contribution towards building a strong, responsive and competitive economy would only be a very modest one.
- 5.15 There is no reason to believe that the proposed development would result in any adverse economic impacts so for this criterion, officers must conclude that the planning balance is clearly in the schemes favour.

### Social Role

- 5.16 The main social benefit of the proposed scheme would be the provision of 2no. additional open market houses into the village where the on-going Local Plan process has already demonstrated that there is an, as yet unresolved, shortage of provision. In light of the NPPF's priority to '*...boost significantly the supply of housing...*', officers must give substantial weight to the provision in the planning balance.
- 5.17 It is however noted that the Inspector for the recent appeal considered that Rangeworthy has very limited facilities and services and the range of facilities available within nearby villages is also restricted. Whilst the future occupiers of the proposed dwellings would to some extent support local services the significance of this would be limited in this case.
- 5.18 Furthermore, the Inspector opined that the distance to essential facilities is such that to access them, some form of transport would be required. The public transport opportunities from Rangeworthy are limited, so the car would be relied upon. This would be contrary to the policy thrust within the NPPF and Core Strategy Policy CS8 that seek to locate developments where the need to travel by the private car is minimised and the use of sustainable travel options is maximised.
- 5.19 The balance within the social criterion is therefore not so clear cut as in the economic one; nevertheless, given the substantial weight afforded to the provision of the houses proposed, it is considered overall to be moderately positive.

### Environmental Role

#### 5.20 Landscape Character and Urban Design

The village of Rangeworthy lies within a rural location and the development site lies next to open farm land. Criterion A. of Local Plan saved Policy H4 requires development to respect the massing, scale, proportions, materials and overall design and character of the existing property and the character of the street scene and surrounding area.

- 5.21 The proposed development of two-storey detached housing would be located on a back-land site with no street frontage of its own. Officers however noted during their site visit that the location has a mix of housing ages and styles, all of which are either, two or two and half storey detached or terraced dwellings. The use of render, re-constituted stone and red brick was prevalent so the proposed red brick and rendered walls with tiled roof would integrate well enough; the exact materials used would be secured by condition. Recent housing development around Kings Field had introduced a distinctly suburban character set back from the New Road frontage and immediately adjacent to the application site and right up to the village edge. The proposed dwellings would merely continue the established grain of built development, which would neither be harmful to the street scene or character of the area.
- 5.22 In landscape terms, the application site is very well enclosed by existing houses, the depot to the west and belts of very high trees (mainly leylandii) that grow on the southern and western boundaries of the site. Other walls, fences and hedgerows also contribute to the enclosed nature of the gardens to the houses in this location. Only a limited amount of this vegetation would be lost in the proposal and additional planting is proposed. The garden areas to be developed are not considered to be open areas that make a significant contribution to the quality, character, amenity or distinctiveness of the locality..
- 5.23 On balance, the introduction of the two dwellings proposed would not result in any significant harm to the landscape character or character of the street scene and surrounding area

#### Transportation Issues.

- 5.24 The proposal would utilise the existing access arrangement off New Road. The proposed site layout plan demonstrates that an adequate visibility splay is present at the access. The occupier of Harwood House has stated that she parks her car to the front of her house on a gravelled strip of land that she owns and that this would compromise the visibility to the left of the access. Officers have however confirmed that this gravel strip is part of the adopted highway where cars are already entitled to park; such arrangements are common place. Whilst New Road is a Class 3 Road, vehicle speeds are not high and beyond the village boundary the road is rural in character and not heavily trafficked. Nevertheless, at officer request the submitted plans have been amended to incorporate a passing place within the long driveway proposed, which will prevent traffic backing up onto New Road. The driveway would be wide enough for construction vehicles and service vehicles. Given that adequate parking provision and turning areas would be provided within the site to meet the minimum requirements of the South Gloucestershire Residential Parking Standards SPD, there are no transportation objections.

#### Impact on Residential Amenity

- 5.25 The front elevations of the proposed two-storey dwellings would be located approximately 6 metres in front of the neighbouring 2.5 storey dwellings in Kings Field. The dwellings would be located next to the private road accessing the neighbouring dwellings as opposed to garden areas and given the distance between the existing and proposed dwellings, officers do not consider that there would be a significant loss of amenity due to overbearing impact or

overshadowing. The proposed houses would be 28 metres from the rear elevation of Bri-Mar and would have little impact on the depot to the west. Adequate private amenity space would be provided for the proposed dwellings and retained for the existing dwelling.

- 5.26 In terms of overlooking, some loss of privacy due to overlooking of neighbouring gardens is only to be expected in built up areas, especially if the most efficient use of land is made for housing, as required by the NPPF. In this case there would be no overlooking to the south and any overlooking to the north would be from an acceptable distance. The high close board fencing proposed to the east and west would eliminate any overlooking at ground floor level. All first floor side windows are shown on the plans as obscurely glazed and this would be secured by condition should planning permission be secured.
- 5.27 Additional traffic movements would be introduced to the rear of Bri-Mar along the line of the existing access. Given however that traffic has accessed the existing garage in the past, the presence of the depot next door, the high boundary treatments both existing and proposed; and the lack of side windows in Harwood House, any additional disturbance for neighbours would not be significant. The relationship of the proposed dwellings to those existing and parking layout, is much along the lines of the existing development around Kings Field.
- 5.28 Concern has been raised by the occupier of Harwood House about traffic from the development cutting across the gravelled area to the front of her house and front window. Having viewed the site first hand, officers think this both unlikely and unnecessary. The occupier of 1 The Grove is concerned that the lights from traffic leaving the site would shine in her lounge and bedroom windows. Officers observed on site that no.1 is set down in relation to the carriageway on New Road. However, the access to Bri-Mar is an existing one and any traffic leaving the site with their lights on would most likely be at night when curtains are drawn. Furthermore it is likely that cars would have dipped headlights and there are two trees growing on the highway verge in front of no.1. Dwellings are commonly found on opposite sides of streets with driveways facing habitable room windows of houses opposite so a refusal reason based on this issue is considered to be unreasonable.
- 5.29 The occupier of neighbouring 'Carel' is concerned about the proximity of the proposed garage to the boundary of that property. Plans have now been submitted showing the elevations of the garage which would be sited end on, immediately adjacent to the garden of 'Carel'. The garage would have a gable end with roof ridge at 8.0m and eaves at 2.2m and be 6.0m wide. The plans show a 1.8m fence on the boundary with 'Carel' and given that the proposed garage would be located next to the bottom end of the rear garden to 'Carel' where the garage serving 'Carel' is also located, officers do not consider that a significant loss of residential amenity would result. It is noted that similar scaled garages are located in similar positions within the estate.

### Other Issues

- 5.30 The site does not lie within an area prone to flooding and is not within a Coal Referral Area. Any disturbance for neighbours during the construction phase would be temporary and the hours of working could be controlled by condition. The application form confirms that foul disposal would be to the existing mains sewer and surface drainage to an existing SUDS system. Given that drainage is covered by Building Regulations, officer consider the condition requested by the Council's Drainage Engineer is in this case unnecessary and as such would not meet the test of conditions listed in the NPPF.
- 5.31 The occupier of 'Carel' claims that the boundary hedge to be removed actually straddles the boundary with Bri-Mar, however this is disputed by the applicant who insists that the hedge is entirely within the garden of Bri-Mar and the boundary is actually delineated by a 1.2m chain fence. Disputes of land ownership are civil matters to be resolved by the individual parties rather than planning legislation.

### The Planning Balance

- 5.32 The NPPF at para. 49 is clear that housing applications should be considered in the context of the presumption in favour of sustainable development. That means that when, as here, there is no five year housing land supply and relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole or specific framework policies indicate that development should be restricted.
- 5.33 There are some clear benefits to the proposal; given the Council's housing land supply situation the provision of 2 new houses must weigh heavily in favour of the scheme. The proposal makes efficient use of land within the settlement Boundary where there is an identified need for housing; this also weighs heavily in favour of the scheme. There would be additional smaller benefits including the economic benefits to Rangeworthy in terms of additional revenue for services but these can only be accorded moderate weight and to some extent are countered by the relatively unsustainable location and dependence on the motor car.
- 5.34 Given however the absence of any other harm, in officer's judgement the level of harm is insufficient to significantly and demonstrably outweigh the benefits of the scheme. As a consequence, the proposed development is considered to be sustainable and should therefore be approved.

## **6. CONCLUSION**

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

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

## **7. RECOMMENDATION**

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

**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. Prior to the commencement of the relevant parts of the development hereby approved, details and/or 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 thereafter be carried out in accordance with the approved details.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policies CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy H4 of The South Gloucestershire Local Plan (Adopted) 6th Jan. 2006 and the National Planning Policy Framework.

3. Prior to the first occupation of the new dwellings hereby approved, the off street vehicular parking facilities, turning areas and passing place shall be provided in accordance with the approved plans and the parking and turning areas and passing place shall be maintained for such purpose thereafter.

Reason

To ensure the satisfactory provision of car parking, turning and passing facilities in the interest of highway safety and the amenity of the area, and to accord with Policy CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; Policy T12 of The South Gloucestershire Local Plan (Adopted) 6th Jan. 2006 and the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013.

4. Prior to the first occupation of the dwellings hereby approved, the boundary fences shall be erected in accordance with the approved Proposed Site Layout Plan Drawing No. 02 A.

Reason

In the interests of residential amenity and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and the requirements of the National Planning Policy Framework.

5. The hours of working on site during the periods of demolition and construction shall be restricted to 07.30 to 18.00 Mondays to Fridays, and 08.00 to 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 minimise disturbance to neighbouring properties and to accord with the provisions of the NPPF.

6. Notwithstanding the details shown on the approved plans; prior to the first occupation of the dwellings hereby permitted, and at all times thereafter, the proposed first floor side windows of both dwellings hereby approved shall be glazed with obscure glass to level 3 standard or above with any opening part of the window being above 1.7m above the floor of the room in which it is installed.

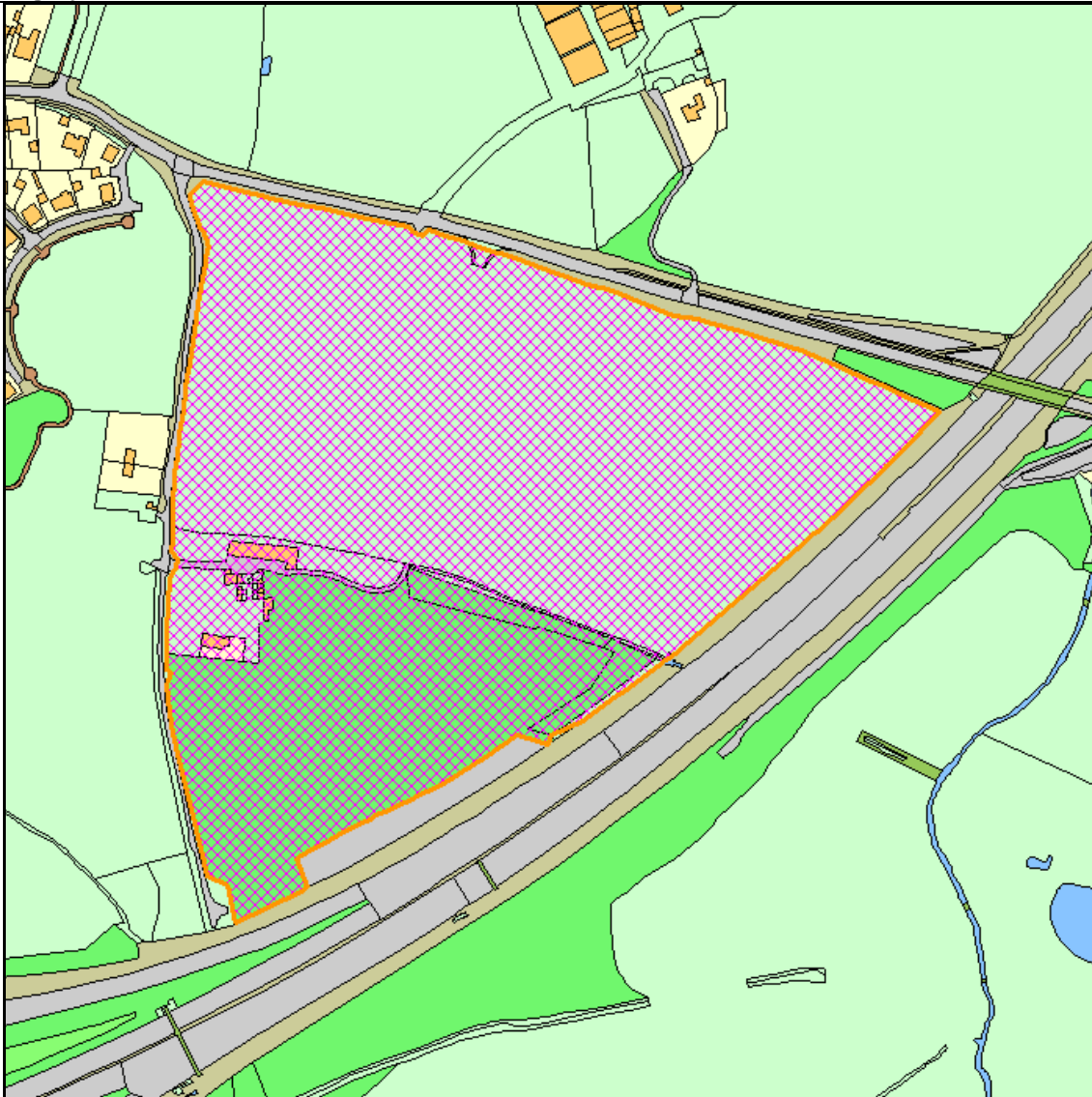
Reason

In the interests of residential amenity and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and the requirements of the National Planning Policy Framework.



**CIRCULATED SCHEDULE NO. 49/16 – 9 DECEMBER 2016**

<b>App No.:</b>	PT16/4965/RVC	<b>Applicant:</b>	Bristol Rovers Football Club Limited
<b>Site:</b>	Colony Farm Hortham Lane Almondsbury Bristol South Gloucestershire BS32 4JW	<b>Date Reg:</b>	8th September 2016
<b>Proposal:</b>	Erection of clubhouse, floodlights and store. Construction of vehicular and pedestrian access and car park. Removal of conditions 7 and 13 attached to planning permission PT01/2726/F dated 13.11.01, (which relate to building opening hours and the personal, non-professional and specific users of the site by Bristol Combination Trustees.)	<b>Parish:</b>	Almondsbury Parish Council
<b>Map Ref:</b>	362555 184471	<b>Ward:</b>	Almondsbury
<b>Application Category:</b>	Major	<b>Target Date:</b>	6th December 2016



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## 1. THE PROPOSAL

- 1.1 The land at Colony Farm was originally granted planning permission for the erection of a clubhouse, store, floodlights and construction of new access, as well as the change of use of 11.3 ha of land from agriculture to sports playing fields back in 1993. Since then there have been a number of renewals of this consent, however officers can confirm that the development has commenced, together with the discharge of all pre- commencement planning conditions and therefore benefits from an extant planning permission, approved in November 2001.
- 1.2 The current application, submitted under Section 73 of the Town and Country Planning Act 1990 (as amended), seeks permission to remove two conditions attached to the 2001 planning permission as the applicant proposes to complete the development of the site in order to host training facilities for Bristol Rovers Football Club (BRFC). The applicant considers that the two planning conditions in question no longer meet the required tests for planning conditions, as outlined in Paragraph 206 of the National Planning Policy Framework and the applicant states that they '*unreasonably limit the development on the site and are no longer required to fulfil their original purposes.*'
- 1.3 The two conditions attached to PT01/2726/F subject to this S.73 application state:

**Condition 7** – *During school term time, the buildings hereby authorised shall not be available for use before 6pm each weekday without the written consent of the Council. During school holidays this restriction does not apply.*

*Reason: In the interests of highway safety, and to accord with Policy RP1 of the adopted Northavon Rural Areas Local Plan; and Policy T12 of the South Gloucestershire Local Plan (Deposit Draft).*

**Condition 13** – *This permission shall enure solely for the benefit of the applicant for training purposes as well as for other bodies for non-professional matches and for under 18's and for members of the Bristol Combination Trustees and shall be used for no other purposes without written consent of the Council.*

*Reason: Any such alteration will need to be assessed in terms of the impact upon the openness of the Green Belt, highway safety and residential amenities to accord with policies RP1 and RP34 of the adopted Rural Areas Local Plan; and policies GB1, T12 and LC5 of the South Gloucestershire Local Plan (deposit draft).*

## 2. POLICY CONTEXT

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

## 2.2 Development Plans

### South Gloucestershire Local Plan ( Saved Policies)

T12 Transportation Development Control

L1 Landscape Protection

LC5 Proposals for Outdoor Sports and Recreation Outside Existing Urban Areas and Defined Settlement Boundaries.

### South Gloucestershire Local Plan: Core Strategy (adopted December 2013).

CS1 High Quality Design

CS5 Location of Development (inc. Green Belt)

CS34 Rural areas

CS2 Green Infrastructure

### Other material considerations

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

## 3. **RELEVANT PLANNING HISTORY**

- P89/1122- Use of land for playing fields. Refused 8.6.89
- P92/2482- Change of use of 11.3 hectares of land from agriculture to sports playing fields. Permission granted 11.5.93
- P92/2483- Erection of Clubhouse, store and floodlights pedestrian access and car park. Permission granted 12.5.93
- P97/2404- Change of use of 11.3 ha from agriculture to sports playing fields (renewal of planning permission P92/2482 dated 11.5.93). Permission granted 14.1.98.
- P97/2743- Erection of clubhouse, store and floodlights. Construction of vehicular and pedestrian access, and car park. Renewal of planning permission P92/2483 dated 12.5.93). Planning permission granted 9.4.98.
- PT01/2726/F- Erection of clubhouse, store and floodlights; construction of vehicular and pedestrian access and car park. (Renewal of planning permission P97/27243 dated 9.4.98). Planning permission granted 13.11.01.

## 4. **CONSULTATION RESPONSES**

### 4.1 Almondsbury Parish Council

The removal of the conditions will affect local residents and we want the conditions to remain.

### Sport England

A grassroots football club have been using the site since 2008/09. The club, Coalpit Heath Youth, would welcome an opportunity to discuss with BRFC access arrangements.

Sport England seek to protect the site for community use and recommend that condition no.13 is amended to seek a community use agreement.

#### SGC Transportation DC

It is confirmed that conditions 7 and 13 are no longer required for reasons relating to highway safety and therefore I have no objection to their removal subject to the remaining existing highway conditions being attached to any new consent.

#### SGC Environmental Protection.

No objection to the removal of the condition 7 and 13 but would recommend that any flood lighting which is installed does not give rise to light pollution or nuisance or impact on residential amenity.

#### Local Residents

##### Objections

Three letters of objection have been received from local residents, citing the following concerns:

- Distraction to motorways users from floodlights
- Interference with Air Ambulance use at Almondsbury
- Increased traffic on Hortham Lane, a residential road
- Increased noise and hours of operation from the clubhouse
- Increase intensity of use of the site leading to noise and disturbance from floodlighting

##### Support

Twenty three letters of support for the application have been received, some from local residents, some from further afield.

- A more efficient use of the land
- Sport England comments are questionable as Community Use Agreements are designed solely for educational establishments to provide space for community teams
- These improved quality sporting facilities will help young people and the local community
- An enhancement to a run down area as the site will be upgraded
- The proposals will help the young get involved with sport
- There will be no impact on traffic in the peak hour
- There will be no noise impact due to the existing noise levels from the motorway
- Proposal will create jobs
- The club support many educational and sporting groups in the community
- No visual impact

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

#### Policy Context

To determine this application, submitted under Section 73 of the Town and Country Planning Act 1990, it is necessary to consider whether there have been any relevant material changes in policy since the conditions were originally imposed; as well whether there have been any material changes in circumstances; together with consideration of the reasons for imposing the conditions in the first place, and whether they are still relevant. As there are two conditions which are sought to be removed, they are dealt with separately below.

### 5.2 Condition 7

*7. During school term time, the buildings hereby authorised shall not be available for use before 6pm each weekday without the written consent of the Council. During school holidays this restriction does not apply.*

*Reason: In the interests of highway safety, and to accord with Policy RP1 of the adopted Northavon Rural Areas Local Plan; and Policy T12 of the South Gloucestershire Local Plan (Deposit Draft).*

The reason for imposing this condition relates solely to transport issues. The condition is designed to avoid heavy use of the adjacent highways during the evening peak hour in order to avoid congestion. Since the condition was imposed, a change in national policy – NPPF paragraph 37- states that a planning authority cannot refuse a development on highway grounds unless its impact is severe. A more stringent test than at the time the condition was imposed. Moreover, since the condition was imposed in 2001, there have been significant improvements to the local highway network due to the residential development of the adjacent Hortham Hospital site, which include a new signal controlled junction with Hortham Lane and the A38. In view of these changes, the Highway Authority (SGC Transport DC) does not have any objection to the removal of the condition. For these reasons therefore it is considered acceptable to remove Condition 7 from PT01/2726/F, as the impact of the development in transportation and highway safety terms before 6pm weekdays is not considered to be severe.

### Condition 13

*13. This permission shall enure solely for the benefit of the applicant for training purposes as well as for other bodies for non-professional matches and for under 18's and for members of the Bristol Combination Trustees and shall be used for no other purposes without written consent of the Council.*

*Reason: Any such alteration will need to be assessed in terms of the impact upon the openness of the Green Belt, highway safety and residential amenities to accord with policies RP1 and RP34 of the adopted Rural Areas Local Plan; and policies GB1, T12 and LC5 of the South Gloucestershire Local Plan (deposit draft).*

This condition therefore limits the users of the site to those set out in the condition. In order to fully understand the purpose of this condition, officers have considered the origins of it. The 2001 committee report stated, under the heading '*Residential Amenity*' that the previous approvals were made personal to the applicant to ensure that the facilities were used for training purposes and non- professional matches in order to ensure that any changes to this were assessed in terms of residential amenity and traffic impact. The previous 1997 (renewed) permission for the clubhouse on this site included the same condition, with the officer report stating that the restriction to training only and use by the Bristol Rugby Club Combination Trustees and non- professional matches for under 18s would limit the intensity of use of the site. Further the formal reason for the condition is stated to be because the site is not within an area where the development proposed would normally be allowed and consent has been granted solely having regard to the particular circumstances of the case.

The original 1993 planning permission was for a training ground for Bristol Rugby Club and the officer report stated that this was needed because it was not possible to floodlight their existing training ground at the Memorial and Combination Ground. Hence the equivalent condition limited the permission to the benefit of the applicant for training purposes only, with the reason being due to the particular circumstance of the case.

Further planning history relating to the site concerns the Combination Rugby Ground, Gloucester Rd North, Filton. When planning permission was granted for the redevelopment of the site for warehouse and distribution uses together with the provision of two playing fields on 11 ha of land (P97/2267), the committee report stated that part of the justification for permitting the loss of playing fields on the Combination ground was that the applicant had secured planning permission for replacement pitches at Colony Farm. When the associated S 106 was eventually signed in 2004, whilst there was reference to this, there was no specific obligation for Colony Farm to remain in use by the Combination Trustees/ Bristol Rugby Club. The applicant for the current S 73 application has stated that the Colony Farm pitches were never used by the Rugby Clubs, who moved to alternative facilities. Indeed, the Combination Ground at Bonnington Walk, Horfield was recently granted planning permission for a new clubhouse and upgraded pitches and facilities.

Officers have considered the comments from Sport England who are concerned that the site is currently used by Coalpit Heath Football Club, a grassroots amateur community club. Sport England have recommended a condition requiring commitment to providing continuing accessibility to this community club. Sport England usually recommend such a Community Use Agreement (CUA) in the case of educational establishments where there is an underuse of the facilities outside school hours. This is not the case in this instance. Whilst it is acknowledged that a non – professional football team have been using the site, the site was not originally developed for this club and there is no planning condition requiring it to be retained for this club, which is located some 4km away, severed by the M5 motorway and not accessible other than by the private car.

There is therefore not considered to be an overriding planning reason for seeking to ensure that the site continues to be available to Coalpit Heath Club. In addition, it is noted that the site, although used by a community football team was private and closed off to use by the general public. Officers consider however that an Informative would be appropriate to draw the matter to the attention of the applicant and request that the possibility of some measure of shared use is explored.

Officers consider having regard to the planning history above, that there is no continuing overriding reason to limit the use of the site to the previous applicant and Bristol Combination Trustees. The reasons for the condition relate to transport, Green Belt and residential amenity. The transport issue has fallen away (see comments above relating to Condition 7), and as the development is appropriate Green Belt development, Green Belt policy would not be breached by the use of the site for the same, outdoor recreational purposes by a different organisation. With regard to residential amenity, and the concern over potential increase intensity of use of the site leading to noise and disturbance, it is acknowledged that there is likely to be increased intensity of use of the site compared to its current use by Coalpit Heath FC. However the original planning permission for the sports use of the site was for a centre of excellence for the Rugby Combination Clubs, which would have been more intense than the current level of use. However this is not considered likely to be significantly detrimental to the amenity of the adjacent residents, the closest being adjacent to the western boundary of the site, as the clubhouse and car park are located within the centre of the site, some 80m from the nearest dwelling. Moreover, it is considered that the site is currently underused and a greater level of use will constitute an efficient use of the site.

It is acknowledged however, that the applicant, Bristol Rovers FC, who intend to use the pitches for training, are a professional club who draw many 1000s of fans to home matches. It is therefore considered necessary to ensure that the permission is limited to preclude this taking place at the site, as this would significantly change the character of the planning permission, having regard to the reasons for imposing the condition: Green Belt, residential amenity and transport.

The following new condition is therefore considered appropriate:

*The site the subject of this application (within the red line) shall be not be used for first team professional league or cup matches nor shall it be used for games/matches for which there is ticketed / paid admission.*

#### Other issues raised by Local Residents

The three letters of objection from local residents raised the following other issues not already dealt with: Distraction to motorway users from floodlights and disturbance to residential amenity from floodlights. Officers can confirm that the pitch floodlighting details have already been approved by officers discharging conditions on the previous extant consents relating to this site. The current application does not affect the floodlighting condition, which will remain on the decision notice, albeit updated to acknowledge the previous approval of details, but still requiring the ongoing obligation to only install lighting in

accordance with approved details. In addition, any floodlighting for the car park will need the approval of the LPA. With regard to the perceived interference with Air Ambulance use at Almondsbury, officers can confirm that this site is on the other side of the M4 motorway, and will not be affected due to the provision of a 500m long Final Approach and Take Off area for the helicopters to take off and land safely. With regard to concerns over increased noise and hours of operation from the clubhouse, officers can confirm that the hours of operation limitations on the clubhouse attached to the existing planning permission will be repeated in the new planning permission the subject of this application.

## **6. CONCLUSION**

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (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 Permission be granted for the removal of condition 13 attached to planning permission PT01/2726/F, and the removal of condition 7 attached to planning permission PT01/2726/F, together with the imposition of a new condition 1, in accordance with the wording below and subject to the imposition of all other relevant conditions attached to this consent.

## **CONDITIONS**

1. Only such roofing and external facing materials approved in writing by the local Planning Authority shall be used in the construction of the building hereby authorised.

### Reason

To ensure the satisfactory 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.

2. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out during the first planting and seeding seasons following the first use of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die, are removed or become seriously damaged or diseased within 5 years of planting shall be replaced in the next planting season with others of similar size and species, unless the Council gives written consent to any variation.



Reason

To protect the character and appearance of the area to accord with policy L1 of the adopted South Gloucestershire Local Plan and Policy CS1 of the adopted South Gloucestershire Local Plan: Core Strategy.

3. None of the buildings shall be used until the associated car parking areas have been drained and surfaced and the parking facilities provided in accordance with the Council's standards, and the facilities so provided shall not be used thereafter for any purpose other than the parking of vehicles. No materials shall be imported into the site for use in the construction of the parking and access facilities without the prior written agreement of the Council.

Reason

To ensure the satisfactory provision of parking facilities and in the interests of highway safety and the amenity of the area, and to accord with Policy T12 of the adopted South Gloucestershire Local Plan.

4. No external lighting shall be installed within the car park without the prior written consent of the Local Planning Authority.

Reason 1

In the interests of highway safety, and to accord with Policy T12 of the adopted South Gloucestershire Local Plan.

Reason 2

In the interests of the visual appearance of the area, and the openness of the Green Belt to comply with Policies L1 and GB1 of the adopted South Gloucestershire Local Plan and Policies CS1 and CS5 of the adopted South Gloucestershire Local Plan: Core Strategy.

5. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) and the The Town and Country Planning (General Permitted Development) (England) Order 2015 ( or any order revoking and re-enacting those Orders with or without modification) the premises shall not be used for any purpose other than that hereby authorised.

Reason

The use of the premises for any other purpose will require further consideration to assess the impact on highway safety and residential amenity; to comply with Policy T12 and LC5 of the adopted South Gloucestershire Local Plan and Policy CS1 of the adopted South Gloucestershire Local Plan: Core Strategy.

6. The Clubhouse building hereby approved shall be used solely in conjunction with the surrounding land as sports fields and shall not be severed or sold off to form a separate unit.

Reason

Any such changes will need to be assessed in terms of the impact on the openness of the Green Belt, highway safety and residential amenity. To accord with Policies T12 and LC5 of the adopted South Gloucestershire Local Plan and Policies CS1 and CS5 of the adopted South Gloucestershire Local Plan: Core Strategy.

7. The pitch floodlights shall be implemented only in accordance with the details that have previously been approved under application P97/2404 by the Local Planning Authority.

Reason

In the interests of visual and residential amenity and to accord with Policies L1 and LC5 of the adopted South Gloucestershire Local Plan and Policies CS1 and CS5 of the adopted South Gloucestershire Local Plan: Core Strategy.

8. Cycle parking facilities shall be implemented prior to the first use of the clubhouse hereby approved in accordance with the details that have been previously approved by the Local Planning Authority.

Reason

To ensure satisfactory cycle parking provision, in accordance with Policy T6 of the adopted South Gloucestershire Local Plan.

9. The opening hours of the clubhouse bar facilities hereby approved shall be restricted to 6pm to 12pm midnight on Mondays to Fridays, and 8pm to midnight at weekends only.

Reason: in the interests of residential amenity and to accord with Policy LC5 of the adopted South Gloucestershire Local Plan and Policy CS1 of the adopted South Gloucestershire Local Plan: Core Strategy.

10. Prior to the first use of the clubhouse hereby approved, a 2 metre wide footway on Hortham Lane linking from the existing footpath network on the west side of the Woodlands Lane junction, continuing along the site frontage to the main entrance, shall be implemented in accordance with a scheme to be first submitted to and agreed in writing by the Local Planning Authority.

Reason

To ensure the satisfactory provision of pedestrian facilities to the site, in accordance with Policies T12 and LC5 of the adopted South Gloucestershire Local Plan.

11. The site the subject of this application (within the red line) shall not be used for first team professional league or cup matches nor shall it be used for games/matches for which there is ticketed / paid admission.

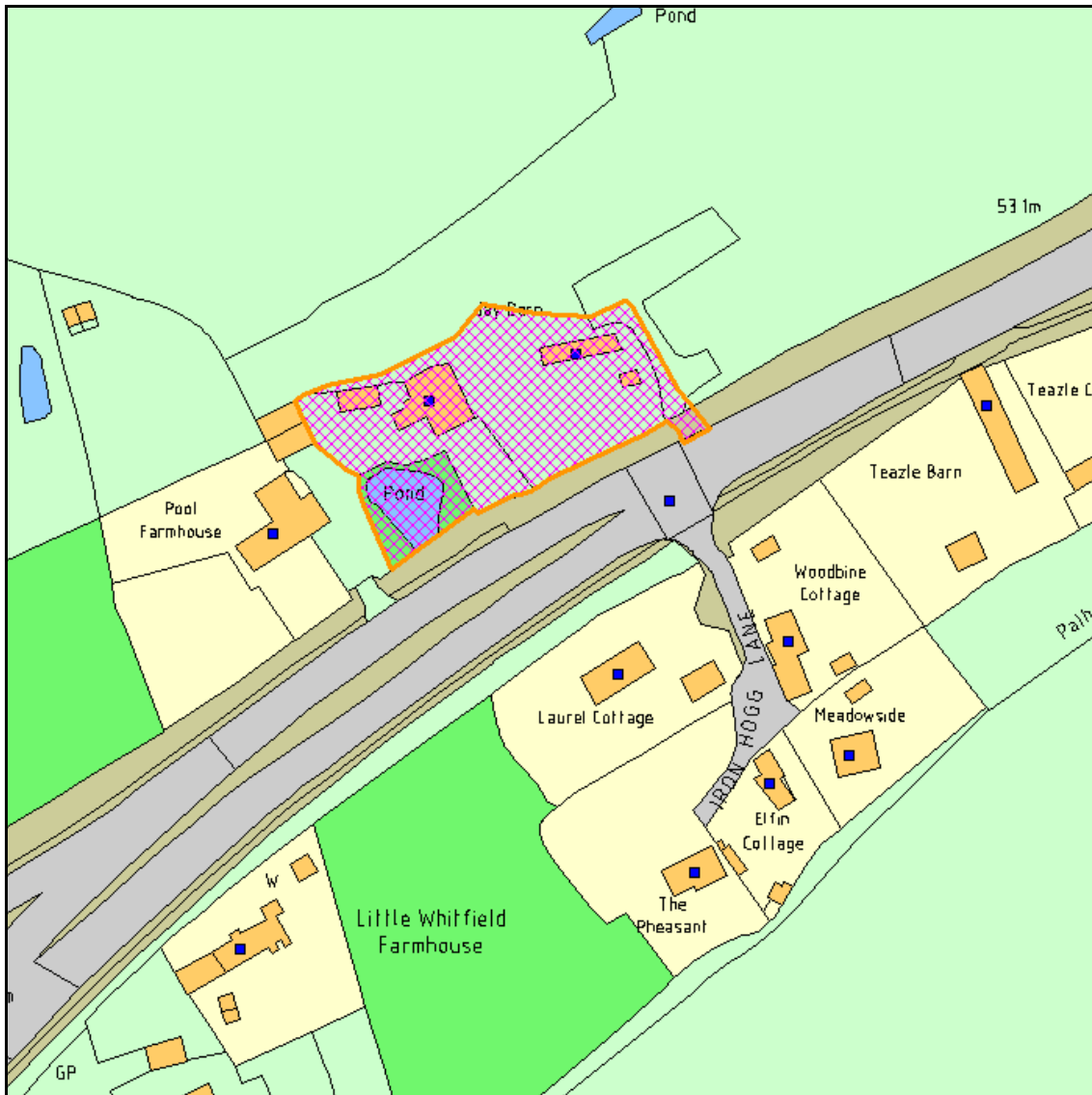
Reason

Any such alteration would need to be assessed in terms of the openness of the Green Belt, highway safety and residential amenity, in accordance with Policies T12 and LC5 of the adopted South Gloucestershire Local Plan and Policies CS1 and CS5 or the adopted South Gloucestershire Local Plan: Core Strategy.

**Contact Officer: Helen Ainsley**  
**Tel. No. 01454 863788**

**CIRCULATED SCHEDULE NO. 49/16 – 9 DECEMBER 2016**

<b>App No.:</b>	PT16/5345/RVC	<b>Applicant:</b>	Mr Graham Howell
<b>Site:</b>	The Cornfields Gloucester Road Whitfield South Gloucestershire GL12 8ED	<b>Date Reg:</b>	28th September 2016
<b>Proposal:</b>	Variation of condition 3 attached to planning permission PT10/3362/F to allow vehicular access for purposes concerning the land edged red and land edged blue on plan titled Site Location Plan dated 17 October 2016.	<b>Parish:</b>	Falfield Parish Council
<b>Map Ref:</b>	367288 191470	<b>Ward:</b>	Charfield
<b>Application Category:</b>	Minor	<b>Target Date:</b>	21st November 2016



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 100023410, 2015. **N.T.S.** **PT16/5345/RVC**

## 1. THE PROPOSAL

1.1 The application is for the variation of condition 3 attached to planning application ref. PT10/3362/F which allowed the conversion of barns to form 2.no dwellings with garages and associated works.

1.2 Condition 3 of PT10/3362/F reads:

*“Prior to the commencement of the development hereby approved and thereafter, access point C (as shown on ‘Future Access Arrangements’ Rev A dated 14<sup>th</sup> February 2011) shall not be used for any agricultural purposes and shall be used solely for the purposes ancillary to the two dwellinghouses hereby approved.*

*Reason*

*To ensure the development maintains highway safety, and accords with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.”*

1.3 This Section 73 application first sought to remove the condition entirely but following comments from the highways team now seeks to amend the access capabilities from the A38 to allow agricultural vehicles to access a parcel of land measuring approximately 1 acre to the north of the property “The Cornfields”. Reasons for this have been provided by the applicant in a supporting statement and are explored fully below. It is proposed that the condition is varied to read:

*3. “Access point C (as shown on ‘Future Access Arrangements’ Rev A dated 14<sup>th</sup> February 2011) shall be used solely for the purposes of accessing the land edged blue for agricultural purposes and the lane edged red for purposes ancillary to the two dwellings hereby permitted on plan titled Site Location Plan dated 17 October 2016.”*

*Reason*

*To ensure the development maintains highway safety, and accords with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.*

## 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)  
T12 transportation Development Control Policy for New Development

### 3. **RELEVANT PLANNING HISTORY**

- 3.1 PT04/2550/F – conversion of existing barn to form residential dwelling – refused and appeal dismissed 21.04.2005
- 3.2 PT04/2552/F – conversion of existing barn to form offices (Class B1) – refused 03.09.2004
- 3.3 PT10/2365/F – Conversion of barns to form 2 no. dwellings with garage and associated works – withdrawn 04.10.2010
- 3.4 PT10/3362/F - Conversion of barns to form 2 no. dwellings with garage and associated works – approved 23.02.2012
- 3.5 PT12/3096/NMA - Non-material amendment to PT10/3362/F to re-position entrance door and bedroom window – no objection 11.10.2012

### 4. **CONSULTATION RESPONSES**

- 4.1 **Following the statutory consultation period, a second round of public consultation was run following the applicants decision to apply to vary the condition instead of remove it entirely.**

Falfield Parish Council – no consultation response received following second round of consultation.

- 4.2 Falfield Parish Council objection to 00683.1/16 PT16/5345/RVC The Cornfields, Gloucester Road, Whitfield Removal of condition 3 attached to planning permission PT10/3362/F One of the original applicant's main arguments to finally secure their permission for the conversion of the barns to dwellings was that they would stop all agricultural access through this entrance and use it only for residential purposes. This was a fundamental highway safety consideration at the time of the decision and it was a trade-off to allow the access to be used for two new dwellings instead. The original applicant had to demonstrate that they could access their fields from other access gates on their land and block up other unsafe agricultural accesses onto the A38. Although the upgrading of the junction of the B4061/A38 has been completed since the original application, this has no material effect on the safety of the section of the A38 which passes this particular access. A high quantity of commercial vehicles and other fast moving vehicles use this section of road and to reintroduce large, slow moving, agricultural vehicles, turning left or right in this particular location, would create an additional road safety hazard. Therefore the Parish Council objects to the removal of condition 3 for road safety reasons.

#### Ecology

- 4.3 There are no ecological issues here so there's no need for me to comment.

#### Conservation

- 4.4 No objections.

Highways - no consultation response received following second round of consultation.

- 4.5 The planning history shows that the site has been subject to a number of previous planning applications for the conversion of barns for economic and residential purposes. This application has to be viewed in line with the planning history, and for this reason I have copied some text out of the approved planning application report (PT10/3362/F) for clarity and context (In Italics below).
- 4.6 *Applications PT04/2550/F and PT04/2552/F related to such conversions and were the refused by the Local Planning Authority and were subsequently dismissed at appeal by an Inspector. The Local Planning Authority did not refuse the application on highway grounds. However the Inspector chose to dismiss the appeal because he felt the combination of the proposed use (e.g. economic/residential) and the existing agricultural use of the access would have given rise to significant levels of traffic movements that would have been detrimental to highway safety.*
- 4.7 *Furthermore, it is acknowledged that the applicant withdrew a recent planning application (PT10/2364/F) because the Highways Authority upheld the concerns of the Inspector that the proposed development would have given rise to additional traffic movements that would have been harmful to highway safety. Furthermore, to enable more consideration to be given to the issue of highway safety the applicant withdrew a recent planning application PT10/2364/F) having regard to a Highways Authority objection to the additional traffic movements which were considered likely to be harmful to highway safety. Nevertheless it is important to distinguish between an actual formal appeal decision and papers associated with a withdrawn planning application but not culminating in a formal decision. The former attracts considerably more weight than the latter.*
- 4.8 *To overcome these concerns the applicants have made a number of material amendments to the proposed access arrangements. These clearly distinguish the circumstances from those put before the Inspector in 2004. In summary, the amendments are:*
- *As a result of changes to land ownership since 2004, the applicant has demonstrated that the adjacent agricultural land can be accessed from the B4061 via internal field gates. Therefore, the reliance on an agricultural access through the application site can be removed, and restricted to a residential only access.*
  - *The existing agricultural buildings on the adjacent site will be removed to reduce the likelihood of agricultural vehicles wanting to access the site at this point.*
  - *The number of overall accesses from the A38 in the applicant's ownership would be reduced. In particular the agricultural access points would be reduced from four to one. These accesses never formed part of the appeal consideration.*

- *The applicant would not utilise his rights to access agricultural land via the access at the listed Pool Farmhouse.*
- 4.9 *The appeal decision in 2004 stated that ‘...visibility along the main road (A38) from the envisaged access point is reasonable’ and thus visibility did not form part of the reason for the dismissal of the appeal. Nevertheless, the key highway safety issue raised in the Inspector’s appeal decision was the combined effect of agricultural and residential traffic movements through a single access onto the A38.*
- 4.10 *The proposed amendments under this application would seek to consolidate the overall number of access points. This would allow the proposed development and Pool Farmhouse to be access through residential only accesses, whilst the agricultural fields would be accessed from B4061 and a single access onto the A38 (Figure 2.2, Review of Access Arrangements, ENTRAN. December 2010).*
- 4.11 *Furthermore, it is noted that various representations have been made with regard to the accident record for this part of the A38. The Highways Authority has identified that since the appeal there has not been any recorded personal injury accidents, either associated with the site entrance or within 250m of the proposed entrance. The Highways Authority has explained that since the appeal the land ownership has changed so that the farmland is now contained within a larger land holding which substantially reduces the need for agricultural vehicles to use the A38. Previously the land operated essentially as standalone small holding as it was not connected to a larger land holding, this would have necessitated greater reliance on the A38 junctions to service the land which is now no longer the case.*
- 4.12 *Therefore, Officers are satisfied that these amendments would reduce the overall number traffic movements from the application site. Clearly these amendments represent a material change over the situation that was presented both at the appeal and also with the recent withdrawn application. On this basis there is a balanced judgement that the submitted proposals overcome the highway objection raised by the Inspector and this application is therefore recommended for approval subject to condition to secure these highway benefits.*
- 4.13 *Since the approval of PT10/3362/F the land owner sold off small parcels of agricultural land to the developers of the site, which although agricultural in nature is relatively small (about 1 acre) it is this land that the owner of cornfields wishes to access by virtue of the current application. In essence therefore the barns were part of a larger agricultural holding which had multiple access points onto the A38, as part of issuing the planning permission for the 2 barns to be converted to housing it was agreed that in terms of highway gain to offset the development a number of access points onto the A38 were to be permanently closed to agricultural traffic as the land owner at the time had access to the fields from within his existing land holdings. The removal of general farm traffic utilising these access points was considered acceptable to offset the proposed residential development traffic. This was secured by condition.*

- 4.14 Since planning permission was given for the barns the adjacent junction between the B4061 and A38 has been altered, although it should be noted that the previous arrangement of the junction was not considered to have a material impact upon the operation of the access to the barn conversions.
- 4.15 The reasoning behind the original condition was to prohibit use of the access from general farm traffic serving the wider agricultural land, the question therefore is will a variation/revised condition to allow access to the small parcel of land create such a severe impact that a highway objection can be sustained? Given that the proposal is to permit access to the small parcel of land which is now in control of one of the barn conversions and not to the wider agricultural holding that is owned by a third party then the impact is relatively minor and unlikely to create a transportation objection such that the increase in number of movements utilising this access could be considered a safety hazard. In order to ensure that no intensification by virtue of access to the wider agricultural land is permitted from this access I would like to see a condition that limited access to the small defined parcel of land and to the 2 residential units only.

### **Other Representations**

#### Local Residents

- 4.16 7 letters of representation have been received. Three of these are from the same individual. Representations that are not considered to be material planning conditions are not addressed in the analysis of the proposal below. Of the seven letters received, two are letters of support. The representations have been published in full however in summary they relate predominantly to concern over highway safety if agricultural vehicles are using the access, the potential for opening up the agricultural land for other uses and also the legality of varying the condition.

## **5. ANALYSIS OF PROPOSAL**

### Principle of Development

- 5.1 The principle of the use of the application site is neither in question nor subject to this application. The land within the red line boundary remains in residential use and the land within the blue line remains in agricultural use, as was the case following the approval of PT10/3362/F. No new development is proposed and no change of use of any land is proposed. There is no fundamental alteration to the original planning permission proposed as part of this application.
- 5.2 The proposal is a section 73 application to vary a condition that restricts the purpose vehicles are permitted to use the access for. For clarification, section 73 of the Town and Country Planning Act 1990 allows applications to be made for permission to develop without complying with a condition(s) previously imposed on a planning permission. The local planning authority can grant such permission unconditionally or subject to different conditions, or they can refuse the application if they decide that the original condition(s) should continue.



- 5.3 The issue for consideration is therefore whether this variation to allow agricultural vehicles to access the land edged blue on plan Site Location Plan dated 17 October 2016 would give rise to any significant or material impacts over and above the existing position with condition 2 as it is currently worded. Having had regard to the reason for imposing this condition originally which was *“to ensure the development maintains highway safety, and accords with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006”* it is considered that the main consideration would be that of highway safety.
- 5.4 This application is not made under Section 73A of the Act which provides, among other things, for retrospective planning applications to be made in respect of development which has been carried out without permission, and for applications for planning permission to authorise development which has been carried out without complying with some planning condition to which it was subject.

#### Highway Safety

- 5.5 The plan secured by existing condition 2 of PT10/3362/F “Future Access Arrangements – Rev A” shows 4 access points A, B, C and D. These are restricted to the following:
- A – Agricultural and residential
  - B – Residential only
  - C – Residential only
  - D – Agricultural only
- 5.6 Condition 2 was applied when all of the land edged red and land edged blue subject of the application PT10/3362/F was in the same ownership. Therefore, officers had to consider the possibility that without restriction, agricultural vehicles could have used Access Point C to access the entirety of the farmland within the applicant’s ownership (in excess of 130 acres) as well as to serve the two new residential dwellings. As a result, in the interest of highway safety, restrictions were applied as per those listed in 5.5 above.
- 5.7 Since PT10/3362/F was approved subject to conditions, some of the agricultural land (immediately adjacent to “The Cornfields” within the blue line of PT10/3362/F) was sold to the owners of “The Cornfields”, as was the driveway accessed by Access Point C. No change of use has occurred so the land remains in agricultural use.
- 5.8 Access Point C as identified in plan “Future Access Arrangements – Revision A” is now in the ownership of “The Cornfields” and “Jay Barn” the neighbouring property benefits from access rights over it. The farmland beyond the land in the ownership of “The Cornfields” no longer has the legal right to use Access Point C.
- 5.9 The blue land now belonging to “The Cornfields” can no longer be accessed (legally due to a change in ownership, or physically due to fencing) from the wider farmland to the north of the property and the only way they can access it is from the A38, across their driveway.

They are however in the position where accessing this acre of land from the A38 is prohibited by condition 2. The applicant seeks to be able to maintain this land with a small tractor when required which the supporting statement considers to be 3-6 times per annum.

5.10 It is considered that an assessment needs to be made as to whether use of Access Point C by agricultural vehicles to the acre of land outlined in blue as part of this Section 73 application is likely to give rise to an unacceptable impact upon highway safety.

5.11 The Highways team were consulted on this application. They stated that:

*“The reasoning behind the original condition was to prohibit use of the access from general farm traffic serving the wider agricultural land, the question therefore is will a variation/revised condition to allow access to the small parcel of land create such a severe impact that a highway objection can be sustained? Given that the proposal is to permit access to the small parcel of land which is now in control of one of the barn conversions and not to the wider agricultural holding that is owned by a third party then the impact is relatively minor and unlikely to create a transportation objection such that the increase in number of movements utilising this access could be considered a safety hazard. In order to ensure that no intensification by virtue of access to the wider agricultural land is permitted from this access I would like to see a condition that limited access to the small defined parcel of land and to the 2 residential units only.”*

5.12 It is considered that the Site Location Plan dated 17 October 2016 submitted following these comments defines the land sufficiently so that an appropriately worded condition can be drafted to limit access to the small defined parcel of land and the 2 residential units (“The Cornfields and “Jay Barn” only).

5.13 Policy T12 of the South Gloucestershire Local Plan (2006) seeks to ensure that development does not have an unacceptable effect on highway safety. Having had regard to the above, it is considered that the proposal is in accordance with policy T12 of the South Gloucestershire Local Plan.

#### Other considerations

5.14 One neighbour representation concerns the legality of varying condition 3. As has been requested in this instance, an application can be made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission.

5.15 The letter states that the local planning authority cannot lawfully amend the 2011 permission by extending the benefit of that permission to land which was not included in the 2011 application. He states that *“any condition allowing access to the blue land could not have been imposed on the 2011 permission because the blue land was not the subject of the application but is land which was acquired subsequently. This is effectively an attempt to graft onto a permission which was granted for the benefit of the red land a permission for the benefit of the blue land.”*

- 5.16 The blue land subject to this application was also contained in the blue land subject to PT10/3362/F. No additional land has been added.
- 5.17 It is not considered that the varying of this condition grafts onto a permission which was granted for the benefit of the red land, a permission for the benefit of the blue land. This condition relates to the access from the A38 and a restriction imposed with regard to highway safety. The condition did not remove rights in relation to the use of the land edged blue as part of the original application and the revised wording of the condition does not seek to do that either, it simply seeks to amend the restriction in relation to what vehicles can cross from the A38 onto the application site. No additional activity that would require planning permission would be allowed as a result of varying the wording of condition 2.
- 5.18 This letter also concerns the suitability of varying the condition in the sense that varying the condition would “give carte blanche to Mr Howell and the owners of Jay Barn to use access C for any purpose in connection with any lawful use of any of his land...cutting the grass on his agricultural land 3-6 times a year should be taken with some reserve and there is absolutely no means of knowing what uses the blue land and beyond might be out to in the future”.
- 5.19 It is considered that the revised wording of the condition is fit for purpose, despite not know what any future use may be with regard to the agricultural land edged blue. By restricting the purposes of accessing the land edged blue solely to agricultural purposes, the applicant’s request to be able to maintain his land now that land ownership and access rights have changed is granted whilst at the same time no vehicles can use the access for any other use, other than that which is ancillary to the land edged red (as is the current situation) and agricultural purposes.
- 5.20 It is considered that any permanent change of use to the existing agricultural land would require planning permission in its own right. If planning permission was submitted for a change of use in the future, the suitability of the access would be considered in that particular instance.
- 5.21 It is also considered that the proposed wording of the condition protects highway safety with regard to any temporary use of the land allowed under Town and Country Planning Act (General Permitted Development Order) 2015. Whilst the land may be able to temporarily change use as permitted development, it would not be possible to gain access the land from the A38 for any other purpose other than agricultural use, therefore protecting from any significant intensification of the access that may be created by a temporary use of the land that is not agricultural in nature seeking to access this acre of land.

## **6. CONCLUSION**

- 6.1 Having had regard to the assessment above it is considered that the proposal to vary condition 3 to allow agricultural access to land edged blue and access for purposes ancillary to land edged red is acceptable. It is therefore considered that planning permission be granted for the following working:

*“Access point C (as shown on ‘Future Access Arrangements’ Rev A dated 14<sup>th</sup> February 2011) shall be used solely for the purposes of accessing the land edged blue for agricultural purposes and the lane edged red for purposes ancillary to the two dwellings hereby permitted on plan titled Site Location Plan dated 17 October 2016.*

- 6.2 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.3 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (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 and condition 3 varied to read:

*“Access point C (as shown on ‘Future Access Arrangements’ Rev A dated 14<sup>th</sup> February 2011) shall be used solely for the purposes of accessing the land edged blue for agricultural purposes and the lane edged red for purposes ancillary to the two dwellings hereby permitted on plan titled Site Location Plan dated 17 October 2016.”*

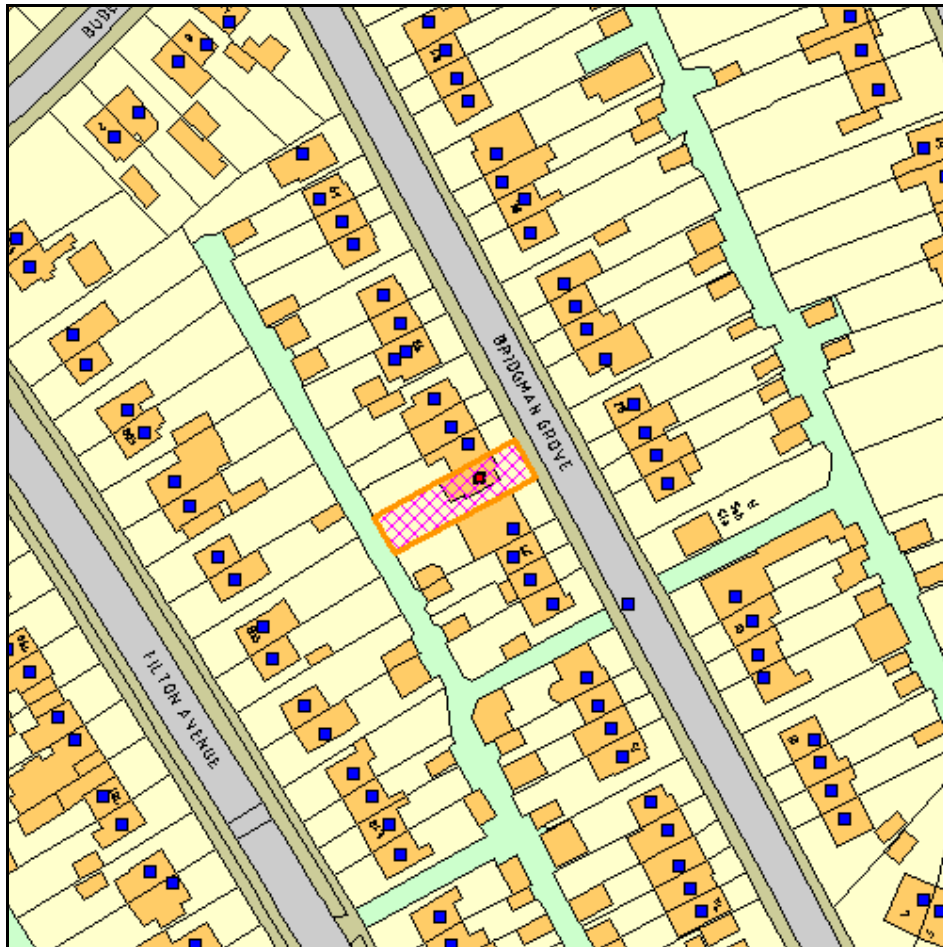
*Reason*

*To ensure the development maintains highway safety, and accords with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.*

**Contact Officer: Sarah Jones**  
**Tel. No. 01454 864295**

**CIRCULATED SCHEDULE NO. 49/16 – 9 DECEMBER 2016**

<b>App No.:</b>	PT16/5942/F	<b>Applicant:</b>	Mrs Dianne Selwyn
<b>Site:</b>	31 Bridgman Grove Filton Bristol South Gloucestershire BS34 7HP	<b>Date Reg:</b>	2nd November 2016
<b>Proposal:</b>	Erection of single storey side extension to form additional living accommodation.	<b>Parish:</b>	Filton Town Council
<b>Map Ref:</b>	360949 179373	<b>Ward:</b>	Filton
<b>Application Category:</b>	Householder	<b>Target Date:</b>	23rd December 2016



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 100023410, 2015. N.T.S. PT16/5942/F

## **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

This application is appearing on the Circulated Schedule due to the receipt of an objection from a neighbouring resident.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of a single storey side extension to form additional living accommodation.
- 1.2 The application site relates to a two-storey, end of terrace of four properties situated within the established area of Filton. The property has an existing side access to the rear garden and there is a rear access lane for all properties on the street.
- 1.3 The proposed extension will provide a larger kitchen/recreational area and study/storage space. The extension will measure 3 metres wide by 6 metres in length. During the course of the application the Officer requested a change to the design of the roof from a flat roof to a hipped roof. Accordingly, revised plans have been submitted by the agent.

### **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  
CS25 Communities of the North Fringe of Bristol Urban Area

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

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

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

PSP8 Residential Amenity  
PSP38 Development within Existing Residential Curtilages, including  
Extensions and New Dwellings  
PSP43 Private Amenity Standards

#### 2.3 Supplementary Planning Guidance

South Gloucestershire Residential Parking Standards SPD (Adopted) 2013

### **3. RELEVANT PLANNING HISTORY**

3.1 None.

### **4. CONSULTATION RESPONSES**

4.1 Filton Parish Council  
No comments received.

#### **Other Representations**

4.2 Local Residents  
One comment of objection received from neighbouring resident containing concerns about the lack of detail shown between No. 29 and No. 31(application site) and how access can be gained for maintenance of their side elevation wall.

### **5. ANALYSIS OF PROPOSAL**

5.1 Principle of Development  
Policy H4 of the South Gloucestershire Local Plan is supportive in principle of proposals for alterations and extensions to existing dwellings within their curtilage, providing that the design is acceptable and that there is no unacceptable impact on residential and visual amenity.

5.2 Design & Visual Amenity  
The proposed single storey side extension would be modest in size. The proposed flat roof with parapet wall has been changed to a hipped roof with have two small velux windows. The proposed extension is considered to remain in keeping with the character of the street scene and is appropriate in terms of design and scale.

5.3 Residential Amenity  
The extension would have small windows in the front and rear elevations, with two velux windows in the roof. Given the modest nature of the proposed extension, it would not have any negative impact on the existing level of residential amenity.

5.4 Transportation  
The proposal does not include any additional bedrooms. The proposal would not affect the existing access and parking arrangements. Therefore, there are no highway safety concerns.

5.5 Other Matters  
One comment from a neighbouring resident has been received in respect of how the side elevation wall of their two storey extension at No.29 can be accessed and maintained if the proposal is constructed. The existing two storey side extension has been constructed right up to the boundary. The proposed single storey extension would be set away from the boundary by approximately 100mm and is considerably smaller in length than the existing neighbouring extension.

The proposal would only partially restrict access to the neighbouring structure, but this is not considered to cause any material harm to the neighbouring property or occupiers. Access onto the neighbours land is a civil matter to be discussed between the occupiers and is also covered in the Party Wall Act.

## **6. CONCLUSION**

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to **APPROVE** 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 **APPROVED**, subject to the attached conditions.

**Contact Officer: Katie Warrington**  
**Tel. No. 01454 864712**

## **CONDITIONS**

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

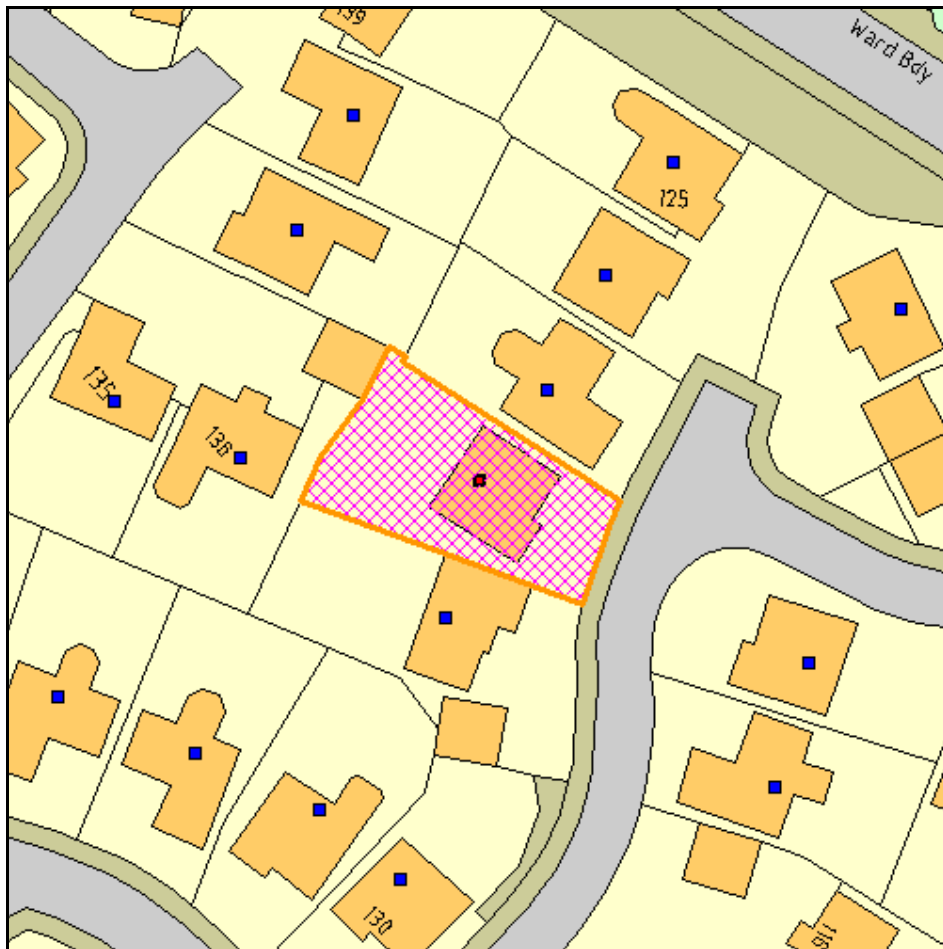
Reason

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



**CIRCULATED SCHEDULE NO. 49/16 – 9 DECEMBER 2016**

<b>App No.:</b>	PT16/6045/PDR	<b>Applicant:</b>	Mrs Caron Melville
<b>Site:</b>	128 Pursey Drive Bradley Stoke Bristol South Gloucestershire BS32 8DP	<b>Date Reg:</b>	1st November 2016
<b>Proposal:</b>	Installation of 2no. rear dormer windows and 2no. front velux windows to facilitate loft conversion.	<b>Parish:</b>	Bradley Stoke Town Council
<b>Map Ref:</b>	362641 180721	<b>Ward:</b>	Stoke Gifford
<b>Application Category:</b>		<b>Target Date:</b>	23rd December 2016



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 100023410, 2015. **N.T.S.** **PT16/6045/PDR**

## **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

The planning application has been referred to the Council's Circulated Schedule procedure due to comments received from Bradley Stoke Town Council and local residents which are contrary to the Officers recommendation.

### **1. THE PROPOSAL**

- 1.1 The application seeks planning permission for the installation of 2no. rear dormer windows and 2no. front velux windows to facilitate a loft conversion at no.128 Pursey Drive in Bradley Stoke.
- 1.2 The host dwelling is a detached, two-storey, red brick dwelling located within the settlement boundary of Bradley Stoke. The dwelling has a front bay window and integral garage.
- 1.3 The proposal would have been permitted development had the rights not been restricted under planning ref. P91/0020/302, the rights were removed to protect the visual amenity of the site.
- 1.4 A similar proposal (PT16/1325/F) was refused on 10<sup>th</sup> May 2016 and dismissed at appeal.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

National Planning Policy Framework March 2012  
National Planning Policy Guidance 2014

#### 2.2 Development Plans

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

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

##### South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design  
CS4A Presumption in Favour of Sustainable Development  
CS5 Location of Development  
CS8 Improving Accessibility

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

PSP1 Local Distinctiveness  
PSP8 Residential Amenity  
PSP16 Parking Standards  
PSP38 Development within Existing Residential Curtilages  
PSP43 Private Amenity Standards

#### 2.3 Supplementary Planning Guidance

Design Checklist Supplementary Planning Document (adopted) August 2007

### 3. RELEVANT PLANNING HISTORY

- 3.1 PT16/1325/F Installation of rear dormer to facilitate loft conversion.  
Refused 10/05/2016  
Refusal reason:  
*'The proposal fails to meet the highest standards of design by introducing an element at odds with and detrimental to the character of the host property and the street scene in general, the permitted development rights for the site have previously been removed to protect the visual amenity of the site. The proposals negative impact on the character of the area and detrimental impact on residential amenity is contrary to Policy H4 of the South Gloucestershire Local Plan 2006 (Saved Policy); CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013 and the National Planning Policy Framework 2012.'*
- APP/P0119/W/16/3150108 Appeal Dismissed 07/10/2016  
Refusal reason:  
*'Overall, the dormer would be unacceptably harmful to the character of the host building, the wider character and appearance of the area and the visual amenity of neighbouring residents. Its retention would be contrary to Policy CS1 of the adopted South Gloucestershire Core Strategy and saved Policy H4 of the adopted 2006 Local Plan. In the same way it would be contrary to national planning policy as contained in the National Planning Policy Framework.'*
- 3.2 PT14/4283/F Erection of single storey rear extension to form additional living accommodation and erection of enclosed front porch.  
Approved with Conditions 16/12/2014
- 3.3 PT10/2076/F Erection of single storey rear extension to provide additional living accommodation.  
Approved with Conditions 20/09/2010
- 3.4 P98/2702 Erection of first floor side extension.  
Approval Full Planning 05/01/1999
- 3.5 P91/0020/302 Residential development on 4.72 acres of land to include the erection of 43 dwellings and associated garages; construction of associated estate and access roads. (To be read in conjunction with P84/20/1).  
Approval of Reserved Matters 04/12/1991

Permitted Development Rights restricted under Condition 05:

*'Notwithstanding the provisions of Article 3 and Parts 1 and 2 of the Second Schedule of the Town and Country Planning General Development Order 1988 (as amended) no development as specified in Part 1 (Classes A, B, D, E, G and H), or any minor operations as specified in Part 2 (Class A), other than*

*such development or operations indicated on the plans hereby approved, shall be carried out without the prior permission in writing of the Council.'*

Reason: *'In the interests of visual amenity.'*

- 3.6 P84/0020/1 Residential, shopping & employment development inc.  
Roads & sewers and other ancillary facilities on approx.1000 acres of land.  
Approved 03/12/1986

#### **4. CONSULTATION RESPONSES**

- 4.1 Bradley Stoke Town Council  
Objection, on the grounds that the proposals are overbearing, out of keeping with the surrounding area, detrimental to the visual amenity of the area and will lead to loss of privacy for neighbouring properties.
- 4.2 Stoke Gifford Parish Council  
No comments received.
- 4.3 Sustainable Transport  
The existing vehicular parking and access are unaffected by this development. The level of parking available complies with the Council's residential parking standards. On this basis, there are no transportation objections to the proposed development.

#### **Other Representations**

- 4.4 Local Residents  
Five letters of objection have been received from local residents raising the following issues:
- The addition of roof dormers will change the shape and appearance of the existing roof line and make the property 3 storeys high- this will have a detrimental effect on the character and appearance of the surrounding area which comprises of fairly uniform 2 storey detached houses with standard rooflines
  - The resultant property in conjunction with previous extensions will make the property substantially larger than developers intended for this plot side, it will be an overdeveloped site and will be overbearing and detrimental to our visual amenity.
  - The use of velux roof lights would be preferred on the rear elevation and whilst they would result in a small loss of internal floor space the detrimental impacts on the visual amenity would be avoided.
  - The property will be overbearing from the front, rear and facing aspects, and the proposal is completely at odds with the character of the host building
  - There is no precedent for dormers in the immediate surrounding area of Pursey Drive and the proposal looks out of place

- The proposal will be overlooking towards private amenity space and driveways.
- The application should be turned down as nothing has changed with relation to the previous application.

## 5. **ANALYSIS OF PROPOSAL**

5.1 The application seeks planning permission for the installation of 2no. rear dormer windows and 2no. front velux windows at 128 Pursey Drive.

### 5.2 Principle of Development

Policies CS1 of the South Gloucestershire Core Strategy (adopted December 2013) and Saved Policy H4 of the South Gloucestershire Local Plan (adopted January 2006) are both supportive in principle. Saved Policy H4 is supportive providing development is within the curtilage of existing dwellings, the design is acceptable with relation to policy CS1 of the Core Strategy, that there is safe and adequate parking, and also providing the development has no negative effects on transport.

Policy CS1 of the Core Strategy exists to make sure developments enhance and respect the character, distinctiveness and amenity of the site and its context.

The proposal shall be determined against the analysis below.

### 5.3 Design and Visual Amenity

The application seeks planning permission for the installation of 2no. rear dormer windows and 2no. front velux windows to facilitate a loft conversion at 128 Pursey Drive in Bradley Stoke. The application site is a two storey detached dwellinghouse within the settlement boundary of Bradley Stoke.

5.4 Following the refusal of the previous application for the installation of 1no. rear box dormer and the dismissal of the appeal the applicant has submitted a revised application which seeks to take previous comments into account. That appeal decision is highly material to this application.

5.5 The proposed dormer windows will be smaller than the previously proposed box dormer, with pitched roofs. Whilst the proposed dormer windows will not be identical it is understood that the larger dormer window will be used to create additional headroom and will be used as more of a corridor between the bedroom and bathroom.

5.6 The proposed 2no. front velux windows are acceptable with regards to design and are not considered to be detrimental to the visual amenity of the surrounding area.

5.7 The smaller proposed dormer will have a depth of 3 metres, a height of circa 2 metres and a length of 1.7 metres. The larger dormer will have a depth of 3 metres, height of circa 2 metres and a length of 2.9 metres. Both dormers will be subordinate to the existing ridge height of the property.

The dormer windows will be clad with vertical tiling for the cheeks, brown tiles for the roof and white PVC windows to match the existing.

- 5.8 Officers note that there are a number of concerns raised by residents regarding the proposal with regards to the visual amenity of the area. Objection comments raise issues suggesting the proposed dormer windows are not in keeping with the surrounding area. Officers note that permitted development rights for the property were removed to protect the visual amenities of the area. Officers also note the comments raised by the Planning Inspector for APP/P0119/W/16/3150108 which primarily dismissed the appeal due to the scale and bulk of the original proposed dormer and the harm it consequently caused to the character of the area.
- 5.9 Notwithstanding the objection comments officers consider the proposed dormer windows less detrimental to the visual amenity of the area as the scale and design is more in keeping and in proportion with the original dwelling and surrounding area. The use of 2 pitched roof dormers is superior in design terms to the previous box dormer, and does sufficiently overcome this concern. It is considered that the proposal satisfies policy CS1 of the adopted Core Strategy.
- 5.10 Residential Amenity  
Saved policy H4 of the adopted Local Plan states that proposals for development within existing residential curtilages will only be permitted where they would not prejudice the amenity of nearby occupiers.
- 5.11 The application seeks planning permission for the installation of 2no. front velux windows and 2no. rear dormer windows at 128 Pursey Drive in Bradley Stoke. The proposed front velux windows are not considered to have a detrimental impact upon the residential amenity of neighbouring dwellings.
- 5.12 It is not considered that the 2no. rear dormer windows will adversely impact residential amenity. The scale of the dormer windows has been reduced and as a consequence is less overbearing on neighbouring residents (this is addressed in the previous section on design).
- 5.13 Officers note that residents are concerned about the impact of the proposal on their private amenity space. It is noted that the smaller dormer window will be for a principal room with the larger dormer providing head space for the corridor. Officers do not believe the proposal will result in an adverse increase of overlooking towards the neighbouring residents. It is further noted that even with the previous box dormer the Inspector did not find the loss of privacy to be a significant factor; rather it was the visual amenity harm caused to neighbours from being out of character that he found to be the principal concern.
- 5.14 Officers believe the applicant has sought to overcome the previous issues raised and has reduced the impacts upon residential amenity. As such it is considered that the proposal would not result in any adverse impacts on the residential amenity of neighbouring occupiers or future occupiers. As such the proposal is considered acceptable in terms of saved policy H4 of the Local Plan (adopted) 2006.

5.15 Highways

There are no further bedrooms created as a result of the works. The dwelling will remain a four-bedroom dwelling which requires a minimum of two parking spaces to achieve the Council's Residential Parking Standard SPD which sets the minimum parking standard. There is an existing area of hardstanding suitable for three vehicles which will be unaffected by the development.

**6. CONCLUSION**

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

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

**7. RECOMMENDATION**

7.1 That the application is **APPROVED** with the following conditions.

**Contact Officer: Fiona Martin**  
**Tel. No. 01454 865119**

**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).