



**LIST OF PLANNING APPLICATIONS AND OTHER PROPOSALS
SUBMITTED UNDER THE PLANNING ACTS TO BE DETERMINED BY
THE DIRECTOR OF ENVIRONMENT AND COMMUNITY SERVICES**

CIRCULATED SCHEDULE NO. 28/16

Date to Members: 15/07/2016

Member's Deadline: 21/07/2016 (5.00 pm)

The reports listed over the page form the 'Circulated Schedule' a procedure agreed by the Planning and Transportation Committee on 21 November 1996. The procedure is designed to increase the effectiveness and efficiency of the Development Control Service. Under the arrangement reports are circulated on a weekly basis.

The reports assess the application, consider representations which have been received, and make a recommendation regarding the proposal. The procedure is designed to ensure that Members are aware of any concern expressed by interested parties in their ward and indicate a recommendation.

Having considered the reports, those applications that Councillors feel should be referred to an appropriate Area Development Control Committee must be notified to the Development Control section **by email within five working days of the publication of the schedule (by 5pm)**. If there has been no member request for referral within the time period, the decision notices will be issued in line with the recommendation in this schedule. **Before referring an item to the Committee, Members may wish to speak to an officer about the issue, in order that any problems can perhaps be resolved without the need for referral to a Committee**

**PLEASE NOTE: THE CIRCULATED SCHEDULE PROCESS IS ONLY OPEN
TO THE ELECTED MEMBERS OF SOUTH GLOUCESTERSHIRE COUNCIL.**

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

If any Member requires any of the proposals listed in the Schedule to be considered by the appropriate Development Control Committee, please let the Director of Environment of Community Services know within 5 working days of the date of this Schedule (e.g., if the schedule is published on a Friday, comments have to be received by the end of Thursday) (see cover page for the date).

To refer an application(s) members are asked to email MemberReferral@southglos.gov.uk providing details of

- Application reference and site location
- Indicate whether you have discussed the application(s) with the case officer and/or area planning manager
- Indicate whether you have discussed the application(s) with ward member(s) if the site is outside of your ward
- The reason(s) for the referral

The following types of applications may be determined by this Circulated Schedule procedure:

All applications and related submissions not determined either by the Development Control Committees or under delegated powers including:

- a) Any application submitted by or on behalf of the Council.
- b) Any application requiring either new or a modification to an existing planning agreement, provided that the application is not required to be determined by Committee.
- c) Any footpath diversion required to implement an approved scheme.
- d) Applications, except those where approval is deemed to be granted upon the expiry of a defined period, where a representation contrary to the Officers recommendation are received.
- e) Applications for Certificates of Appropriate Alternative Development where a representation contrary to the Officer's recommendation is received.
- f) Applications for Certificates of Lawful Use of Development

GUIDANCE FOR 'REFERRING' APPLICATIONS

Members are entitled to refer any application for consideration by the relevant DC Committee or Sites Inspection Committee, before a decision has been made. However as call-ins will delay the decision on an application and in the interests of improving the effectiveness and efficiency of the Development Control service, this option should only be exercised after careful consideration. Members are therefore asked to take account of the following advice:

- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s) to see what their views are, before referring the application.
- Always make your referral request as soon as possible, once you have considered all the application details and advice of the case officer. Please do not leave it to the last minute
- Always make your referral request by e-mail to MemberReferral@southglos.gov.uk, where referrals can be picked up quickly by the Development Management Technical Support Team. Please note a copy of your referral e mail will appear on the website. **If in exceptional circumstances, you are unable to e-mail you request, please contact 01454 863519, well in advance of the deadline, to discuss alternative arrangements to ensure your response can be received.**
- When you refer an application, make clear what the planning reasons are for doing so. This will help the case officer and other members give attention to the specific issues you have raised.
- It may also allow officers to seek to negotiate with the applicant to overcome the Member's concerns and therefore removing the need for a Committee determination.

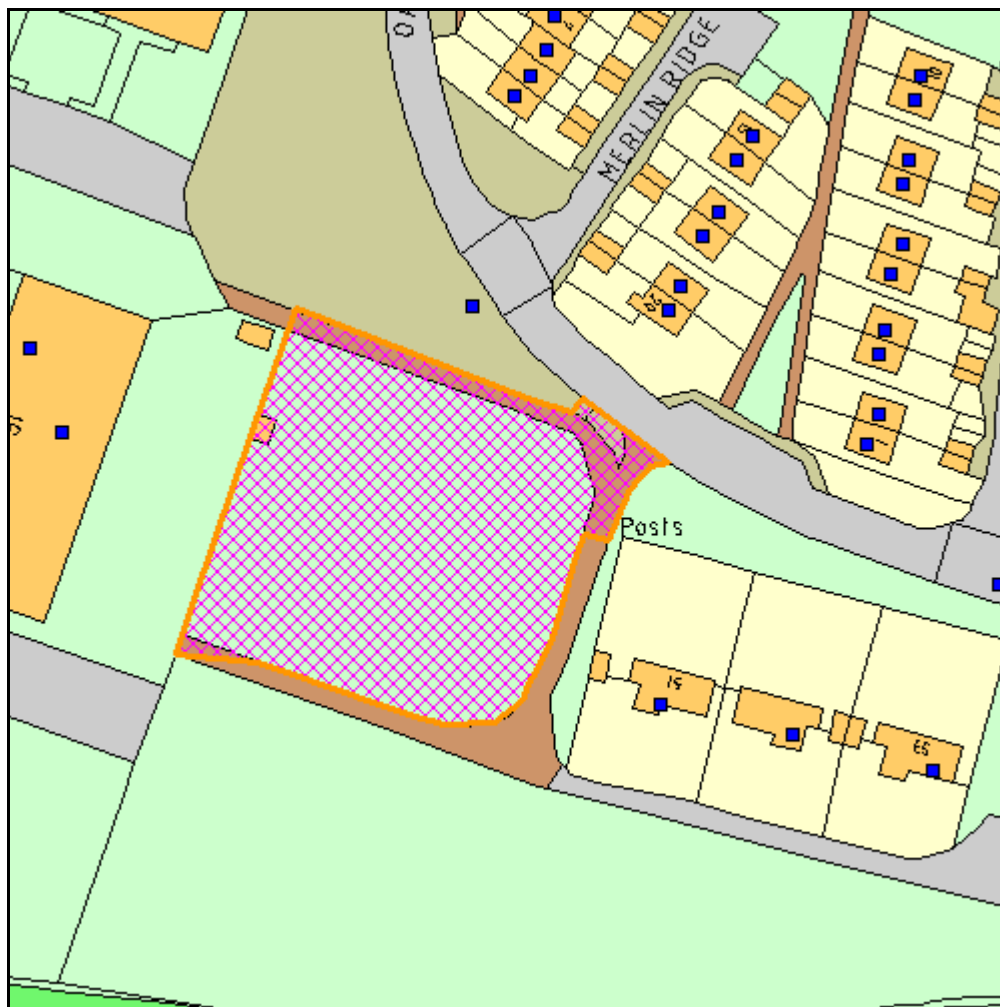
CIRCULATED SCHEDULE 15 July 2016

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ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK15/0582/O	Approved Subject to	Land Off Oaktree Avenue Pucklechurch South Gloucestershire BS16 9RP	Boyd Valley	Pucklechurch Parish Council
2	PK16/1147/F	Approve with Conditions	Land At Limebrook Farm London Road Wick South Gloucestershire BS30 5RZ	Boyd Valley	Wick And Abson Parish Council
3	PK16/2663/F	Approve with Conditions	75 Marshfield Road Tormarton Badminton South Gloucestershire GL9 1JF	Cotswold Edge	Tormarton Parish Council
4	PK16/2840/RV	Approve with Conditions	5 Westons Way Kingswood South Gloucestershire BS15 9RR	Woodstock	None
5	PK16/3089/F	Approve with Conditions	Land At Oxwick Farm Wickwar Road Yate South Gloucestershire BS37 6PA	Ladden Brook	Wickwar Parish Council
6	PK16/3510/CLP	Approve with Conditions	67 Hudson Close Yate South Gloucestershire BS37 4NP	Yate Central	Yate Town
7	PT16/0707/CLP	Approve with Conditions	R A C Great Park Road Bradley Stoke South Gloucestershire BS32 4QN	Bradley Stoke North	Bradley Stoke Town Council
8	PT16/1807/RVC	Approve with Conditions	Filton Triangle Stoke Gifford South Gloucestershire BS34 7QG	Filton	Stoke Gifford Parish Council
9	PT16/1808/F	Approve with Conditions	Filton Triangle Stoke Gifford South Gloucestershire BS34 7QG	Filton	Filton Town Council
10	PT16/2014/RVC	Approve with Conditions	Amont Mill Road Winterbourne Down South Gloucestershire BS36 1BP	Winterbourne	Winterbourne Parish Council
11	PT16/2879/F	Approve with Conditions	Cornercroft Barn The Hacket Thornbury South Gloucestershire BS35 2HH	Thornbury North	Thornbury Town Council
12	PT16/3574/F	Approve with Conditions	118 Ormonds Close Bradley Stoke South Gloucestershire BS32 0DY	Bradley Stoke North	Bradley Stoke Town Council

CIRCULATED SCHEDULE NO. 28/16 – 15 JULY 2016

App No.:	PK15/0582/O	Applicant:	Alma Estates
Site:	Land Off Oaktree Avenue Pucklechurch Bristol South Gloucestershire BS16 9RP	Date Reg:	18th February 2015
Proposal:	Erection of 9no. dwellings (Outline) with all matters reserved.	Parish:	Pucklechurch Parish Council
Map Ref:	370212 176241	Ward:	Boyd Valley
Application Category:	Minor	Target Date:	9th April 2015



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 100023410, 2008. N.T.S. PK15/0582/O

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule due to the receipt of 29 letters of objection from local residents and an objection from the Parish Council contrary to the officer's recommendation.

1. THE PROPOSAL

- 1.1 The applicant is seeking outline planning permission for the erection of 9 dwellings on land off Oaktree Avenue, Pucklechurch. As all matters have been reserved, this application effectively just seeks to establish the principle of development on the site – appearance, means of access, landscaping, layout and scale are all reserved for future consideration and any submitted plans are indicative.
- 1.2 The application site relates to an area of green open space within the village of Pucklechurch. The site is bounded to the west by an industrial estate, residential development to the north and east and open fields to the south. The site is located within the settlement boundary of Pucklechurch, the Bristol Bath Green Belt is located to the south of the site.
- 1.3 As originally submitted, the application sought consent for the erection of three dwellings – this was increased to 9 through the course of the application and the necessary re-consultation was carried out. There is a complex history to the site which will be explained further in section three below.
- 1.4 A viability argument was put forward during the course of the application and this will also be discussed fully in the body of the report below.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
National Planning Practice Guidance
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)
L1 Landscape Protection and Enhancement
L5 Open areas within Settlement Boundaries
L9 Species Protection
EP4 Noise Sensitive Development
T7 Cycle Parking
T12 Transportation Development Control

South Gloucestershire Local Plan Core Strategy – Adopted December 2013
CS1 High Quality Design
CS2 Green Infrastructure
CS4a Presumption in favour of Sustainable Development
CS5 Location of Development
CS8 Accessibility
CS9 Managing the Environment and Heritage

CS16 Housing Density
CS17 Housing Diversity
CS18 Affordable Housing
CS34 Rural Areas

- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007.
South Gloucestershire Residential Parking Standards, Dec 2013
Affordable Housing SPD Adopted September 2008

3. **RELEVANT PLANNING HISTORY**

- 3.1 PK01/3426/O Erection of 72 no. dwellings (outline).
Withdrawn April 2005
- 3.2 PK10/3380/O Outline planning permission for the erection of 56no. dwellings and a doctors surgery. For the housing element Access, Appearance, Landscaping, Layout and Scale are to be considered (no matters reserved). For the doctors surgery element only access is to be considered (all other matters reserved).
Resolution to grant subject to the signing of a S106 agreement as explained below:
- 3.3 In 2010, there was a resolution to grant planning permission for the erection of 56 dwellings and a doctor's surgery on land at Oaktree Avenue, Pucklechurch. The resolution to grant was subject to the signing of a S106 legal agreement. However, before the S106 agreement could be completed and signed, a Village Green application was submitted by local residents which meant the planning process had to stall. This village green application was duly considered and on 24th March 2011 the 'Notice of an application for the registration of land as a Town or Village Green was issued'. The issuing of this statutory notice rendered application PK10/3380/O un-implementable and so the S106 was not signed and the application was withdrawn. Importantly, the site subject to this current planning application was NOT part of the village green application and so is not afford any protection in this respect.
- 3.4 Following the withdrawal of the 2010 application, the doctor's surgery decided to proceed with a scheme for the doctor's surgery only on the part of the site that was not registered as village green as detailed below:
- 3.5 PK11/4038/F Erection of Doctors surgery, including retail pharmacy, landscaping, access, car parking and associated works.
Approved March 2012
- 3.6 However, although planning permission was granted for the erection or a new surgery on the site, the doctors subsequently found a second more preferable site in the village off the of the roundabout from Shortwood Road leading to HM Prison and the industrial estate (PK13/1482/F). For this reason PK11/4038/F was not implemented and the site remains undeveloped.

4. CONSULTATION RESPONSES

4.1 Pucklechurch Parish Council

Objection (although the Parish does not object to the principle of development)
The Council is pleased to see that a proposal has been submitted for the development of a higher density of properties to the area but believes that the optimum number of properties should be nearer to the 6 suggested by South Gloucestershire's planning officer to avoid the site being overcrowded, to improve the residential amenity space for each property and to resolve the potential for parking issues to arise. It is hard to determine whether or not the parking provision is adequate for the size of the properties but as the driveways indicated on the plan appear to be the equivalent of one space (approximately 2.5 m x 5m) it is assumed the properties will be no more than 2 bedrooms with the number of spaces required by SGCs parking standards rounded down. The visitor parking allocation may also supply the correct number of spaces to be shared across the 9 properties but appears un-necessarily cramped. Given the location of the new development the Council is concerned that any overspill parking will impact on surrounding areas and adjoining roads in particular Oaktree Avenue - since no cars will be able to park on the new access road other than in the bays marked for visitors, without causing a problem room for the free passage of large vehicles such as emergency vehicles, delivery lorries, refuse trucks etc. The driveways as indicated sit immediately in front of each dwelling resulting in poor design especially with regard to the residential amenity of each property and creating a cluttered and cramped appearance to the development: parked cars would dominate the street scene. No rear access to these properties is indicated which may present a safety issue and there is also no indication of any pedestrian footway by which to access any of these properties - its not clear if one were to be added to the new access road that there would be room for free passage of large vehicles such as delivery lorries, refuse trucks etc. unless the layout/size of the road was revised.

4.2 Other Consultees

Affordable Housing

The application is for 9 dwellings and therefore 3 should be provided as affordable housing.

Environmental Protection

As stated in the application, the proposed dwellings are to be located close to the boundary of the existing Pucklechurch Industrial Estate which has unrestricted 24 hour use. At reserved matters stage, the applicant should submit an acoustic report detailing how noise from the industrial estate will affect the proposed residential properties. The report should also provide full details of the mitigation measures proposed which will also need to protect the residents in the upstairs bedrooms from any night time noise from the industrial estate.

Community Spaces

No objection

Lead Local Flood Authority

No objection subject to conditions.

Transportation Development Control

No objection subject to the attachment of conditions and a S106 contribution of £45,000 towards traffic management and road safety including provision of footway facility to the nearest bus stop and a suitable crossing point in the area.

Other Representations

4.3 Luke Hall MP

Draws attention to concerns raised by his constituent - that she would like the land to remain as open space. Mr Hall MP would like the views of his constituent to be taken into consideration in the determination of the applicant

4.4 Local Residents

A total of 29 letters of objection have been received from local residents. A summary of the main points of concern raised is as follows (full details can be viewed on the Councils website:

- Bringing more cars onto the road is crazy – the road is already dangerous to families in the area
- The safety concern overrides the urge to build housing on all green spaces
- If the area is developed there needs to be significant investment in the pathways and parking in the area
- Against any development but if the site is designated for development would support the original outline for three houses
- Concerns over existing levels of congestion and parking on Oaktree Avenue
- 9 houses would bring chaos because of the number of additional vehicles
- Please do not cram 9 houses onto such a small plot
- The need for new houses needs to be balanced with the needs of the current residents and what is appropriate for the village
- Pucklechurch is a village not a town
- 3 houses would be more appropriate
- Concerns over the disposal of waste
- Response time of emergency vehicles could be adversely affected by additional congestion
- 9 dwellings is not in keeping with the character of the area
- The bus service is inadequate
- Loss of the green space would reduce the area for children to play
- Queries over the number of affordable homes
- Don't believe the development will benefit the local community
- Confusion over the accuracy of the plans
- Extra houses will create a problem for parking, schools and doctors
- Proximity to trading estate

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The site lies within the defined settlement boundary of Pucklechurch and is not afforded Village Green Status. The principle of development on the site has been established twice previously through the historic applications set out in paragraph 3 of this report and therefore, there is no in-principle objection to the development of the site for residential use.

5.2 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.

5.3 The Council cannot, at present, demonstrate a deliverable five year supply of housing land. Paragraph 14 of the NPPF is therefore engaged and this weighs in favour of the proposal.

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 Core Strategy Policy CS16 seeks efficient use of land for housing. It states that: *Housing development is required to make efficient use of land, to conserve resources and maximise the amount of housing supplied, particularly in and around town centres and other locations where there is good pedestrian access to frequent public transport services.*

5.8 Density

As initially submitted, the application sought consent for the erection of three dwellings on the site – which equates to 10 dwellings per hectare (dph). Being mindful of the requirement of Policy CS16 to make efficient use of land, your officer did not consider that this density was appropriate. Being conscious of the history to the site, your officer suggested to the applicant that around 6 dwellings could be accommodated on the site which would have resulted in a density of 20dph. However, the applicant then decided to amend the scheme to fit 9 dwellings on the site resulting in a density of 30dph. For comparison sake, the residential cul-de-sac of Woodpecker Crescent on the opposite side of Oaktree Avenue has a density of approximately 30dph, with the terraced areas along Merlin Ridge and Goldfinch Way having densities around 50dph.

5.9 Although your officer is conscious of the letters of objection received (many of which state a three or six unit scheme would be preferable to the nine unit scheme) and that a noticeable portion of the site will need to accommodate an earth bund and acoustic fence, the proposed density is not excessive for the site and neither is it out of keeping with the character of the surrounding area. The schematic block plan submitted shows how nine dwellings could possibly be arranged on the site whilst providing adequate garden space and parking space. Again, it is important to remember that the layout is not for consideration at this stage – this would need to be subject of a Reserved Matters application in the future. It is considered therefore that the density proposed makes efficient use of land and the site is capable of accommodating nine dwellings. The application is therefore in accordance with the requirements of the NPPF and the Core Strategy.

5.10 Scale and Design

Core Strategy Policy CS1 only permits new development where good standards of site planning and design are achieved. The Policy requires that siting, overall layout, density, form, scale, height, massing, detailing, colour and materials, are informed by, respect and enhance the character, distinctiveness and amenity of both the site and the locality.

5.11 The surrounding area consists mainly of post-war semi-detached dwellings set out in a Radburn style on a series of cul-de-sacs leading from Oaktree Avenue. There is an industrial estate to the west and six large detached dwellings located within the registered area of Village Green to the east. The dominant built form is two storeys in height. At this stage all matters of siting, scale, external appearance and layout are reserved matters. The design and access statement confirms that the dwellings will be two storeys in height and of a domestic scale to complement the surrounding properties. The design of the buildings and their orientation on the site would need to be considered at Reserved Matters stage but there is an expectation that they would be informed by the character of the area. No objection is therefore raised to the design of the dwellings as there is a very real prospect of a suitable design being achievable but this would need to be subject of a Reserved Matters application in the future

5.12 Landscape

Policy L1 of the South Gloucestershire Local Plan seeks to conserve and enhance those attributes of the landscape, which make a significant contribution to the character of the landscape. Landscaping is to be determined as a reserved matter so is not for consideration at this stage. Nonetheless, the indicative layout plan shows how it is possible to fit nine dwellings on the site whilst retaining the vegetation along the boundary of the industrial estate and provide additional tree planting on site.

- 5.13 Policy L5 states that development that would adversely affect the contribution that an open area makes to the quality, amenity and distinctiveness of an area will not be permitted. It is acknowledged that in the letters of objection, several local residents raise the issue of the loss of open space as a concern. This however must be weighed up against the fact that planning permission has been resolved or granted twice previously on this site. It would therefore be unreasonable to raise an objection at this stage where the principle of re-development has been accepted twice previously. Furthermore, the erection of dwellings with the acoustic bund and additional tree planting could actually help to screen views of the adjacent industrial estate having a positive visual impact on Oaktree Avenue. On the basis of the above, your officer is satisfied that the proposal would not have any adverse impact on the character of the area and that landscaping could be adequately addressed through a Reserved Matters application.

5.14 Impact Upon Residential Amenity

The indicative layout plan shows nine dwellings on the site each with off street parking and garden space. None of the nine units shown on the indicative plan would result in unacceptable overlooking or overshadowing of neighbouring dwellings. Subject to the issue of noise (as discussed below), there is no reason to believe that at Reserved Matters stage, a good solution couldn't be found that provides an adequate level of amenity for existing and proposed dwellings.

5.15 Environmental Issues

The western edge of the site is bound by an industrial estate. It is recognised that there is always potential for conflict when residential and industrial uses are sited in close proximity to each other. In accordance with the requirements of Policy EP4 of the South Gloucestershire Local Plan (Adopted) ideally, noise sensitive development should not be sited next to an industrial estate, with 24 house use and major noise sources. If however separation of land is not possible, the Planning Authority may consider it appropriate to use conditions to control, mitigate or reduce the impact of noise.

- 5.16 The site sits adjacent to an unrestricted industrial trading estate. Night-time and early morning noise from vehicle movements is therefore likely to be an issue and has the potential to impact on residential amenity. This was also the case with the two previous applications.

- 5.17 Because the detailed layout and design has not been established, no detailed noise assessment has been submitted with this application. However, the Councils Environmental protection team considered the same issue when

assessing the 2010 application - which also included residential development up to the boundary with the Industrial Estate. With the 2010 application, in order to ameliorate concerns over potential noise disturbance, a five metre high acoustic bund was to be provided along the western boundary of the site. The acoustic bund consisted of a landscaped bank with a close boarded fence on top.

- 5.18 Although indicative, the schematic layout plan submitted with this outline application leaves sufficient space for the provision of a similar acoustic bund. The space for the acoustic bund runs the whole length of the site and includes space for a return at the southern end to prevent the creep of noise around the barrier. In addition to the acoustic bund, at Reserved Matters stage, consideration will need to be given to the design and internal layout of the dwellings to ensure that, as far as possible, the main habitable rooms face away from the industrial estate. It is possible that uprated double glazing may also be necessary.
- 5.19 Although the detailed layout and design of the dwellings and the acoustic bund are not for consideration as part of this outline planning application, your officers are confident that, at Reserved Matters stage, a suitable solution could be reached that would protect the proposed dwellings from unacceptable levels of disturbance.
- 5.20 Drainage
The application site lies in flood zone 1 – an area at the lowest risk of flooding. Subject to a condition requiring the implementation of Sustainable Urban Drainage, the Lead Local Flood Authority raise no objection to the principle of erecting nine dwellings on the site.
- 5.21 Transportation Issues
Congestion, parking and highway safety are raised as concerns in the majority of letters of objection received. Several of the letters also raise concern over the lack of parking spaces. As this is an outline application, the number of parking spaces to be provided is not known (because the number of spaces needed will depend on the number of bedrooms to be provided). At reserved matters stage, it would be for the applicant to demonstrate compliance with the residential Parking Standards SPD (Adopted) which sets out the minimum parking requirement. Providing the details submitted at reserved matters stage demonstrate compliance with the SPD, there is no reason to believe that the proposed development will result in significant additional on street parking.
- 5.22 In relation to access, again this is a detail to be considered at reserved matters stage. Although an indicative access point is shown, this could move slightly providing it remains within the red line of the application site. The highway officer is satisfied that safe and suitable access can be agreed.
- 5.23 Notwithstanding the above, officers consider that the key transportation issue for this development is the need to provide an appropriate and safe link from the site to existing facilities such as the school, the shops and the public transport (bus stop). There is currently no footway along the southern side of Oaktree Avenue, and what little footway there is on the northern edge of the

road is not continuous and is only limited to behind the existing lay-bys along northern edge of the road. That said, there are footpaths through the residential estate on the opposite side of Oaktree Avenue.

- 5.24 The dwellings subject of this application would be located on the southern side of Oaktree Avenue. If allowed without improvement, people who may wish to walk to the bus stop on the southern side Oaktree Avenue will have to walk on the carriageway or on the grass verge. Furthermore there is no safe crossing point over Oaktree Avenue to link to the existing footpath network to the north.
- 5.25 Without improvement and mitigation, due to the segregation, it is not considered that the proposal provides safe access for pedestrians and cyclists all of whom would have to cross Oaktree Avenue to access the footway network. Policy CS8 of the Adopted Core Strategy sets out that offsite contributions may be sought where necessary to make a scheme acceptable. Policy T12 states that development will only be permitted where it provides adequate, safe, convenient, attractive and secure access facilities for pedestrians, cyclists and people with disabilities. The policy confirms that development will be expected to contribute towards public transport, pedestrian and cycle links where there is a need arising from the development proving the contribution is in scale and kind to the development.
- 5.26 The Councils traffic management department has on its "Task List" an item for footway and crossing improvements in the area but there is no fund at present for implementing this scheme. In the event that planning permission were granted for these nine dwellings, the necessary improvements would have to be brought forward in order to maintain highway safety for the intended residents. In this context therefore, the applicant is required to make financial contribution towards footway and crossing improvement at this location ensuring that the site is well connected to other facilities in the area including connections to bus stops.
- 5.27 Therefore, to mitigate the identified impact, the applicant is required to first enter into an appropriate legal agreement and to provide financial contribution of £45,000 towards traffic management and road safety including provision of footway facility to the nearest bus stop and a suitable crossing point in the area. This obligation satisfies the requirements of both paragraphs 122 and 123 of the Community Infrastructure Levy Regulations 2010.
- 5.28 A request for this contribution was put to the applicant who, in return, submitted viability information and went through a detailed viability appraisal. The viability information was assessed by the District Valuer who found the scheme to be viable whilst still making provision for the highway contribution (and the affordable housing contribution as discussed in paragraphs 5.30 to 5.34). The decision was then made by the applicant to proceed on the basis that this S106 contribution will be met.
- 5.29 Ecology
The site is not covered by any statutory or non-statutory nature conservation designations. There are no ecological constraints to developing the site.

5.30 Affordable Housing

Affordable Housing is sought in line with the policy CS18 of the Council's adopted Core Strategy Development Plan Document. The Affordable Housing and Extra Care Housing SPD provide further guidance on this policy.

5.31 Through the course of the application, the necessity to meet affordable housing S106 contributions has varied. At the time of original submission, the proposal for 3 dwellings did not trigger an affordable housing requirement as it fell below the threshold set out in Policy CS18. The number of proposed dwellings was then increased to 9 which exceeds the threshold in Policy CS18 and makes the scheme liable to meet affordable housing contributions.

5.32 At the time of the preparation of this report, there is currently a conflict between Policy CS18 and the national guidance in the NPPG (the scheme does not meet the thresholds for the provision of affordable housing set out in the NPPG). There has been considerable uncertainty as to whether the NPPG is able to impose a policy that overrules Development plan policy with respect to the provision of affordable housing - this is clearly an area of policy the Government does intend to change.

5.33 Although the legal case establishes that the NPPG remains a material consideration, it does not quash Adopted policy CS18 given that under 38(6) the adopted development plan is the starting point for any planning decisions. That said, it is acknowledged that the NPPG was published after the South Gloucestershire Local Plan Core Strategy was adopted and therefore is the most up to date position of Government policy and it is a material consideration of significant weight. The wording of the most recent Court of Appeal decision is such that, although a material consideration, officers consider that it does not override the adopted affordable housing policy. More weight is given to the adopted Local Plan Policy CS18 supported by the robust and up to date local evidence of the Strategic Housing Market Assessment. Therefore the affordable housing requirements sought in line with policy CS18 of the Council's adopted Core Strategy Development Plan Document and the Affordable Housing and Extra Care Housing SPD still apply to this application. The affordable housing heads of terms include:

- 35% of dwellings to be delivered as affordable housing, as defined by the NPPF.
The application is for 9 dwellings and therefore 3 should be provided as affordable housing.
- Tenure split of 80% social rent and 20% intermediate housing, as identified by the West of England Strategic Housing Market Assessment (SHMA) 2009.
To meet the tenure split requirements 2 affordable homes should be provided as social rent and 1 affordable home for shared ownership.
- A range of affordable unit types to meet housing need based upon the findings from the SHMA 2009 as shown below.

Given the size and nature of the application we would accept 3 of the proposed houses as affordable housing (it is not clear how many bedrooms the houses have). The houses would need to meet our specified size standards (see below).

Social Rent

Percentage	Type	Min Size m2
23%	1 bed 2 person flats	47
7%	2 bed 4 person flats	69
38%	2 bed 4 person 2 storey houses	77
22%	3 bed 5 person 2 storey houses	90
10%	4 bed 6 person 2 storey houses	112

Intermediate

Percentage	Type	Min Size m2
44%	1 bed 2 person flats	47
17%	2 bed 4 person flats	69
19%	2 bed 4 person 2 storey houses	77
19%	3 bed 5 person 2 storey houses	90
1%	4 bed 6 person 2 storey houses	112

- 5% of the affordable housing to meet wheelchair accommodation standards. The Council's has developed a wheelchair specification, see [Wheelchair Specification](#). **It is not expected that any wheelchair units will be provided as part of this application.**
- Affordable housing is to be delivered without any public subsidy.
- The Council to refer potential occupants to all first lettings and 75% of subsequent lettings.
- Affordable housing should be distributed across the site in clusters of no more than 6 units, unless a specific peppercorn strategy is approved.
- Design and specification criteria: All units to be built in line with the same standards as the market units (if higher) and to fully comply with the latest Homes and Communities Agency (HCA) standards applicable at the time the S.106 will be signed, to include at least Level 3 of the Code for Sustainable Homes, Lifetime Homes standard, Part 2 of Secured by Design, and compliance of RP design brief.

- Delivery is preferred through the Council's list of Approved Registered Providers. The Council works in partnership with Registered Providers to deliver affordable housing to development and management standards. In the event of the developer choosing a Registered Provider from outside the partnership then the same development and management standards will need to be adhered to.
- Phasing: Affordable housing to be built at the same time as the rest of the housing on site in line with agreed triggers as per S.106 agreement, with a detailed assessment on a site by site basis. Where the development will proceed over more than one phase, the location, amount, type and tenure of the affordable housing in each phase will need to be set out in an Affordable Housing Masterplan and Schedule. The plan and schedule to be approved prior to submission of the first residential Reserved Matters application.
- The Council will define affordability outputs in the S.106 agreement, without any further information regarding sales values the affordability standards are as follows:
 - social rents to be target rents, set in accordance with the Direction on the Rent Standard 2014
 - shared ownership: no more than 40% of the market value will be payable by the purchaser The annual rent on the equity retained by the RP should be no more than 1% of the unsold equity
 - service charges will be capped at an appropriate level to ensure that the affordable housing is affordable
- Social rented to be retained as affordable housing in perpetuity. Right to Acquire does not apply where no public subsidy is provided.
- Any capital receipts on intermediate housing to be recycled as capital expenditure on approved affordable housing schemes in South Gloucestershire, on the basis that the subsidy increases by any capital appreciation on that subsidy.

5.34 This obligation satisfies the requirements of both paragraphs 122 and 123 of the Community Infrastructure Levy Regulations 2010.

5.35 A request for this contribution was put to the applicant who, in return, submitted viability information and went through a detailed viability appraisal. The viability information was assessed by the District Valuer who found the scheme to be viable whilst still providing three units of on-site affordable housing in accordance with the schedule above (and the highway contribution as discussed in paragraphs 5.21 to 5.28). The decision was then made by the applicant to proceed on the basis that this S106 contribution will be met.

5.36 Schools and Doctors

It is noted that some residents, in their letters of objection, have raised concerns that the proposed dwellings would place additional impact on schools and doctors. The development attracts a CIL charge and school places cannot

also be the subject of a S106 agreement. The distribution of CIL funding is within the control of the Council in terms of the priorities for infrastructure provision in the area. The local doctor's surgery, Three Shires, is accepting new patients.

5.37 CIL Matters

The South Gloucestershire Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide SPD was adopted March 2015. CIL charging commenced on 1st August 2015 and this development, if approved, would be liable to CIL charging.

6. **CONCLUSION**

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

7. **RECOMMENDATION**

- 7.1 That authority be delegated to the Director of Environment and Community Services to grant planning permission, subject to the conditions set out below and the applicant first voluntarily entering into an Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) secure the following:
- (i) A contribution of £45,000 towards traffic management and road safety including provision of footway facility to the nearest bus stop and a suitable crossing point in the area.
 - (ii) 35% of the dwellings to be delivered as affordable housing at nil public subsidy and in accordance with the schedule set out in paragraph 5.32 of this report.

The reasons for this agreement are:

- (i) To mitigate against the impacts of the proposed development and to satisfy the requirements of Policy CS8 of the South Gloucestershire Core Strategy (Adopted) and Policy T12 of the South Gloucestershire Local Plan (Adopted)
 - (ii) In accordance with the requirements of Policy CS18 of the South Gloucestershire Core Strategy (Adopted).
- (2) That the Head of Legal and Democratic Services be authorised to prepare and seal the agreement.

- (3) If the S106 Agreement is not signed and sealed within 6 months of this determination then, in view of the length of time, the application should either:
- a) Be returned to the Circulated Schedule for reconsideration;
- Or
- b) The application should be refused due to the failure to secure the Heads of Terms listed above under a Section 106 Agreement, for the reason listed.

Contact Officer: Marie Bath
Tel. No. 01454 864769

CONDITIONS

1. Details of the access, appearance, landscaping, layout and scale, (hereinafter called "the reserved matters) shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason

This is an outline permission only and the reserved matters shall be made to the Local Planning Authority.

2. Application for the approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

Reason

This is an outline permission only and the reserved matters shall be made to the Local Planning Authority

3. The development hereby permitted shall begin not later than two years from the date of the approval of the last of the reserved matters to be approved

Reason

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

4. The layout reserved matters application secured through Condition 1, shall include a detailed acoustic report, including details of necessary mitigation, which shall have been used to inform the details submitted at reserved matters stage.

Reason

To identify and mitigate against disturbance from the industrial trading estate immediately to the west of the application site and to comply with the requirements of Policy EP4 of the South Gloucestershire Local Plan (Adopted)

5. Prior to the commencement of development drainage detail proposals incorporating Sustainable Drainage Systems SUDS and confirmation of hydrological conditions e.g. soil permeability, watercourses, mining culverts)within the development shall be

submitted for approval in writing to the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

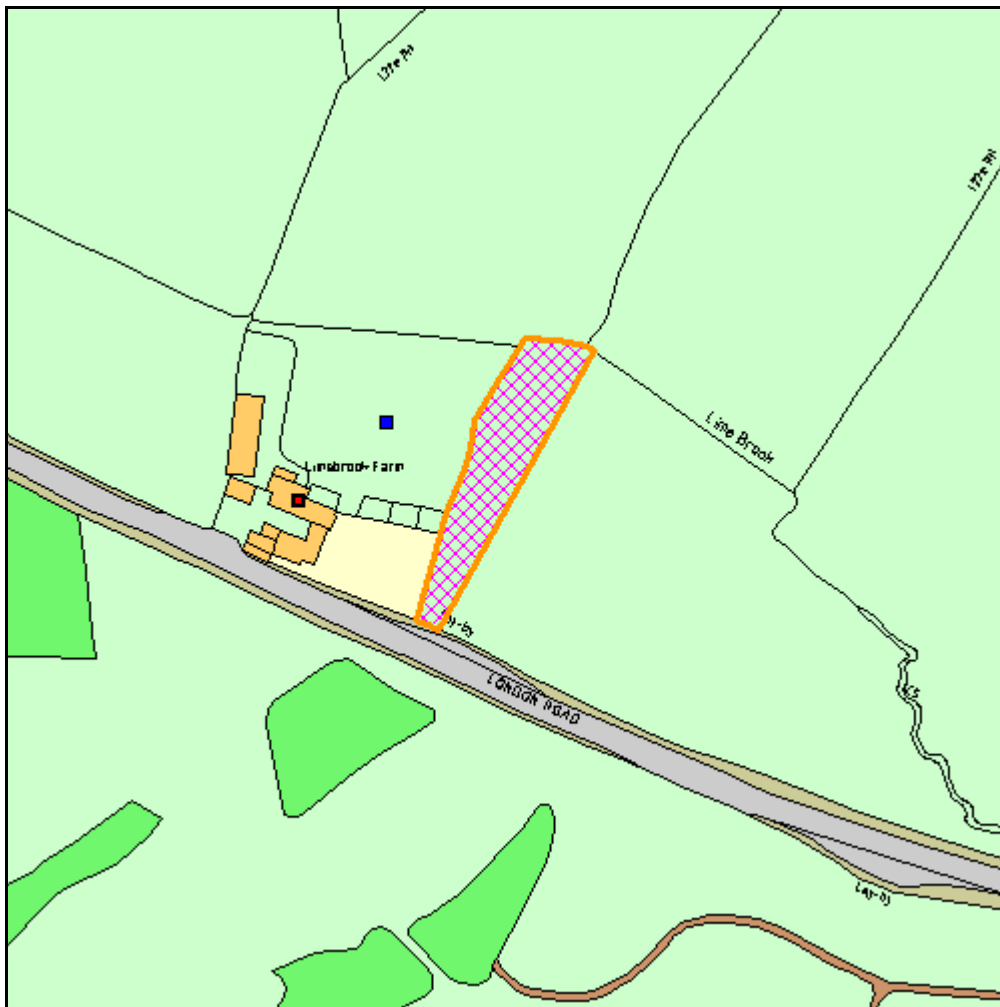
6. The hours of working on site during the period of construction shall be restricted to 07.30 to 18.00 Monday to Friday; 08.00 to 13.00 on Saturday and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the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

Reason

To protect the amenity enjoyed by those living in the locality to accord with Policy EP4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the provisions of the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 28/16 – 15 JULY 2016

App No.:	PK16/1147/F	Applicant:	Mr William Lowther-Harris
Site:	Land At Limebrook Farm London Road Wick Bristol South Gloucestershire BS30 5RZ	Date Reg:	6th May 2016
Proposal:	Change of use of land from agricultural to land for the keeping of horses (Sui generis). Erection of stable block.	Parish:	Wick And Abson Parish Council
Map Ref:	371440 172605	Ward:	Boyd Valley
Application Category:	Minor	Target Date:	28th June 2016



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is circulated because the change of use is a departure from the development framework which is considered to be overcome by very special circumstances.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the change of use of land from agricultural use to land for keeping of horses and the erection of a stable block with a hard surface/turning area to the front.
- 1.2 The application site (indicated by a red line) is a parcel of land of approximately 0.15ha in area, which is currently being used for the grazing of horses together with the three fields shown outlined in blue on the location plan. No horse related planning history is found for the site and as such the whole site is currently considered to be agricultural land but the grazing off the land by horses is not a change of use from agricultural use.
- 1.3 Vehicular access is already established at the south of the site onto London Road.
- 1.4 The site lies in open countryside and is within the designated Bristol/Bath Green Belt and forms part of the Area of Outstanding Natural Beauty (AONB).

2. POLICY

2.1 National Guidance

The National Planning Policy Framework (NPPF) March 2012
National Planning Practice Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted)

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment & Heritage
CS34	Rural Areas

South Gloucestershire Local Plan (Adopted) 6th January 2006 (saved policies)

L1	Landscape Protection and Enhancement
L2	AONB
E10	Horse related development
T12	Transportation
LC5	Proposals for Outdoor Sports and Recreation outside Existing Urban Area and Defined Settlement Boundary
LC12	Recreational Routes

- 2.3 Supplementary Planning Guidance
The South Gloucestershire Design Checklist (SPD) – Adopted August 2007
Development in the Green Belt SPD – Adopted June 2007
Landscape character assessment revised 2014

3. **RELEVANT PLANNING HISTORY**

- 3.1 None

4. **CONSULTATION RESPONSES**

- 4.1 Wick and Abson Parish Council
No response received

4.2 Other Consultees

Adjoining parish -Doynton Parish Council
No response

Sustainable transport

No objection provided there is no significant increase in use so the proposal needs to be subject to a condition regarding no commercial activity or riding school.

Landscape Architect

No objection subject to conditions restricting the storage of vehicles and jumps and preventing the subdivision of the fields. The distance from the centre of the nearby hedge to the stable should also be at least 1.5m.

PROW Officer:

No objection provided that the public footpath is not adversely affected.

Open spaces society;

No response

British Horse Society

No response

Community Enterprise

No response

Other Representations

- 4.3 Local Residents
None received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

5.2 Paragraph 88 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

5.3 The application seeks to formally change the use of the land equine. The Gelding judgement of March 2014 noted that change of use of land in Green Belt to an equestrian use is not listed as one of the other appropriate uses. As such the site would need to demonstrate very special circumstances. In this case the applicant has not provided a statement but the officer notes:

- this is an application for a small stable block for ‘family use only’ on a small part of the overall agricultural land in the applicants control.
- The landholding as indicated in blue runs to 5.2ha and could accommodate up to ten horses according to the British Horse Society
- The development on this small part of the site is appropriate to the use of the wider land for grazing horses and proportionate to the size of the overall landholding.
- The proposal is reasonably essential as a facility for outdoor recreation and is proposed in appropriate materials of green onduline sheeting to the roof over timber frame and walls.
- It would preserve the openness of the Green Belt in this location and would not conflict with any of the purposes of including land within the Green Belt.

5.4 Overall officers take the view, in respect of the very special circumstances, that each site is considered on its own merits, paragraph 89 refers to buildings not uses but as the use of the land for equine use is similar to the grazing of other animals and would preserve the openness only if it did not bring about inappropriate buildings which cause harm to the green belt. So it is accepted that the change of use would not adversely affect the green belt. The building itself is considered further below.

5.5 Paragraph 89 of the NPPF advises that a planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are the provision of appropriate facilities for outdoor sport and outdoor recreation, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. As such stabling is

appropriate development provided that it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.

- 5.6 Having established that the use of the land is acceptable in the Green Belt consideration needs to be given to the scale of the buildings proposed and whether these would preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. In this regard the stables are located in a modest building to support a small scale leisure use, appropriate to the scale of the land holding and to the use proposed. The proposed building is located alongside a thick hedge which separates it from the neighbouring farm house (in different ownership). It is not considered that the location of the stable would adversely affect the openness of the Green Belt. Neither would its existence conflict with the purposes of the Green Belt.
- 5.7 The presumption in favour of development now stands to be tested further in relation to the policies of the local plan, in particular E10 set out below.
- 5.8 Planning policy E10 advises that proposals for horse related development will be permitted outside of the defined settlement boundaries and urban areas provided that:
- It would not have an unacceptable environmental effect, and;
 - It would be acceptable having regard to issues of residential amenity; and
 - The proposal would be acceptable having regard to issues of highway safety; and
 - Safe and convenient access to bridleways and riding ways is available to users; and
 - There are no existing suitable buildings that could be converted; and
 - The design of the buildings, size of the site and the number of horses to be accommodated has proper regard to horse welfare.
- 5.9 Design in the landscape/Visual
It is proposed to locate the stable alongside the western boundary of the site. It will be accessed by an existing track. The site will be screened in views from traffic on the A420 by an existing hedge on the southern boundary. It will be visible in views from the public footpath that crosses the field to the east. It will be seen against the backdrop of the existing hedge and within the context of a dwelling with associated out buildings further to the west. It may be possible to glimpse the stable through layers of vegetation from the Cotswold escarpment which is to the east. In these views it will be set against the existing hedgerow and seen within the context of residential buildings further to the west and agricultural buildings to the north. The stable has timber panelling on the outside and a profiled metal roof, typical for stables in the area.
- 5.10 The stable is shown quite proximate to the boundary hedge. To avoid doing any damage to the roots of the hedge when excavating the foundations the stable should be offset from the centre of the hedge by 1.5m. An amended plan showing the proposed location of the stable in relation to the existing hedge was requested by the landscape officer but it is considered that this can adequately be controlled with a condition which is applied. Excess lighting

could also detrimentally affect the visual amenity of the area and as such details of any lighting will need to be agreed prior to its installation.

- 5.11 The four fields are currently pasture with overgrown native hedges on the boundaries. It needs to be determined if there is enough area to keep five horses and be in accordance with the recommendations of the British Horse Society. The application form states that the site area is 0.15ha which must refer to the stable block area. The area has an unspoilt agricultural character. Change of use to the keeping of horses can change the landscape character of an area. This could be controlled by placing a condition onto any approval restricting the storage of any vehicles or horse jumps and preventing the sub division of the fields through any means, including electric fencing. In reality however this change of use only relates to the small 0.15ha site of the stable and not the wider fields which are in the same ownership but not subject to this application. As such the use of removable jumps within the site area would not be particularly harmful to the wider countryside and is controlled naturally by the limited size of the actual site.
- 5.12 It is therefore considered that consent, subject to having no livery, need not be subject to removal of all permitted development rights for structures, fences, all means of enclosure, access, hardstanding and horse jumps and any other equipment. Planning permission would be required regardless for any new building and this is considered sufficient to maintain the wider openness of the Green Belt and beauty of the AONB.
- 5.13 Residential Amenity
The proposed stable building would stand sufficiently far away from any residential use and as such would not impact directly on residential uses.
- 5.14 Public Right of Way
The PROW team advise that this may affect public footpath LWA58, which starts from the London Road at a stile approximately 60m south east of the track entrance and heads north. The path only crosses the red lined site area at the north of the site where it passes through the field gateway and continues in a generally north-north-easterly direction. As such the works to erect the stable and the proposed hardstanding are not within the area likely to affect the use of the footpath and overall there is no objection to the proposal providing that there is no adverse effect to pedestrian safety and access. To assist in this an informative is proposed to remind the applicant of their responsibilities regarding the footpath.
- 5.15 Highway Safety
This planning application seeks permission to change (0.15Ha) of land from agricultural to equestrian use. In conjunction with this change of use the applicant wishes to erect a building to accommodate a five bay stable, a tack room and hay store. The proposed stables are accessed via an existing gated field access from the back of a lay-by adjacent to a straight section of the A420, where adequate visibility exist provided there are no large vehicles parking immediately to the east of it. The access is only wide enough for one vehicle to use it at a time but there is space inside the site for vehicles to pass. The access is not suitable for any significant increase in use, however there is no

highway objection to it being used for the small increase in traffic generated by the proposal subject to a condition restricting the use to personal family use only so no commercial or DIY livery or riding school.

5.16 Horse Welfare

Guidelines laid down by the British Horse Society advise that a stable building should be large enough for a horse to comfortably stand up in and turn around. Therefore, depending on the size of the horse, a stable should measure between 3 x 3.7 and 3.7m x 3.7m. In this instance, the stables are considered of adequate size. There is no objection to the proposal on this basis.

5.17 Further, the British Horse Society 'recommends a ratio of two horses per hectare on permanent grazing (1-1.5 acres per horse). However, this recommendation can only ever be a guide as it is subject to numerous factors, such as:

- Size and type of horse/pony
- Fat score of horse/pony
- Length of time spent stabled or exercised off the pasture
- Time of year
- Quality of the pasture and type of soil
- Number of animals on the pasture
- How well the pasture is managed and cared for

In this instance, the applicant owns (5.2Ha) as shown in red and blue on the site plan and as such has access to sufficient land to accommodate the grazing of up to ten horses proposed.

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 Reading the application as a whole the application has shown that land is available for the grazing and general exercise for the relatively modest stable block of five stables. The stables are appropriate facilities for outdoor recreation and the application shows that the associated land will remain open grazing/agricultural land. This is on balance acceptable under the criteria set out in policy E10 and the NPPF.
- 6.3 This is a departure from the development plan and is being advertised as such.
- 6.4 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 Planning Permission is GRANTED subject to those conditions listed below and following the expiration of the departure advert on 22 July 2016.

Contact Officer: Karen Hayes
Tel. No. 01454 863472

CONDITIONS

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

Reason

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

2. The stable shall be erected not closer than 1.5m from the centre line of the hedge located to the northwest of the proposed stable.

Reason

In the interests of the well-being of the hedge which it is desirable to maintain for its wider landscape benefits and to accord with policies E10 and L1 of the South Gloucestershire Local Plan Adopted January 2016 and policy CS9 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.

3. At no time shall the stables and the associated land be used for livery, riding school or other business purposes whatsoever.

Reason

In the interest of highway safety and to accord with policies E10 and T12 of South Gloucestershire Core Strategy Local Plan Adopted December 2013.

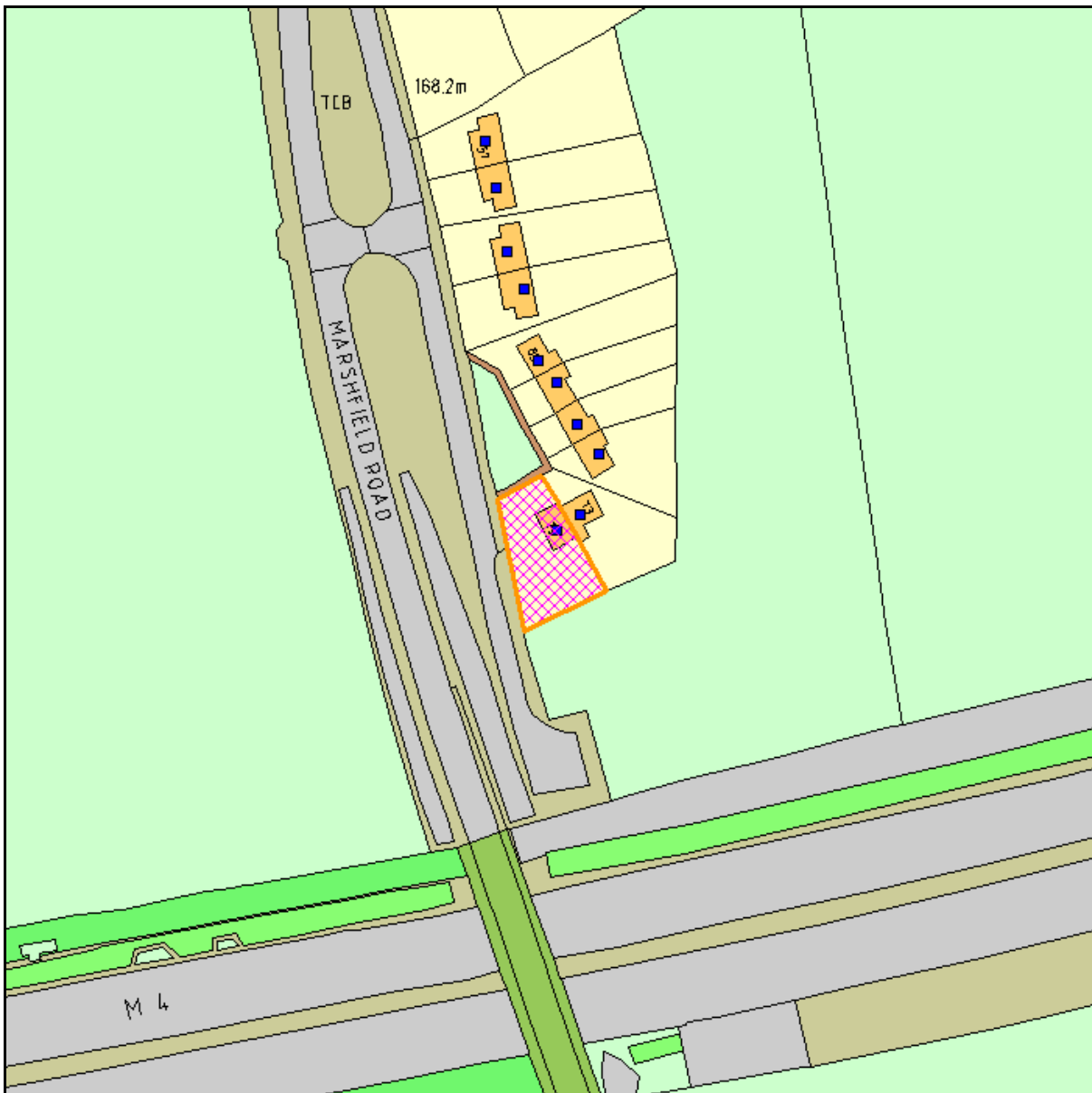
4. Prior to the erection of any illumination being installed on the stable details of any lighting and external illuminations, including measures to control light spillage, shall be submitted to and agreed in writing by the Local Planning Authority . Development shall only be carried out in accordance with the approved details.

Reason

To protect the character and appearance of the area, and to accord with saved Policies E10 and L13 of the South Gloucestershire Local Plan (Adopted) January 2006, Policy CS9 of the South Gloucestershire Local Plan Core Strategy and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 28/16 – 15 JULY 2016

App No.:	PK16/2663/F	Applicant:	Mr William Player
Site:	75 Marshfield Road Tormarton Badminton South Gloucestershire GL9 1JF	Date Reg:	27th May 2016
Proposal:	Alterations to roofline to facilitate the erection of two storey front and side extensions to provide additional living accommodation. Construction of new vehicular access.	Parish:	Tormarton Parish Council
Map Ref:	377096 178318	Ward:	Cotswold Edge
Application Category:	Householder	Target Date:	20th July 2016



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule following a comment from a local resident.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the demolition of an existing conservatory, alterations to the roofline to facilitate the erection of a two storey front and side extension to provide additional living accommodation and the construction of a new vehicular access. This application is a resubmission of two previously approved schemes, refs. PK10/1903/F and PK13/2924/EXT. Under PK10/1903/F, erection of a two storey front and side extension and the creation of a new vehicular access was approved – a proposal identical to this application. Further to this, in 2013, to prevent the planning application from lapsing PK13/2924/EXT was submitted and approved, but this planning permission will soon lapse.
- 1.2 The application site relates to a two-storey semi-detached property situated inside the settlement boundary of Tormarton and the Cotswolds Area of Outstanding Natural Beauty.
- 1.3 The dwelling is set back front on to the main road by about 6.6 metres, attached rear on to the neighbouring dwelling to the east. To the south, the dwelling is bordered by open fields.

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
- CS34 Rural Areas

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

- H4 Residential Development within Existing Residential Curtilages
- L1 Landscape Protection and Enhancement
- L2 AONB
- L11 Archaeology
- T12 Transportation Development Control Policy for New Development

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

PSP2	Landscape
PSP8	Residential Amenity
PSP16	Parking Standards
PSP18	Heritage Assets and the Historic Environment
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 PK13/2924/EXT Approved with Conditions 24/09/2013
 Alterations to roofline to facilitate the erection of two storey front and side extensions to provide additional living accommodation. Construction of new vehicular access. (Consent to extend time limit implementation for PK10/1903/F).
- 3.2 PK10/1903/F Approve with Conditions 27/09/2010
 Alterations to roofline to facilitate the erection of two storey front and side extensions to provide additional living accommodation. Construction of new vehicular access.

4. **CONSULTATION RESPONSES**

- 4.1 Tormarton Parish Council
 The neighbour has raised concerns about possible loss of light should this application go ahead.

As long as this concern can be addressed, the Council have no objection to this application.

- 4.2 Other Consultees

Archaeologist
 No Objection

Highway Engineer
 No Objection

Other Representations

- 4.3 Local Residents
 One letter has been received from a local resident:

- Daylight will be lost from the southwest, therefore increasing electric lighting expense during the winter months.
- Extensions are larger than the previous application.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application stands to be assessed against the above listed policies and all material considerations. Of particular importance in the assessment is the impact the proposal would have on the host property and the character of the surrounding area; the impact on the amenity of future occupants and closest neighbours; the impact on highway safety and off-street parking and the impact on the AONB.

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

5.2 Design and Impact on Visual Amenity

The application site is located within a cluster of properties to the east side of Marshfield Road, an unclassified road off Cotswold Way. The property is semi-detached to No. 73 Marshfield Road which is proportionally similar to the application site dwelling, aside from the fact they are attached rear to side on.

5.3 The proposed development would make alterations to the existing two storey dwelling by lowering the gable end rooflines to facilitate the erection of a two storey side and front extension. The two storey front extension would cater for slightly increased footprints to the sitting room, hall and kitchen at ground floor and the second and third bedrooms at first floor. This extension would measure approximately 1 metre from the main front building line and extend across the entire front of the dwelling for approximately 9.05 metres. It would have an eaves height of 4.2 metres and its mono-pitched roof would continue the new roof pitch. To the side of the main dwelling and this extension is proposed the two storey side extension. This would serve to create an additional sitting room and utility at ground floor and a master bedroom and bathroom at first floor. It would measure approximately 6.8 metres long, 3.5 metres wide, have eaves of 4.2 metres and a height to ridge of 6.05 metres. The window arrangements in the north, south and east elevations will be reconfigured. New openings would be to the front at ground floor and first floor levels in the form of windows and a set of full height doors and a side door in the side elevation of the new two storey side addition. Proposed materials would be reconstituted stone and Redland concrete tiles. These are acceptable. In terms of its overall design, scale and massing the proposed two storey front and side extension is considered to respect the original dwelling and is therefore appropriate to it and the character of the immediate area.

5.4 Accordingly, it is judged that the proposal has an acceptable standard of design and is considered to be in-keeping with policy CS1 of the adopted Core Strategy.

5.5 Landscape

The proposal also entails alterations to the existing front garden to achieve tail to tail parking for vehicles. The site is currently separated from the main road to the front by a low stone wall. This wall runs the length of this part of the Marshfield Road and is an attractive feature of the area.

- To facilitate this proposal, a section of approximately 2.9 metres would be demolished to create an entrance into the application site.
- 5.6 Although any demolition of this stone wall is unwelcome in terms of visual amenity and landscape quality, only a small section will be demolished and there are merits of gaining additional off street space for vehicles.
- 5.7 The proposed works will not detrimentally impact on the landscape of the area as the proposal involves an appropriate design approach. It must also be considered that the host dwelling is located within a designed settlement boundary and proposals of this kind are expected.
- 5.8 Accordingly, in terms of landscape the proposal has an acceptable impact on the landscape character of the area and therefore the proposed two storey front and side extension accords with saved policies L1 and L2 of the adopted Local Plan.
- 5.9 Residential Amenity
As mentioned above, the application site is attached to No. 73 to the east. Concern has been expressed regarding the overshadowing of this property. Previous schemes have sought to address concerns by reducing the width of the proposed side extension. In this instance, the extension would extend out 3.5 metres. It is recognised that, given the orientation of the properties, there would be changes for this neighbour, but it is important to consider the degree of impact that would result from the proposed side extension. The adjoining property has a large rear garden which is mostly open on all sides, with fields to the rear. Closest windows in the rear of this property serve non-habitable rooms at first floor and at ground floor, closest windows serving habitable rooms are separated from the proposed extension by its own single storey rear lean-to. Furthermore, the wall height of the proposed extension from ground level to eaves height is about 4.25 metres before the roof pitches away from the neighbours and the orientation of the site results in the side extension being to the southwest of No. 73 limiting the impact in terms of light to later in the day. It is acknowledged that there would be some changes for this neighbour, but it is considered that this would not impact adversely on to such an extent as to warrant the refusal of the application.
- 5.10 No new windows are proposed in the eastern elevation, other window arrangements in the side and front elevations will be reconfigured and any new windows will overlook the highway. It is therefore considered that the levels of privacy currently experienced by neighbours would not be comprised.
- 5.11 Overall the proposal will not result in a materially detrimental impact to the residential amenity of the nearby occupiers, and accordingly, saved policy H4 of the adopted Local Plan is satisfied.
- 5.12 Transport and Parking
The property benefits from a long side garden. The proposed development would not increase the number of bedrooms within the dwelling, but introduces a new access and driveway to the side of the property.

The Council's Residential Parking Standards (2013) states that 3no. bed properties should have a minimum of two off-street parking spaces measuring 2.4m by 4.8m. The proposal is considered to accord with this level of parking. However, an informative will be attached to the decision notice informing the applicant to contact the Council's Street Care department to ask permission to drop the kerb to the front of the property.

6. CONCLUSION

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

7. RECOMMENDATION

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

Contact Officer: Helen Braine
Tel. No. 01454 863133

CONDITIONS

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

Reason

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

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

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006; Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013 and the provisions of the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 28/16 – 15 JULY 2016

App No.:	PK16/2840/RVC	Applicant:	Pizza GoGo
Site:	5 Westons Way Kingswood Bristol South Gloucestershire BS15 9RR	Date Reg:	18th May 2016
Proposal:	Variation of condition 6 attached to planning permission PK12/3017/F to alter hours of working to opening of premises until 12 Midnight on Fridays and Saturdays	Parish:	None
Map Ref:	365728 173041	Ward:	Woodstock
Application Category:	Minor	Target Date:	11th July 2016



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 100023410, 2008. N.T.S. PK16/2840/RVC

REASONS FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule following the receipt of objections from Councillor Andy Perkins and two local residents; the concerns raised being contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 This application seeks consent to vary condition 6 attached to planning consent PK12/3017/F. The condition as attached currently reads as follows:

The use of the A5 hot food take-away hereby permitted shall not be open to customers outside the following times 11.00 hrs to 23.00 hrs Monday to Sunday inclusive.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy RT8 of the South Gloucestershire Local Plan (Adopted) January 2006.

- 1.2 The application relates to no.5 Weston's Way which benefits from planning permission PK12/3017/F to operate as a Hot-Food Take-Away. The unit is in fact sub-divided to create Pizza GoGo and Mr Doner but both outlets share the same kitchen and extraction system located to the rear. The unit lies within a small rank comprising Tesco Express and the currently vacant Dragon Palace Chinese Take-Away. Immediately opposite no. 5, is The Old Plough Public House. All of these properties are served by a public car park accessed off Weston's Way. To the north-east public footpaths lead to an underpass beneath Weston's Way. To the east, public playing fields lie on the opposite side of Weston's Way, otherwise the application site and adjoining businesses are enclosed by residential dwellings, most notably those along Gee Moors to the south and east, and further afield to the north on Bredon Close.

- 1.3 The proposal is to vary the wording of Condition 6 to read as follows:

'The use of the A5 hot food take-away hereby permitted shall not be open to customers outside the following times 11.00 hrs to 23.00 hrs Sunday to Thurs. inclusive and 11.00 hrs to 24.00 hrs Fridays and Saturdays.'

In effect the revised wording would allow the take-away to be open to customers for one additional hour into the evening of Friday and Saturday only. No physical works to the building are proposed. For the avoidance of doubt, the application relates to the whole unit encompassing both Pizza GoGo and Mr Doner.

2. POLICY CONTEXT

- 2.1 National Planning Guidance
National Planning Policy Framework
National Planning Policy Guidance

2.2 Development Plans

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

- T7 Cycle Parking
- T8 Parking Standards
- T12 Transportation Development Control Policy for New Development
- EP4 Noise Sensitive development
- RT8 Small Scale Retail Uses within the Urban Areas and the Boundaries of Settlements.

South Gloucestershire Local Plan Core Strategy (Adopted)

- CS1 High Quality Design
- CS4a Presumption in Favour of Sustainable Development
- CS5 Location of Development
- CS6 Infrastructure and Developer Contributions
- CS7 Strategic Transport Infrastructure
- CS8 Improving Accessibility
- CS9 Environmental Resources and Built Heritage
- CS14 Town Centres and Retail

Emerging Plan

Proposed Submission : Policies, Sites and Places Plan June 2016

- PSP9 Residential Amenity
- PSP12 Transport Impact Management
- PSP17 Parking Standards
- PSP22 Environmental Pollution and Impacts
- PSP33 Local Centres Parades and Facilities
- PSP36 Food and Drink Uses (including drive through takeaway facilities).

Supplementary Planning Guidance

South Gloucestershire Design Checklist – Adopted

3. **RELEVANT PLANNING HISTORY**

There have been numerous applications relating to this site, the most relevant being those listed below:

- 3.1 P85/4453 Erection Of 3 Shops With Flats Above, 1 Supermarket & 1 Public House With Living Accommodation Over. Approved 23-JAN-86 (Previous Ref K1334/6)
- 3.2 P94/4496 Retention of 1no. Internally illuminated fascia sign and 1 no. internally illuminated projecting box sign (previous ID: A401/1)
Approved 13-Dec-94
- 3.3 PK07/2607/F Alterations to roofline to facilitate the erection of two storey side extension to form 1 no. retail unit (Class Use A1) and 1 no. unit (Class Use A5) hot food takeaway, with 4 no. additional self contained flats above with balcony and associated works.
Approved subject to S106 16-OCT-08.

- 3.4 PK10/1555/EXT Alterations to roofline to facilitate the erection of two storey side extension to form 1 no. retail unit (Class Use A1) and 1 no. unit (Class Use A5) hot food takeaway, with 4 no. additional self contained flats above with balcony and associated works. (Consent to extend time limit implementation for PK07/2607/F).
Approved 13-AUG-10. (Now expired)
- 3.5 PK12/3017/F Change of Use from Video Rentals Shop (Class A1) to Hot Food Take-away (Class A5). Installation of extraction flue to rear elevation.
Approved 21 Dec. 2012
- 3.6 PK14/1449/RVC Variation of condition no.6 attached to planning permission PK12/3017/F to extend hours of operation to 1 a.m. Sunday to Thursday and 2 a.m. Friday to Saturday (Retrospective).
Refused 19 June 2014 for the following reason:

'The proposed extended hours of operation to 1am from Sunday to Thursday and 2am from Friday to Saturday would cause significant noise and disturbance to the surrounding residential properties given that the background noise level at that time of hour is very low. In particular, the application site is located within a proximity of the nearby residential properties, and the proposed extended operational hours would result in activities, such as visiting the takeaway and/or staff making deliveries and these would be detrimental to the living conditions of the neighbouring residents and would be contrary to Policies CS1, and CS14 of the South Gloucestershire Local Plan (Adopted December 2013) and Policy RT8 of the South Gloucestershire Local Plan (Adopted) January 2006.'

4. CONSULTATION RESPONSES

Parish Council

Not a parished area.

Other Consultees [including internal consultees of the Council]

Transportation D.C.

Although the proposed extension of opening hours to the premises would add to the traffic movements at this location, the increase in traffic would not be to an extent to justify the refusal of this application on highway's road safety ground as it would be more of the same as occurs during the current permitted opening hours.

It is noted, based on the reason in the decision notice, that the condition no.6 was imposed in order to 'protect the amenities of the occupiers of nearby dwelling houses' and does not relate to highway safety issues.

In view of all the above mentioned therefore, it is considered unreasonable to refuse this application on highway grounds.

Environmental Grounds

A previous application for extended hours PK14/1449/RVC would have extended the opening hours of this premises beyond the other businesses in the immediate vicinity. However as the proposed hours are the same as the pub on the site I have no objection to this application.

Other Representations

Local Residents

Objections were received from 2no. occupants of houses in Gee Moors. The concerns raised are summarised as follows:

- This is a residential area with several businesses, the latest closing time for other businesses is 11.00 p.m.
- Increased noise and litter.
- Increased parking issues.

Councillor Andy Perkins

On behalf of Cllrs Gareth Manson, Pat Rooney and myself, we wish to register our objection to the above application to extend the premises' opening hours.

Condition 6 of the original planning permission PK12/3017/F was added because, in the words of the planning officer who dealt with that application, *"The extant planning permission for the new hot food takeaway contains a condition for the hours of opening to the public of 11.00 hrs. to 23.00 hrs. Monday to Sunday inclusive. These hours are considered to be commensurate with the previously approved Chinese Takeaway use at the centre (No. 3 Weston's Way).*

This condition was added based on a well-founded example in operation at this location.

In assessing and recommending refusal of a previous attempt to vary condition 6 (PK14/1449/RVC), the planning officer stated that *"...proposed extended operational hours would result in activities, such as visiting the takeaway and/or staff making deliveries and these would be detrimental to the living conditions of the neighbouring residents..."*.

We support this conclusion from 2014 and believe it holds good now with the latest attempt to vary condition 6.

The shops/pub area at Weston's Way lies in an area of housing. Half a dozen houses on Gee Moors front onto the car park for this location and a further 4 are only a few more yards away accessed via a narrow lane to the side of Tesco. A further area of housing is located in the other direction (Bredon Close). As local councillors for the area we have, in the past, received numerous complaints about the shop/pub area. The nature of these complaints has included noise (early morning and late at night), litter and parking issues. We have worked with local residents, the manager of Tesco, the landlord of the pub, the owners of the pub (Marston's brewery), officers from Street Cleansing and officers from Environmental Protection to find ways of mitigating the effects of this area on the lives of our residents.

To hear now that the owner of the pizza take-away once again wishes to open late is, in our opinion, totally unacceptable for a residential area. This sort of proposal is more commensurate with a business operating in Kingswood town centre, but not in a residential area. It would undoubtedly lead to extra noise for local residents. Noise will take the form of vehicles arriving and leaving, car doors banging, people talking/shouting etc. Residents already can be woken very early in the morning by

unrestricted deliveries to Tesco. To find now that there is a prospect of them being disturbed from getting to sleep until midnight is just totally unacceptable. For the wider area, residents in surrounding roads face the prospect of additional vehicular noise late into the night as people patronise the take-away or the take-away itself delivers. Residents living adjacent to the open space which connects Weston's Way with Wedmore Close and further to Somerton Close/Langford Way and beyond also face the prospect of late night noise from pedestrians walking to/from the take-away should it remain open longer.

It is worth also pointing out that Pizza GoGo has recently sub-divided its premises and created an adjacent "Mr Doner" kebab/burger/wraps take-away. Whilst these two 'premises' have separate doors, they share the kitchen facilities and are, therefore, to all intents and purposes the same business. The current application, therefore, is not only seeking to extend the opening hours of the pizza take-away but also for the doner kebab take-away next door.

This application is quite simply unacceptable and we strongly urge the planning officer to recommend refusal.

5. ANALYSIS OF PROPOSAL

5.1 The scope of a variation of condition application (section 73 application) is more limited than a full planning application. The Local Planning Authority may only consider the question of the conditions, and cannot revisit or fundamentally change the original permission. It may be decided that the permission should be subject to the same conditions as were on the original permission; or that it should be subject to different conditions; or that permission may be granted unconditionally. There is a right of appeal in the usual way against any conditions imposed.

5.2 In assessing this application it is necessary to consider whether or not the relevant condition (6) or any variations satisfy the requirements of planning conditions as set out in the National Planning Policy Framework (NPPF). The NPPF requires all planning conditions to pass three tests, these being that conditions should be: –

- i. Necessary to make the development acceptable
- ii. Directly related to the development
- iii. Fairly and reasonably related in scale and kind

5.3 Being mindful of the reason for attaching the condition (6) in the first place, when assessing this current application officers will consider whether the varied opening hours would undermine the objective of Policy RT8 of the South Gloucestershire Local Plan (Adopted) to take account of the amenity of those living in the locality.

5.4 Analysis of Proposal

In considering this application, officers are mindful of the obligation as set out in the NPPF for local planning authorities to positively and proactively encourage sustainable economic growth. The modest increase in opening hours would allow the unit to trade for one hour longer on Fridays and Saturdays only,

therefore contributing positively towards the government's objective of achieving sustainable economic growth by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth.

- 5.5 In support of the application the applicant's agent has stated that the main reasons for the proposed increased hours of trading are due to increased customer demand and to ensure that the business remains viable. The applicant notes that the neighbouring 'The Old Plough P.H.' operates until midnight and the Tesco Express opens until 23.00hrs.
- 5.6 The application falls to be determined under Policy RT8 of the South Gloucestershire Local Plan (Adopted) 6th January 2006, which permits small scale proposals for A1 - A5 uses within the urban areas but outside Town Centres provided that:
- A. The development would not give rise to unacceptable levels of vehicular traffic or on-street parking to the detriment of the amenities of the surrounding area and highway safety; and
 - B. The development would not prejudice existing residential amenity; and
 - C. The character of the area would not be affected; and
 - D. (In the case of proposals within a local centre) that the development would be consistent with that centre's scale and function; or
 - E. (In the case of proposals outside of a local centre) development would improve the range of services to a local community and not harm the vitality and viability of an existing local centre.

These criteria are discussed as follows;

5.7 Transportation Issues

This small commercial area is within easy walking distance of the residential properties it generally serves and there is a bus-stop directly outside on Weston's Way; the location is therefore considered to be a sustainable one. There is also a well used car park immediately adjacent to the pub, Tesco's and the Hot Food Take-away units, all of which no doubt also attract a degree of passing trade. Given that the proposal would only increase the opening hours of the take-away by one hour on a Friday and Saturday evening, any additional traffic generation would be insignificant. The increased hours of opening would be after Tesco's has shut so the car park should be able to comfortably accommodate the additional traffic at this time of night, thus preventing any additional on-street parking issues. The Council's Transportation Officer has raised no objection to the proposal, indeed he considers that it would be unreasonable to refuse the application on highway grounds.

5.8 Impact on Residential Amenity and Environmental Issues

Given the proximity of residential properties to the site, most notably those in Gee Moors, this issue is considered to be critical in the determination of this application. Concerns have been raised by the local Member and local residents about existing problems relating to litter and from cars and delivery

- lorries already visiting the site. The objections relate mainly to possible increased noise and disturbance later into the night and increased litter.
- 5.9 Whilst it is acknowledged that an earlier application PK14/1449/RVC which sought to vary condition 6 of PK12/3017/F was refused for the reason stated in para. 3.6 above; that application proposed significantly longer opening hours than currently proposed and also throughout the whole week, as opposed to just a 1 hour increase on Friday/Saturday in the current proposal. The current application must be determined on its own merits.
- 5.10 It is noted that on two occasions for this rank of commercial units, the Council previously approved applications (see PK07/2607/F & PK10/1555/EXT) for: 'Alterations to roofline to facilitate the erection of two storey side extension to form 1 no. retail unit (Class Use A1) and 1 no. unit (Class Use A5) hot-food takeaway, with 4 no. additional self contained flats above with balcony and associated works' although conditions attached to those permissions restricted the opening hours of the hot-food takeaway to: 11.00hrs to 23.00hrs Mon-Sun incl. and the A1 retail unit to 09.00hrs to 23.00hrs Mon-Sun incl. Whilst these permissions have now lapsed, they do demonstrate the Council's previous willingness to accept a significant intensification of activities at the site late into the evening and throughout the week.
- 5.11 The existing 'Dragon Palace Chinese Take-Away' is currently vacant and has been since at least 2012. This could reflect the difficult trading conditions and viability issues sited by the applicant as justification for the proposed extended opening hours at no.5. It is however noted that in the officer report for PK12/3017/F it was stated at para. 5.2 that the use of the Dragon Palace unit was to be changed to Retail (Class A1) under permitted development rights, to be used as an extension to the existing supermarket.
- 5.12 The unit at no. 5 is not a large one being only 94 sq.m. of floor-space and serving only hot food to take-away. It is a much smaller unit than Tesco's occupy or the nearby Old Plough Public House, which currently operates until midnight. Tesco's closes at 23.00hrs but officers noted that there is an ATM Cash Machine to the front that would be accessible from the car park 24/7.
- 5.13 Your officer is familiar with the location and can confirm that the pub, supermarket and take-away together form a focal point for locals. Your officer noted during his site visit that the pub advertised a disco on the Friday and karaoke on the Saturday. The pub is served by outside seating both to the side facing Gee Moors and to the end facing the take-away. Officers consider that where such uses exist alongside residential properties in close proximity, it is inevitable there will be some implications for the amenities of local residents. There is however a balance to be drawn between the level of disturbance and the need/demand for local shops and facilities.
- 5.14 In assessing this matter, officers note that the Council's Environmental Health Officer (EHO) has raised no objections to the proposed extension in opening hours because they would not extend beyond the hours when the adjacent pub is open. The EHO has not sited any problems specifically associated with the existing take-away.

- 5.15 In addition, officers note that on 7th June 2016 The South Glos. Council Licensing Sub-Committee granted Pizza GoGo/Mr Doner a variation of the Premises Licence (Ref: SGC/106545) to extend the opening hours on Fridays and Saturdays to 23.00hrs. Whilst it is acknowledged that the Premises Licence is considered under different legislation i.e. the Licensing Act 2003 as opposed to the Town & Country Planning Act, issues of crime and disorder, public safety, prevention of public nuisance and protection of children from harm are all considered.
- 5.16 As regards the issue of litter, your officer noted during his site visit that there were a number of litter bins located in the area. There are two bins outside Tesco's, 1 outside the pub and two on the open space leading to the subway. The bins leading to the subway were full to overflowing with what appeared to be litter originating from the take-away. Some of this litter had spilled over onto the public open space.
- 5.17 The original planning permission for the A5 hot food take-away use of no.5 was granted subject to a number of conditions, one of which required the provision of a litter bin on the forecourt of the premises but this condition has not to date been complied with. A similar condition was attached to the licence granted by the Licensing Sub-Committee on the 6th June 2016.
- 5.18 Officers consider that to mitigate for any increased litter a similar planning condition is justified if this current proposal is approved.
- 5.19 Having considered all of the above, officers consider that on balance, the modest increase in opening hours proposed would not result in a significant adverse impact on residential amenity contrary to Policy RT8(B).
- 5.20 Other Matters
The commercial properties at Weston's Way appear on the list of Local Centres and Parades (see Table 3 no.37) under Core Strategy Policy CS14. The arcade of shops/supermarket/pub was granted consent in 1986, so are now well established. The modest extension in opening hours of no.5 would not significantly alter the character of the Local Centre. Furthermore the increased hours of opening would enhance the viability of the business and would be consistent with the centre's scale and function and improve the range of services available to the local community. Criteria C, D and E of Policy RT8 are therefore met.
- 5.21 Other Relevant Conditions
In terms of all the other conditions that were attached to the permission PK12/3017/F most are no longer relevant as the development has been completed and the extraction system installed. All that is required is to re-word these conditions to ensure that the details secured under the original conditions are maintained in the future. Only the relevant conditions will be carried forward to include a condition requiring the installation of a litter bin prior to the first use of the take-away using the extended opening hours.

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

7. RECOMMENDATION

- 7.1 That planning permission be approved and condition 6 of planning permission PK12/3017/F varied as follows and all other relevant conditions carried forward as listed on the decision notice:

The use of the A5 hot food take-away hereby permitted shall not be open to customers outside the following times 11.00 hrs to 23.00 hrs Sunday to Thurs. inclusive and 11.00 hrs to 24.00 hrs Fridays and Saturdays.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy RT8 of the South Gloucestershire Local Plan (Adopted) January 2006 and the requirements of the NPPF.

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CONDITIONS

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

Reason

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

2. The development shall proceed in accordance with the extraction and odour abatement system details agreed under application PK12/3017/F and retained as such thereafter.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy RT8 of the South Gloucestershire Local Plan (Adopted) January 2006 and the requirements of the NPPF.

3. The development shall comply with the extractor fan noise levels agreed under application PK12/3017 and retained as such.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy RT8 of the South Gloucestershire Local Plan (Adopted) January 2006 and the requirements of the NPPF.

4. The extraction system approved under application PK12/3017/F must be fully maintained to the manufacturer's standards and available for operation at all times.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy RT8 of the South Gloucestershire Local Plan (Adopted) January 2006 and the requirements of the NPPF.

5. The grease traps approved under application PK12/3017/F shall be fully operational at all times.

Reason

To minimise the risk of blockages to the foul drainage system in accordance with Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013.

6. The use of the A5 hot food take-away hereby permitted shall not be open to customers outside the following times: 11.00 hrs to 23.00 hrs Sunday to Thurs. inclusive and 11.00 hrs to 24.00 hrs Fridays and Saturdays

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy RT8 of the South Gloucestershire Local Plan (Adopted) January 2006 and the requirements of the NPPF.

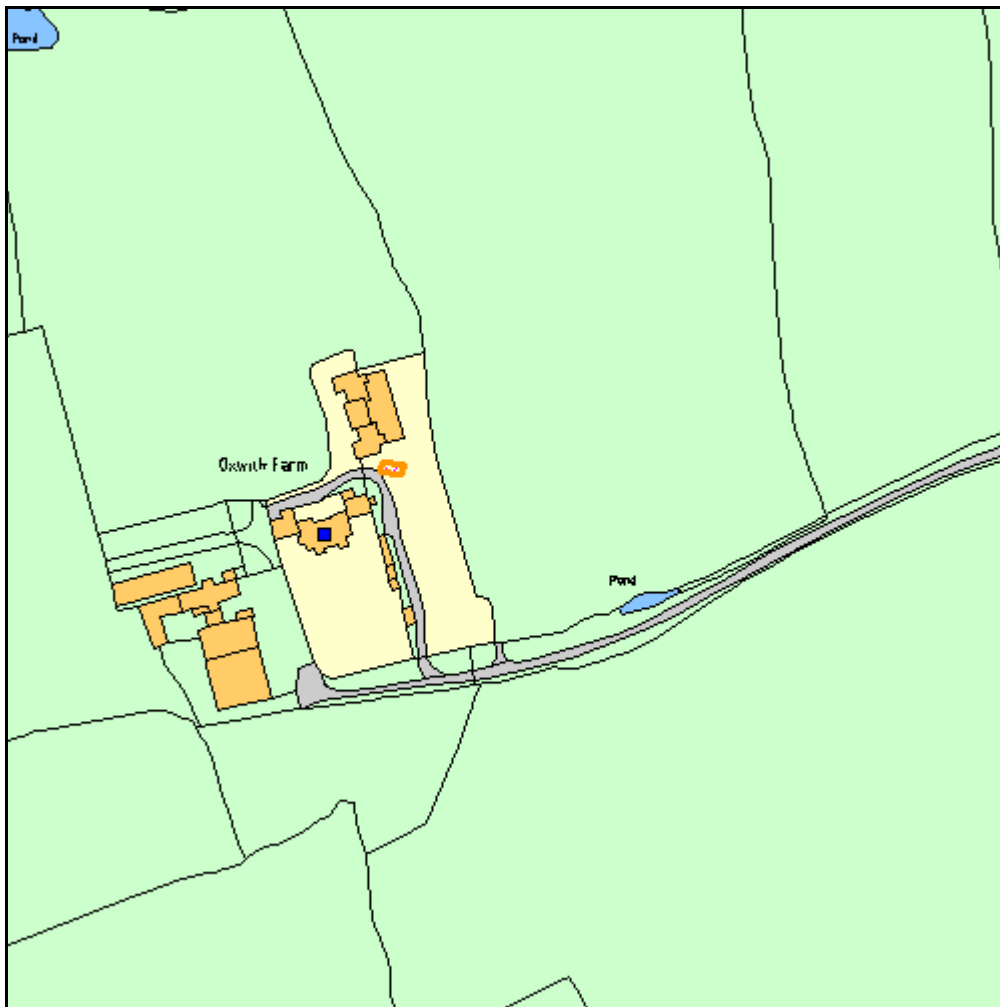
7. Prior to the first use of the development during the extended opening hours hereby approved, a refuse bin shall be installed on the forecourt of the premises and thereafter permanently retained when the premises are trading.

Reason

To safeguard the amenity of the locality in accordance with Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 and Policy RT8 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006. .

CIRCULATED SCHEDULE NO. 28/16 – 15 JULY 2016

App No.:	PK16/3089/F	Applicant:	Mrs Elizabeth Carey-Wilson
Site:	Land At Oxwick Farm Wickwar Road Yate Bristol South Gloucestershire BS37 6PA	Date Reg:	7th June 2016
Proposal:	Change of use of land to station 1 no. mobile home (personal to the current occupier) (Retrospective)	Parish:	Wickwar Parish Council
Map Ref:	372189 185905	Ward:	Ladden Brook
Application Category:	Minor	Target Date:	29th July 2016



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PK16/3089/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This planning application is required to go on to the Circulated Schedule as it represents a departure from the Council's planning policies, but no objections have been received in relation to it.

1. THE PROPOSAL

- 1.1. The proposal site is adjacent to two grade II* listed buildings, Oxwick Farm and its coach house, and forms part of Oxwick Farm. Oxwick Farm lies in open countryside between Yate and Wickwar.
- 1.2. The proposal is a retrospective planning application for the change of use of land from agricultural use to use for the stationing of 1no. mobile home for residential purposes, which is to be personal to the current occupier.
- 1.3. The applicant, who occupies the mobile home, is an elderly woman and is the mother of one of the owners of Oxwick Farm. Oxwick Farm is currently in the process of being renovated for residential purposes, but much of it remains derelict. Although the owners and their family live in the farmhouse at Oxwick Farm, the current facilities at the property are not suitable for the applicant to reside in and she is unable to live independently.

2. POLICY CONTEXT

2.1. National Guidance

National Planning Policy Framework March 2012

2.2. Development Plans

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

H3 – Residential Development in the Countryside

L1 – Landscape Protection and Enhancement

L13 – Listed Buildings

L16 – Protecting the Best Agricultural Land

T8 – Parking Standards

T12 – Transportation Development Control Policy for New Development

EP2 – Flood Risk and Development

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

CS1 - High Quality Design

CS5 – Location of Development

CS9 – Managing the Environment and Heritage

CS34 – Rural Areas

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

PSP2 – Landscape

PSP16 – Parking Standards

PSP17 – Heritage Assets and the Historic Environment

PSP40 – Residential Development in the Countryside

2.3. Supplementary Planning Guidance

Design Checklist SPD (Adopted August 2007)

Residential Parking Standards SPD (Adopted December 2013)

Revised Landscape Character Assessment SPD (Adopted November 2014)

3. RELEVANT PLANNING HISTORY

3.1. None.

4. CONSULTATION RESPONSES

4.1. Wickwar Parish Council

None received.

4.2. Other Consultees

4.3. Conservation Officer

The justification for the stationing of 1no. mobile home is made succinctly in the applicants Planning Statement dated 18th May 2016. Oxwick Farm, a grade II* listed building, is in the process of undergoing extensive restoration and renovation but remains in a condition that is not suitable for the present occupant of the mobile home. Development of this nature is not normally advocated or considered acceptable in such a sensitive location adjacent to highly graded designated heritage assets but the circumstances of this case are unique and the application is for a 'personal permission' for the mobile home for the lifetime care of Mrs Carey-Wilson. On the provision that the mobile home is removed as soon as it no longer serves its approved function, I am of the opinion that permission can be granted subject to an appropriately worded condition securing the removal of the mobile home and restoration of the land to its original condition/use. Historic England have commented on the possibility of planting to screen the mobile home. Given the isolated nature of Oxwick Farm, the present condition of the main listed building and the dilapidated condition of the grade II* listed Coach House to the north (under full scaffold), it is unlikely that planting will make a particular difference, plus it may begin to domestic[ate] an area that always fell outside the historic garden curtilage. This is a temporary mobile home in the grounds of a restoration project and is perceived as such - screen planting may give the impression of a greater degree of permanence than is necessary or desirable.

4.4. Historic England

Historic England Advice

The house and coach house at Oxwick Farm on this site are Grade II* listed and have been on the "at risk" Register for many years. The current owner has been valiantly trying to repair the buildings and live on the site at the same time, however, much of the house is still not suitable for habitable use.

The proposal is retrospective for a mobile home to provide separate living accommodation for the applicant's close relative. Whilst we accept that this will be a personal permission to the applicant and is, therefore, not intended to be a permanent installation, we are concerned that the location of this mobile home will have a detrimental impact on the setting to both the coach house and main house, given its close proximity to both these heritage assets. However, we also recognise that this site has some very difficult issues to address and that the coach house, being clad in scaffold and therefore, of no great beauty in its current form, does emphasise the present transitional phase of the site with the on-going building works.

We are minded that this scheme should be considered against S. 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in line with Paragraph 134 of the National Planning Policy Framework. We would wish to investigate whether some planting would help to alleviate the worst of the visual impacts from this development and soften its presence within the historic environment of this important site.

Recommendation

We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

4.5. Landscape Officer

Given that the dwelling is temporary and the location is relatively well screened from possible significant view points, there is no landscape objection.

4.6. Transportation Development Control Officer

We have now reviewed this planning application and note that it seeks permission to site a mobile home adjacent to Oxwick Farm in Wickwar Road, Yate. We would not normally accept this type of development. However, given that the mobile home will be occupied by a very elderly person who is dependent on the occupants of the main dwelling, we believe that it is unlikely to generate very much traffic. Hence we will make an exception in this particular case. We would, however, wish to see this building removed once it is no longer occupied. Therefore, we recommend that a temporary or personal permission of granted for this development. We have no further comments about this application.

4.7. Drainage and Flood Risk Management Officer

No objection.

4.8. Public Rights of Way Officer

There is no PROW objection to this temporary development, which is sited well away from the nearest recorded public footpath, ref. LYA22, and unlikely to generate significant volumes of traffic on the lane from Sodbury Road.

4.9. Community Enterprise

None received.

Other Representations

4.10. Local Residents

None received.

5. ANALYSIS OF PROPOSAL

5.1. Principle of Development

5.2. Policy CS5 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 (“the Core Strategy”) provides that in the open countryside new development will be strictly limited.

5.3. Policy H3 of the South Gloucestershire Local Plan (Adopted) January 2006 (saved policies) (“the Local Plan”) provides that proposals for new residential development outside the existing urban areas will not be permitted with the exception of affordable housing on rural ‘exception sites’, housing for agricultural or forestry workers or replacement dwellings. Policy PSP40 of the South Gloucestershire Local Plan – Proposed Submission: Policies, Sites and Places Plan (June 2016) (“the PSP”) also states that proposals for residential development in the open countryside will be acceptable for rural housing exception initiatives and for rural workers dwellings, but also for the replacement of a single existing dwelling and the conversion and re-use of existing buildings for residential purposes where certain criteria are met. Policy PSP40 also specifies that the replacement of residential caravans or mobile homes, which do not benefit from a permanent planning permission, with permanent buildings will only be acceptable where allowed for rural workers’ dwellings.

5.4. Policy CS1 of the Core Strategy sets out that development will only be permitted where the highest possible standards of design are achieved; development proposals will be required to demonstrate that the design is informed by, respects and enhances the character, distinctiveness and amenity of the site and its context; and existing features of landscape, conservation, heritage or amenity value and public rights of way are safeguarded and enhanced.

5.5. Policy L13 of the Local Plan states that development affecting a listed building or its setting will not be permitted unless the building and its setting would be preserved; features of architectural or historic interest would be retained; and the character, historic form and structural integrity of the building would be retained. Similarly, policy CS9 of the Core Strategy provides that new development will be expected to ensure that heritage assets are conserved, respected and enhanced and policy CS34 has similar provisions. Policy PSP17 of the PSP provides that development proposals should serve to protect, and where appropriate, enhance or better reveal the significance of heritage assets and their settings. Policy PSP17 also sets out that where development would result in harm to the significance of a heritage asset or its setting, planning permission will be refused

unless the proposal results in public benefits that outweigh the harm to the heritage asset and certain other provisions are met.

- 5.6. Policy L1 of the Local Plan provides that new development will only be permitted where the amenity of the landscape and those attributes and features of the landscape which make a significant contribution to the character of the landscape are conserved/retained. Policy CS34 of the Core Strategy sets out that proposals will protect, conserve and enhance the rural areas' distinctive character and landscape, and policy PSP2 of the PSP contains similar provisions.
- 5.7. Policy L16 of the Local Plan states that development on the best and most versatile agricultural land (grades 1, 2 or 3A) will only be permitted where the development cannot be accommodated on previously developed sites, land within a settlement boundary, or on poorer quality farmland (grades 3B, 4 or 5); or development of poorer quality farmland would be inconsistent with other sustainability considerations. Policies CS9 and CS34 of the Core Strategy also provide that proposals will protect the best and most versatile agricultural land and opportunities for local food production and cultivation.
- 5.8. Policy T12 of the Local Plan provides that new development will be permitted provided that the proposal provides adequate safe access capable of accommodating motorised traffic generated by the proposal; would not create or unacceptably exacerbate traffic or congestion or have an unacceptable impact on highway safety; would not generate traffic which would unacceptably affect residential amenity; incorporates required traffic management/calming measures; and does not obstruct existing emergency vehicle access.
- 5.9. Furthermore, policy T8 of the Local Plan states that, in new development, on site car parking should not exceed the maximum standards, and the provision of on site car parking below the maximum standards will be expected at locations which have good accessibility by non car modes and where there is adequate off-street parking or shared parking available. The maximum car parking standards for a 2 bedroom dwelling are 1.5 spaces per dwelling. Policy PSP16 of the PSP states that in new residential development the minimum number of parking spaces per dwelling is 1.5 for a 2 bed dwelling (plus an additional 0.2 spaces per dwelling for use by visitors unless otherwise agreed by the Council); and 2 secure, undercover cycle spaces.
- 5.10. Policy EP2 of the Local Plan provides that development which generates surface water run-off or water discharge will not be permitted where the development could be at risk from, or require protection from, flooding or cause or have other specified impacts upon flooding and flood defences. Policy C5 of the Core Strategy states that the sequential and exception tests will be applied to direct development to areas with the lowest probability of flooding, taking account of the vulnerability of the type of development proposed. Policy CS34 of the Core Strategy also states that proposals will demonstrate through the preparation of appropriate flood risk assessments, surface water plans and drainage strategies how flood risk will be managed.

5.11. As such, on balance, the principle of the development is not in accordance with various development plan policies.

Circumstances of the Applicant

5.12. The applicant has set out her personal circumstances as part of the planning application submitted. She is an 87 year old single woman who is unable to live by herself. She is in the care of her daughter and son-in-law who reside in the adjacent listed farmhouse.

5.13. The original intention was for the applicant to help finance the renovation works of the listed farmhouse with proceeds from the sale of her own property; however, her property has proven difficult to sell and the requisite funds are not available to complete the necessary renovation work for the applicant to reside in the farmhouse.

5.14. The adjacent listed farmhouse is in very poor condition, and most of it is derelict. It is not possible for the applicant to inhabit the farmhouse as it stands because all habitable rooms are occupied by her daughter and son-in-law's family; the farmhouse cannot be heated adequately for an elderly person; and the applicant is unable to climb the stairs to the only bathroom.

5.15. As a result of the above, a mobile home was stationed at the application site. The applicant has made it clear that it is not her intention that there should be any permanent planning permission for the mobile home or any dwelling on the application site, as it would be very detrimental to the adjacent listed farmhouse's value.

Residential Development in the Countryside

5.16. The proposal site is outside the existing urban areas and the boundaries of settlements, and the proposal is not for affordable housing / a rural housing exception initiative, housing for rural workers, a replacement dwelling or for the conversion and re-use of an existing building for residential purposes. It is also located in an area of open countryside.

5.17. As a result, it is considered that the proposal is contrary to policy H3 of the Local Plan, policy CS5 of the Core Strategy and policy PSP40 of the PSP.

5.18. However, in light of the personal circumstances of the applicant, it is not considered inappropriate to grant a personal planning permission to the applicant, provided that conditions are attached to the planning permission limiting the residential use of the mobile home to the applicant and requiring that the mobile home be removed from Oxwick Farm within a specified period after the applicant ceases to reside there.

Design and Visual Amenity

5.19. The Caravan Sites and Control of Development Act 1960 (as amended by The Caravan Sites Act 1968 and The Caravan Sites Act 1968 and Social Landlords (Permissible Additional Purposes) (England) Order 2006 (Definition of Caravan)

(Amendment) (England) Order 2006) sets out the maximum dimensions for a caravan. This legislation provides that the expression “caravan” shall not include a structure designed or adapted for human habitation if its dimensions when assembled exceed any of the following limits:

- Length (exclusive of any drawbar): 20 metres (65.616 feet)
- Width: 6.8 metres (23.309 feet)
- Internal height: 3.05 metres (10.006 feet).

5.20. The mobile home measures approximately 12.83 metres long, 6.11 metres wide, 3 metres in height to the eaves and 3.97 metres in height to the roof ridge. No measurement of the internal height has been provided. However, from measuring the height from the bottom of the doors to just below the roof ridge on the plans submitted, it is considered that the internal height of the mobile home is not likely to exceed 3.05 metres or, if it does, will not do so by a material amount. Therefore, it is considered that the mobile home does constitute a “caravan” under the relevant legislation.

5.21. The mobile home is clad in a green, timber effect material and it has a grey, tiled, pitched roof. It also has brown UPVC window and door units. There are two patio door units and two window units on the southern elevation of the mobile home; a single door and window unit on the western elevation; a window unit on the northern elevation; and two window units on the eastern elevation. It has been sited on a concrete base, but the wheels of the mobile home are still in situ and pipes are visible that connect the mobile home to services.

5.22. Some timber decking wraps around the mobile home, in order to form a ramp and terrace on the southern elevation and a small walkway along the western elevation. The decking is 11.13 metres long at its longest point and 13.42 metres wide at its widest point. A length of timber trellis has been erected at the eastern end of that decking.

5.23. The mobile home and the decking/trellis appears to have been made using good quality materials and the mobile home itself is coloured green in order to assist with it blending into its surroundings. However, its siting, form, detailing and materials do not respect and enhance the character of the context of the site and the adjacent listed buildings, which are historic and of stone construction.

5.24. The application site is very isolated, and is not visible from any dwellings other than the farmhouse at Oxwick Farm. As such, there is no harm caused to the visual amenity of neighbouring residents outside of Oxwick Farm.

5.25. Therefore, it is considered that the proposal does not accord with policy CS1 of the Core Strategy.

5.26. Nevertheless, in light of the fact that this planning application is only for a personal planning permission, it is considered that the issues with the design of the mobile home, decking and trellis are not significant enough to warrant a refusal reason, providing that a condition is attached to the planning permission requiring that the mobile home, its hardstanding, decking and trellis all be

removed from Oxwick Farm within a specified period after the applicant ceases to reside in it.

Listed Building Considerations

- 5.27. The proposed development is in close proximity to two grade II* listed buildings, Oxwick Farm and its coach house. Currently, Oxwick Farm is undergoing renovation and the coach house is derelict and clad in scaffolding. The siting of the mobile home is incongruous to these listed buildings and will, therefore, undoubtedly have a detrimental impact on their setting. Both the Council's Conservation Officer and Historic England support this assessment.
- 5.28. Therefore, it is considered that the proposal is contrary to policy L13 of the Local Plan, policies CS9 and CS34 of the Core Strategy and policy PSP17 of the PSP.
- 5.29. Nevertheless, neither the Council's Conservation Officer nor Historic England have objected to the proposal on the basis that the planning permission sought is personal to the applicant. The Council's Conservation Officer has stated that they are of the opinion that permission can be granted subject to a condition requiring the removal of the mobile home and restoration of the land to its original condition/use. This Officer concurs with that assessment.
- 5.30. Historic England did state in their consultation response that they would wish the Officer to investigate whether some planting would help to alleviate the worst of the visual impacts from this development. However, the Council's Conservation Officer is of the opinion that, given the isolated location of Oxwick Farm and the current condition of the listed buildings, it is unlikely that planting will make a particular difference and may even make the application site appear more residential in character and more permanent. This Officer agrees with the Conservation Officer's view, and would also add that requiring planting to be carried out for a temporary planning permission would be disproportionate in these circumstances and would have little tangible benefit, given the amount of time it would take planting to mature.

Landscape

- 5.31. The application site lies in the open countryside between Yate and Wickwar, and has a field immediately to the east, the grade II* listed coach house to the north, the grade II* listed farmhouse to the west and a grassed area to the south between the mobile home and the road. Along the boundary with the field to the east, there are some trees and hedgerow, although this is quite immature immediately next to the eastern elevation of the mobile home and it is possible to see into the neighbouring field.
- 5.32. As discussed above, the mobile home is clad in a green material, which assists to a certain extent with the mobile home being less prominent in the landscape. However, as a whole, the proposed development does not conserve the character and the amenity of the landscape by virtue of its siting next to a field, form, detailing and materials.

5.33. Consequently, it is considered that the proposed development is not in accordance with policy L1 of the Local Plan, policy CS34 of the Core Strategy and policy PSP2 of the PSP.

5.34. Despite this, the Council's Landscape Officer has stated that, given that the dwelling is temporary and the location is relatively well screened from possible significant view points, there is no landscape objection. Thus, provided that adequate conditions are attached requiring the removal of the mobile home and the related paraphernalia, the landscape issues are not considered sufficient to warrant the refusal of a personal planning permission.

Safeguarding Agricultural Land

5.35. The proposal site is located on grade 3 agricultural land. It is not known whether the land is grade 3a or 3b. After a review of the Council's aerial photographs of the land from 1991, there is no evidence that the land has been actively farmed, and the photographs between 2005 and 2014 (where the mobile home is visible) show the land as being an area of scrubland.

5.36. As a result, while it is possible that the proposed development is not strictly in compliance with policy L16 of the Local Plan and policies CS9 and CS34 of the Core Strategy, it is not considered that the proposed development goes against the principle of these policies i.e. to protect the best and most versatile agricultural land and opportunities for local food production and cultivation.

5.37. Therefore, it is not considered that this would warrant the refusal of the planning application, particularly bearing in mind that the application is not for permanent development and a condition can be attached requiring the mobile home etc to be removed from the land once the applicant no longer resides in it.

Transportation and Car Parking

5.38. The proposed development will be accessed by the lane which joins Wickwar Road. A gravel track situated to the west of the mobile home is used for vehicular access by all of the residents of Oxwick Farm, and there are also areas used for parking adjacent to the walled garden and to the north of the mobile home.

5.39. The access to the proposal site is a relatively narrow lane, and would not be considered to provide sufficiently safe access capable of accommodating the traffic generated by permanent residential development.

5.40. There is sufficient space to provide 1.7 car parking spaces at Oxwick Farm on existing hardstanding, although not within the boundary of the application site. No provision for cycle storage is currently made, and it is not considered appropriate in this case to require it.

5.41. As a result, the proposed development is not in accordance with policies T8 or T12 of the Local Plan or PSP16 of the PSP.

5.42. However, the Council's Transportation Officer is of the opinion that, given that the mobile home will be occupied by a very elderly person who is dependent on the occupants of the main dwelling, it is unlikely to generate very much traffic. Therefore, the Officer is prepared to make an exception in this particular case, provided that the mobile home is removed once it is no longer occupied (which can be secured by condition, as discussed above).

Public Rights of Way

5.43. The Council's Public Rights of Way Officer has not objected to the proposal on the basis that it is sited well away from the nearest recorded public footpath and is unlikely to generate significant volumes of traffic on the lane from the main road.

5.44. As such, it is considered that the proposed development is in accordance with the relevant part of policy CS1 of the Core Strategy.

Drainage

5.45. The proposal site does not lie in a flood zone and therefore no flood risk assessment was submitted.

5.46. While a hardstanding has been laid for the mobile home and surface water does run off the mobile home via drainage downpipes, any surface water run off can be absorbed by the grassed area to the north, east and south of the mobile home. Foul sewage drains into the existing cesspit for Oxwick Farm.

5.47. The Council's Drainage and Flood Risk Management Officer has not objected to this planning application.

5.48. Therefore, it is considered that the proposal is in accordance with policy EP2 of the Local Plan and policy CS5 and CS34 of the Core Strategy.

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 this planning application be approved subject to conditions.

Contact Officer: Kathryn Leeming
Tel. No. 01454 863117

CONDITIONS

1. The use hereby permitted shall be carried on only by Mrs Elizabeth Carey-Wilson and shall be for a limited period being the period during which the mobile home permitted is occupied by Mrs Elizabeth Carey-Wilson.

Reason

In the interests of preventing unacceptable permanent residential development in the open countryside and in the setting of listed buildings, in accordance with policies H3, L1, L13, T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006 (saved policies), policies CS1, CS5, CS9 and CS34 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and policies PSP2, PSP16, PSP17 and PSP40 of the South Gloucestershire Local Plan - Proposed Submission: Policies, Sites and Places Plan (June 2016).

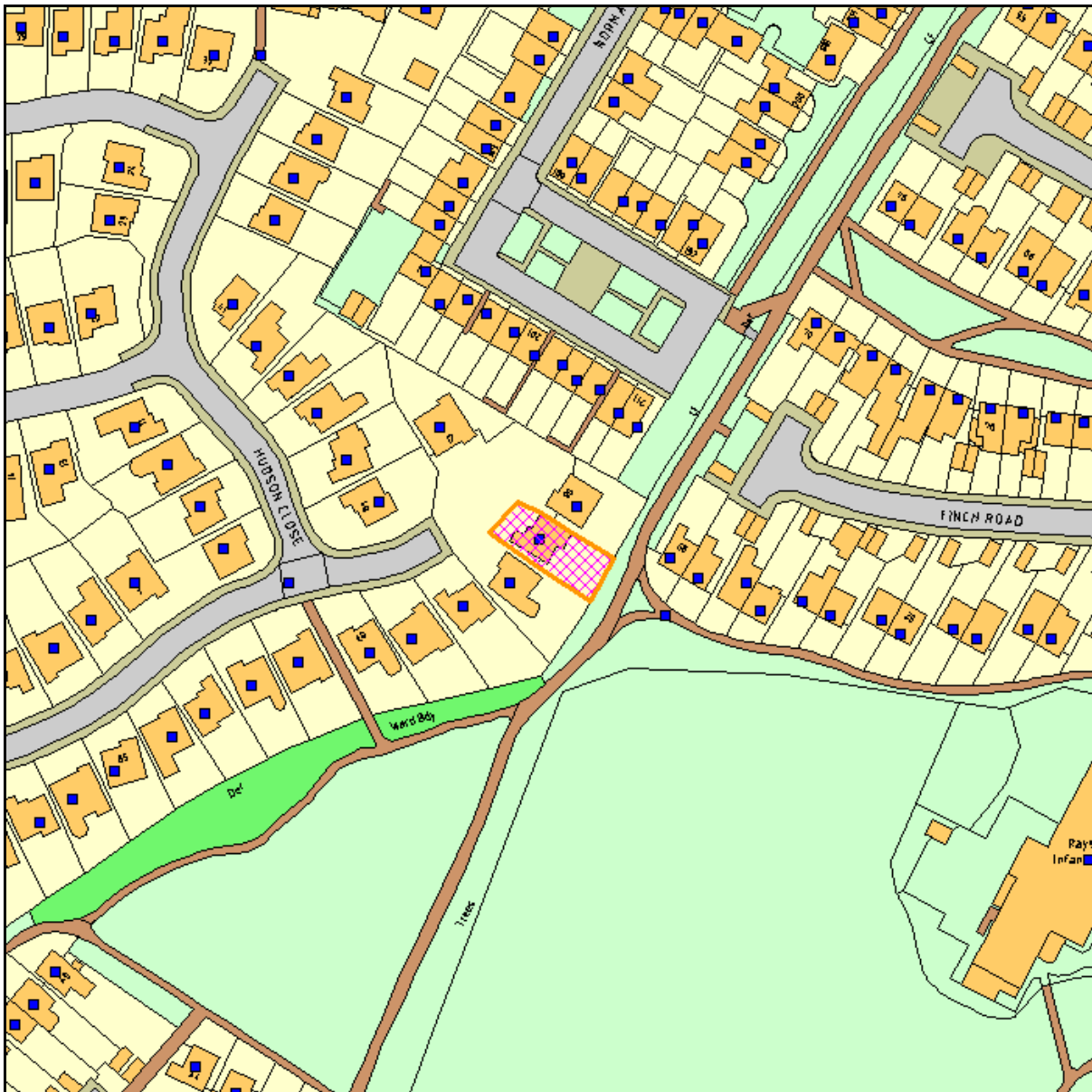
2. Within 6 months of Mrs Elizabeth Carey-Wilson ceasing to reside in the mobile home hereby permitted:
 - (a) the mobile home, hardstanding, decking and trellis hereby permitted shall be removed from the land known as Oxwick Farm; and
 - (b) the land upon which the mobile home was stationed shall be restored to its former condition.

Reason

In the interests of preventing unacceptable permanent residential development in the open countryside and in the setting of listed buildings, in accordance with policies H3, L1, L13, T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006 (saved policies), policies CS1, CS5, CS9 and CS34 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and policies PSP2, PSP16, PSP17 and PSP40 of the South Gloucestershire Local Plan - Proposed Submission: Policies, Sites and Places Plan (June 2016).

CIRCULATED SCHEDULE NO. 28/16 – 15 JULY 2016

App No.:	PK16/3510/CLP	Applicant:	Mrs Alison Murray
Site:	67 Hudson Close Yate Bristol South Gloucestershire BS37 4NP	Date Reg:	9th June 2016
Proposal:	Application for a certificate of lawfulness for the proposed erection of single storey rear extension.	Parish:	Yate Town Council
Map Ref:	371858 181744	Ward:	Yate Central
Application Category:		Target Date:	3rd August 2016



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N.T.S.

PK16/3510/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 erection of a single storey rear extension at No. 67 Hudson Close, Yate 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.
- 1.3 The case officer has reviewed the Council's records and confirms that Permitted Development rights are in tact for the property.

2. POLICY CONTEXT

2.1 National Guidance

Town and Country Planning Act 1990 (As Amended) 1990 section 192 Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) 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 P84/103/1 Approval 21.17.1996
Residential and ancillary development on approximately 27 acres (outline).
- 3.2 P87/0103/6 Approval 09.12.1987
Erection of 102 houses and garages; construction of associated roads and footpaths (in accordance with the plans received by the council on 7th October 1987 & the amended drawing no. 509/5/2/B received on 24th November 1987) (details following outline) (to be read in conjunction with P84/103/1)

4. CONSULTATION RESPONSES

- 4.1 Yate Town Council
No Objection

Other Representations

4.2 Local Residents

One objection has been received from a nearby resident at No. 68 Hudson Close. The objection is relating to the lack of drainage, access and foundation details regarding the proposed extension. Comment was also made that, the development would result in an intrusion of privacy.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

5.1 Combined Plan (3083-001 A)

All plans received by the Council on 02/06/2016.

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 is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1 of the GPDO 2015.

6.3 The proposed development consists of a single storey rear extension. This development would fall within Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, which permits 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 eaves of the existing dwellinghouse.

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

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

The extension would not extend beyond a wall which forms the principal elevation of the original dwellinghouse. The development therefore meets this criteria.

- (f) Subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and—**

- (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or
(ii) exceed 4 metres in height;**

The application relates to a detached dwellinghouse. The proposed extension would extend 3.7 metres beyond the rear wall. The development is 3.4 metres in height. The development therefore meets this criteria.

- (g) Until 30th May 2019, for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and—**

- (i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or**

- (ii) exceed 4 metres in height;**

Not applicable as the applicant is not applying for an extended householder extension through the prior approval procedure.

- (h) The enlarged part of the dwellinghouse would have more than a single storey and—**
 - (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or**
 - (ii) be within 7 metres of any boundary of the curtilage the dwellinghouse opposite the rear wall of the dwellinghouse;**

The rear 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 height of the eaves does not exceed 3 metres. The development therefore meets this criteria.

- (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 extension would not extend beyond a wall forming a side elevation of the original dwellinghouse, and therefore this criterion is not applicable.

- (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;

As per the Combined Plans ((3083-001 A) submitted 02/06/2016, the materials used in the exterior work will match the existing.

- (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.

Other matters

The case officer understands the concerns of nearby occupiers, however, neighbours can only object to a Certificate of Lawfulness application on lawful grounds. Consequently, these comments have not been taken into consideration when determining the application.

7. RECOMMENDATION

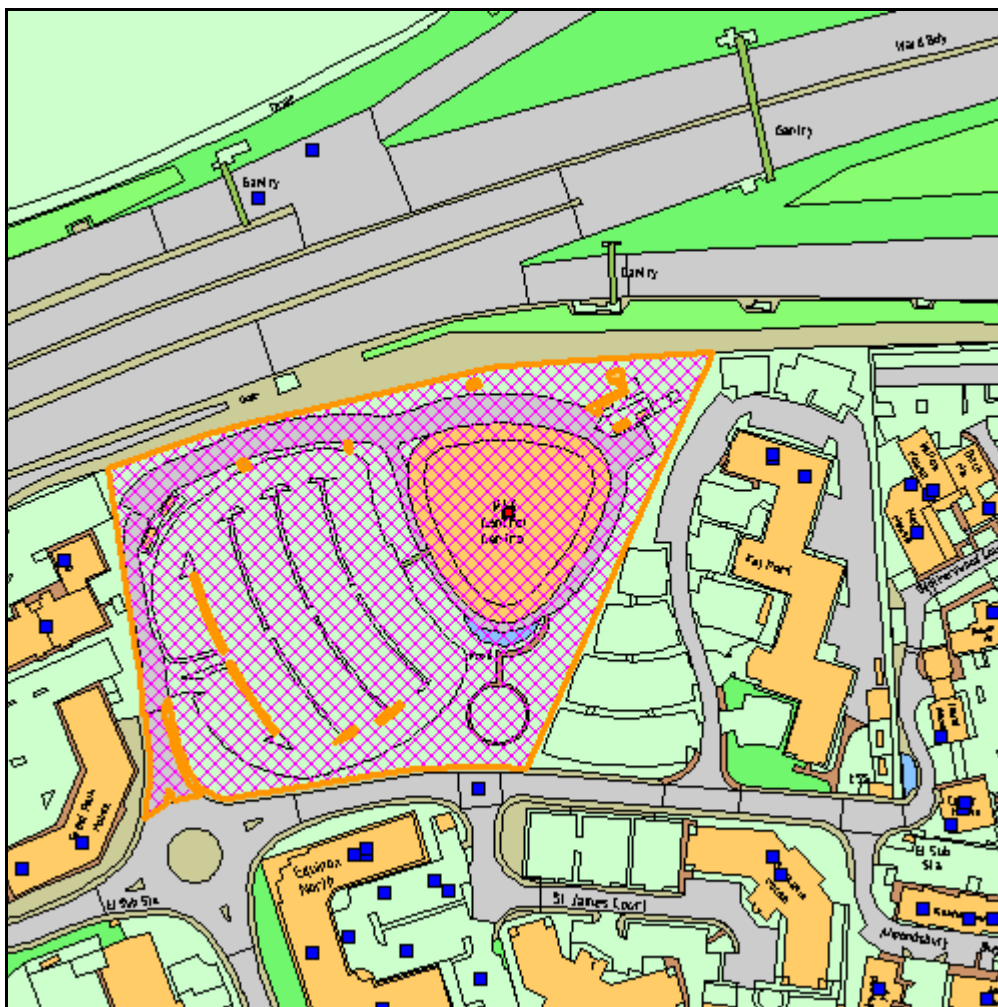
- 7.1 That a certificate of Lawfulness for Proposed Development is **granted** for the following reason:

Evidence has been provided to demonstrate that on the balance of probabilities the proposed single storey rear extension falls within the permitted rights afforded to householders under Schedule 2, Part 1, Class A of the Town and Country Planning General Permitted Development Order 2015.

Contact Officer: Lucy Paffett
Tel. No. 01454 863436

CIRCULATED SCHEDULE NO. 28/16 - 15 JULY 2016

App No.:	PT16/0707/CLP	Applicant:	RAC
Site:	R A C Great Park Road Bradley Stoke Bristol South Gloucestershire BS32 4QN	Date Reg:	24th February 2016
Proposal:	Application for a certificate of lawfulness for the proposed creation of 20no. additional parking spaces.	Parish:	Bradley Stoke Town Council
Map Ref:	361435 183551	Ward:	Bradley Stoke North
Application Category:		Target Date:	18th April 2016



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PT16/0707/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 following proposed development would be lawful at the RAC site off Great Park Road in Bradley Stoke:
- The demolition of 2no. bike sheds and the installation of 10no. car parking spaces;
 - The removal of raised island composed of hardstanding replaced with a car parking space;
 - The changing of a central circulation road to provide 10no. car parking spaces and also a pedestrian walkway.
- 1.2 The proposal would therefore result in the addition of 20no. car parking spaces at the site. The application building is a locally listed building.
- 1.3 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.
- 1.4 The permitted development rights with regard to alterations to the car park are intact and therefore exercisable. For clarity, there are no changes proposed to the access that constitutes development, or therefore requires express planning permission.
- 1.5 Over the course of the application, a number of amendments were made to the proposed scheme. Appropriate periods of re-consultation followed such amendments.

2. POLICY CONTEXT

2.1 National Guidance

The Town and Country Planning Act 1990

The Town and Country Planning (Demolition – Description of Buildings) Direction 2014

Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 7, Class G.

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 proposal 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 There have been many applications at the site relating to advertisements and signage, such applications are not relevant to this application.

3.2 P98/1357 Approval Full Planning 01/05/1998
Alterations to existing car park to form 21 additional spaces.

No conditions relating to the restriction of car parking or the relevant permitted development rights.

3.3 P93/0020/380 Approval Full Planning 14/07/1993
Erection of regional headquarters office. Construction of new vehicular and pedestrian access and car parking and landscaping.

Cond.7 None of the car parking shall be occupied until the authorised 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.

3.4 P93/0020/377 Approval Full Planning 16/03/1993
Carrying out of engineering and other operations including site preparation and ground works. Erection of 2 metre high security fence.

No conditions relating to the restriction of car parking or the relevant permitted development rights.

3.5 P84/0020/1 Approval 03/12/1986
Residential, shopping and employment development including roads and sewers and other ancillary facilities on approximately 1000 acres of land.

Cond. 15 Adequate car parking and lorry parking facilities shall be provided and maintained within the employment areas at all times to the Council's satisfaction and shall be available for use prior to the buildings hereby authorised being brought into use.

4. **CONSULTATION RESPONSES**

4.1 Almondsbury Parish Council
None received.

Councillor
No Comment Received.

Sustainable Transport

Objection. The applicant has not demonstrated how the proposal complies with the cycle and car parking standards set out in Policies T7 and T8 of the South Gloucestershire Local Plan (Adopted) January 2006. Nor have they demonstrated compliance with the Councils policy of encouraging the use of sustainable transport as set out in Policy CS8 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013. Consequently, we believe that the changes are unlawful.

Bradley Stoke Town Council

No objection to the amended application. The Town Council originally objected to the application due to concerns regarding access and landscaping, however, this objection was removed in response to the revised plans.

Other Representations

4.2 Local Residents

No Comments Received

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Car Park Amended Layout 3 (dwg no. 03 Rev. 02); RAC Tower – Car Park Layout Amendment (Existing) (dwg no. 01 Rev 00).

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 There are three key issues with this proposal. Firstly, whether any elements of the proposed development that are permitted by the GPDO are contrary to any conditions imposed by any planning permission granted at the site. Secondly, whether the proposal falls within the permitted development rights with regard to introducing hardstanding afforded to office buildings and their associated curtilages under Schedule 2, Part 7, Class G of the GPDO (2015). Thirdly, it must be considered if the demolition of two bike sheds requires express planning permission, or not.

- 6.3 The proposed installation of 20no. car parking spaces will be considered with regard to the criteria within G.1 and G.2 the remaining report. The demolition of the bike sheds will be considered after the installation of 20no. car parking spaces is considered. However, whether there are any previously imposed

conditions which restrict development permitted by the GPDO must be considered first.

Conditions of previously granted development

Section 3 of the GPDO 'Permitted Development' addresses scenarios where the provisions of the GPDO may be restricted or removed. Paragraph 3(4) states:

'nothing in this Order permits development contrary to any condition imposed by any planning permission granted or deemed to be granted under Part 3 of the Act otherwise than by this Order'.

Officers have reviewed the planning history for the site, and have found no planning conditions that restrict or remove the permitted development right to install hard standing, as well as this, there are no restrictions imposed to altering the car parking in any way. Further to this, there are no planning conditions restricting the removal of the existing bike sheds on the site. With this in mind, the permitted development rights relevant to this development are intact and therefore exercisable.

Installation of 20no. car parking spaces and a pedestrian walk way.

G. Hard surfaces for office buildings.

Development consisting of –

- (a) *the provision of a hard surface within the curtilage of an office building to be used for the purpose of the office concerned; or*
- (b) *the replacement in whole or in part of such a surface.*

G.1 Development is not permitted by Class G if –

- (a) The cumulative area of ground covered by a hard surface within the curtilage (excluding hard surfaces already existing on the 6th April 2010) would exceed 50 square metres; or**

The existing hardstanding at the site was all in situ on the 6th April 2010. The new car parking spaces to be inserted within the central section of the site (adjacent to the proposed pedestrian walkway), as well as the car parking space proposed adjacent to the access will all replace existing hardstanding. This accounts for 10no. car parking spaces and the pedestrian walkway. With this in mind, the hardstanding introduced by these 10no. car parking spaces and the pedestrian walkway does not increase the cumulative area of ground covered by hard surface within the site compared to the situation at the site on the 6th of April 2010.

This leaves only the 10no. car parking spaces proposed within the north western side of the car park where there are currently 2no. bike sheds placed on hardstanding and also a section of grass. Approximately 6 to 7 of these spaces will be positioned where there is an existing hard surface i.e. where the bike sheds are currently positioned, whereas around 3 to 4 of these spaces will be positioned where there is existing grass at the site, meaning these spaces are introducing new hard surfaces to the site. These spaces account for approximately 46.08

square metres of new hard surface at the site (1 space = 11.52 square metres of hard surface; therefore 4 car parking spaces = approximately 46.08 square metres of hard surface). Therefore the proposal accords with this criterion, as it would introduce less than 50 square metres of hard surface when excluding the hard surface that was already in existence on the 6th of April 2010.

(b) The development would be within the curtilage of a listed building.

The development is not within the curtilage of a listed building (a national designation), it is within the curtilage of a locally listed building, however, this is a local designation. The proposal accords with this criterion.

Conditions

G.2 Development is permitted by Class G subject to the following conditions

–

(a) where there is a risk of groundwater contamination the hard surface is not made of porous materials; and

Officers do not consider there to be a risk of groundwater contamination.

(b) in all other cases, either –

- (i) the hard surface is made of porous materials, or**
- (ii) provision is made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the office building.**

Although officers have requested details of the proposed drainage at the site, none have been provided by the applicant. Notwithstanding this, G.2 sets out conditions, meaning if the development does not comply with such conditions, it is not permitted development. With this in mind, officers feel that is not necessary to understand the drainage at the site, as the development would have to comply with G.2.

Demolition of two bike sheds

If the demolition of the two bike sheds constitutes development that requires express planning permission, the certificate of lawfulness for the proposed development should be recommended to be refused. The Town and Country Planning Act 1990 defines development under section 55. Section 55(2) states:

‘The following operations or uses of land shall not be taken for the purposes of this Act to involve the development of land –

- (g) the demolition of any description of building specified in a direction given by the Secretary of State to local planning authorities generally or to a particular local planning authority.’*

In 2014, the Secretary of State for Communities and Local Government issued The Town and Country Planning (Demolition – Description of Buildings) Direction 2014. Paragraph 3 of this direction states that:

‘the demolition of the following descriptions of building shall not be taken, for the purposes of the Town and Country Planning Act 1990, to involve development of land:

- (a) *any building the cubic content of which, measured externally, does not exceed 50 cubic metres’.*

Accordingly, provided the cubic content of the individual bike sheds does not account to more than 50 cubic metres, the demolition of the bike sheds would not be considered to be ‘development’ as defined by section 55 of the Act. Both shelters are near identical in size, and both individually have volumes that are less than 50 cubic metres. With this in mind, the demolition of the shelters is not considered to constitute development.

Conclusion

The demolition of the bike shelters at the site would not constitute development, as well as this, the proposed car parking spaces and pedestrian walk-way would be considered to be permitted development under the Town and Country Planning (General Permitted Development) Order 2015.

Other Matters

It is acknowledged that if this were a planning application to be determined in accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004, the application would likely be refused as the Transport Officer’s comments reflect. However, this is not a planning application to be determined in accordance with section 38(6) of the aforementioned Act, rather the application has been correctly determined in accordance with section 192 of the Town and Country Planning Act 1990, where the Authority’s Development Plan should not be taken into account.

7. RECOMMENDATION

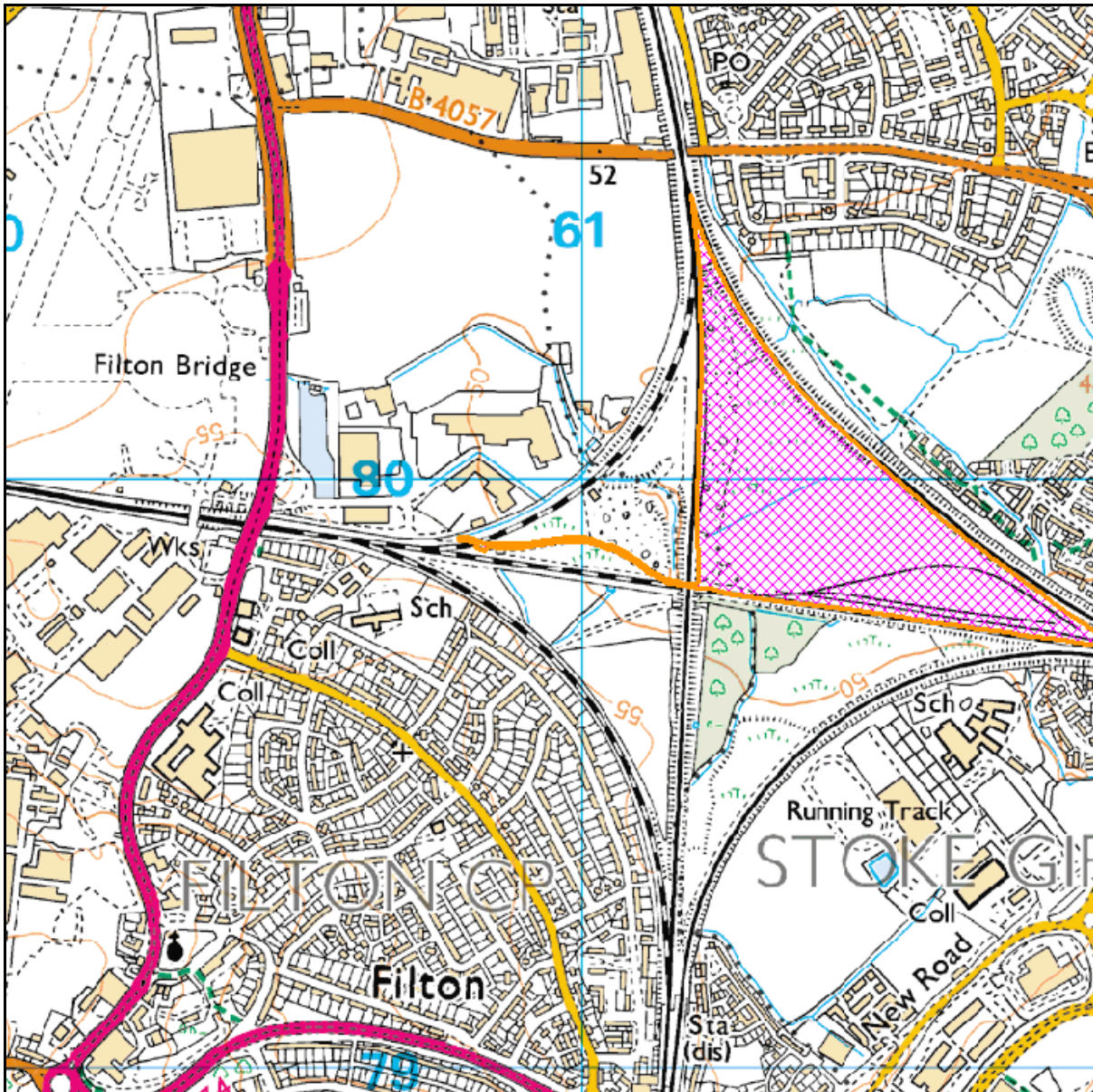
- 7.1 That a certificate of Lawfulness for Proposed Development is **granted** for the following reason:

Evidence has been provided to demonstrate that the proposed demolition of the bike shelters would not constitute development as described with section 55 of Town and Country Planning Act 1990. Further to this, the installation of 20nos. car parking spaces and a central pedestrian walk way would be allowed as it is considered to fall within the permitted rights afforded to office buildings and their curtilages under Schedule 2, Part 7, Class G of the Town and Country Planning General Permitted Development Order 2015.

Contact Officer: Matthew Bunt
Tel. No. 01454 863131

CIRCULATED SCHEDULE NO. 28/16 – 15 JULY 2016

App No.:	PT16/1807/RVC	Applicant:	Hitachi Rail (Europe) Limited
Site:	Filton Triangle Stoke Gifford South Gloucestershire BS34 7QG	Date Reg:	27th April 2016
Proposal:	Variation of conditions 14 and 17 attached to planning permission PT13/1744/RVC to amend Train Set Details and submit additional plans.	Parish:	Stoke Gifford Parish Council
Map Ref:	360656 179920	Ward:	Filton
Application Category:	Major	Target Date:	25th July 2016



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 100023410, 2008. N.T.S. PT16/1807/RVC

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application appears on the Circulated Schedule as comments from members of the public have been received contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The Filton Triangle is an area of operational railway land enclosed and crossed by main line railway. The site is formed by railway lines in the North East quadrant of the enclosed land. Access to the site is via Northway which in turn is accessed from the A38 to the West.
- 1.2 Planning Permission PT13/1744/RVC has secured the construction of a rail maintenance depot and associated access and overhead electricity line infrastructure. The development of the site has proceeded in accordance with that planning permission and it is now complete. This application seeks to amend the planning permission at condition 14 (controlling the train sets used from the site) and Condition 17 (approved plans). The proposed revisions to the approved plans would introduce 3 no electricity substations (measuring 4.3 by 9.3 metres and 3.15 metres high) and acoustic fencing (between 2 and 5 metres in height) within the curtilage of the Railway Depot. It is also proposed to amend condition 14 such that the trains are able to operate whilst within the site under diesel power for a temporary period up to 2018.
- 1.3 The railway depot development now complete is directly linked to the Secretary of State for Transport approved plans to provide for a national fleet of new high speed intercity trains. The trains will be provided by Hitachi Rail Europe Limited and are due for imminent delivery to the site. The Intercity Express Programme (IEP) represents a significant investment in new trains in the UK for over 30 years. This development provides a maintenance depot and is one of three new maintenance depots in London (North Pole Depot) and Swansea (Maliphant Sidings) to support the implementation and operation of the IEP on the Great Western Main Line. However, works to provide the wider electricity supply infrastructure on the main line itself (directly by Network Rail) is delayed. The Hitachi Rail Depot now located on the application site has been completed, and the delivery of the new trains will take place well ahead of the completion of the main line works. In the interim between the new trains will operate under diesel power. This has generated the requirement to revise the wording of condition 14 of the extant planning consent to adjust to the new anticipated time scale; and to provide specific on site mitigation against the impact of that change. The scope of this change and associated works are assessed in detail in the following report.
- 1.4 The proposed electricity substations are positioned with one unit being located to the North of the main depot building and two units located between the associated railway sidings and the main line forming the east boundary of the site. The proposed acoustic fences are positioned along the eastern and southern boundary of the site. For the avoidance of doubt it is not proposed to alter the position of the approved buildings or associated infrastructure previously approved.

- 1.5 A further planning application (PT16/1808/F) is submitted in parallel to this application which relates to a small area of land the West of the Hitachi Depot and immediately to the north of the existing depot access road. This application details to the provision of an electricity substation measuring 4.3 by 9.3 metres and 3.15 metres high. A report detailing the assessment and recommendation in respect of that application is provided elsewhere on this agenda.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

- EP2 Flood Risk and Development
- EP6 Contaminated Land
- L1 Landscape Protection and Enhancement
- L9 Species Protection
- E3 Criteria for Assessing Proposals for Employment Development within the Urban Area
- T7 Cycle Parking
- T8 Parking Standards
- T12 Transportation Development Control policy for New Development

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

- CS1 High Quality Design
- CS4a Presumption in Favour of Sustainable Development
- CS5 Location of Development
- CS9 Managing the Environment and Heritage
- CS11 Distribution of Economic Development Land
- CS13 Non-Safeguarded Areas for Economic Development
- CS25 Communities of the North Fringe of Bristol Urban Area

Supplementary Planning Document

South Gloucestershire Design Checklist (adopted) 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PT11/2781/F Erection of a Rail Maintenance Depot including sidings and associated maintenance buildings and accommodation, and fuel storage facilities. Improvements to existing access road, internal access roads and car parking, security fencing and landscaping.

Approved, 6th February 2012

- 3.2 PT11/025/SCR Request for Screening Opinion

The LPA have issued an opinion that an Environmental Impact Assessment is not required in respect of this development proposal.

- 3.3 PT13/1744/RVC Variation of condition 20 attached to planning permission PT11/2781/F to replace approved plans.

Approved, 22nd August 2013.

- 3.4 PT14/1668/F Construction of a new access and associated infrastructure to provide a dedicated access road to the Stoke Gifford IEP Rail Maintenance Depot.

Approved, 3rd September 2014

- 3.5 PT15/1756/ADV Display of 4no. externally illuminated fascia signs and 1no. externally illuminated wall sign.

Approved, 17th June 2015

- 3.6 PT16/1808/F Installation of substation with associated works.

This proposal relates to a small parcel of land located approximately 270 metres to the West of the boundary of the site subject to this planning application. The proposal is related to this planning application as it would provide development of an electricity substation which would itself provide electricity to the Hitachi Rail Depot site.

This application is not determined at the time of compiling this report and appears elsewhere on this agenda.

4. **CONSULTATION RESPONSES**

A summary of the comments received from South Gloucestershire Council Specialist Officers and External Agencies is provided below;

- 4.1 Stoke Gifford Parish Council
No comment has been received
- 4.2 Filton Town Council
No comment has been received.
- 4.3 Sustainable Transport (Highway Authority)
No Objection.
- 4.4 Environmental Health Officer

Noise

The Environmental Protection Team (EPT) acknowledges the submission relating to noise generation and concurs with the approach, methodology and findings of the information. EPT has confirmed that the mitigation will allow the development to continue to comply with the requirements of the original planning consent (condition 16).

Air Quality

No objection in principle subject to the imposition of conditions securing the agreed measures of mitigation and that the operation of trains within the site under diesel power is for a temporary period only.

4.5 Ecology Officer

No Objection provided that the development complies with the agreed Species Mitigation and Ecological Habitat Creation and Management Plan.

4.6 Archaeological Officer

No Objection

4.7 Highways Agency

No Objection

4.8 Network Rail

Support the proposed development.

4.9 Lead Local Flood Engineer

No Objection.

Other Representations

4.10 Local Residents

Comments have been received from two separate local residents. The comments are summarised as follows;

Object to any further construction activities following the previous two years of noise and dust during the construction of the existing train shed. Concern that there was no consideration of residents by the contractor and South Gloucestershire Council during that period.

It is suggested that the development is limited to trains with 'Stage IIIb-compliant (or better) diesel engines, as this is the standard discussed in the pollution assessment. This would avoid older, more polluting trains being stabled or serviced at the depot.

It is also suggested that any variation of the planning consent is for a temporary period until the full electrification of the railway network is completed. This is to protect air quality.

5. ANALYSIS OF PROPOSAL

- 5.1 The subject development consists of operational railway infrastructure and the provision of a maintenance depot specifically for the maintenance and/or repair of train sets associated with the Intercity Express Programme (IEP). The site is located within operational railway land and is within the Bristol North Fringe Urban Area.

5.2 Environmental Impact Assessment

The original planning application (PT11/2781/F) relating to the subject development was screened under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, against the selection criteria for Schedule 2 Development. These were the regulations in force when the screening request was made.

5.3 The development falls into Schedule 2, 10(b) 'Infrastructure Projects'. At the time that the screening opinion was issued the Local Planning Authority concluded that the development is unlikely to be one of more than local importance in terms of environmental impact and that the development is unlikely to generate significant environmental impacts. Accordingly The Local Planning Authority concluded that a formal Environmental Statement was not required to accompany the original application, and a formal opinion to that effect was issued on 8th June 2011.

5.4 It is acknowledged that the Environmental Impact Assessment Regulations have now been amended since this screening was undertaken by the Local Planning Authority (and are now the 'Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011'). It is of note that the original consent (PT11/2781/F) was amended under planning permission PT13/1744/RVC such that the layout and position of depot was altered within the confines of the operational planning unit. The Local Planning Authority concluded that the scope of those alterations to the layout of the development were such that they would not materially impact upon the screening opinion that has been given by the Local Planning Authority and as such a further screening exercise was not considered necessary in that instance. In respect of this planning application, the introduction of relatively small electricity substation buildings and acoustic fencing is such that the general scope of the approved development would not materially change area. It is acknowledged that this planning application proposes to alter the operational restrictions (held under condition 14 of PT13/1744/RVC) such that the train sets would be permitted to operate under diesel power within the confines of the site. However, given that this would be for a temporary period and that specific mitigation is proposed it is considered that the general scope of the approved development would not materially change this planning application is the appropriate arena for the assessment of the impact of that change. Accordingly, officers conclude that a further EIA screening opinion is not necessary.

5.5 The existing development was considered (under PT11/2781/F) having regards to a comprehensive environmental report addressing a wide range of issues, and providing appropriate assessments and mitigation (where necessary). This document has informed the assessment of the approved development. The applicant has provided comprehensive additional acoustic and air quality assessment for consideration of this application, and this is discussed in the main body of this report.

5.6 Principle of Development

The principle of the development is established under planning permission PT11/2781/F and subsequent variations approved under PT13/1744/RVC. The

planning consent has been implemented and the approved development is now complete.

5.7 This application propose to vary condition 17 of PT13/1744/RVC so as to replace approved drawings and make minor alterations to the layout of the development in the form of additional modest building to provide three electricity substations within the site and the provision of acoustic fencing on the east and south boundaries. It also proposed to vary condition 14 such that train sets can be operated under diesel power whilst within the confines of the depot.

5.8 This application proposes a variation of the extant planning consent and is submitted under section 73 of the Town and Country Planning Act 1990 (as amended). The scope of such an application is restricted such that the assessment of this application cannot re-visit the principle of the development of the site to provide a rail maintenance depot. However the assessment of this application should address the specific impact of the proposed changes to the approved development. This is set out below.

5.9 Variation of Condition 14 of PT13/1744/RVC

Condition 14 of planning permission PT13/1744/RVC reads as follows;

The development hereby approved shall be operated in accordance with the Train Set Details submitted to the Local Planning Authority in pursuance of condition 17 of PT11/2781/F (as received by the Council on 13th March 2013).

Reason

To ensure adequate protection and safeguarding to nearby residential occupiers and material changes to the train sets will need to be specifically considered in terms of the impact from noise, dust and air quality. This is in accordance with policy E3 of the South Gloucestershire Local Plan (Adopted) January 2006.

5.10 For clarity, Condition 17 of planning permission PT11/2781/F reads as follows;

Prior to the commencement of development specific details of the train sets to be maintained at the site shall be submitted to and agreed in writing by the Local Planning Authority. The details shall include the method by which the trains are powered; and how they will be powered around the site; and the speed of movement around the site. For the avoidance of doubt the train sets should only be those used in conjunction with the Great Western Line as outlined in the submission. Thereafter the site shall only operate in relation to the details so agreed.

Reason

To ensure adequate protection and safeguarding to nearby residential occupiers as material changes to the train sets will need to be specifically considered in terms of the impact from noise, dust and air quality. This is in accordance with policy E3 of the South Gloucestershire Local Plan (Adopted) January 2006

- 5.11 Information in pursuance of Condition 17 above was submitted to the Local Planning Authority on 13th March 2013 and was subsequently agreed and the condition discharged. Accordingly, condition 14 of Planning Permission PT13/2781/RVC refers back to the agreed information under the original planning application. For the avoidance of doubt, the condition is intended to control the movement of trains on the external areas of the site. Diesel units will be required to move the trains whilst they are inside the associated maintenance buildings, but these buildings include comprehensive air quality and noise protection measures. For the purpose of this application, consideration of the proposal is in relation to the movement of trains in the external areas of the site only.
- 5.12 As set out earlier in this report, the subject Railway Depot (Hitachi Depot) is complete and the new Intercity Trains to be used on the railway network are due for delivery. These trains are 'bi-modal' and are fitted with a diesel generator which then powers the electric motors that drives the train. It is possible for the trains to operate on the network and within the Hitachi Depot using this system, effectively under diesel power. Clearly the intention is to operate the trains using only electric power utilising overhead electricity supply lines. However, at this time the electrification programme (being installed by Network Rail) is delayed. Officers understand that the electrification programme was originally scheduled to be completed to coincide with the delivery of the new Hitachi Trains scheduled for August 2017. The delivery of the trains remains on schedule. However, Network Rail have indicated to the applicant that the Hitachi Depot would be connected to the mainline electricity grid in the spring/summer of 2018. This represents a delay in the completion of the electrification of approximately 18 months. Until this connection is made, the new intercity Trains will run on the mainline network under diesel power, and consequently will be required to move around within the depot under diesel power. The requirement to operate the trains within the Hitachi Depot under diesel power is not consistent with the agreed train set details.
- 5.13 Accordingly, the operator of the site now seeks to vary Condition 14 of planning permission PT13/1744/RVC to take account of the revised time schedule. The applicant has submitted revised details of the train sets to address the above issues whilst the Hitachi Depot remains isolated from the main line electricity supply grid. The details proposed sets out that the diesel powered element of the new intercity trains is effectively a diesel generator which provides power to the electric motors which in turn drive the train. They are not diesel engines in the traditional sense and are very much smaller, quieter and cleaner than the engines which power the outgoing Intercity Trains (125 type). The new intercity trains have been designed to perform to very high standards of efficiency with the aim of reducing the environmental impact of the use of them on the mainline railway network to a minimum. Officers have been able to observe the use of a new train set during testing on the site and it is evident that the trains are very much quieter and produce minimal amount of emissions when compared to the outgoing intercity Trains. To this end, officers are satisfied that the broad impact of the use of the train sets as proposed would not result in a significant environmental impact in its own right; indeed those impacts would be relatively limited.

- 5.14 Nonetheless, the applicant acknowledges that whilst the diesel units are in use on the depot, there will be an increase in noise levels and emissions. Accordingly, the applicant has included the following measures for the mitigation of this impact;
- 5.15 Shore Supply Points
These are effectively fixed electricity supply points that will allow the train sets to be 'plugged' into the national grid electricity supply whilst normal servicing is carried out (such as cleaning) and so allowing the diesel units to be powered down whilst the train set is stationary. This would have the effect of significantly reducing the length of time that the diesel unit would be required to run. Officers consider that this solution would be very effective, and would essentially remove the generation of noise whilst the train set is stationary and effectively reduce the increase of air borne pollutants to a negligible amount. The installation of the Shore Supply Points will require the installation of three on site electricity substations and a further substation off site (as detailed in Planning Application PT16/1808/F which also appears on this agenda). The details of the substations on this site are provided on revised plans which the applicant proposes to introduce in place of certain plans agreed under condition 17 of planning permission PT13/1744/RVC. The physical impact of those elements is considered later in this report.
- 5.16 Acoustic Fencing
Condition 16 of planning permission PT13/1744/RVC is imposed to specifically control the amount of noise generated on the site as a result of movement of trains in the interests of the amenity of the occupants of nearby dwellings. In this instance, the applicant proposes to install acoustic fencing along the northeast and southern boundaries of the site in order to contain any additional noise resulting from the movement of trains under diesel power. In this instance, the Environmental Health Officer has confirmed that the provision of the acoustic fencing will ensure that the operation of the site can comply with the requirements of Condition 16. This condition will be carried forward and imposed upon any approval of this application to vary the extant planning consent and in the event that the requirements of Condition 16 are breached this is a matter for Planning Enforcement Legislation.
- 5.17 Officers note that the proposed mitigation will include the installation of electricity sub-stations. Whilst it is likely that some noise would be generated by the sub-stations, given the position of the units in relation to surrounding dwellings, this is not likely to give rise to significant levels of noise that would become audible over existing background noise levels. In this instance, Condition 15 of planning permission PT13/1744/RVC is imposed to specifically control fixed plant and general operational noise. Again, this condition will be carried forward and imposed upon any approval of this application to vary the extant planning consent and in the event that the requirements of Condition 15 are breached this is a matter for Planning Enforcement Legislation.
- 5.18 Having regards to the above, officers are satisfied that the proposed mitigation measures will adequately address the impact of the movement of the train sets, and conclude that the variation of condition 14 to account for the delay in providing the electricity supply on the wider railway network is acceptable in

principle. Officers consider that it is appropriate to apply a condition which reflects the projected timescale for the completion of the electrification of the Great Western Railway in order to ensure that trains are operated under electric power in the Hitachi Depot when this work is complete. This is currently estimated to be Spring/Summer 2018. Allowing for some flexibility in this projection, officers consider that a condition should require that normal 'electrical' operation should resume by 1st January 2019; or when the electrification works are complete, whichever is the earlier. Similarly, it is considered appropriate to impose a condition requiring that the mitigation measures detailed above is installed prior to the IEP being put into service.

- 5.19 It is noted that the applicant also seeks to vary the train set details subject to condition 14 such that an allowance is made, once the electricity supply to the main line is fully operational, for temporary electrical power outage required during periods of maintenance on the mainline electrical power supply, and the Hitachi Depot itself. This would occur infrequently and in part would be outside the control of the operator of the Hitachi Depot. Given that such an occurrence is necessary for maintenance and would very likely be infrequent and for limited periods of time, officer consider that this approach would be reasonable. It is noted that the provision of the mitigation measures identified above would be retained permanently to support the operational requirements of the site. Officers consider that this would provide an additional and permanent benefit for the surrounding residential areas over and above the extant planning permission. As such, the very limited impact of this proposal is adequately mitigated.
- 5.20 Subject to the wording and imposition of conditions detailed above, the proposal to vary Condition 14 of PT13/1744/F is acceptable.
- 5.21 Variation of Condition 17 of PT13/1744/RVC.
As part of the proposal, the applicant proposes to introduce specific measures for the mitigation of the impact of the changes to the operation of trains within the site. As set out above, the mitigation proposed is in the form of electricity power supply points (Shore Supply Points) and acoustic fencing. The electricity power supply will require the provision of three small buildings to accommodate electricity substations. The applicant proposes to vary condition 17 such that the approved main layout drawing, approved cross sectional drawings and the approved fencing detail is replaced with new drawings showing the position of the electricity substation buildings and the revised fencing detail.
- 5.22 The purpose of the proposed mitigation has been addressed earlier in this report. In this instance, officer are satisfied that the provision of the proposed structures can be properly addressed by way of an application to vary condition 17 to replace approved plans secured by the condition. The key matters for consideration in relation to the proposal are in relation to visual and residential amenity and this is considered below.
- 5.23 Visual and Landscape Amenity
The general appearance of the Hitachi Depot as constructed is functional, but is well screened by comprehensive landscaping and remodelling of the site topography during its construction. Glimpses of the main Depot Building and

overhead gantries are available from the surrounding residential areas to the North and East, whilst gantries can also be seen from the residential areas to the South. However, in general terms, the wider view of the site is obscured by earth bunds and landscaping.

- 5.24 *Substation Buildings.* Each building is identical and measures 4.3 metres wide by 9.3 metres long and 3.15 metres in height. 'Substation C' is positioned approximately 20 metres to the North of the main depot. 'Substation A' and 'Substation B' are positioned in the Southeast of the site along-side the western face (inward facing) of the newly constructed earth bund associated with the development along the Eastern elevation of the site.
- 5.25 The proposed buildings are functional in appearance and proposed to be constructed in glass reinforced plastic. Given the position of the buildings on the site, 'Substation C' would be obscured from views from the residential dwellings to the Northeast of the site, whilst 'Substations A and B' would not be visible from the surrounding public realm given the position of them against the inside face of the existing earth bund on the site. On this basis, officer consider that the proposed substation buildings would have no material impact in respect of the general appearance of the site and the surrounding landscape.
- 5.26 *Acoustic Fencing.* Acoustic barrier fencing is proposed to be installed along the Northern end of Northeast elevation of the site (facing towards Bush Avenue, Stoke Gifford), the South end of the Northeast Elevation (facing towards Sandringham Road, Stoke Gifford) of the site and the East end of the Southern elevation of the site (facing towards New Road, Stoke Gifford). Views of the fencing will be available from the residential areas to the North, East and South although views of the fence from Bush Avenue and Sandringham Road would be obscured by existing vegetation associated with the railway embankments enclosing the North-eastern facing elevation of the site. The fence is likely to be clearly visible from New Road where there is less screening vegetation.
- 5.27 The fences would range in height from 2 metres in height (facing Bush Avenue) to 5 metres in height (facing New Road). Again, these structures are functional in appearance. However, the panels will be constructed in timber battens approximately 5 metres wide. Over time the appearance of the panels will soften as the timber weathers. The fence would act to obscure views of the existing depot and associated infrastructure from the nearest residential properties. Given the industrial character of the site and the existing railway embankment, it is considered that the acoustic fencing would not have a harmful impact in terms of the visual amenity of the site or the surrounding landscape and is acceptable in that regard.
- 5.28 Residential Amenity
As set out earlier in this report, officers are satisfied that the proposed development would provide adequate mitigation against noise and emissions associated with the use of the Hitachi Depot. Conditions relating to the control of noise from the site will be retained as part of any further consent and conditions securing the provision of mitigating measures ahead of the IEP service becoming operational will also be imposed. Subject to these conditions,

officers are satisfied that the development is acceptable in terms of noise and emissions.

5.29 The substation buildings would not be easily visible from the surrounding residential dwellings. Although the acoustic fencing would be visible from nearby residential properties, officers are satisfied that there is sufficient separation to avoid any unacceptable overbearing impact.

5.30 Construction Works and Public Consultation by Hitachi

The original planning application (PT11/2781/F) was subject to objection from the local community who raised concerns over noise, light and pollution impacts as a result of the development of the site as a rail maintenance depot. However, prior to the approval of the above planning application the developer (Hitachi) engaged with the community in order to address the concerns being raised. Similarly, following the approval, the developer has continued to engage with the community and in particular has discussed the revised proposals direct with them. It is clear that the community engagement has been very productive and successful and as such, the local community have not raised any further concerns regarding this application. Whilst the comments from a local resident in respect of noise and dust during the construction of the existing development are noted, it is anticipated that liaison with the wider community and Hitachi will continue. Furthermore, the proposed substation buildings and acoustic fencing are relatively modest structures that would not involve long periods of construction, noise and dust.

5.31 Land Contamination

The approved development has been subject to comprehensive ground investigation. Conditions under planning permission PT11/2781/F relating to investigation and remediation of ground contaminants have now been discharged; and as such the site properly prepared for the development approved. In the event that this application is approved, it is considered that a compliance condition is appropriate to ensure that the mitigation measures agreed are retained as part of the development. It is considered that the proposed alterations to the approved development would not act to undermine the investigations carried out, nor the agreed measure of mitigation.

5.32 Flood Risk and the Water Environment

The approved development has been subject to comprehensive assessment of its impact upon water conditions, storage and the impact upon an existing culvert located under the site. The Environment Agency has been heavily involved in the assessment of the development approved under PT11/2781/F. The assessment concluded that specific planning conditions relating to the culvert and the use of sustainable drainage measures were required to secure adequate mitigation and water handling through and under the site in order to ensure that the development did not create flooding problems on the site and in the surrounding locality. In this instance, the Environment Agency and South Gloucestershire Drainage Engineer have agreed specific measures in pursuance of those planning conditions which have been implemented as part of the existing development. On this basis, any approval of this application should be subject to compliance conditions securing retention of the agreed measure as part of the new development on the site. It is therefore considered

that (subject to such conditions) the proposed amendments are acceptable in flood risk/water environment terms.

5.33 Ecology

The approved development has been subject to comprehensive assessment of the impacts upon the ecology value of the site. It is not considered that the proposed amendments to the approved scheme would have a materially greater impact upon the ecological value of the site than the approved development. It should be noted that the ecological value of the site is very limited as the site is made up of degraded land with limited habitat potential. However, planning conditions were imposed upon the planning consent to secure habitat mitigation for certain protected species known to occupy or potentially occupy the extremes of the site. Furthermore, a condition also required specific habitat creation and improvement strategy and landscaping measures to be implemented. These conditions have been discharged and the agreed measures have been implemented. It is appropriate to apply compliance conditions to ensure that the agreed measures are retained as part of the development.

5.34 Public Open Space

It is considered that the proposed amendments would not have a materially greater impact on the use and amenity value of the areas of public open space located to the East of the development site.

5.35 Sustainability and Energy Conservation

It is considered that the proposed amendments would not undermine the sustainability and energy specification of the development.

5.36 Highway Safety and Amenity

There are no changes to the access route to the site from the A38 (Gloucester Road North) or the layout of the access roads and parking within the development itself. The proposed amendments would not result in additional vehicular movements to and from the site by staff. There would be very limited and temporary vehicular movement associated with the construction of the proposed electricity sub-stations and acoustic fencing. On this basis, the proposed amendments are acceptable in transportation terms.

5.37 Health and Safety

The implications for health and safety on the site and affecting the wider locality were considered as part of the assessment of the approved development under PT11/2781/F). In this instance, it is considered that the proposed amendments would not result in a materially greater impact than that of the approved development.

5.38 Economic Considerations

The redevelopment of the site to provide the Hitachi Rail Depot is now complete and forms a key part of the ultimate delivery of the Intercity Express Programme (IEP). The delivery of the IEP is a major economic factor effecting the United Kingdom as a whole and would provide the basis for the long term viability and sustainability of the United Kingdom Railway Infrastructure. The proposed amendments will provide the basis for continuing to deliver and

operate the new Intercity Trains whilst the wider electrification of the Great Western Main Line is finally completed. The use of the trains under diesel power (rather than electric power) will be temporary and over a short time scale in relation to the overall operational life time of the new electric railway infrastructure. Officers have concluded that the impact of the amendments to address the wider delivery requirements of the IEP are limited and can be adequately addressed through the imposition of appropriately worded conditions. On this basis, the limited negative impact of the proposal is substantially outweighed by the benefit of the long term provision of the IEP in the wider public interest.

5.39 Officers therefore conclude that the proposed variation of Planning Permission PT13/1744/RVC should 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 permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

7.1 That the proposed amendments are approved and that conditions 14 and 17 of Planning Permission PT13/1744/RVC are varied, subject to the following conditions.

Contact Officer: Simon Penketh
Tel. No. 01454 863433

CONDITIONS

1. The Electricity Substation and associated 'Shore Supply' electricity supply and the acoustic barrier fencing as shown upon drawing numbered IEP-SG-ARU-CX-DRG-2004 Issue 03 (as received by the Local Planning Authority on 24th May 2016) shall be installed and operational prior to the The Intercity Express Passenger Service (under the Intercity Express Programme (IEP) becoming fully operational. For the purpose of this condition the term 'fully operational' shall refer to the time when the Intercity Express Trains (as supplied by Hitachi Europe) first carry fare paying passengers.

Reason

To ensure adequate mitigation, protection and safeguarding to nearby residential occupiers is provided in the long term operation of the site in respect of the impact from noise, dust and air quality. This is in accordance with Policy CS1 and CS13 of the South Gloucestershire Local Plan, Core Strategy (adopted) December 2013 and

saved Policy E3 and EP4 of the South Gloucestershire Local Plan (adopted) January 2006

2. The development hereby approved shall proceed strictly in accordance with the following documents;

IEP Depots Early Works Stoke Gifford Rail Depot Results of Revised Model and Review of Proposed Replacement Culvert Report (dated April 2013)
C10871-6.1-VFL-Stoke Gifford-Contract Programme-2013-07-01 Rev H - For Acceptance (dated 1st July 2013).

Thereafter the development shall be retained as such.

Reason

To ensure that adequate flood elevation measures are implemented to accord with policy CS1 of the South Gloucestershire Core Strategy Local Plan (Adopted) December 2013 and Saved Policy EP2 of the South Gloucestershire local Plan (adopted) 2006

3. The development shall be retained strictly in accordance with the Sustainable Drainage Systems submitted to the Local Planning Authority on 4th September 2013 and as agreed by the Local Planning Authority on 1st November 2013 under planning consent PT13/1744/RVC (dated 22nd August 2013)

Reason

To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system and to accord with policy CS1 of the South Gloucestershire Core Strategy Local Plan (Adopted) December 2013 and Saved Policy EP2 of the South Gloucestershire local Plan (adopted) 2006

4. The foul and surface water drainage arrangements shall be implemented as shown on drawing number B1646600-SGC-DRG-CV 000500/P06 (as received by the Council on 24th May 2013) prior to the first occupation of the development hereby approved.

Reason

In the interests of water quality and ecology and to accord with policy CS1 and CS9 of the South Gloucestershire Core Strategy Local Plan (Adopted) December 2013 and Saved Policy EP2 of the South Gloucestershire local Plan (adopted) 2006

5. The development hereby approved shall proceed strictly in accordance with the following documents;

Jacobs Hitachi Europe UK Bristol Stoke Gifford IEP Depot; Preliminary Risk Assessment Report June 2011
Jacobs Intercity Express Programme, Proposed Stoke Gifford Depot: Environmental Report, August 2011
B1646600-SGD-REP-EN-000001
Arup Geo-environmental desk study, IEP Depots: Stoke Gifford Nov 2012
IEP-SG-ARU-CG-REP-1301

Quantum Geotechnical Ground Investigation Factual Information, Stoke Gifford, December 2012

Arup Volker Fitzpatrick, IEP Depots: Stoke Gifford, Geo-environmental Interpretive Report IEP-SG-ARU-CG-REP-1010 Feb 2013

Arup Volker Fitzpatrick, IEP Depots: Stoke Gifford, Remediation Strategy Report IEP-SG-ARU-CG-REP-1011 March 2013

Arup IEP Stoke Gifford, Post fieldwork monitoring report addendum July 2013

Following completion of the ground works a verification report should be submitted to demonstrate that the works set out in the remediation strategy are satisfactorily completed

Reason

To protect controlled waters and land from contamination and in the interests of the water environment and ecology; and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan, Core Strategy and saved Policy EP6 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. In the event that 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 a remediation strategy detailing how this previously unidentified contamination shall be dealt with to the Local Planning Authority for further consideration and written agreement. The remediation strategy shall be implemented as agreed by the Local Planning Authority.

Reason

To protect controlled waters and land from contamination and in the interests of the water environment and ecology; and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan, Core Strategy and saved Policy EP6 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. The hours of working on site during the period of construction shall be strictly restricted to 08:00 until 18:00; and no working shall take place Saturdays, 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. For the avoidance of doubt this condition shall exclude working in respect of the duties of the Railway Operator (Network Rail).

Reason

In the interests of the residential amenity of the occupants of nearby residential dwellings and to accord with Policy CS1 and CS13 of the South Gloucestershire Local Plan, Core Strategy (adopted) December 2013 and saved Policy E3, and EP4 of the South Gloucestershire Local Plan (adopted) January 2006

8. The Travel Plan (dated August 2011 and received by the Council on 1st September 2011 under planning permission PT11/2781/F) shall be implemented within six months of the first occupation of the development hereby approved. Thereafter the operation of the development hereby approved shall continue in line with the

objectives and strategy of the Travel Plan as submitted and agreed by the Local Planning Authority.

Reason

To encourage means of transportation other than the private car, to accord with saved Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

9. The development hereby approved shall be constructed to a Civil Engineering Environmental Quality Assessment Method (CEEQUAL) standard of 'Very good', and retained as such.

Reason

To ensure the development minimises greenhouse gas emissions as well as the use of energy and natural resources in accordance with Policy CS1 of the South Gloucestershire Local Plan, Core Strategy (Adopted) December 2013 and The South Gloucestershire Design Checklist SPD (Adopted August 2007).

10. The development hereby approved shall be implemented strictly in accordance with the Species Mitigation Strategy and Ecological Habitat Creation and Management Plan - NFIT144/002/002 dated November 2012; and, drawing numbered B1646600-SGD-DRG-EN-000001 as received by the Council on 24th May 2013; and thereafter retained as such.

Reason

To ensure the works are carried out in the interests of the health and protection of protected species, and to accord with Policy CS9 of the South Gloucestershire Local Plan, Core Strategy (adopted December 2013) and saved Policy L9 of the South Gloucestershire local Plan (Adopted) January 2006.

11. No external lighting other than which is detailed upon the approved plans (B1646600-SGD-DRG-EL-000001/P04 and B1646600-SGD-DRG-EL-000002/P03 as received by the Council on 24th May 2013) shall be provided at any time.

Reason

In the interests of the residential amenity of the occupants of nearby residential dwellings and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan, Core Strategy (adopted) December 2013 and saved Policy E3 of the South Gloucestershire Local Plan (adopted) January 2006

12. The development hereby approved shall be implemented in accordance with the Stoke Gifford Rail Maintenance Depot - Noise Management Plan (C10871 - 11.9.3 - RPS - IEP-SG-RPS-SS-REP-2950 - Noise Management Plan (Rev P4)) submitted to the Local Planning Authority in pursuance of condition 15 of PT11/2781/F (as received by the Council on 1st May 2013).

Reason

In the interests of the residential amenity of the occupants of nearby residential dwellings and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan, Core Strategy (adopted) December 2013 and saved Policy E3 and EP4 of the South Gloucestershire Local Plan (adopted) January 2006

13. The development hereby approved shall be operated in accordance with the Train Set Details contained in Appendix C of the Planning Statement (rev B) as received by the Local Planning Authority on 20th April 2016.

Reason

To ensure adequate protection and safeguarding to nearby residential occupiers and material changes to the train sets will need to be specifically considered in terms of the impact from noise, dust and air quality. This is in accordance with Policy CS1 and CS9 of the South Gloucestershire Local Plan, Core Strategy (adopted) December 2013 and saved Policy E3 and EP4 of the South Gloucestershire Local Plan (adopted) January 2006

14. The moving and operating of trains within the site under diesel power shall cease no later than 1st January 2019, or when the overhead electricity power lines within maintenance depot hereby approved are connected to the overhead electricity power supply associated with the main line railway infrastructure and overhead electric power is first supplied to the maintenance depot; whichever is the sooner. Thereafter the trains shall be moved and operated within the maintenance depot site in accordance with the train set details as set out in condition 14 of this planning consent.

Reason

In recognition of the temporary period that the maintenance depot is not connected to the overhead electricity supply lines and to ensure adequate protection and safeguarding to nearby residential occupiers is provided in the long term operation of the site in respect of the impact from noise, dust and air quality. This is in accordance with Policy CS1 and CS9 of the South Gloucestershire Local Plan, Core Strategy (adopted) December 2013 and saved Policy E3 and EP4 of the South Gloucestershire Local Plan (adopted) January 2006

15. In relation to fixed plant and operational noise within the site the Rating Noise Level (LAeq) shall not exceed the pre-existing (LA90) Background by more than:
- (a) 5 dBA at the site boundary of any noise sensitive residential property unless
 - (b) the LA90 Background level is at or below 35 dBA in which case the Rating Noise level shall not exceed 40 dBA.

When measured and assessed in accordance with the British Standard 4142:1997 as amended. For the avoidance of doubt the pre-existing (LA90) Background level shall be taken from the Environmental Report dated August 2011 (B1646600-SGD-REP-EN-000001; tables 6J -6O).

Reason

In the interests of the residential amenity of the occupants of nearby residential dwellings and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan, Core Strategy (adopted) December 2013 and saved Policy E3 and EP4 of the South Gloucestershire Local Plan (adopted) January 2006

16. In relation to on-site train movements the Noise Level (LAeq) at the façade of any noise sensitive residential property shall not exceed:

- (a) 45 dBA LAeq 8 hour (night time) period 2300 – 0700 and
- (b) 50 dBA LAeq 16 hour (day time) period 0700 – 2300 in accordance with the World Health Organisation (WHO) 'Guidelines on Community Noise' 1995 as amended.

Reason

In the interests of the residential amenity of the occupants of nearby residential dwellings and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan, Core Strategy (adopted) December 2013 and saved Policy E3 and EP4 of the South Gloucestershire Local Plan (adopted) January 2006

17. The development hereby approved shall be implemented strictly in accordance with the approved plans detailed as follows; and thereafter shall be retained as such.

Number	Revision/Issue	Drawing Title
B1646600-SGD-DRG-CV-000100 Layout Indicating Existing Services	P03	Existing Site
B1646600-SGD-DRG-CV-000102 Construction Works Red Line Plan	P03	Area of
IEP-SG-RPS-SS-AIP-02-0200 Maintenance Building Ground Floor Layout	P03	Depot
IEP-SG-RPS-SS-AIP-02-0203 Maintenance Building Office Area Layout	P03	Depot
IEP-SG-RPS-SS-AIP-02-0204 Maintenance Building Typical Sections Sheet 1 of 2	P03	Depot
IEP-SG-RPS-SS-AIP-02-0205 Maintenance Building Typical Sections Sheet 2 of 2	P03	Depot
IEP-SG-RPS-SS-AIP-02-0207 Maintenance Building Sections Through Pits	P03	Depot
IEP-SG-RPS-SS-AIP-02-0211 Maintenance Building Roof Layout	P05	Depot
IEP-SG-RPS-SS-AIP-02-0220 Maintenance Facility Elevations Sheet 1 of 2	P06	Proposed
IEP-SG-RPS-SS-AIP-02-0221 Maintenance Facility Elevations Sheet 2 of 2	P06	Proposed
IEP-SG-RPS-SS-AIP-02-0350 Buildings Floor Roof Layout	P03	Wheel Lathe
IEP-SG-RPS-SS-AIP-02-0351 Buildings Elevations	P03	Wheel Lathe
IEP-SG-RPS-SS-AIP-02-0500 IEP-SG-RPS-SS-AIP-02-0700 Accommodation Store Drivers Accommodation Building	P06 P04	Drainage Layout Cleaners
B1646600-SGD-DRG-EN-000001 Ecology Masterplan	P05	Landscape
B1646600-SGD-DRG-EL-000001 Lighting Layout Sheet 1 of 2	P04	Preliminary External

B1646600-SGD-DRG-EL-000002 Lighting Layout Sheet 2 of 2	P03	Preliminary External
B1646600-SGD-DRG-EL-000003 Lighting Isolux Diagrams Sheet 1 of 2	P04	Preliminary External
B1646600-SGD-DRG-EL-000004 Lighting Isolux Diagrams Sheet 2 of 2	P03	Preliminary External

as received by the Local Planning Authority on 24th May 2013

B1646600-SGD-DRG-CV-000105 Sections to Boundary Sheet 1 of 2	P08	Proposed Cross
B1646600-SGD-DRG-CV-000105A Sections to Boundary Sheet 2 of 2	P04	Proposed Cross
B1646600-SGD-DRG-CV-000755 Gates Typical Details	P03	Depot Fencing and
C10871 - 4.1.1-MML-25907 Building Section and Elevation Drawing.		Typical Substation

as received by the Local Planning Authority on 20th April 2016

IEP-SG-ARU-CX-2003 Maintenance Facility - General Arrangement	03	Proposed
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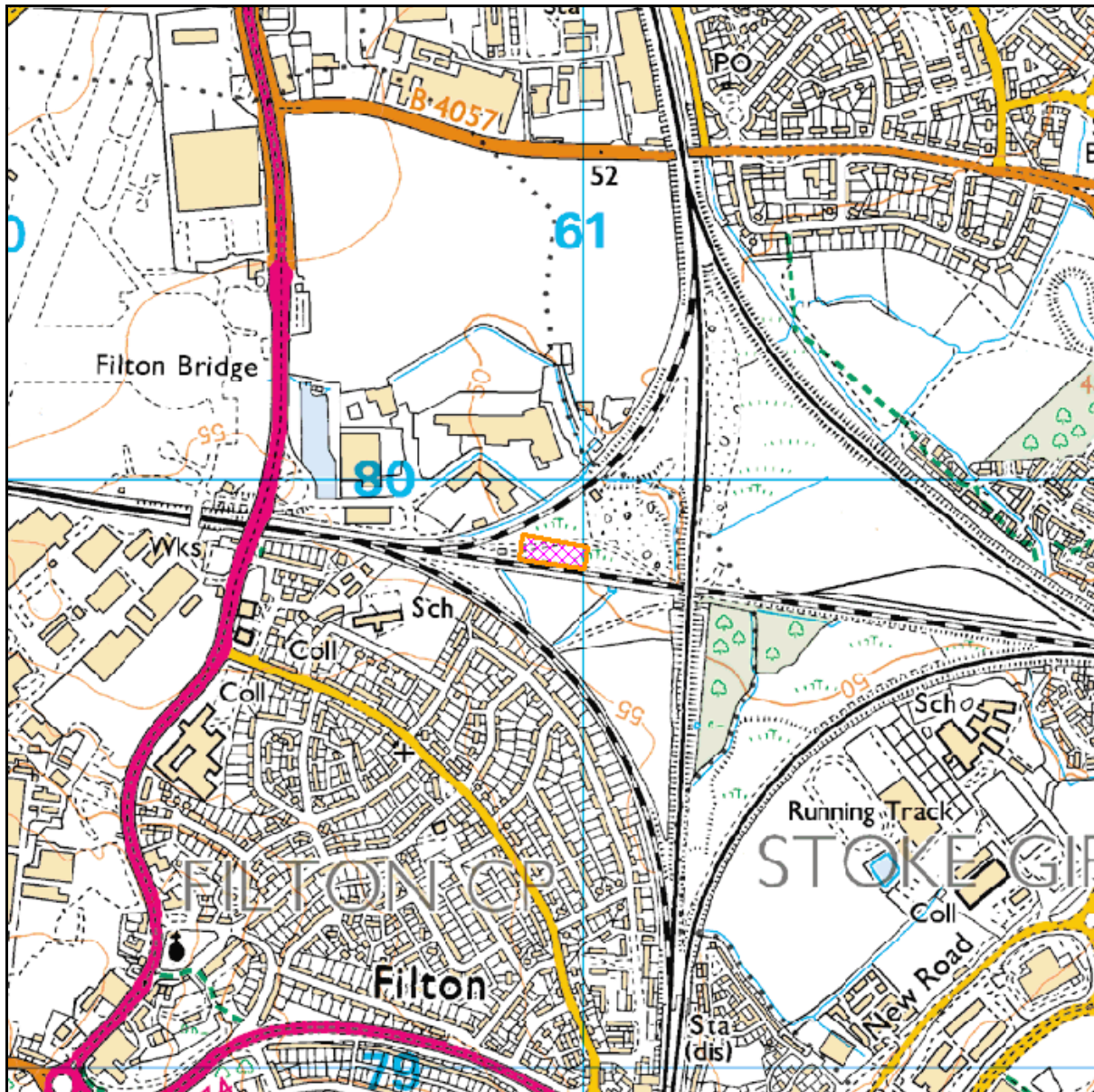
as received by the Local Planning Authority on 24th May 2016

Reason

To ensure that the development is implemented as approved; and for the avoidance of doubt.

CIRCULATED SCHEDULE NO. 28/16 – 15 JULY 2016

App No.:	PT16/1808/F	Applicant:	Hitachi Rail (Europe) Limited
Site:	Filton Triangle Stoke Gifford South Gloucestershire BS34 7QG	Date Reg:	26th April 2016
Proposal:	Installation of substation with associated works.	Parish:	Filton Town Council
Map Ref:	360656 179920	Ward:	Filton
Application Category:	Minor	Target Date:	20th June 2016



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 100023410, 2008.

N.T.S.

PT16/1808/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application appears on the Circulated Schedule as it is linked to Planning Application PT16/1807/RVC which also appears on this Circulated Schedule.

1. THE PROPOSAL

- 1.1 The proposed development consists of the construction of a new electricity substation measuring 4.3 metres wide by 9.3 metres long and 3.15 metres in height.
- 1.2 The site is located to the West of the Hitachi Railway Depot site and adjacent to the existing access road servicing that site (as approved under PT14/1688/F as detailed in section 3 of this report).
- 1.3 The proposed development would to provide the first stage of an additional electricity power supply (Shore Supply) associated with the servicing of trains at the Hitachi Railway Depot which has been recently completed.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Guidance

2.1 National Guidance

National Planning Policy Framework March 2012

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

- EP2 Flood Risk and Development
- EP6 Contaminated Land
- L1 Landscape Protection and Enhancement
- L9 Species Protection
- E3 Criteria for Assessing Proposals for Employment Development within the Urban Area
- T7 Cycle Parking
- T8 Parking Standards
- T12 Transportation Development Control policy for New Development

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

- CS1 High Quality Design
- CS4a Presumption in Favour of Sustainable Development
- CS5 Location of Development
- CS9 Managing the Environment and Heritage
- CS11 Distribution of Economic Development Land
- CS13 Non-Safeguarded Areas for Economic Development
- CS25 Communities of the North Fringe of Bristol Urban Area

3. RELEVANT PLANNING HISTORY

- 3.1 PT11/2781/F Erection of a Rail Maintenance Depot including sidings and associated maintenance buildings and accommodation, and fuel storage facilities. Improvements to existing access road, internal access roads and car parking, security fencing and landscaping.

Approved, 6th February 2012

- 3.2 PT11/025/SCR Request for Screening Opinion

The LPA have issued an opinion that an Environmental Impact Assessment is not required in respect of this development proposal.

- 3.3 PT13/1744/RVC Variation of condition 20 attached to planning permission PT11/2781/F to replace approved plans.

Approved, 22nd August 2013.

- 3.4 PT14/1668/F Construction of a new access and associated infrastructure to provide a dedicated access road to the Stoke Gifford IEP Rail Maintenance Depot.

Approved, 3rd September 2014

- 3.5 PT15/1756/ADV Display of 4no. externally illuminated fascia signs and 1no. externally illuminated wall sign.

Approved, 17th June 2015

- 3.6 PT16/1807/F Variation of conditions 14 and 17 attached to planning permission PT13/1744/RVC to amend Train Set Details and submit additional plans.

The above application relates to the main Hitachi Rail Depot to the East of this site. This proposal is related to the above planning application as it would provide development of an electricity substation which would itself provide electricity to the Hitachi Rail Depot site.

This above application is not determined at the time of compiling this report and appears elsewhere on this agenda.

4. CONSULTATION RESPONSES

A summary of the comments received from South Gloucestershire Council Specialist Officers and External Agencies is provided below;

- 4.1 Stoke Gifford Parish Council
No comment has been received
- 4.2 Filton Town Council
No Objection.
- 4.3 Sustainable Transport (Highway Authority)
No Objection.
- 4.4 Archaeological Officer
No Objection
- 4.5 Lead Local Flood Engineer
No Objection.

Other Representations

- 4.6 Local Residents
No comments have been received.

5. ANALYSIS OF PROPOSAL

- 5.1 The proposed development consists of the provision of an electricity sub-station associated with the Hitachi Railway Depot associated with the Intercity Express Programme (IEP). The site is within the Bristol North Fringe Urban Area.
- 5.2 Principle of Development
Policy CS13 of the South Gloucestershire Local Plan; Core Strategy and Saved policy E3 of the South Gloucestershire Local Plan are relevant to this planning application. In this instance, the proposed development is directly linked to substantial economic development site in the form of the newly completed Hitachi Railway Depot associated with the Intercity Express Programme (IEP) on the Filton Triangle Railway Land.
- 5.3 The rationale for the proposed development relates to the current delay to the development of the main line Great Western Railway to provide electrically powered express trains under the Intercity Express Programme (IEP). This is a government initiative being implemented by Network Rail. Whilst there is a delay the newly completed Hitachi Railway Depot will not be connected to the Overhead Electricity Supply Lines meaning that it will not be possible to operate the new Hitachi Trains (which will provide the new Intercity Express Service) using electric power. Accordingly, the operator of the propose to provide an additional electricity supply to the Railway Depot in order for the trains to be 'plugged in' to an electricity supply during routine cleaning and maintenance and so avoid the requirement to use the diesel generators installed on the trains themselves.
- 5.4 The electricity supply forms part of the mitigation proposed to be installed against the impact of the requirement to move trains within the site under diesel power whilst no overhead electricity supply is available. It is noted that the

operator of the Hitachi Railway Depot has also submitted an application to vary to extant planning permission relating to the depot itself (PT16/1807/RVC). This application seeks to vary the extant consent in such a way as to allow trains to move on the site under diesel power for a temporary period (and on occasions when electricity is temporarily unavailable in the longer term future during operational maintenance). The assessment of the impacts of that application is made in the officer report which is also held on this agenda.

5.5 In respect of this proposal, the proposed electricity substation should be considered as a stand-alone facility that would be provided in order to support the operational requirements of the existing Hitachi Railway Depot Site. However, it is acknowledged that the proposed facility would act to enable appropriate and reasonable mitigation measures to offset the impact of the temporary operation of trains in the depot site under diesel power. Officers attribute considerable weight to this aspect. Accordingly, officers consider that the proposed development would act to improve and enhance positive economic investment in South Gloucestershire and would represent positive economic development consistent with the requirements of the NPPF. Officers consider that significant weight should be given to this aspect of the development proposed. The policies indicate that the proposed development is acceptable in principle subject to the following considerations.

5.6 Design and Visual Amenity

The proposed development would introduce a relatively small building measuring 4.3 by 9.3 by 3.15 meters (high). The building would be constructed in Glass Reinforced Plastic (GRP) and would house electricity substation equipment. The building is functional in appearance.

5.7 The site is at the centre of a heavily industrialised landscape. It is not easily visible from the public realm and is screened from view by existing industrial buildings and substantial railway infrastructure. It is considered that the proposed building would not result in a material impact on the character of the landscape in this locality.

5.8 Residential Amenity

The site is located in an existing industrialised area and is well away from residential properties. The site is separated from the nearest residential dwellings by existing and substantial railway infrastructure. The proposed development would not introduce additional vehicular movements or significant additional noise. On this basis, the proposed development would not result in a materially greater impact in respect of the residential amenity of the occupants of surrounding dwellings.

5.9 Land Contamination

The site is known to be located in an area of land where there is a high risk of ground contaminants being present. However, the nature of this development is such that the risk would not affect a highly sensitive population as the development is not residential in nature nor would it involve office accommodation that would be occupied for long periods of time daily. Furthermore, development implemented under PT14/1668/F (an access road)

has enabled the area subject to this application to be remediated of known contaminants.

5.10 Transportation and Highway Safety

Given the nature of the proposed development, it is considered that there would be no material impact in respect of highway safety and amenity.

5.11 Conditions

It is noted that the recommendation to approve the planning application PT16/1807/RVC (also held on this agenda) includes a condition requiring that specific elements of mitigation associated with that proposal should be installed prior to the Intercity Express Service becoming operational. The mitigation includes a further three electricity sub-stations within the Hitachi Rail Depot site itself. These would be connected to the sub-station proposed under this application and as such it will, by default, be necessary to install the proposed substation at the same time. The onus is with the operator of the Hitachi Rail Depot to comply with the conditions suggested in the recommendation to approve the linked application and on this basis, it is considered unnecessary to apply the same condition to any approval of this application. The standard 3 year commencement is appropriate.

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 following conditions.

Contact Officer: Simon Penketh
Tel. No. 01454 863433

CONDITIONS

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

Reason

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

2. The development hereby approved shall be implemented strictly in accordance with the following plans;

IEP-SG-ARU-CX-DRG-3000 Location Plan

IEP-SG-ARU-CX-DRG-3001 Existing Block Plan

IEP-SG-ARU-CX-DRG-3002 Proposed Block Plan

C10871 - 4.1.1-MML-25907 Typical Substation Building Section and Elevation Drawing.

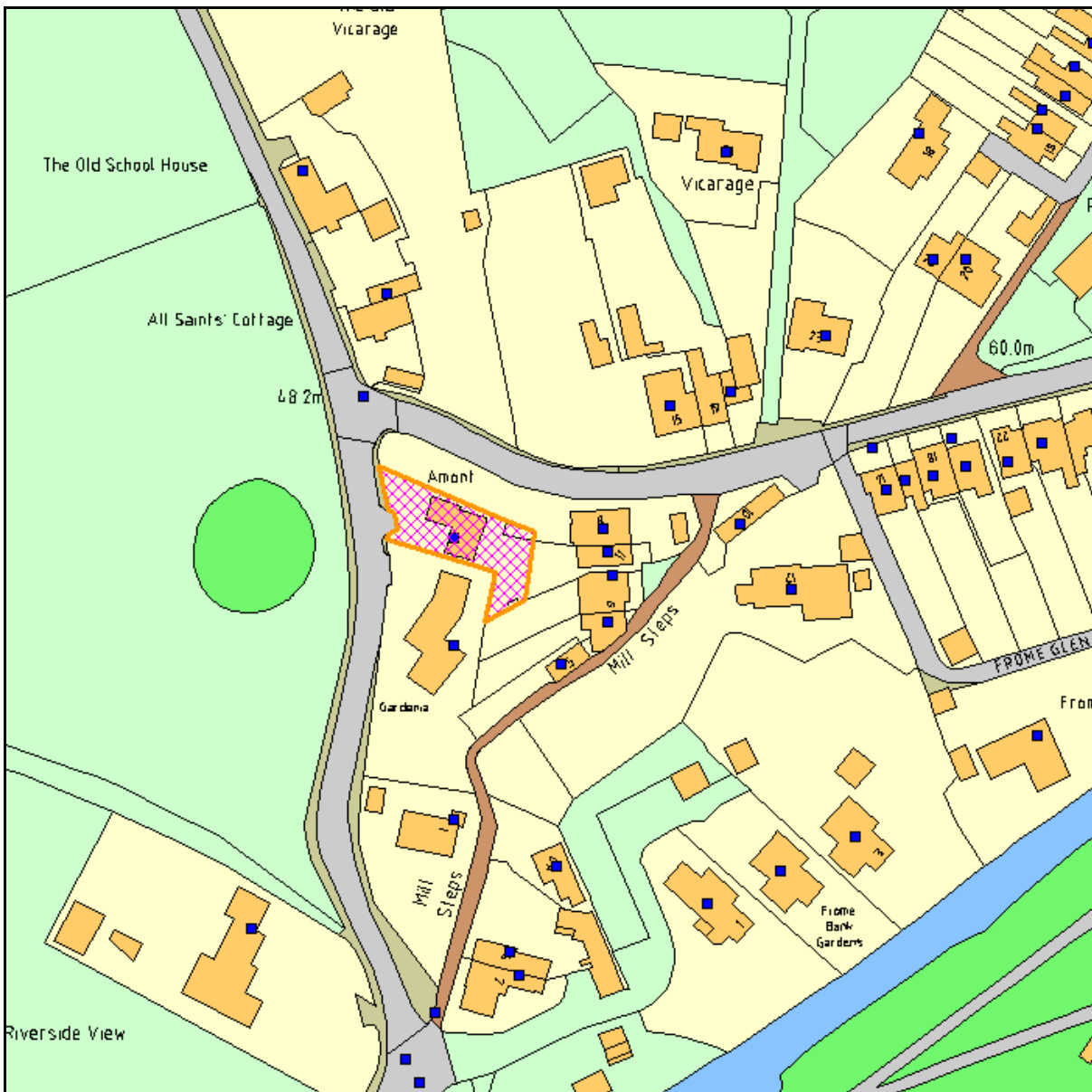
as received by the Local Planning Authority on 20th April 2016

Reason

To ensure that the development proceeds in accordance with plans as assessed and for the avoidance of doubt.

CIRCULATED SCHEDULE NO. 28/16 – 15 JULY 2016

App No.:	PT16/2014/RVC	Applicant:	Mr Michael Seward
Site:	Amont Mill Road Winterbourne Down South Gloucestershire BS36 1BP	Date Reg:	28th April 2016
Proposal:	Variation of condition 4 attached to planning permission PT15/0907/F to alter type of windows on east rear elevation.	Parish:	Winterbourne Parish Council
Map Ref:	364993 179538	Ward:	Winterbourne
Application Category:	Householder	Target Date:	20th June 2016



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PT16/2014/RVC

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule due to the receipt of residents' objection.

1. THE PROPOSAL

- 1.1 The applicant seeks planning permission to vary condition 4 attached to planning permission PT15/0907/F to alter the type of rooflights on the east rear elevation of Amont, Mill Road, Wiinterbourne. Planning permission was granted by the Development Control (East) Committee for the alteration to the existing roofline to raise the ridge line and to replace the existing hipped roof with gables and the installation of a dormer on the front elevation and rooflights on both front and rear elevation to facilitate a loft conversion with the following condition:

Condition 4:

The proposed roof lights hereby permitted on the east rear elevation shall at all times be of obscured glass to a level 3 standard or above and be permanently fixed in a closed position. Reason: To protect the residential amenity of the neighbouring occupiers and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and the saved Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

- 1.2 It should be noted that the approved works under PT15/0907/F have been carried out, however the rooflights have not been installed in accordance with the approved details. Currently, the bathroom rooflight is obscured glazed to level 2 only and capable of fully opening and the bedroom rooflight is clear glazed capable of fully opening. The applicant proposes to keep the existing bathroom rooflight and agrees to change the bedroom rooflight to be obscured glazed to level 3 with a restrictor (with opening up to 100mm) to address the officers' concerns.
- 1.3 The site has been subject to a number of applications in the past. The dwelling was allowed on an appeal in 1996, and it was a modest detached bungalow with a basement garage, and it is situated within the settlement boundary of Winterbourne, and is adjacent to the boundary of the Bristol / Bath Green Belt.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Practice Guidance

2.2 Development Plans

South Gloucestershire Local Plan: 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 & Heritage
CS34 Rural Areas

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

L1 Landscape Protection and Enhancement
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
T12 Transportation Development Control Policy for New Development

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted 2007)
Landscape Character Assessment (Adopted 2005)
Residential Parking Standards (Adopted December 2013)
Winterbourne Down Village Design Statement (Endorsed by SGC on November 2012)

3. RELEVANT PLANNING HISTORY

- 3.1 P94/2627 Erection of detached double garage. Approved 04.03.1995
- 3.2 P93/1369 Erection of single dwelling. Construction of vehicular and pedestrian access (outline). Refused 19.05.1993
- 3.3 P96/1983 Erection of detached dwelling and construction of vehicular access. Allowed 09.09.1996, the Planning Inspector highlighted the following elements:
- The main issue in this appeal to be whether or not the proposed dwelling would respect the residential character of Winterbourne Down in the vicinity of the site.
 - The elevational drawing also show in my judgement that its slipt level design incorporating a low roof and complement features has been very carefully thought out and ... would relate harmoniously with Gardenia and minimise its impact in Mill Road.
 - The vantage point of the cricket field to the west I observed that the proposed dwelling would be inconspicuous.
 - A planning condition was imposed seeking a scaled site section indicating its finished floor level in relation to the adjacent dwelling, know as Gardenia, to ensure its low siting.
- 3.4 PT13/3618/F Alterations to roofline to form second floor living accommodation and to include front Juliet balcony and dormer windows. Erection of 3 metres high fence on top of existing wall. Withdrawn 19.11.2013.
- 3.5 PT14/2915/F Alterations to roofline and installation of front dormer to form second floor living accommodation (Resubmission of PT13/3618/F). Refused 07.11.2014 for the reason mentioned in paragraph 1.2.

3.6 PT15/0907/F Alterations to roofline and installation of front dormer and rooflights to form second floor living accommodation (resubmission of PT14/2915/F). Approved 06.07.2015.

4. **CONSULTATION RESPONSES**

4.1 Winterbourne Parish Council
No objection.

Other Representations

4.2 Local Residents

4 letters of objection have been received and the local residents raise the following concerns:

- The bedroom has a window to the front of the property and it can provide ventilation and fire escape for the entire second floor.
- No justification for the proposed changes. No reasons why level 2 windows are required. Less than level 3 obscurity have a significant effect on the privacy of all properties to the rear.
- Fail to understand how, when the alterations were made.
- The roof light which overlooks our property (furthest away from Church Road) was not obscure glazed and was fully opening. The roof light nearer to Church Road had been obscure glazed but was fully opening.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

This application proposed to vary condition 4 of the approved development (PT15/0907/F) to change the type of rooflights on the rear elevation on this property.

The scope of s73 applications is limited so that the local planning authority should principally consider the condition subject to this s73 application, specifically, with regard to the reason for why this condition was originally imposed. Accordingly, the only matter for consideration under this application would specifically relate to the potential adverse impact upon the neighbouring properties for allowing the changes of the types of rooflights on the rear elevation of this property.

Since the grant of previous planning permission PT15/0907/F. there is no material change on the adopted South Gloucestershire Local Plan: Core Strategy in December 2013. The main issue to consider is an overlooking issue on the neighbouring properties, which are located to the rear of the application site.

5.2 Residential Amenity

The property is situated at an elevated position at Mill Road. The nearest neighbouring properties at the rear to the rooflights No. 8 Church Road, No. 11

and No. 9 Mill Steps, and officers acknowledge that neighbouring occupiers have raised their strong objections to the proposal.

In the previous application, it was the officer's view that the proposed rooflights would cause a degree of overlooking upon the neighbouring properties given that these windows would be likely to look over the neighbours' existing boundary fences.

Since the works have been carried out, the Council Enforcement Officer and your case officer have visited the application site and the neighbouring property of No. 11 Mill Steps. Officers acknowledged the residents' concerns regarding the overlooking issues. The existing bathroom rooflight is currently obscured glazed to level 2 and fully opening and the rooflight is overlooking onto the garden boundary fence. Whilst this bathroom could be changed to a bedroom without planning permission, the bathroom is small in size and would be unlikely to be used as a primary room. Officers also noted that the existing boundary fence on the applicant's north eastern boundary may be unauthorised. Nevertheless, given the size of the bathroom and the siting of the property it is considered that the existing bathroom rooflight would not cause significant overlooking impact upon the neighbouring properties.

The existing bedroom window is currently clear glazed and fully opening. The applicant has agreed to replace it with an obscured glazed rooflight to level 3 with a restricted opening up to 100mm. Officers consider the existing rooflight would allow overlooking onto the neighbours' garden area but the proposed changes to the existing rooflight would significantly reduce the degree of overlooking to a sufficient degree so as to overcome this. Varying the condition in this way would not be detrimental to the living conditions of the neighbouring properties and would sufficiently address the purpose of the original condition.

In conclusion, officers therefore have no objection to the variation of condition 4.

6. CONCLUSION

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

7. RECOMMENDATION

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

Contact Officer: Olivia Tresise
Tel. No. 01454 863761

CONDITIONS

1. The colour, type and texture of the rendered finish to the external walls of the proposed dormer shall match that of the existing building.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and the saved Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

2. The tiles to be used in the proposed dormer hereby permitted shall match those of the existing building in colour and texture.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and the saved Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. The rooflight on the bathroom hereby permitted on the east rear elevation shall at all times be of obscured glass to a level 2 standard or above, and the rooflight on the bedroom hereby permitted on the east rear elevation shall within two months of this Decision Notice be of obscured glass to a level 3 standard or above and have a limited opening position not more than 100mm, and thereafter both rooflights shall be retained as such.

Reason

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

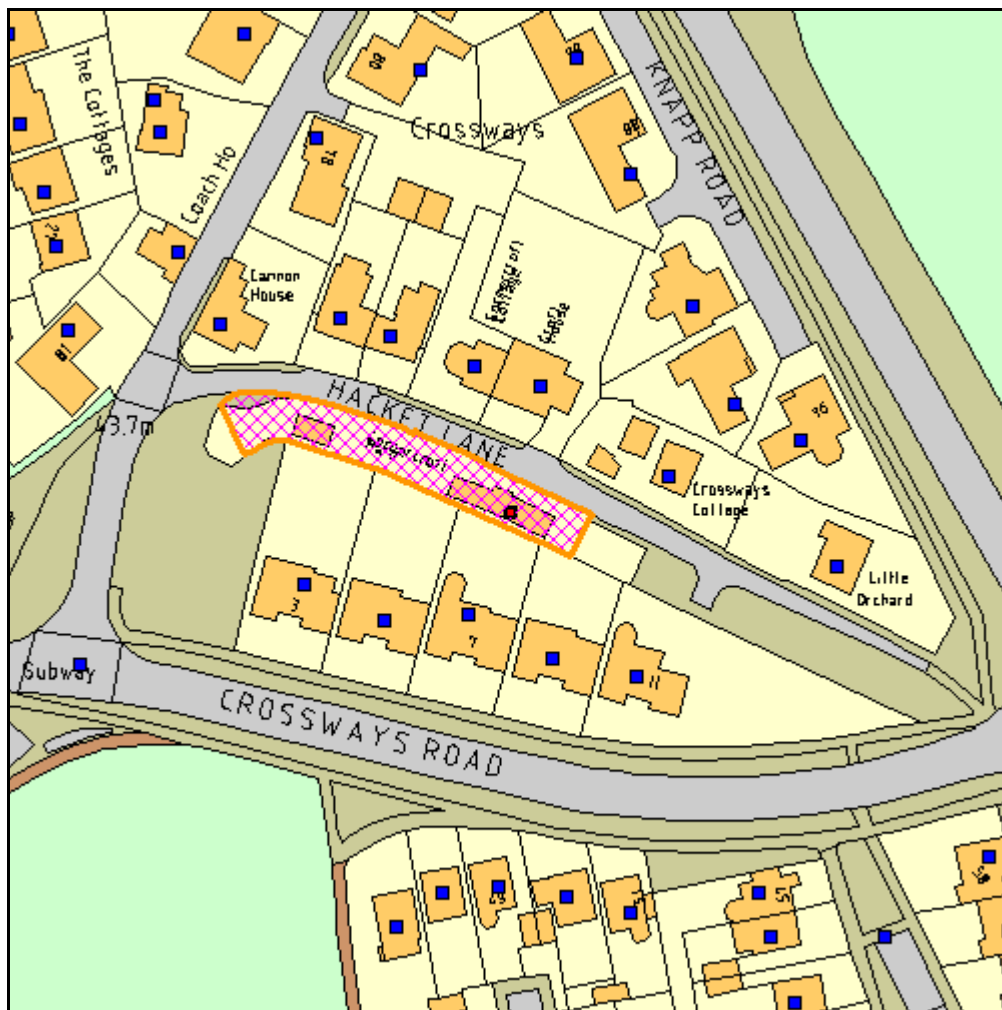
4. The hours of working on site during the period of construction shall be restricted to 07.30am to 18.00pm Mondays to Fridays, 08.00am to 13.00pm Saturdays; and no working shall take place on Sundays or Public Holidays. The term `working' shall, for the purpose of clarification of this condition include: 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 residential amenity of the neighbouring occupiers and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and the National Planning Policy Framework March 2012.

CIRCULATED SCHEDULE NO. 28/16 – 15 JULY 2016

App No.:	PT16/2879/F	Applicant:	Mr David Parker
Site:	Cornercroft Barn The Hacket Thornbury Bristol South Gloucestershire BS35 2HH	Date Reg:	18th May 2016
Proposal:	Erection of single storey side link extension with exterior timber cladding to form additional living accommodation	Parish:	Thornbury Town Council
Map Ref:	364985 190320	Ward:	Thornbury North
Application Category:	Householder	Target Date:	12th July 2016



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application is for the erection of single storey side link extension with exterior timber cladding to form additional living accommodation.
- 1.2 The property is a detached dwelling, formerly a barn, finished in a combination brick, stone and timber, located along a linear plot on cul-de-sac, within the residential area of Thornbury. Following initial viewing of the proposals, revised plans were requested to accurately illustrate the level of the boundary fencing in context with the property. Further plans have subsequently been received.

2. POLICY CONTEXT

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

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
CS8 Access/Transport
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007.
South Gloucestershire Parking Standards SPD

3. RELEVANT PLANNING HISTORY

- 3.1 P90/2732 – Conversion of existing building to form single dwelling, erection of detached double garage, front boundary wall and alterations to existing vehicular and pedestrian access. Approved 10th January 1991.
- 3.2 PT14/3533/F – Single storey side extension. Approved 24th October 2014.

4. CONSULTATION RESPONSES

- 4.1 Thornbury Town Council
No objection

Archaeology Officer
No archaeological objections

Tree Officer

I can confirm the 3no. Oaks in the rear garden of no. 7 Crossways Road are covered by a TPO. An arboriculturist should be appointed by the applicant to establish the Root Protection Areas (RPAs) of the trees. If necessary the potential impact of the development on the trees and the steps that can be taken to minimise the damage will also need to be assessed.

The closest tree appears to be about 6 metres from the proposed development. The access way between the existing and proposed buildings could also be suspended above ground level to further reduce the potential impact.

Other Representations

4.2 Local Residents

3 letters of objection have been received, summarised below: (full responses are available on the Councils website)

- overbearing impact upon properties to the rear
- impact upon visual amenity of the area
- out of keeping with area
- concern with continued and ongoing applications and extensions
- concern over maintenance and potential damage to boundary issues
- concern over level of works to three TPO'S near to the boundary

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

5.2 Design

The proposals are considered to be of an appropriate standard in design and are not out of keeping with the character of the main dwelling house and surrounding properties. The proposals would essentially reflect a similar, relatively modest single storey extension to the other end of the house and there is considered to be no immediate or significant impact upon the local streetscene or context of the area such as to warrant or sustain a refusal of the application on these grounds. The proposals are of an acceptable size in comparison to the existing dwelling and the site and surroundings. Materials proposed, matching the existing dwelling, would be acceptable.

5.3 Residential/Local Amenity

The proposals are for a single storey extension. The height to the eaves would be approximately 2.4 metres. The design incorporates a gable end with the apex of the roof at its highest point being approximately 3.8 metres. The

proposal would be located approximately 1 metre off the shared boundary, which constitutes a wall and fencing combination, to around 2.2 metres high. In respect of the adjoining properties, this represents the bottom end of their gardens. Whilst part of the proposed extension would be higher than the existing curtilage wall and therefore partially visible, this in its own right, taking into account the existing situation, the size and length, this would not be unacceptable such as to cause material or significant overbearing impact to warrant refusal of the application on these grounds. The length, size, location and orientation of the single storey proposals are not considered to give rise to any significant or material overbearing impact on adjacent properties. Further to this sufficient garden space remains to serve the property.

5.4 Any planning permission granted would not give rights to enter or access any property not within the applicants control for the purposes of construction or maintenance. This would be a civil matter as would issues associated with shared boundaries which would be subject to the Part Wall Act.

5.5 Transportation
Adequate parking provision would remain on site to serve the property, in accordance with the Council's parking requirements.

5.6 Trees
There are 3 TPO's within the general vicinity of the site, located in the rear of property's on Crossways. These are unlikely to be impacted by the current proposals, however tree assessment/protection measures can be sought as a precaution. Future potential tree works do not form part of this application and would need to be applied for separately where works to the trees are required.

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 proposals are of an appropriate standard in design and are not out of keeping with the main dwelling house and surrounding properties. Furthermore the proposal would not harm the amenities of the neighbouring properties by reason of loss of privacy or overbearing impact. Adequate parking can be provided on the site. As such the proposal accords with Policies H4 and T12 of the South Gloucestershire Local Plan (Adopted) 2006 and CS1 and CS8 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.

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

7. RECOMMENDATION

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

Contact Officer: Simon Ford
Tel. No. 01454 863714

CONDITIONS

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

Reason

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

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

Reason

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

3. Prior to the commencement of development details of any necessary Tree Protection measures in respect of the adjacent TPO's shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

Reason 1

In the interests of the long term health of the tree(s), and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 201

Reason 2

This is a precommencement condition to ensure that any tree protections measures are considered ahead of any development

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

Reason

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

CIRCULATED SCHEDULE NO. 28/16 – 15 JULY 2016

App No.:	PT16/3574/F	Applicant:	Ms Debbie Pentney
Site:	118 Ormonds Close Bradley Stoke Bristol South Gloucestershire BS32 0DY	Date Reg:	10th June 2016
Proposal:	Erection of a single storey and two storey side and single storey rear extension to provide additional living accommodation.	Parish:	Bradley Stoke Town Council
Map Ref:	362335 182341	Ward:	Bradley Stoke North
Application Category:	Householder	Target Date:	5th August 2016



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PT16/3574/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been submitted to the Council's Circulated Schedule procedure following objections from a local resident and from Bradley Stoke Town Council which are contrary to the officer recommendation in this report.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a single storey and two storey side and single storey rear extension at 118 Ormonds Close, Bradley Stoke.
- 1.2 Permission is sought for the extension to enlarge one of the bedrooms at first floor level, and to create a utility room and enlarge the kitchen and dining room at ground floor level.
- 1.3 The site is located within the north Bristol urban fringe area.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Practice Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS8 Improving Accessibility

South Gloucestershire Local Plan Adopted January 2006 Saved Policies

T12 Transportation
H4 Development within Existing Residential Curtilages

South Gloucestershire Policies Sites and Places Development Plan Document (Submission Draft) June 2016

PSP1 Location Distinctiveness
PSP8 Residential Amenity
PSP16 Parking Standards
PSP38 Extensions within Residential Curtilages
PSP43 Private Amenity Space Standards

2.3 Supplementary Planning Guidance

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

3. RELEVANT PLANNING HISTORY

- 3.1 There is no relevant planning history at the site.

4. CONSULTATION RESPONSES

4.1 Bradley Stoke Town Council

Objection, overdevelopment, out of keeping with surrounding street scene and unsympathetic to neighbouring properties.

Other Representations

4.2 Local Residents

Three letters of objection have been received from three occupiers of a neighbouring property, all stating the following:

- I would like to object to the propose extension of house no. 118. The extension into the garden will overshadow our kitchen window and block natural light. Therefore, it is requested that the extension should be moved back to the same level as both of our houses.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Saved 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 in accordance with policy CS1 of the Core Strategy, and that there is no unacceptable impact on residential and visual amenity, and also that there is safe and adequate parking provision and no negative effects on transportation. Therefore, the proposal is acceptable in principle but should be determined against the analysis set out below.

5.2 Design and Visual Amenity

The proposal is for a two storey side extension stepped considerably back from the principal elevation of the dwelling and attached to the existing garage through a flat roof, link extension with a glazed rooflight, and a single storey rear extension spanning the entire width of the property with a lean-to roof. It is noted that the Town Council consider the proposal to represent overdevelopment of the site, however the two-storey element has a very modest footprint and is subservient to the host dwelling. Whilst the single storey link extension to the garage is not seen on other properties in the vicinity, it will not be visible from the public realm due to its low height. Whilst the roof tiles are stated to match the existing, the plans do not specify whether the brickwork will and the plans propose white UPVC windows when the house currently has brown UPVC windows. For the avoidance of doubt, and notwithstanding the submitted plans, a condition on the decision notice will ensure the materials match the existing building. Subject to this, the development is in accordance with policy CS1 of the Core Strategy.

5.3 Residential Amenity

Objections have been received to state that the proposed single storey rear extension will block light to the rear kitchen window at no. 116 to the west of the site. An outlook 45 degrees from the neighbouring window only just crosses the adjacent corner of the proposed extension, at a point where it is at its lowest height of approximately 2.5 metres. Given that the outlook in all other directions

from the window is unobstructed by built form, this is not considered to be detrimental to the residential amenity of the occupiers of no. 116. Furthermore, the gardens are south facing so receive optimum levels of sunlight. No. 120, to the east, is set further back in the plot so it is unlikely that the rear extension will have a prejudicial impact.

5.4 The two-storey extension is unlikely to cause any significant overshadowing due to the orientation of the two properties. It will have an impact on the outlook from the facing window at first floor level on no. 116, however this window serves a hallway and is not considered to be a principal room. Adequate private amenity space will remain at the property following development and therefore the development is acceptable in terms of policy H4 of the Local Plan (Adopted) January 2006.

5.5 Transport

The number of bedrooms will not increase at the property, nor do the extensions encroach onto existing parking spaces. There is adequate space for two vehicles to park on the driveway, and so there is no transportation objection.

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 to **GRANT** planning permission subject to the conditions listed on the decision notice

Contact Officer: Trudy Gallagher
Tel. No. 01454 862217

CONDITIONS

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

Reason

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

2. Notwithstanding the submitted plans, the materials to be used in the construction of the external surfaces of the extension hereby permitted, including the windows, shall match those used in the existing building.

Reason

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