



**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. 12/16

Date to Members: 24/03/16

Member's Deadline: 01/04/2016 (4.30pm)

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.

Dates and Deadlines for Circulated Schedule
During Easter Bank Holiday 2016

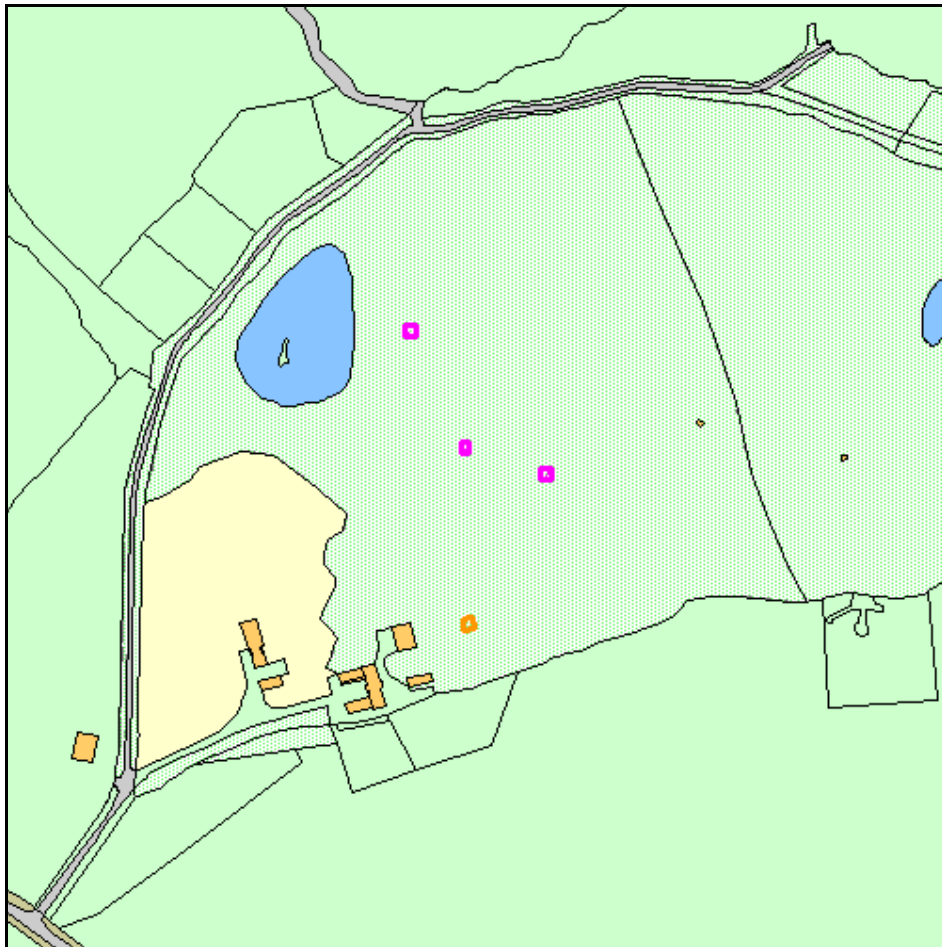
Schedule Number	Date to Members 9am on	Members Deadline
11/16	Thursday 17 March 2016	Wednesday 23 March 2016 5pm
12/16	Thursday 24 March 2016	Friday 01 April 2016 4.30pm

CIRCULATED SCHEDULE - 24 MARCH 2016

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK15/1031/F	Approve with Conditions	Ladys Wood Shooting School Mapleridge Lane Yate South Gloucestershire BS37 6PW	Ladden Brook	Wickwar Parish Council
2	PK15/4989/F	Approve with Conditions	Tracey Park Hotel And Resort Bath Road Wick Bristol South Gloucestershire BS30 5RN	Boyd Valley	Doynton Parish Council
3	PK15/5229/F	Approve with Conditions	Former Frome House Cranleigh Court Road Yate South Gloucestershire BS37 5DQ	Yate North	Yate Town
4	PK16/0018/F	Approve with Conditions	Land Off Sandringham Park Downend South Gloucestershire BS16 6NZ	Downend	Downend And Bromley Heath Parish Council
5	PK16/0087/CLP	Approve with Conditions	16 Nympsfield Kingswood Bristol South Gloucestershire BS15 1XP	Kings Chase	None
6	PK16/0157/F	Approve with Conditions	Four Ashes Ashwicke Road Marshfield South Gloucestershire SN14 8AD	Boyd Valley	Marshfield Parish Council
7	PK16/0339/CLP	Approve with Conditions	27 Footshill Road Hanham South Gloucestershire BS15 8EP	Woodstock	None
8	PK16/0342/F	Approve with Conditions	Blackhorse Garage Westerleigh Road Emersons Green Bristol South Gloucestershire BS16 7AN	Emersons	Emersons Green Town Council
9	PK16/0458/F	Approve with Conditions	Churchmead Farm Hodden Lane Pucklechurch South Gloucestershire BS16 9SG	Boyd Valley	Pucklechurch Parish Council
10	PK16/0499/CLP	Approve with Conditions	9 Tower Road North Warmley South Gloucestershire BS30 8YE	Siston	Siston Parish Council
11	PK16/0569/F	Approve with Conditions	11 Cloverlea Road Oldland Common South Gloucestershire BS30 8LE	Oldland	Bitton Parish Council
12	PK16/0692/CLP	Approve with Conditions	45 Coopers Drive Yate South Gloucestershire BS37 7XZ	Yate North	Yate Town
13	PK16/0817/F	Approve with Conditions	Crown Havester 126 Bath Road Longwell Green South Gloucestershire BS30 9DE	Longwell Green	Hanham Abbots Parish Council
14	PT15/4685/F	Approve with Conditions	Agricultural Field Circa 600M South Of Earthcott Green And Circa 297M East Of The B4427. Adjacent To Existing Electricity Pylons And 297M East Of The	Thornbury South And	Alveston Parish Council
15	PT15/5415/RVC	Approve with Conditions	Unit 1 And 3 Fernhill Court Fernhill Almondsbury South Gloucestershire BS32 4LX	Severn	Olveston Parish Council
16	PT15/5450/RVC	Approve with Conditions	Units 4-7 Fernhill Court Fernhill Almondsbury South Gloucestershire BS32 4LX	Severn	Olveston Parish Council
17	PT16/0346/F	Approve with Conditions	8 Stanley Crescent Filton South Gloucestershire BS34 7NH	Filton	Filton Town Council
18	PT16/0387/F	Approve with Conditions	450 Church Road Frampton Cotterell South Gloucestershire BS36 2AQ	Frampton Cotterell	Frampton Cotterell Parish Council
19	PT16/0432/F	Approve with Conditions	29 Foxglove Close Thornbury South Gloucestershire	Thornbury North	Thornbury Town Council
20	PT16/0643/F	Approve with Conditions	31 Kenmore Crescent Filton South Gloucestershire BS7	Filton	Filton Town Council
21	PT16/0769/CLP	Approve with Conditions	Emlett Cottage Earthcott Green Alveston South Gloucestershire BS35 3TA	Ladden Brook	Tytherington Parish Council

CIRCULATED SCHEDULE NO. 12/16 – 24 MARCH 2016

App No.:	PK15/1031/F	Applicant:	Lady's Wood (2013) Ltd
Site:	Ladys Wood Shooting School Mapleridge Lane Yate South Gloucestershire BS37 6PW	Date Reg:	16th March 2015
Proposal:	Retention of 4 No. Clay Shooting Towers (Retrospective)	Parish:	Wickwar Parish Council
Map Ref:	373073 185780	Ward:	Ladden Brook
Application Category:	Minor	Target Date:	6th May 2015



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100023410, 2008. **N.T.S.** **PK15/1031/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule as the officer recommendation is contrary to multiple objections from local residents. The objections principally concern noise and hours of operation issues.

1. THE PROPOSAL

- 1.1 This is a full planning application for the erection of 4 shooting towers at Ladys Wood Shooting School.
- 1.2 The site appears to have been home to a shooting school since 1982 in some shape or form. A separate application for a Certificate of Lawfulness for the use of the land as a Shooting School has recently been approved attesting to this (PK15/1035/CLE).
- 1.3 The school building is a large building comprising of an elongated rectangular core and two rectangular wings facing into a courtyard area. There are two buildings to the rear which are also used by the school. A long domed shed, which appears to have been in position for many years and a smaller, but newer shed, which has recently been granted planning permission retrospectively. The main school building is an attractive stone building of architectural merit but neither listed, nor locally listed.
- 1.4 Beyond the school buildings is a large woodland area. This is bounded with a public right of way. There is a high shooting tower in a fairly central position in the woodland which benefits from a planning permission and then there are the 4 other shooting towers which are the subject of this planning application. To the south-east of the school buildings is a car park area and a large field.
- 1.5 The site is in the open countryside, outside any settlement boundary.

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)

L1 Landscape Protection and Enhancement

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

LC12 Recreational Routes

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS9 Managing the Environment and Heritage

CS24 Green Infrastructure, Sport and Recreation Standards

CS34 Rural Areas

3. RELEVANT PLANNING HISTORY

- 3.1 N513/2 – Establishment of shooting school within existing game farm – Approved with Conditions – 29.7.1982
- 3.2 P84/1725 - Establishment of shooting school within existing game farm. (Renewal of temporary consent). – Approved – 18.7.1984
- 3.3 P84/2220 - Erection of outbuilding for uses ancillary to existing game farm & shooting school. – Approved - 17.10.1984
- 3.4 P85/2041 - Erection of tower approximately 37 metres (approximately 121 feet) in height for launching clay pigeons. – Approved – 11.9.1985
- 3.5 PK15/0489/F - Erection of a storage shed. (Retrospective). – Approved – 13.3.2015
- 3.6 PK15/1028/F - Lobby connecting existing reception and gun room (Retrospective) – Approved – 7.5.2015
- 3.7 PK15/1035/CLE - Application for the Certificate of Existing Lawfulness for the use of land and buildings as a shooting school and in breach of condition 2 (operating hours 10am-4pm) and condition 3 (2 people at a time) on planning permissions P84/1725 and P84/2220 – Approved 11 March 2016

4. CONSULTATION RESPONSES

4.1 Parish/Town Council
No comments have been received.

4.2 Other Consultees
Highway Structures – No Comment

Highway Drainage – No Comment

Sustainable Transport Officer requested:- Explanation of the existing operation of the site including the number of people/guns operating at any one time and where they fire from; The existing and proposed parking arrangements; The number of people that could occupy the towers at any one time; The arcs and range of fire from each tower; Assessment of the impact on the adjacent public right of way. – Following assessment of these points and identification of the large car park area, there is no objection to the application.

Environmental Protection - Due to the potential for noise issues associated with the towers being used to facilitate shooting activities; to prevent detriment to the occupiers of residential amenities in the vicinity of the site I would propose the following conditions - The operating hours of the towers should be limited to: Tuesday to Saturday – 09:30hrs to 16:30hrs.

Public Rights of Way - I have not had any specific complaints about shot falling on the bridleway for a while – when it happened a year or more ago, I had a

meeting with the management and they adjusted the firing positions. From the plan you sent, it would seem unlikely that shot could find its way onto the bridleway.

I see no harm in addressing the noise issue by restricting shooting to the hours you mention – could we ask that they erect and maintain signage at the ends of the bridleway stating the operating hours?

Other Representations

4.3 Local Residents

There have been 9 objections submitted to this application making the following points;

- There is a bridleway surrounding the site and a number of horses have been badly scared by shooting in the woods.
- The towers will increase shooting and increase the danger to riders.
- Warning signs should be erected on the bridleway about when shooting is taking place.
- The towers will be far from safe for walkers and riders.
- They will create yet more noise from gunshots with neighbours close by.
- Neighbours are disturbed by constant noise and have complained to Environmental Health.
- Object to the expansion of the business.
- The towers cause falling shot over the neighbouring garden, cars and lake.
- There is shot fallout on the public right of way.
- The area is of outstanding natural beauty and attracts walkers from all over the world. The Council may need to consider the value of Cotswold Way tourism.
- Has an Acoustic Survey been undertaken?
- The lease restricts shooting hours from 09:00 – 16:30
- Low noise cartridges were always used before.
- The area will sound more like a war zone than a rural part of South Gloucestershire.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The National Planning Policy Framework (2012) includes policy aimed at sustaining a prosperous rural economy stating that planning policies should support economic growth in rural areas in order to create jobs and prosperity. It adds that local plans should support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside.

5.2 The NPPF reinforces the importance of good design and the need to enhance the natural environment by preventing new and existing development from contributing to, or being adversely affected by unacceptable levels of soil, air, water or noise pollution.

- 5.3 Policy LC5 of the South Gloucestershire Local Plan (Adopted) 2006 details the policy considerations for development or improvement of outdoor sports and recreation in the countryside. It advises that proposals should not; have an unacceptable impact on the character and diversity of the landscape, have unacceptable environmental or transportation effects, or unacceptably prejudice residential amenities. It adds that new buildings will be permitted where they are essential for and proportionate to the use of the land for outdoor sport and recreation.
- 5.4 Policy LC12 provides for the safeguarding of recreational routes and includes the advice that development proposals that would unacceptably affect the utility and amenity of existing routes will not be permitted.
- 5.5 Policy L1 requires those attributes of the landscape which make a significant contribution to the character of the landscape are conserved and where possible enhanced. Policies CS9 and CS34 of the Core Strategy Local Plan (2013) reiterate the principles of maintaining attractive and rural landscapes which are significant in the locality.
- 5.6 Use of the Land for Shooting School
The proposed shooting towers were erected some 2-3 years ago but do not benefit from a planning permission and are on an area of land which was not included in the original planning permissions. The land was reportedly excluded to be used for shooting seasonal game, however it appears that the Shooting School grew quickly and developed further shooting positions across the site.
- 5.7 The Certificate of Lawfulness application has been assessed separately and has been approved further to evidence from the applicant that the use of the land for the Shooting School has continued for at least ten years up to the submission date of 9 March 2015.
- 5.8 Rural Economic Growth
The development is considered to be a leisure use and a rural business which is in keeping with the character of the countryside. Shooting is an established rural pastime and has been permitted on part of the land for more than 30 years, with the whole site understood to be used for wider seasonal shooting. The proposal for 4 additional towers will support this rural business, presumably with the potential to increase jobs and community or visitor use of the facility and is therefore in accordance with NPPF policy in this regard.
- 5.9 Residential Amenity and Noise Pollution
The act of shooting guns clearly results in noise generation which can potentially cover a significant distance and this application to provide 4 additional shooting towers will encourage the continued development of this enterprise. There is the potential for gun types and cartridges being used to shoot at the towers to continue to change over future years and it appears that cartridge types have changed since the original permission was granted.
- 5.10 Given that the application involves 4 new towers which will contribute to the shooting experience and the longer term sustainability of the enterprise, it is necessary to consider the impact of the towers on the level of shooting and the

noise that might arise from this. There have been complaints about noise nuisance and the Council's Environmental Health Team have separately undertaken investigations of alleged statutory nuisance.

- 5.11 After full consideration of the certificate of lawfulness application, it is considered that the site operated at an intensive level of use for several decades, with the LW Special Load cartridge. It would therefore be unreasonable for the Authority to attempt to now impose over-incumbent noise-protection measures without very good justification.
- 5.12 The Officer did originally propose a condition to re-impose a shooting hours condition across the whole site. This was proposed on the basis that the installation of 4 shooting towers appears to be a material intensification of the site. The owners contest that actually the scale of operation is only as intensive as it was in previous years when the School was operating at its peak and that shooting was taking place across the site then. Evidence submitted with the Certificate of Lawfulness application does support the assertion that there has not been a dramatic increase in the scale of the operation over the three years or so that the towers have been present.
- 5.13 The officer has taken legal advice over the reasonableness of such a condition being imposed on the whole site, in light of the grant of a Certificate of Lawfulness which affirms that the use has persisted for ten years in breach of the original condition imposed by the Authority. Legal advice is that it would be challenging to evidence the material intensification and therefore the reasonableness and necessity of a condition which does more than restrict the operation of the new towers. This report therefore recommends a condition to restrict operating hours of the towers but not the entirety of the site.
- 5.14 The Certificate of Lawfulness application has resulted in grant of a Certificate for shooting outside previously restricted hours of 10.00-16.00. That said, the evidence suggested that at the earliest, shooting commenced at 09.00 and no shots were fired after 16.30. The Environmental Health Officer has requested a condition to control shooting hours at the towers to between 09.30-16.30. It is considered reasonable in the context of the history and the scale of this addition to the facilities, for the condition to reflect the evidence arising in the Certificate of Lawfulness application 09.00 – 16.30.
- 5.15 The applicants have acknowledged that for a period they allowed clients to use their own cartridges with no restriction. This provoked noise complaints and has resulted in the applicants implementing their own policy to restrict cartridge size. The Policy has been updated in the course of the application process and specifically a professional noise assessment of cartridges, tested at the site in the presence of the Environmental Health Officer. The website detailed the following policy;

POLITE NOTICE

*Please note that you are welcome to bring your own cartridges to use during lessons and practice whilst shooting at Lady's Wood. We have a strict **FIBRE WAD ONLY** policy with a maximum load of **28g 7**.*

Out of respect for our neighbours we restrict the use of certain brands, the following cartridges are not permitted:

Gamebore – Black Gold and Dark Storm,

Lyavale Express – Power Red 1500, Power Blues, World Cups and English Sporter

Eley – Olympic Blues, VIP and First's

Hull – Sovereigns

- 5.16 Given that the installation of the towers makes the site a more attractive proposition for clients and requires specific firing positions which are close to the boundary of a residential property, it is considered reasonable to impose a condition to protect against the use of unreasonably noisy cartridges and an unacceptable level of noise nuisance. After further noise testing of a variety of cartridges in the presence of Environmental Health Officers, a measure has been recorded of the established cartridge used at the site for several decades. It is proposed to condition out the use of cartridges that haven't been proven to record a crack noise below that level and there are further details below. The applicant has indicated that he would be agreeable to such a condition.
- 5.17 The Planning Officer witnessed firing on site during one site visit where cartridges compliant with this policy were in use. The result was a shot which although audible, was not startling and did not appear to be at a level that could be considered a nuisance. Further complaints however, have indicated an inconsistency of cartridge noise and 'crack'.
- 5.18 Three Acoustic Reports have been provided in the course of the application, the first of which identified properties in two positions, against which it had been considered that a reasonable assessment of any possible statutory nuisance might be established. The recording of 71 dB(A) at point 2, which was some 740m from the shooting point posed a particular concern for the Environmental Health Officer and provoked further investigation of the noise from specific cartridges and the potential benefit of screening, or bunding firing positions.
- 5.19 The second report measured the noise of 12 different cartridges, one of which was the standard cartridge which had been used at the site for several decades. The standard cartridge (LW Special Load) recorded an average dB(A) of 87.7 to a measurement some 145m away from the shot and in the line of fire. Seven of the other cartridges used recorded an average dB(A) above the 87.7 recording of the formerly standard cartridge.
- 5.20 The report also presented results from noise testing of cartridges fired in front of a temporary barrier formed of 3no. 2m high, 2m wide close boarded timber panels, arranged to follow the front edge of the shooting stand. The tests showed a varying level of responses depending on the cartridge, ranging from 1 dB(A) to 5 dB(A).

- 5.21 The third report focused on the shooting noise levels specifically at location point 2 with cartridges with an immediate dB lower than the LW Special Load. The highest recorded cartridge was the LW 8 shot which recorded 64.1dB measured over 25 shots. This noise level would be unlikely to be deemed acceptable for a new development, however in this instance we have to take account of the established permitted and lawful use of the land. It is proposed to use 65dB as the marker in establishing a maximum noise level at location point 2 for the benefit of a condition that the Council can then monitor should there be a concern that excessively noisy cartridges are being used.
- 5.22 Such is the risk of noise disturbance, such is the scale of the proposed development in erecting 4 new towers and such is the potential for the further development in gun types and cartridges, that each of these conditions is deemed both reasonable and necessary.
- 5.23 Subject to the proposed conditions, the development of the 4 towers should not have a greater impact upon the surrounding residential amenity than the existing, lawful operation of the site.
- 5.24 Design and Impact on the Character of the Landscape
The Officer has visited the site and been shown each of the towers through the woodland. The Officer has also walked around the public footpath to consider the impact on the public realm.
- 5.25 Tower A is situated in the woodland to the rear of the school buildings. Despite being a steel frame construction and being the tallest of the four, it appears to be level with the canopy line of the trees and is surrounded by the existing trees such that it is not visible from the public realm. From relatively close proximity on the site, it is visible amongst the trees but could not be considered to undermine, or be detrimental to the character and landscape of the site. The design is minimalistic and sensitive to the surrounding landscape.
- 5.26 Towers B-D are smaller structures with timber poles and steel supports and fixings. Again these are sited in the midst of the woodland, without any need for a clearing to be formed. They blend into the woodland comfortably and are not visible from the public realm. Indeed when the vegetation is thick, it is not easy to pick them out as you move around the site. The towers do not have a detrimental impact on the character and landscape of the site and the locality. The towers are of a minimalist and in-keeping design sensitive to the woodland landscape and the development is in accordance with Policy CS1 of the Core Strategy (2013).
- 5.27 Safeguarding of Recreational Routes
A Public Right of Way runs tight around the Western and Northern boundary of the woodland area. It is a wide bridleway which lends itself to enjoyment by walkers and horseriders and is an attractive environment through woodland and traditional countryside. Although wide enough for vehicles, vehicular access is prevented other than for maintenance or other essential need.
- 5.28 Concern about noise from gun cartridges has been addressed above and been considered in the context of the 30+ year history as a Shooting School and the

recommended grant of a certificate of lawfulness on the land. The Public Rights of Way Officer has suggested that a condition be imposed to require signage on the PROW identifying shooting times for the benefit of users. The Officer was advised that two such signs have been erected and witnessed one such sign at the southern entrance to the footpath where it meets Mapleridge Lane. The sign reads 'Polite Notice Please be aware of shooting noise between 9.00am and 4.30pm'. A condition will be imposed to require the retention of two such signs.

- 5.29 Objections have also been received about alleged fallout of shot pieces on the public right of way. The Officer has requested clarification of the direction of clays from the towers, the direction of shooting from set positions and the approximate fallout of shot from these positions. A plan ref. AP01-B dated 11.03.15 was received identifying clay direction, shot direction and shot fall area. The applicant has confirmed that this is the result of amendments to ensure that shot fallout does not reach the public right of way. This was as a result of complaints about such instances.
- 5.30 One objection has been received specifically alleging that they were 'showered with pellets' on the PROW on 17 June 2015. A condition will be imposed to protect against shot fall reaching the PROW. The condition will require the towers to operate strictly in accordance with the plan referred to above and in the event that there is evidence of shot falling on the PROW, then alterations will have to be made to bring the use back in to compliance with the aforementioned plan.
- 5.31 Subject to this condition, the development of the 4 shooting towers should have no materially greater impact on the Public Right of Way than the apparently established, lawful use of the shooting school over several decades.
- 5.32 Transportation
Further to an understanding of the history of the site (via the certificate of lawfulness application) and awareness of the reasonable car park immediately south of the shooting school lodge, there has been no objection from the Council's Sustainable Transport Team.
- 5.33 It has become evident that the site has been staging events for Corporate Days, Charities and Competitions for many years and there has been no evidence of parking concerns. The existing car park facility is not proposed to be altered and appears to be adequate to serve the existing use, complete with the towers which have been in position for several years.

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 approved subject to the following conditions;
- 7.2 The 4 towers hereby approved by this planning permission shall not be operated outside the hours of 09:00 – 16:30 and shall not operate on any day other than Tuesday to Saturday inclusive.

Reason

To reflect the established working hours demonstrated for the Certificate of Lawfulness application PK15/1035/CLE and to protect the amenity of neighbours and users of the recreational route in accordance with Policies LC5 and LC12 of the South Gloucestershire Local Plan (Adopted) 2006 and the advice of the National Planning Policy Framework (2012).

- 7.3 The use of the 4 shooting towers hereby approved shall be strictly in accordance with the clay directions and shot directions identified on the plan AP01-B dated 11.03.15. There shall be no fall out of shot beyond the identified site boundary. In the event that there is evidence of shot fall out on the PROW then a revised plan must be submitted and agreed within 3 months of the shooting school being notified that such evidence has been presented to the Authority.

Reason

To protect the utility and amenity of the existing recreational route alongside the boundary of the site in accordance with Policy LC12 of the South Gloucestershire Local Plan (Adopted) 2006 and the advice of the National Planning Policy Framework (2012).

- 7.4 The Shooting School shall retain a 'Fibre Wad only' shooting policy with cartridges restricted to those which have been demonstrated to produce a lesser, or equal dB(A) output per shot as the LW Special Load cartridge formerly used on the site (87.7 dB(A) as recorded in Acoustic Test Report dated 5 October 2015).

Note: dB(A) is measured as an average over ten shots compared to the baseline cartridge (LW Special Load).

Reason

To protect the amenity of neighbours and users of the recreational route in accordance with Policies LC5 and LC12 of the South Gloucestershire Local Plan (Adopted) 2006 and the advice of the National Planning Policy Framework (2012).

- 7.5 Noise levels recorded from shotguns at location point two (as defined in the noise report REF: L0757.1 V1 produced by Red Twin Limited and dated 24 June 2015) shall not exceed 65dB(A) as an average measured over a minimum 25 shots.

Reason

To protect the amenity of neighbours and users of the recreational route in accordance with Policies LC5 and LC12 of the South Gloucestershire Local Plan (Adopted) 2006 and the advice of the National Planning Policy Framework (2012).

- 7.6 At all times, 2 signs indicating the permitted hours of shooting on the land, shall be displayed on the public right of way; 1) adjacent to the entrance where the PROW meets the entrance to Ladyswood 2) at the north-east 90° bend in the PROW where it forms a junction with other tracks.

Reason

To protect the amenity of users of the recreational route in accordance with Policy LC12 of the South Gloucestershire Local Plan (Adopted) 2006 and the advice of the National Planning Policy Framework (2012).

Contact Officer: James Cooke

Tel. No. 01454 863429

CONDITIONS

1. The 4 towers hereby approved by this planning permission shall not be operated outside the hours of 09:00 - 16:30 and shall not operate on any day other than Tuesday to Saturday inclusive.

Reason

To reflect the established working hours demonstrated for the Certificate of Lawfulness application PK15/1035/CLE and to protect the amenity of neighbours and users of the recreational route in accordance with Policies LC5 and LC12 of the South Gloucestershire Local Plan (Adopted) 2006 and the advice of the National Planning Policy Framework (2012).

2. The use of the 4 shooting towers hereby approved shall be strictly in accordance with the clay directions and shot directions identified on the plan AP01-B dated 11.03.15. There shall be no fall out of shot beyond the identified site boundary. In the event that there is evidence of shot fall out on the PROW then a revised plan must be submitted and agreed within 3 months of the shooting school being notified that such evidence has been presented to the Authority.

Reason

To protect the amenity of neighbouring properties and persons using the adjoining Public Right of Way. The condition is imposed in accordance with Policy LC12 of the South Gloucestershire Local Plan (Adopted) 2006, Policy CS34 of the South Gloucestershire Local Plan Core Strategy (Adopted) 2013 and the advice of the National Planning Policy Framework (2012).

3. The Shooting School shall retain a 'Fibre Wad only' shooting policy with cartridges restricted to those which have been demonstrated to produce a lesser, or equal dB(A) output per shot as the LW Special Load cartridge formerly used on the site (87.7 dB(A) as recorded in Acoustic Test Report dated 5 October 2015).

Note: dB(A) is measured as an average over ten shots compared to the baseline cartridge (LW Special Load).

Reason

To protect the amenity of neighbours and users of the recreational route in accordance with Policies LC5 and LC12 of the South Gloucestershire Local Plan (Adopted) 2006 and the advice of the National Planning Policy Framework (2012).

4. Noise levels recorded from shotguns at location point two (as defined in the noise report REF: L0757.1 V1 produced by Red Twin Limited and dated 24 June 2015) shall not exceed 65dB(A) as an average measured over a minimum 25 shots.

Reason

To protect the amenity of neighbours and users of the recreational route in accordance with Policies LC5 and LC12 of the South Gloucestershire Local Plan (Adopted) 2006 and the advice of the National Planning Policy Framework (2012).

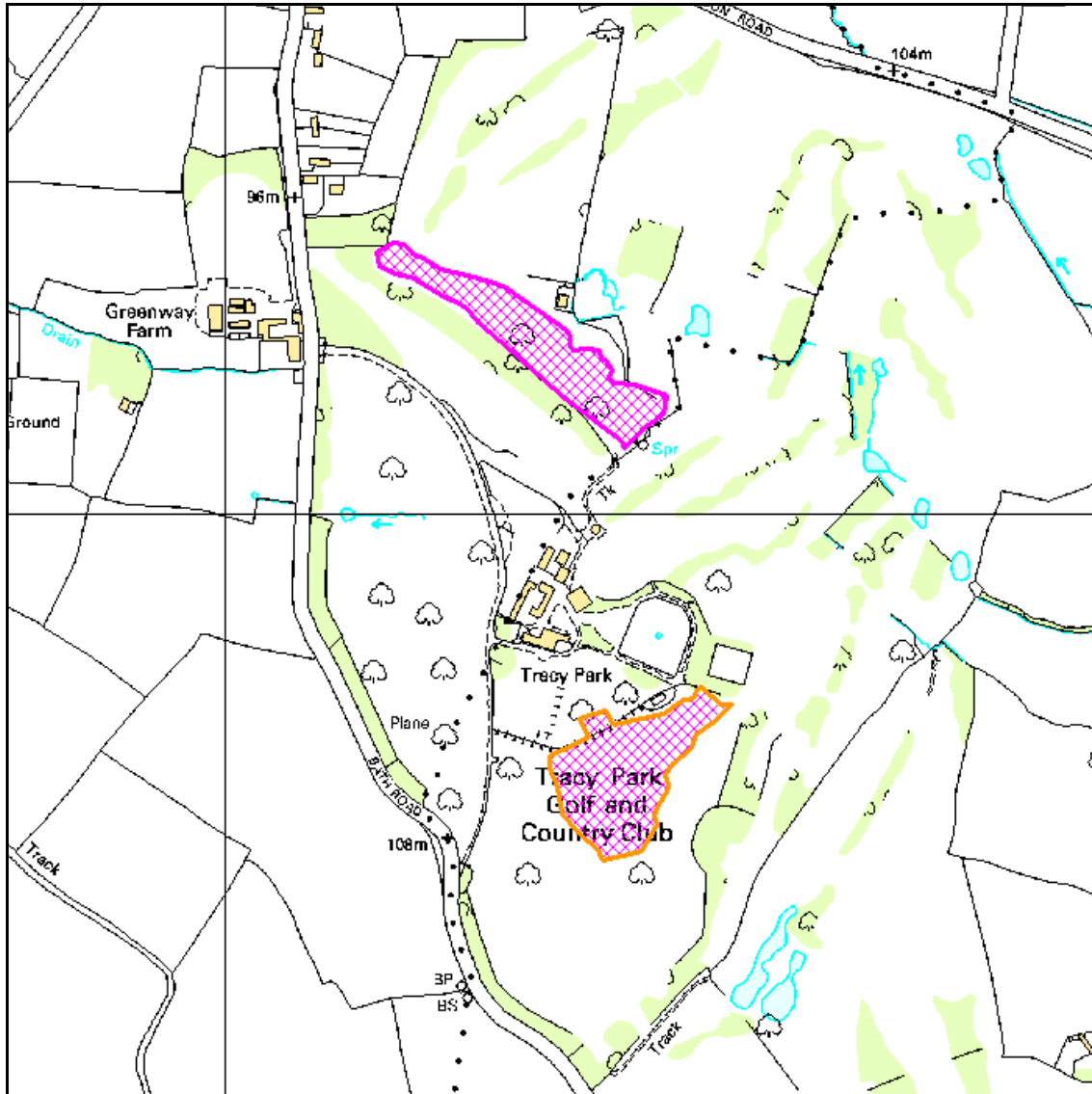
5. At all times, 2 signs indicating the permitted hours of shooting on the land, shall be displayed on the public right of way; 1) adjacent to the entrance where the PROW meets the entrance to Ladyswood 2) at the north-east 90 degree bend in the PROW where it forms a junction with other tracks.

Reason

To protect the amenity of users of the recreational route in accordance with Policy LC12 of the South Gloucestershire Local Plan (Adopted) 2006 and the advice of the National Planning Policy Framework (2012).

CIRCULATED SCHEDULE NO. 12/16 – 24 MARCH 2016

App No.:	PK15/4989/F	Applicant:	Tracy Park Hotel
Site:	Tracey Park Hotel And Resort Bath Road Wick Bristol South Gloucestershire BS30 5RN	Date Reg:	3rd December 2015
Proposal:	Re-location of driving range with landscaping and associated works.	Parish:	Doynton Parish Council
Map Ref:	371336 171864	Ward:	Boyd Valley
Application Category:	Major	Target Date:	2nd March 2016



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 100023410, 2008. N.T.S. PK15/4989/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is referred to Circulated Schedule as it is a major application and the site is over 1ha.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the re-location of a driving range with landscaping and associated works.
- 1.2 The application site relates to Tracy Park Hotel and Resort, Wick. The site lies outside a settlement boundary, in the open countryside and within the Bristol/Bath Green Belt. Tracy Park is a grade II listed building. The development would entail changes to the layout of one of the two 18 hole courses, Crown Course, and the relocation of the practice facility comprising the creation of a new 9th hole on what is currently the existing practice ground and the creation of a new practice facility on open amenity grassland.

2. POLICY CONTEXT

2.1 National Guidance

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

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)

CS1	High Quality Design
CS4a	Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Environmental Resources and Built Heritage
CS24	Open Space Standards
CS34	Rural Areas

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

L1	Landscape Protection and Enhancement
L2	Cotswolds Area of Outstanding Natural Beauty
L13	Listed Buildings
L9	Species Protection
L10	Historic Parks and Gardens and Battlefields
LC5	Proposals for Outdoor Sports and Recreation Outside Existing Urban Areas and Defined Settlement Boundaries
T12	Transportation Development Control
E11	Tourism

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted 2007)
South Gloucestershire Council SPD: Green Belt (Adopted 2007)

3. **RELEVANT PLANNING HISTORY**

The site has benefitted from a long planning history. The most recent applications are listed below.

- | | | |
|-----|----------------------------|--|
| 3.1 | PK14/2301/NMA
Objection | Non-material amendment to PK10/2736/EXT to add rain canopy, roof lights and flue.
3.9.14 |
| 3.2 | PK14/2269/LB
Approved | Internal and external alterations including installation of mezzanine floor to facilitate the conversion of existing barn to form entrance foyer to hotel and golf complex (Amendment to previously approved scheme PK10/2745/EXT).
5.8.14 |
| 3.3 | PK13/2464/RVC
Approved | Removal of condition 2 attached to planning permission PK07/0242/LB
24.10.13 |
| 3.4 | PK13/2200/CLE
Approved | Certificate of lawfulness for the existing use of building and surrounding hard standing for storage of golf course related materials, plant and machinery and connected water tanks used in irrigating golf course.
7.10.13 |
| 3.5 | PK13/2419/RVC
Approved | Removal of Condition 2 attached to planning application PK06/3092/F
24.10.13 |
| 3.6 | PK12/2888/LB
Refused | Erection of single storey extension to reception building to form male and female toilets. Internal and external alterations to include external flue, roof ventilation, alternative roof covering for entrance lobby and internal layout changes. Amendment to previously approved scheme PK10/2745/EXT |
| 3.7 | PK12/2887/F
Refused | Erection of single storey extension to reception building to form male and female toilets. Amendment to previously approved scheme PK10/2736/EXT to provide external flue, roof ventilation, alternative roof covering for entrance lobby and internal layout changes |
| 3.8 | PK10/2745/EXT | Internal and external alterations including installation of mezzanine floor to facilitate the conversion of existing barn to form entrance foyer to hotel and golf complex. (Consent to extend time |

- limit implementation for PK07/2483/LB) – Approve with conditions
- 3.9 PK10/2736/EXT Conversion of barn and installation of mezzanine floor to form entrance foyer to hotel and golf complex. (Consent to extend time implementation for PK07/2411/F)
Approved with conditions
- 3.10 PK07/2483/LB Internal and external alterations including installation of mezzanine floor to facilitate the conversion of existing barn to form entrance foyer to hotel and golf complex
Approved with conditions
- 3.11 PK07/2411/F Conversion of barn and installation of mezzanine floor to form entrance foyer to hotel and golf complex
Approved with conditions
- 3.12 PK06/2554/F Restoration of listed buildings and listed external features. Demolition of existing squash courts and extension and conversion of existing adjoining clubhouse to facilitate erection of two-storey 18 bed roomed hotel. Erection of new golf clubhouse and health spa in walled garden, comprising: locker rooms, showers, toilets, club bar and kitchen, pro-shop, spa reception, therapy rooms, gym, exercise studio and indoor swimming pools. Construction of new access tracks and 54 space car park to east of walled garden on site of old tennis courts. Reconfiguration of existing car park
Withdrawn
- 3.13 PK06/2492/LB Alteration and repairs to listed buildings including demolition of existing squash courts and erection of extension to former stables and new clubhouse etc. within walled garden
Withdrawn
- 3.14 PK06/1004/LB Demolition of existing squash courts and pro-shop, Greenkeepers Workshop and part of barn to facilitate the erection of new buildings to form hotel accommodation. Erection of new building within walled garden to form golf club house and spa facilities with associated car parking and landscaping
Withdrawn
- 3.15 PK06/1003/LB Demolition of squash courts to facilitate the

erection of new buildings to form hotel bedroom annexe. Erection of new building within walled garden to form golf club house and spa facilities with associated car parking and landscaping

3.16 PK06/0468/F

Demolition of existing buildings to facilitate the erection of new hotel. Erection of health and spa facilities, golf club house. Construction of road and car parking and associated access and landscaping

Refusal

4. CONSULTATION RESPONSES

4.1 Doynton Parish Council
No objection

4.2 Other Consultees

Listed Building Officer

Following lengthy discussions, negotiations and an agreed mitigation strategy there are no objections subject to conditions

Landscape Officer

No objection subject to condition

Public Rights of Way

No objection in principle, subject to a revised plan that does not conflict with the definitive footpath, or submission of an application to divert the footpath under S257 of the Town and Country Planning Act 1990

Highway Structures

No comment

Transportation

No objection subject to a condition

Drainage

No objection

Arts and Development

No comment

Other Representations

4.3 Local Residents
None received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application stands to be assessed against the above listed policies and all material considerations. Of particular importance is the location of the site within the Green Belt where inappropriate development is harmful to this special area and the proposal must be assessed as to whether it is appropriate; harmful to the openness of the Green Belt or harmful in any other respect. In design terms the scheme must accord with policy and not harm the character of the area and similarly its impact on the listed building must be fully assessed for these reasons. Further consideration will be given to it being sports facilities within the countryside and also as a tourist development. Any impact on transportation will also be assessed.

5.2 Green Belt

The most important attribute of the Green Belt is its openness; inappropriate development in the Green Belt is by definition harmful. National policy within the NPPF stipulates the type of development that is considered appropriate in this special area and the *provision of appropriate facilities for outdoor sport, outdoor recreation...as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it* is listed as being acceptable. Under this proposal changes would be made within the existing golf course to firstly accommodate changes to the existing practice area to create a new 9th hole and secondly to re-located the existing driving range. The proposals would therefore be within the above criteria of being for sport. The creation of the new 9th hole would require ground work to create a new tee and green and the introduction of new bunkers. To facilitate these changes the practice area would need to be re-located. This would be placed in a area to the north of the main house. The new driving range would comprise a covered wooden building and a small pitching area to the south and east of the main building complex. The changes to convert the existing driving range into a new hole would require minimum alterations and would not impact on the openness of the Green Belt. With regard to the new driving range building this would introduce a new structure where currently there is none. It has been explained that these changes would help the existing business and are also part of a wider scheme to improve Tracey Park and to create a bespoke tourist and leisure destination. It is understood that master planning for the whole site is underway. Weight is therefore given in support of the new driving range on the basis that it would assist the existing business and would contribute to tourism in the area. On balance it is therefore considered that the harm due to the introduction of the new driving range in this location is outweighed by the overall and long-term benefit it would bring. The proposal is therefore acceptable in Green Belt terms.

5.3 Design and Visual Amenity

Currently the driving range/practice area serving Tracy Park golf course is located to the north of the complex of buildings and parallel to the long driveway, but separated from it by the existing 9th hole. The driveway leads up to the group of buildings including the main listed structure. To convert this area into a new hole this would require a new tee complex, a new green complex, 3no. new bunkers, the removal of existing netting and burying of

existing overhead power cables. In terms of its appearance there would be very little change, mostly 'cosmetic' alterations to convert this practice area into a playable hole for the course. The change is considered acceptable.

- 5.4 The second part of the application is the consequential re-location of the practice area/driving range. The creation of a new practice facility would be on open amenity grassland and would require the installation of new covered practice bays, a new synthetic teeing area and new native planting. The new area is to be closer to the main listed building and the listed walled garden. It would however, also be closer to an area of modern agricultural type buildings serving as storage etc for grounds staff. The proposed new driving range would be a steel framed structure clad with shiplap timber stained dark brown. Its roof would be Plasicsol coated steel, coloured grey. It would measure approximately 35 metres in length, 6 metres wide and achieve an overall height of 4.6 metres. Although a large structure given its location within the golf course, the overall design, scale and massing is considered acceptable.

5.5 Listed Building

Tracy Park was originally built as a seventeenth century Manor House in the Tudor Gothic style. In the nineteenth century it was put to use as a farm, at which time a number of farm buildings were erected to the north of the house and the manor re-faced in the classical style. It is now operates as a hotel and 36 hole golf course. The site is approximately 88 hectares.

- 5.6 With regard to the introduction of the new covered driving range, it is considered that the new structure is likely to be hidden from direct views of the house if well screened. It would however, be seen in views towards the house from the east and south and it will present an additional visual distraction which will cause harm within the parkland setting. The impact on the setting of the listed walled garden will be greater in that this new structure will dominate its setting in views from the south and south-east.

- 5.7 It is accepted that the introduction of the golf course into the parkland landscape and the associated construction of the supporting infrastructure has changed the parkland setting, nevertheless the parkland setting is still legible and makes an important contribution to the settings and significance of the complex of listed and curtilage listed buildings here. The new practice building will be conspicuous within the landscape and although modest in size will detract from the setting of the house and walled garden and also upon the character of the parkland here which is still recognizable from the ha-ha, terrace and walled garden seen in association with the main house as well as from the nature of the mature planting.

- 5.8 During the course of the application the applicant was advised to provide an updated heritage statement as it was felt that the original document failed to consider the contribution made by the other listed and curtilage listed structures and buildings to the significance of the house and its parkland, and also failed to consider the contribution made by the parkland to the setting and significance of the house. It is accepted that in the context of the golf course as a whole the impact of this proposal will be one of less than substantial harm, nevertheless, further mitigation is needed to offset the harm identified.

Following the above, extensive discussions were undertaken between the listed building officer and the agent in order to facilitate the progression of this scheme. The result is an agreed programme of works which is considered to mitigate against the negative impact on the listed elements and their setting. These are detailed below as:

- the removal of the existing swimming pool, associated hardstanding and pipework etc
- the removal of the existing BBQ area
- removal of existing 'clutter' from the south side of the retaining wall
- landscaping

Subject to appropriate conditions regarding the above, the proposal is considered acceptable.

5.9 Landscaping

The proposals include the reinstatement of the 9th hole on what is currently the practice ground and the creation of a new practice facility on open amenity grassland, this includes the erection of covered practice bays. There is no landscape objection to the reinstatement of the 9th hole, which includes the removal of existing netting and burying of existing over-head cable which will improve the visual amenity of the area.

- 5.10 The proposed covered bays will introduce a new element into the landscape and has the potential to harm the parkland character and the setting of the listed building. The covered bays will not be highly visible from the wider area due to the topography and existing vegetation. There is mature tree planting along the western boundary of the park which screens views from the Bath Road. There is a gap in the vegetation along the Bath Road to the south-west of the proposed location of the covered bays. There is also an entrance way to the park with access road leading to the main house to the south west. This entrance is not currently used but may be used in the future. In views from this entrance way and along the track it will be possible to see both the main house and the covered bays which could be detrimental to the setting of the listed building.
- 5.11 It was felt that some trees and shrubs should be planted around the perimeter of the practice ground to help soften the visual impact of the covered bays. Rather than be a continuous belt of planting, intermittent planting, possibly made up of four or five irregular shaped and different sized plots is preferred. Care should be taken to screen the covered bays in views from the gates to the south-west. The shrubs species should be native shrubs for example, *Crateagus monogyna* (Hawthorn), *Acer campestre* (Field Maple), *Viburnum opulus* (Guelder Rose), *Corylus avellana* (Hazel) and *Sambucus nigra* (Elder).
- 5.12 Amended planting proposals received during the course of the application have resulted in an improvement over the initial scheme which would have created a very solid woodland belt once established. The current proposal has reduced the number of standard trees, which will help maintain the park land character. However it is still proposed to have a belt of native shrubs around the perimeter of the practice area. It is proposed to use low level native shrubs, this will result in a belt of vegetation 5m high which will still physically and visually

divide up the parkland. The most important sight of the covered bays to screen is the view from the entrance way from the Bath Road, south of the main building. The screen planting should be carefully located to block views from the entrance but should not be continuous around the whole perimeter of the area. It should possibly be broken up into four different sized blocks. It has been agreed that this will be secure by condition.

5.13 Sustainable Transport

The proposal relates to the relocation of the existing golf practice area within the site and to re-design one of the holes within the golf course. Amendments to the landscaping is proposed but there would be no change to the existing vehicular access arrangements. There are therefore no highway objections to the scheme. It is however, noted that although much of the soil required for this work will be available on site, some construction plant and materials will be required to allow this work to take place. Therefore, before this work commences, we would wish to see a Construction Management Plan prepared for this site. To minimise the local impact of this development, this plan should include a requirement for all HGVs to be routed to the site via the A420 Bath Road. This is to be conditioned as part of the decision notice.

5.14 Public Rights of Way

Comments from the PROW Officer are noted. Details indicate that the existing public right of way crosses Tracy Park in a north-south direction. Given that the proposed new practice area would be some distance to the east, it is considered that there would be no adverse impact on the pathway.

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: Anne Joseph
Tel. No. 01454 863788

CONDITIONS

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

Reason

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

2. Prior to the commencement of development full details of landscaping works shall be submitted in writing to the Local Planning Authority for approval and these works shall be carried out as approved. These details shall include planting plans; written specifications including cultivation and other operations associated with plant and grass establishment; schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.

Reason

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

3. Works to re-locate the driving range shall not commence until a written agreement of a schedule of works to include the removal and landscaping of the former open air swimming pool, barbeque area to the east of the house and south of the walled garden, the removal of the clutter south of the walled garden and details of a scheme of landscaping have been given and approved in writing by the LPA. The details are to include a programme of carrying out the above works.

Reason

This is a pre-commencement condition to avoid any unnecessary remedial action in the future and to maintain and enhance the character and setting of the listed building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990

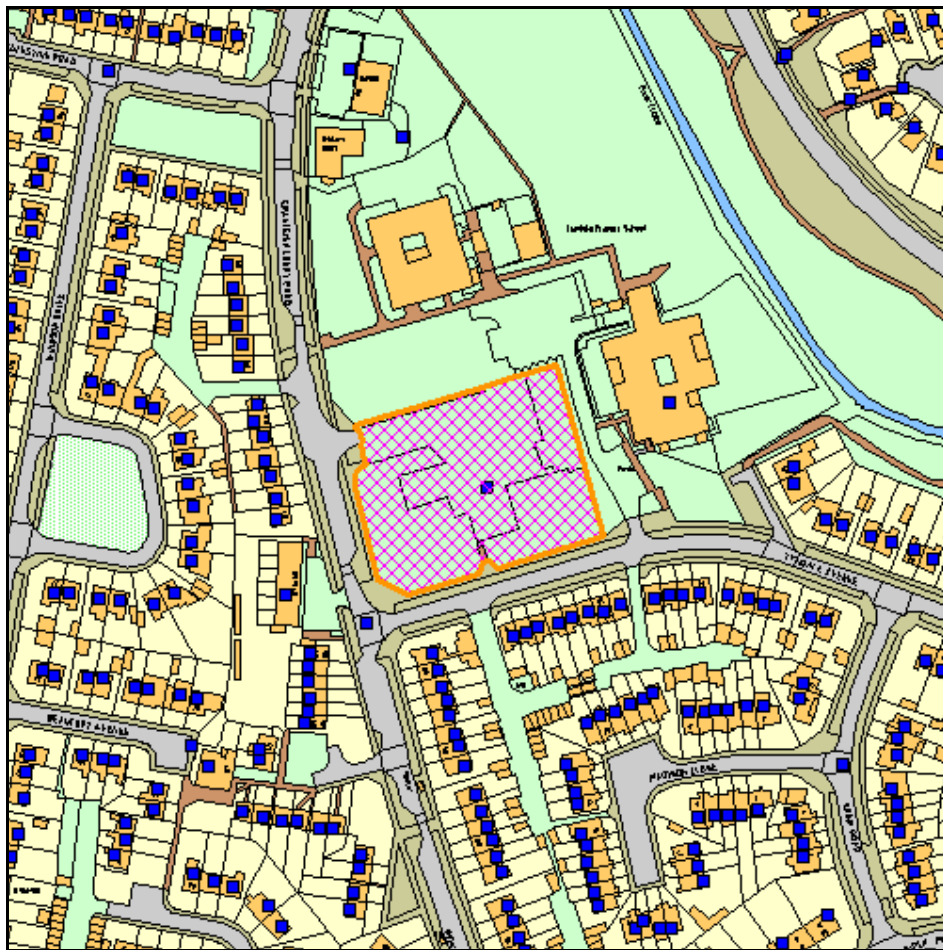
4. Prior to commencement of development a construction management plan shall be submitted to and agreed in writing by the Local Planning Authority and shall contain details, to be given by the applicant/agent to all construction related traffic, of proposed vehicular access routes to the property, details of road weight restrictions on those routes and timing of deliveries.

Reason

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

CIRCULATED SCHEDULE NO. 12/16 – 24 MARCH 2016

App No.:	PK15/5229/F	Applicant:	Windmill Care
Site:	Former Frome House Cranleigh Court Road Yate South Gloucestershire BS37 5DQ	Date Reg:	15th December 2015
Proposal:	Erection of a three storey care home with parking, landscaping and associated works (Class C2)	Parish:	Yate Town Council
Map Ref:	370606 183134	Ward:	Yate North
Application Category:	Major	Target Date:	11th March 2016



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule in accordance with procedure given that there is a requirement for a legal agreement (see recommendation below).

1. THE PROPOSAL

- 1.1 The applicant seeks consent for the erection of a residential care home. The supporting information indicates that the building will provide care that ranges from general elderly care through to progressive dementia care. The proposal will provide 5 no. 15 bed care units and 1 no. 9 bed special care unit providing 84 rooms spread across the three-storey building. The different levels of care provided will ensure that a move to a different home is not required if an illness progresses.
- 1.2 The site will accommodate a number of communal and semi-communal secure spaces both within the building and within the grounds. Additional planting will take place across the site with the retention of a conifer screen along the eastern boundary and provision of fencing. A key feature of the design is a central atrium with access onto a south facing balcony on the first and second floors.
- 1.3 Access to the site will be via an existing entrance and 24 no. car parking spaces (and cycle store) are provided. The site is accessible by larger vehicles and a recycling and refuse area will be provided along part of the eastern boundary.
- 1.4 The site is approximately 0.5 hectares in size, and is located at the junction of Tyndale Avenue and Cranleigh Court Road. To the immediate north of the site lies Cranleigh Court Infants school and to the east Fromebank Junior School, (beyond which some 75 to 80 metres from the site is the River Frome), while to the west and south beyond the roads lie areas of residential properties. The site was previously occupied by a two-storey care home run by South Gloucestershire Council built in the 1960's which provided accommodation for 31 people. The site was demolished in 2012 following a review of Council services, principally due to the small size of the building. The site at present is therefore vacant with grassed areas and large areas of concrete with some deciduous and conifer trees particularly along the northern and eastern boundaries.
- 1.5 In support of the application the following information has been provided alongside the design and access statement: Coal report, Energy Report, Tree Survey and Flood Risk Assessment.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework (NPPF) March 2012
The National Planning Practice Guidance (NPPG) 2014

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

- L1 Landscape Protection and Enhancement
- L5 Open Areas within the Existing Urban Areas and Defined Settlements
- L9 Species Protection
- L11 Archaeology
- L15 Buildings and Structures Which Make a Significant Contribution to the Character and Distinctiveness of the Locality
- EP2 Flood Risk and Development
- T7 Cycle Parking
- T8 Parking Standards
- T12 Transportation Development Control Policy for New Development
- LC1 Provision for Built Sports, Leisure and Community Facilities (Site Allocations and Developer Contributions).

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

- CS1 High Quality Design
- CS4A Presumption in Favour of Sustainable Development.
- CS5 Location of Development
- CS6 Infrastructure and Developer Contributions
- CS8 Improving Accessibility
- CS9 Managing the Environment and Heritage
- CS15 Distribution of Housing
- CS16 Housing Density
- CS17 Housing Diversity
- CS23 Community Infrastructure and Cultural Activity
- CS24 Green Infrastructure, Sport and Recreation Standards
- CS30 Yate and Chipping Sodbury

2.3 Supplementary Planning Guidance

- The South Gloucestershire Design Check List SPD Adopted August 2007.
- Trees on Development Sites SPD Adopted Nov. 2005
- Waste Collection Guidance for New Development SPD (January 2015)

3. **RELEVANT PLANNING HISTORY**

- 3.1 There is no relevant planning history

4. **CONSULTATION RESPONSES**

4.1 Yate Town Council

No objection.

The application was considered and concerns relating to parking were expressed along with the height of the build. However there is a need for the facility in the area and it will provide employment for local people.

4.2 Other Consultees

Coal Authority

The Coal Authority concurs with the supporting information prepared by Bristol Coalmining Archives; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.

The Coal Authority recommends that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring these site investigation works prior to commencement of development.

In the event that the site investigations confirm the need for remedial works to treat the areas of shallow mine workings to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development.

A condition should therefore require prior to the commencement of development:

- The submission of a scheme of intrusive site investigations for approval;
- The undertaking of that scheme of intrusive site investigations;
- The submission of a report of findings arising from the intrusive site investigations;
- The submission of a scheme of remedial works for approval; and
- Implementation of those remedial works.

The Coal Authority therefore has no objection to the proposed development subject to the imposition of a condition or conditions to secure the above.

Urban Design

Initial Comments - No objection in terms of use, layout, scale and amount of development which appears well designed in terms of the needs of future occupiers. Further details are required however in relation to the materials to be used and a more detailed energy statement.

Following the submission of an energy statement the Urban Design Officer states that subject to a conditions to secure details/samples of the proposed materials there is no objection to the proposal which represents a good design in accord with the aims and objectives of plan policy.

Economic Development Officer

On review of the application presented it is the view of the Strategic Economic Development Team at South Gloucestershire Council that we support this

application as, according to the applicant, once operational the development will employ up to 40 FTE staff.

Highway Structures

No comment

Environmental Protection

No objection subject to a construction hours condition

Lead Local Flood Authority

Initial Comments received as follows:

Flood Risk Assessment: The development lies within the flood Zone area defined on the Environment Agency Section 105 flood maps and Environment Agency Standing Advice Developments and Flood Risk matrix (January 2009). No Flood Risk Assessment has been submitted with the application. It is assessed as within a Red Cell (High risk) of Flood Zone 2 and 3. Consult the Environment Agency as development category 'Operational Development less than 1 hectare'. Conform to the requirements of Flood Risk Standing Advice regarding NPPF. Notify the EA that a Flood Risk Assessment (FRA) is required.

Environment Agency

Initial concerns were raised regarding the submitted Flood Risk Assessment however following the submission of additional information the Agency commented as follows.

Providing the Local Planning Authority (LPA) is satisfied the requirements of the Sequential Test under the National Planning Policy Framework (NPPF) are met, and upon consideration of the latest submitted information, we can now WITHDRAW our earlier objection to the proposed development, subject to a condition to ensure that the development takes place in accord with the submitted floor risk assessment and an informatives to request further liaison with the Local Authority over an evacuation plan

Landscape Officer

No objection

The landscape layout and planting will optimise opportunities for residents to spend time outdoors and maximise the amount of sunlight received in the garden. There is sufficient detail on the landscape plan that there is no need for further information, just a condition to comply with the details shown on the Landscape Proposals, drawing number 745-01.

Arts Officer

The NPPG does draw attention to the need to establish evidence which demonstrates that public art is a necessary component to make a development acceptable in planning terms. This requires clear evidence of public art policies and programmes, or design requirements and shows the connection between the proposed development and the public art for which contributions are being sought. As indicated above our Core Strategy, other planning documents and the Art and Design in the Public Realm Advice Note include a clear rationale for new developments in South Gloucestershire to include public art. A condition is recommended to secure details of a site specific integrated scheme of public art.

Crime Prevention Officer (Avon and Somerset Police Constabulary)

No Objection

Wessex Water

No objection although agreement will be needed with Wessex Water regarding connection to the network and a diversion of existing pipes will need be agreed as no building must take place over the sewer. Surface water disposal will need to be agreed and considered as part of the Flood Risk Assessment given the location partly within Flood Zone 2.

NB – An informative will be attached to the decision notice to remind the applicant of these requirements.

Transportation Development Control

There is no objection to the proposed development subject to contributions to a financial contribution towards improvements to accessibility to public transport and improvements to access for the mobility impaired between the access to the site and the nearest bus stop.

New Communities Team

An initial request for contributions towards off-site natural and semi-natural open space and outdoor sports facilities along with their maintenance was put to the developer if such provision were not to be made on site as follows:

SUMMARY OF TOTAL SECTION 106 REQUESTS		
Off-site provision/enhancement contribution	POS	£20,779.06 if provision not made onsite
Off-site maintenance contribution	POS	£20,689.40 if provision not made onsite

Following more detailed information about the nature of the proposal and the age and needs of the future occupiers the following comment was received:

Appropriate exercise is beneficial both mentally and physically to the elderly and those with dementia. Petanque and gardening are likely to be suitable for a proportion of the residents so we welcome the Applicant's offer to incorporate these into the design, as on-site provision is undoubtedly the most appropriate form of provision in this instance and would provide directly for the residents, encouraging mental and physical activity, as well as providing social interaction opportunities.

The applicant has clarified that around 80% of their residents are over 75 years of age and more than 50% of residents over 85 years of age. He notes their needs are complex often having more than one medical condition, the majority having very limited mobility and notes they will be in a nursing care home.

The Applicant's assessment is that only 30% of the net gain of 53 residents are in reality a net gain due to the fact that many of them will return to their own home, residential care or extra care after their respite care visit. From the applicant's explanation (full email dated 22/2/16) we consider that 16 people may be able to make use of petanque and raised beds and on this basis we would request that the level of provision on site be as follows:

Minimum of 64sq.m. of petanque court or similar appropriate outdoor sport facility

Minimum of 32sq.m. of raised beds so that residents can get involved in growing flowers or vegetables

Ecologist

There are no ecological constraints to granting planning permission. Conditions should be attached in relation to reptiles, hedgehog and bird nest boxes.

Other Representations

4.3 Local Residents

No comments received

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The proposed development consists of the construction of a 84 bed residential care home (C2) with associated landscaping, parking and access that specialises in providing dementia care. The site is located within the Yate Urban Area.

Policy CS5 of the South Gloucestershire Local Plan, Core Strategy encourages new development to take place within the Urban Areas. In particular, the policy

identifies that most new development will take place within the East and North Fringes of Bristol as well as Yate and Thornbury.

More specifically Policy CS30 considering development for Yate and Chipping Sodbury supports the provision of housing, employment and associated local facilities as well as community opportunities. The current proposal would be compatible with this objective

Policy CS23 states community infrastructure and cultural activity will be supported and specifically indicates health and social care facilities.

The proposal is therefore acceptable in principle having regard to the above strategic policies. The benefits of the increased provision of specialist residential accommodation weighs considerably in support of the proposal. The report below therefore considers the detailed material planning considerations.

5.2 Design, Layout and Local Character

The site is currently an empty plot, devoid of any landscape features. The area is generally residential in character comprising two storey terrace properties but with two large four storey blocks of flats situated opposite the junction of Tyndale Road and Cranleigh Court Road. Immediately to the north and east of the site are single storey school buildings (with a small two storey block at Fromebank Junior School situated to the east). There is a complete mix of materials used in the area.

The layout and the design have clearly been carefully considered having regard to the use, hence there are significant communal areas internally and externally making use of the south facing orientation of the main elevation which incorporates a large balcony such that most bedrooms are south facing and secure areas for high dependency occupants. The location of the access road and parking as well as the waste facility on the northern side of the site also results in an efficient use of land enabling the areas of the site occupied and used by residents to be located to the south with the associated benefits.

In terms of the scale and massing, while three storey in height the building through the use of different materials and shallow roof pitch does not appear as a large block. The use of three wings ensures that from certain angles the building would appear as two or three smaller blocks when viewed from the wider public realm. Four raised vents are located at each corner of the main roof. The use of landscaping around the boundaries particularly on the eastern boundary will also screen the building to an extent.

During the course of dealing with the application, additional information was requested to confirm the proposed materials. The principal facing materials will be red/brown brick with blue grey/brick with areas of fibre cement boarding (blue). Brick string courses (buff) will provide a boarder between the main facing materials. Portand Stone is used around the entrance area as a return to the gable entrance as well as in the stone columns over the large portico. Window surrounds will be of "gun grey" pvc. Roofing materials are blue grey fibre cement slates. These materials are considered to be provide a high quality

finish. A condition will be attached to the decision notice to secure samples of the main facing materials (brick, fibre cement cladding and roofing tiles).

In general the building is intended to provide a secure but welcoming environment through a high quality design that will enhance the character and appearance of the area and subject to the above condition the proposal is considered to meet the aims and objectives of the relevant parts of Policy CS1 of the South Gloucestershire Local Plan Core Strategy 2013.

5.3 Sustainability/Energy Use

Policy CS1 (8) seeks to minimise the amount of energy and natural resources consumed during the lifetime of the development. Construction is covered by the building regulations however the planning system can influence space standards, orientation to secure good light, solar gain, energy efficiency measures. The applicant has submitted a detailed energy statement that has been reviewed by officers.

The building is orientated such that both wings of the property will benefit from solar gain.

The proposed development will exceed Part L 2013 of the Building Regulations. It should be noted that the under Part L2A a 9% reduction in Carbon Dioxide will be achieved over and above the previous 2010 regulations. The energy statement indicates that the development will incorporate the following:

Low energy design – The Building envelope will be constructed to a high standard in terms of U values, thermal mass, air permeability and construction details.

Passive design – Natural ventilation will be adopted throughout the building wherever possible by use of opening windows. Solar gain in the summer months will be controlled by window design incorporating improved performance glass and shading as far as possible.

Energy efficient plant and equipment – Centralised efficient heat generating equipment and controls will be provided. High efficiency low energy light sources with automatic controls/switching will be provided. Where built-in appliances are installed, these will be of the highest efficiency rating possible.

Automatic controls – All plant and equipment will be optimised where possible and allow for the integration of an energy metering strategy into the building.

Perhaps the most interesting feature will be the inclusion of a combined heat and power unit for on site demand and exportation to the national grid.

Given the above it is considered that the proposal fully accords with Policy CS1 (8) of the South Gloucestershire Council Local Plan Core Strategy 2013; and these features weigh in support of the proposal.

5.4 Landscape Impact

Policy CS1 of the Core Strategy seeks to secure landscaping as an integral part of development and is a key element in achieving the highest possible standard of design. Policy L1 of the adopted local plan seeks to both conserve existing elements of the landscape that make a contribution to the character and distinctiveness of the locality and to provide enhancements where possible.

The building on the site has been orientated such that it is possible to provide the maximum amount of sun within both the gardens and the courtyard (aside from providing the opportunity for solar gain to the building and a large south facing balcony for use by the future residents). Officers are supportive of how the development has combined screening, addressed the issue of softening the impact of the building while providing areas of interest and variety for the residents. The proposed planting which includes trees will provide areas of shade and structure with the shrubs and perennials providing sensory and seasonal interest. Initial concerns regarding the extent of close-boarded fencing have been overcome through the use of some areas of mesh screened by hedging. The fencing around the site will be 1.8 metres in height and while a lower fence might be preferable, regard has to be had to the need for security and the well-being of future occupiers. There is sufficient detail on the submitted plans and therefore a pre-commencement condition requiring further details is not required on this occasion. A condition will therefore be included on the decision notice to ensure that the scheme is implemented in accordance with the submitted landscape details.

Having regards to the above, officers are satisfied that the proposed development represents high quality design consistent with Policy CS1 of the South Gloucestershire Local Plan. Subject to the above condition, the development is acceptable in landscape terms and would act to enhance the general character of the site and the surrounding locality.

5.5 Residential Amenity

The development is sited a substantial distance from the nearest residential property (27 metres from properties in Tyndale Avenue and 36 metres from properties in Tyndale Avenue) such that the development would not result in a material impact in terms of the privacy and residential amenity of the dwellings associated

5.6 Ecological Considerations

It is generally acknowledged that the site is of limited ecological value. However, there is potential for reptiles and hedgehogs to be present and as such appropriate conditions will be applied to the decision notice to provide a mitigation strategy. In addition a scheme for the provision of new nest boxes shall be secured through an appropriate condition. These conditions will require the submission of information prior to the commencement of development as it would not be possible to apply remedial action post-commencement of the development.

5.7 Archaeological Considerations

The site is located within an area with potential for archaeological remains to be present. Whilst there is no objection to the proposed development in this regard, it is necessary to provide a survey of the site for potential archaeology and for necessary watching brief during the construction of the development. This can be specifically controlled by way of condition in the event that this application is approved.

5.8 Public Art

The proposed development is classed as a major development and is residential in nature. As such consideration for a contribution for public art related to the development should be considered.

Policy CS23 sets out that major residential development and schemes that will attract a large number of users will be required to demonstrate the method for contributing towards the South Gloucestershire Cultural, Heritage and Arts Strategy through the provision of additional, extended or enhanced or enhanced facilities and access to/or facilitation of art and cultural activities for the new residents. This matter has been discussed with the applicant and a condition has been agreed to secure details of a unique site specific integrated scheme of public art for consideration and approval.

5.9 Highway Safety and Amenity

Policy CS8 of the South Gloucestershire Local Plan Core Strategy supports new development proposals that are close to local facilities and services. The policy also allows for new development to contribute towards local bus services or other infrastructure to ensure punctual services. The policy also seeks to ensure that parking and site access points are well integrated into new development. Policy T12 of the South Gloucestershire Local Plan (saved policy) indicates that new development should make safe and appropriate provision for the transportation demands which it will create, in accordance with the objectives of the Local Plan, and minimises the adverse impact of motorised traffic.

Access

The applicant will be using the existing access off Cranleigh Court Road that served the previous Care Home. Following negotiations, access to the site has been widened to 5.5 metres, allowing for two-way traffic. It is considered that the visibility splays from the site access onto the public highway are acceptable.

Parking

The applicant has submitted further information to support the application having regard to this matter.

The new building will have 24 hour staffing with the staff working in three shifts. On shifts there will be 20-25 people in the peak periods between 7.00 and 14.00, then 15 between 14.00 and 20.00 and then overnight to 07.00 there will

be 6 people. Cleaners and kitchen staff along with care assistants will arrive at 07.00 and some of these will leave mid-morning (some by 10.00) whereas some will stay on after 14.00. Administrative and management staff will arrive at 09.00 and leave between 17.00 and 18.00. Nurses will arrive at 8.00 and normally complete a 12 hour shift. The applicant confirms that there would be no big changeover at the shift change periods when a large number of staff leave and a large number start work. It is stated that the manager of the care-home has control over shift working and hence any issue of parking in the car park during the changeover can be adequately managed.

Parking requirements for the proposed care-home are assessed against the Council [maximum] parking standards under saved policy T8 of the SGC Local Plan (adopted) January 2006. In this regards policy T8 requires a maximum of 1 space per 6 bed spaces and 1 space per two staff. Based upon 84-bed spaces and a maximum of 25 staff on site, there is a maximum requirement for up to 26 parking spaces. As this is a maximum standard and should not be exceeded, the proposed level of parking on site (i.e. 24 space including 2 disabled spaces) is considered to be within the acceptable maximum parking standards. In line with the Council policy to promote alternative means of travelling including cycling, the applicant also proposes provision on site for 14no. cycle stands. The applicant has further agreed to make financial contributions towards 1) improvements towards mobility impaired users and 2) to enhance the infrastructure at one bus stop in order to provide better access to public transport and to encourage more sustainable modes of travelling to the site.

The site is in close proximity to Yate shopping centre and railway station and due to its residential location has good access to transport links to the wider area. Its location is within walking distance of shops and public transport connections as well as schools and services. As such the site location is considered to be in a sustainable location. Notwithstanding this, given the scale of the development, it is considered necessary for the applicant to provide a 'travel plan' in order to encourage alternative means of travelling other than use of private cars. A condition to secure the parking provision prior to first occupation and a travel plan will be attached to the decision notice.

Subject to the conditions set out above and subject to a legal agreement to secure the above contributions the proposed development is considered acceptable in transportation terms.

5.10 Flood Risk/Drainage

The development largely lies within Flood Zone 1 however an area along the eastern boundary primarily comprising an area of car parking, landscaping but also including a small part of the proposed building would be within Flood Zone 2 and 3. In Flood Risk terms having regard to the Flood Risk vulnerability classification as set out in the National Planning Policy Framework (NPPF), the development of a Care Home is classed as "More Vulnerable"

The National Planning Policy Framework seeks to steer development that is vulnerable towards areas with the lowest probability of flooding, indicating that

a sequential approach should be used in areas known to be at risk. Policy CS9 of the South Gloucestershire Core Strategy also states that development should be located away from areas of flood risk.

Applying the sequential test, it is considered that the proposal is appropriate given that the site is a brownfield site with a history of use as a Care Home (albeit demolished). Secondly the vulnerable elements of the development ie the residential rooms are located outside of Flood Zone 2 and 3.

Following advice from the Environment Agency and Council Drainage Engineers (and following the guidance set out in the South Gloucestershire Standing Advice), a detailed Flood Risk Assessment has been submitted and reviewed. Subject to a condition requiring the development to take place in accord with the approved Flood Risk Assessment, the proposed development is considered acceptable in Flood Risk terms. It is concluded that the sequential test has been passed.

5.11 Green Infrastructure/Recreational Space

Policy CS2 of the South Gloucestershire Local Plan Core Strategy indicates that new development should protect, create and improve recreational play, access and local food cultivation opportunities. Policy CS24 indicates that Green Infrastructure assets are integral to sustainable communities and this includes both formal and informal recreation space. The first option is always to provide such provision on the site and that provision must be appropriate to the needs of the future occupiers.

In this case a Care Home, with an element of high dependency care where 80% of the residents are over the age of 75 requires careful consideration of the appropriate provision. Officers consider that exercise is of particular importance both mentally and physically to this group and thus any on-site.

In terms of the amount of any such provision it should also be noted that 30% of the residents will return to their own homes after a stay or to another form of care home rather than be in permanent residence. It is also noted that 50% of the residents will be over 85 years old.

The applicant has agreed to provide the following on-site provision (for which they will have full maintenance responsibilities:

- Minimum of 64sq.m. of petanque court or similar appropriate outdoor sport facility
- Minimum of 32sq.m. of raised beds so that residents can get involved in growing flowers or vegetables

It is considered having regard to the nature of the use and the needs of the future occupiers that the above provision is appropriate and in accord with the aims and objectives of Policy CS2 and CS24. A condition will be attached to the decision notice to secure this provision.

5.12 Planning Obligations

The Community Infrastructure Levy Regulations 2010 set out the limitations of the use of Planning Obligations (CIL). Essentially the regulations (regulation 122) provide 3 statutory tests to be applied to Planning Obligations and sets out that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation is;

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

In this instance, it is considered that the planning obligations (set out in detail below) relating to transportation/ highway works are required to mitigate the impacts from the development and are consistent with the CIL Regulations (Regulation 122).

6. CONCLUSION

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

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

7. RECOMMENDATION

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

- (i) A financial contribution of £10,000 towards improving accessibility to public transport through the upgrading of one bus stop with a “real time information” facility.
- (ii) A financial contribution of £8,000 towards providing improvements for the mobility impaired between the site access and the nearest bus stop.

The reasons for this Agreement are:

- (i) To accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and CS8 of the South Gloucestershire Local Plan Core Strategy 2013.

- 7.2 That the Head of Legal & Democratic Services be authorised to prepare and seal the agreement.
- 7.3 Should the agreement not be completed within 6 months of the date of the decision that delegated authority be given to the Director of Planning, Transport and Strategic Environment to refuse the application.

Contact Officer: David Stockdale
Tel. No. 01454 866622

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 0730 to 1800 hours Monday to Friday, 0800 to 1300 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 the provisions of the National Planning Policy Framework.

3. All prior to the commencement of development:-

(i) A scheme of intrusive site investigations shall be submitted to and approved in writing by the Local Planning Authority. The intrusive site investigations shall then be undertaken in accordance with the approved details and a report of the findings from the site investigations (Sites Investigation Report) be submitted to and approved in writing by the Local Planning Authority.

(ii) In the event that the Site Investigation Report identifies the need for remedial works/mitigatory measures a scheme of these works/measures shall be submitted to and approved in writing by the Local Planning Authority. The implementation of these works/measures shall be undertaken fully in accord with the approved details.

Reason

To address the issue of land instability given the location of the site in a Coal Mining Development Referral Area and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy 2013. A pre-commencement condition is needed to avoid the need for future remedial action.

4. This decision relates only to the plans identified below:

Received 7th December 2015

1786 Existing Site Survey

Received 9th December 2015

150 Typical Bedroom Layout 1

151 Typical Bedroom Layout 2

Received 19th January 2016

P101 Rev B Ground Floor Plan

P102 Rev B First Floor Plan

P103 Rev B Second Floor Plan

P104 Rev B Roof Plan

P200 Rev B Front and Rear Extensions

P201 Rev B West and East Elevations

P202 Rev A Courtyard West and East

P400 Typical Window Detail

P401 Balcony Detail

P403 Entrance Detail

Received 1st March 2016

P100 Rev DB Site Plan

P110 Entrance, Existing and Proposed

745-01B Landscaping

Reason

To ensure that the development complies with the submitted details, in the interests of visual amenity, highway safety and residential amenity and to accord with policies CS1, CS5, CS8, CS9, CS23 CS30 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, and Policies L1, T7, T8, T12, of the South Gloucestershire Local Plan (Adopted) January 2006.

5. All hard and soft landscape works shall be carried out in accordance with the approved details shown on Drawing No. 745-01A (Bridges Design Associates). The works shall be carried out by the end of the first planting season (end March) following the occupation of the development.

Reason

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

6. Prior to the first occupation of the building hereby approved, details of a unique site specific integrated scheme of Public Art (including timescales) to be implemented within the development site shall be submitted to the Local Planning Authority for approval in writing. For the avoidance of doubt the submission shall be prepared in

line with recommendations in the Council's Art and Design in the Public Realm Planning Advice Note. Thereafter the Artwork shall be installed in accordance with the details and timescales so agreed.

Reason

To protect the character, distinctiveness and visual amenity of the site and the surrounding locality; and to accord with Policies CS23 and CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted).

7. Prior to the first occupation of the development hereby approved a 'Travel Plan' comprising immediate, continuing and long-term measures to promote and encourage alternatives to single-occupancy car use shall be submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall then be implemented, monitored and reviewed in accordance with the agreed travel Plan Targets.

Reason

In order to deliver sustainable transport objectives including a reduction in single occupancy car journeys and in order to increase the use of public transport, walking and cycling.

8. Prior to occupation of the new building, off-street car and cycle parking and the vehicular turning area shown on the submitted and approved plans shall be provided and shall be retained as such thereafter.

Reason

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

9. Prior to the first occupation of the development hereby approved the Petanque Court and Raised Beds shall be provided as shown on Drawing Number 745-01B (Landscaping) and 1786 P100 DA1 (Site Plan) received on 1st March 2016 and shall be retained as such thereafter.

Reason

In order to meet the future recreational needs of the future occupiers and deliver a sustainable development and to accord with Policy CS2 and CS24 of the South Gloucestershire Local Plan Core Strategy 2013.

10. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by Richard Jackson Engineering Consultants and the following mitigation measures detailed within the FRA:

Finished floor levels are set no lower than 73.750mAOD m above Ordnance Datum (AOD)

Reason

To prevent non-point source pollution and flooding, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

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

Reason

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

A pre-commencement condition is required in order to avoid the need for future remedial action.

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

Reason

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

A pre-commencement condition is needed in order to avoid the need for future remedial action

13. Prior to the commencement of development a mitigation strategy for reptiles (slow-worm) and hedgehog shall be submitted to and agreed in writing by the Local Planning Authority. All works shall be carried out in accordance with the approved details.

Reason

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

A pre-commencement condition is required as remedial action would not be possible after development had begun.

14. Prior to the commencement of development a scheme of new bird nesting boxes/features shall be submitted to and agreed in writing by the Local Planning Authority. The scheme should include the type and location of all nest boxes and design features, to cover a variety of species including house martin and house sparrow. All works shall be carried out in accordance with the approved details.

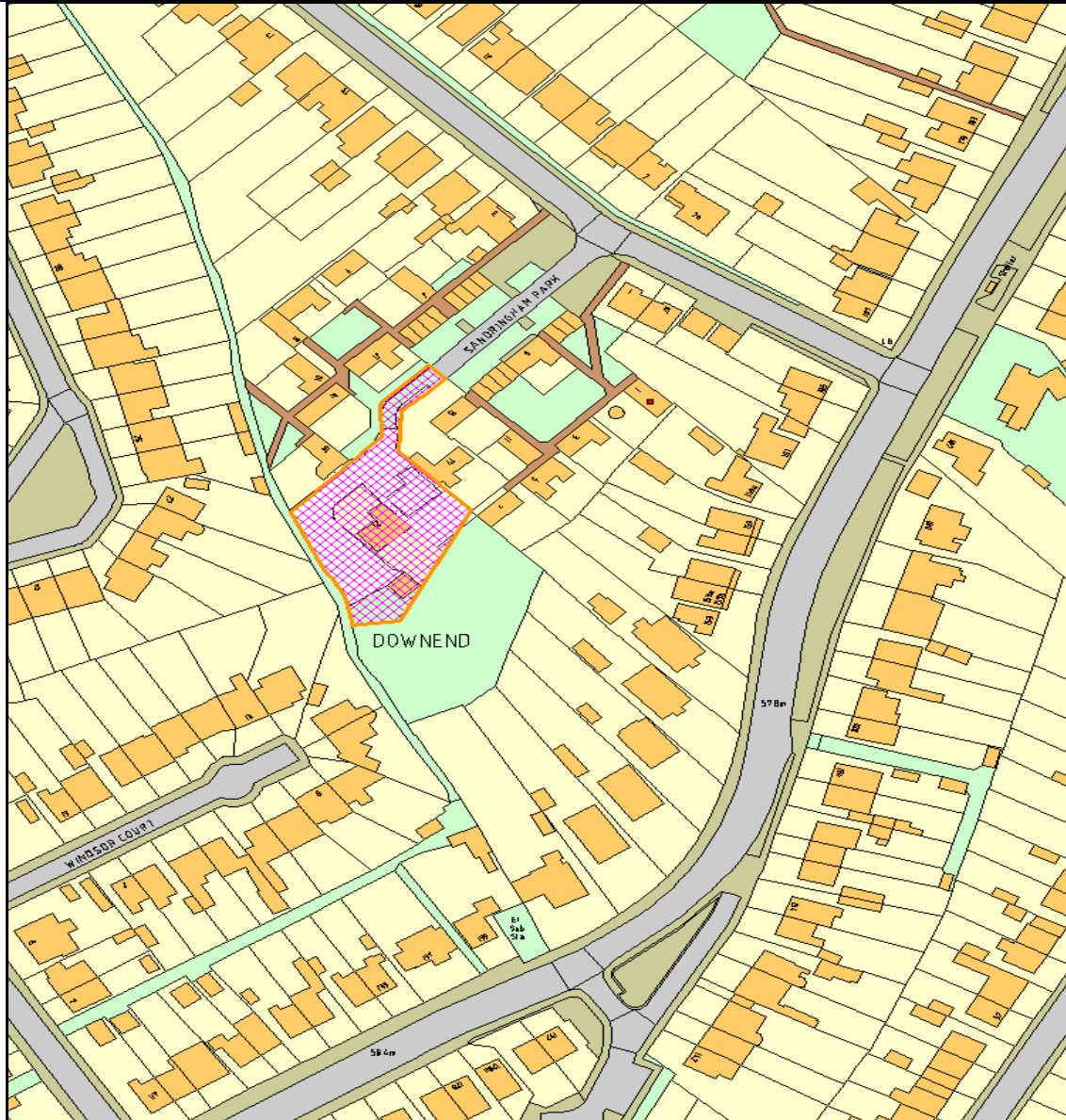
Reason

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

A pre-commencement condition is required as remedial action would not be possible after development had begun.

CIRCULATED SCHEDULE NO. 12/16 – 24 MARCH 2016

App No.:	PK16/0018/F	Applicant:	Mr Richard Pearce
Site:	Land Off Sandringham Park Downend Bristol South Gloucestershire BS16 6NZ	Date Reg:	7th January 2016
Proposal:	Re-siting of Plot 1 garage from approved location on site to now being attached to the Plot 1 development, installation of 3 no. rooflights, and replacement of a front gable with a hipped roof	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	365314 177520	Ward:	Downend
Application Category:	Minor	Target Date:	2nd March 2016



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 100023410, 2008. **N.T.S.** **PK16/0018/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the circulated schedule due to the receipt of objection letters from local residents and the concerns raised by the Parish Council.

1. THE PROPOSAL

- 1.1 The applicant seeks planning permission to amend the previous approved scheme, PK12/3091/F, to relocate a double garage and to install 3 no. roof lights to plot 1. Officers also note that there is an amendment to change the front gable with a hipped roof Planning permission was granted for the erection of 2 no. two-storey detached dwellings at Sandringham Park, Downend.
- 1.2 The site is surrounded by a group of residential properties. It is noted that plot 2 has been completed. The new dwelling at plot 1 has only been constructed just above the ground floor level. Since the grant of the approved scheme, planning permission was also granted for a erection of a detached dwelling at the rear of plot 1 & 2.

2. POLICY CONTEXT

2.1 National Guidance

The National Planning Policy Framework 27th March 2012.
The Planning Practice Guidance 2014

2.2 Development Plans

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

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS17	Housing Diversity
CS18	Affordable Housing

South Gloucestershire Local Plan (Adopted) January 2006

L1	Landscape Protection and Enhancement
L9	Species Protection
EP2	Flood Risk and Development
EP4	Noise-sensitive development
T7	Cycle Parking
T12	Transportation Development Control Policy for New Development

2.3 Supplementary Planning Guidance

Trees on Development Sites SPG (Adopted)
The South Gloucestershire Design Check List (SPD) Adopted Aug 2007.
South Gloucestershire Council Residential Parking Standards (SPD) Adopted.

2.4 Emerging Plan

Policies, Sites & Places Development Plan Document (Draft) June 2014
PSP1 Local Distinctiveness

PSP2	Landscape
PSP3	Trees and Woodland
PSP8	Settlement Boundaries
PSP9	Residential Amenity
PSP12	Development Related Transport Impact Management
PSP17	Parking Standards
PSP20	Wider Biodiversity
PSP22	Environmental Pollution and Impacts
PSP44	Private Amenity Space Standards

3. RELEVANT PLANNING HISTORY

- 3.1 PK06/1814/O Erection of 4 dwellings (outline). Siting and means of access to be determined, all other matters reserved. Refused August 2006.
- 3.2 PK07/1939/O Erection of 3 no. dwellings (Outline). Siting and means of access to be determined, all other matters to be reserved. (Resubmission of PK06/1814/O). Refused and dismissed at appeal August 2008.
- 3.3 PK08/2912/O Erection of 3 no. dwellings (Outline) with access and layout to be determined. All other matters to be reserved. (Resubmission of PK07/1939/O). Approved June 2009.
- 3.4 PK12/1633/EXT Erection of 3 no. dwellings (outline) with access and layout to be determined. All other matters to be reserved. (Resubmission of PK07/1939/O). Consent to extend time limit implementation for PK08/2910/O. Approved June 2012.
- 3.5 PK12/3951/F Erection of 2 no. detached dwellings with garages and associated works. Approved February 2013.
- 3.6 PK13/1543/F Erection of 1 no. detached dwelling with double garage and associated works. Approved July 2013.
- 3.7 PK13/2198/F Amendment to the garden wall to plot 2 originally approved in application PK12/3951/F. Approved September 2013
- 3.8 PK13/4357/TRE Works to crown reduce by 3.5 metres and crown lift by 4 metres 3no. Ash trees and 1no. Sycamore tree covered by Tree Preservation Order SGTPO 26/06 dated 26 January 2007. Approved January 2014.
- 3.9 PK15/3985/F Installation of 3 no. rear roof lights Approved November 2015.

4. CONSULTATION RESPONSES

- 4.1 Downend and Bromley Heath Parish Council
The proposed new planning application brings the front too close to the boundary. Also the new application could cause access and egress problems to the site.

4.2 Other Consultees including internal consultees of the Council

Highway Officer: No objection
Landscape Officer: No objection
Arboricultural Officer: No objection
Public Rights of Way Officer: No objection
Highway Drainage: No objection

Other Representations

4.3 Local Residents

Seven letters of objection have been received and the residents' concerns are summarised as follows:

- If this application is passed, then no reason to refuse No. 21 to put in to move the garage to the front of No. 21 and turn the garage into a gym and office.
- How a garage can open directly onto a road, this is dangerous and unsafe and big lorries reversing down here will be close to the garage
- Neighbours take it that Mr. Pearce will be giving the party wall act for now digging closer to No. 17 garage
- Not much works has been done since the grant of planning permission over 3 years ago, left looking a mess for 3 years with no mitigation, breaks the rules of planning permission, and compensation should be due
- Nuisance due to machinery, fires, even on evening and Sundays, shouting from the builders, the mess, engine noise, fumes, light pollution
- Dangerous restricted access, not safe for emergency or refuse vehicles to obtain access, particularly to the proposed house no. 3 behind this property
- Overlooking, look over 2 properties due to its proximity and elevation
- Tree report does not reflect the agreement between the neighbours and Mr. Pearce to reduce the amount of cut, and the adjoining owner made an agreement and kept to it.
- South Gloucestershire have re-missed to inspect this site, particularly from neighbouring property and to enforce planning law on the applicant.
- Garage will put forward of No. 17's garage, will be visible to many neighbours, the proposal will extend outside the 'shadow' of No. 17.
- The garage is non-essential, the property already has 2 parking spaces and access to a double garage has already been proposed.
- The previous application for plot 1 was subject to the 'Calling In' process after Councilor Biggin visited and recognized that the proposal would be overbearing to the occupants of No. 14 Sandringham Park, unfortunately the process did not proceed.
- The proposal would be closer to the boundary wall of No. 14 and any vehicles using the garage would necessarily take a wider arc
- A narrow strip of land which separates No, 14 from the development site at tis north west border and is not part of it. It is concerned that this strip and planting grown may be damaged or destroyed, either by accident or by design.
- It appears that there is an agreement among the applicant and the adjoining owners regarding the scale and scope of the tree works, including the tree height, no further crown raising or cutting, preserving the lowest branch, no

removing ivy, prior warning of when the tree works are to be carried out and the exact detailed of work over the neighbouring properties.

- No independent inspectors to see the visual impact,
- No effective mitigation is in place to ameliorate the impact
- Want an agreement in advance before access to neighbouring property
- Compensation for the noise, the neighbours reserve right to choose to claim the cut wood.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Para. 14 of the NPPF states that decision takers should approve development proposals that accord with the development plan without delay; where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless:

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

5.2 5-Year Land Supply

A recent appeal decision APP/P0119/A/14/2220291 – Land South of Wotton Road, Charfield, established (para. 146) that the Council can currently only demonstrate a 5-year housing land supply sufficient for 4.64 years. As there is provision for windfall sites in the calculation, this weighs in favour of the proposal, which would make a positive contribution, to the housing supply within South Gloucestershire; as such para. 14 of the NPPF is engaged and officers must in this case appropriate weight in determining this application.

5.3 The acceptance in principle of the erection of 2 no. detached dwelling and garages as already been established with the grant of the two previous consents PK12/3951/F and also the planning permission has been implemented. All that needs to be considered in this current application are primarily the acceptance or otherwise of the proposed amendments in Design, Residential Amenity, and Highway terms.

5.4 Scale and Design

The proposal is to erect an attached garage to the front elevation of new dwelling at plot 1. The garage would have a hipped roof. Although the proposed garage would project beyond the frontage of the dwelling, it is not considered that such projection would have significant impact upon the character of the host dwelling given that it would be a single storey structure finishing with matching external building materials, and also there is a similar projection to the adjacent property. In addition, the new dwelling is located at the end of the cul-de-sac of Sandringham Park, as such, it would not cause unacceptable harm to the character and appearance of the locality.

- 5.5 The proposed rooflights would be located at the rear elevation of the new dwelling and they would not be highly visible from public domain, therefore there is no design objection to the proposed installation. Officers also noted that there is an amendment to change the approved front gable with a hipped roof. Officers considered that such amendment is acceptable.
- 5.6 Impact on Residential Amenity
Officers acknowledged that residents raise concerns regarding loss of privacy, noise and nuisance. Given the nature and modest scale of the proposed garage, the location of the rooflights and that the proposal would not change its domestic use of the site, officers do not consider that there would be any material adverse impact to be detrimental upon the residential amenity of the neighbouring properties, therefore there is no objection to the proposal, in terms of overlooking or overbearing impact.
- 5.7 Residents also raised concerns regarding the proximity of garage and the adjacent properties and the site is located at a slightly higher ground. Officers are mindful that it would be a domestic garage without any windows on the front elevation, the proposed garage would be situated within an existing residential area, where there are also a number of garages within the locality. Whilst officers acknowledged that the garage would be closer to the neighbouring residents, it is considered that the garage would only be used for general domestic purposes as such, it would not cause an unreasonable adverse impact upon the neighbouring properties and there is no substantive reason to refuse this application in terms of residential amenity.
- 5.8 Impact upon the existing trees
A tree survey and an arboricultural report were prepared and submitted in support of the previous application. There are 5 existing trees growing on the western boundary of the site, which are covered by a South Gloucestershire Council Tree Preservation Order. The proposed attached garage would be located to the front of plot 1 and would be further away from the protected trees, therefore the Council Arboricultural Officer and your case officer have no arboricultural objection to the proposal.
- 5.9 Impact upon the protected species / wildlife
The site comprises a plot of land surrounded by houses between properties off Sandringham Park and the rear of properties at the northern end of Windsor Court to the south. The site is not covered by any statutory or non-statutory nature conservation designations. The main ecological issues relates to the impact upon slowworms, hedgehogs, badgers, birds and their habitats.
- 5.10 Planning permission was granted for the erection of 2 no. detached dwelling and details relating to the ecological condition have been approved. Officers therefore have no ecological objections to the proposal subject to conditions ensuring that the agreed strategies are implemented in full.
- 5.11 Impact upon the landscape
The plot is located within a residential area in Downend. There are five trees with TPO's along the western boundary. The proposed garage would not affect the original approved staggered double row of mixed native hedgerow, which

are to be planted. Officers therefore have no landscaping objection subject to condition ensuring that the agreed landscaping scheme is implemented in full.

5.12 Transportation effects

Residents raise concerns regarding the highway safety. The Council Highway Officer considered the proposal and the residents' concerns. Officer had no objection in principle to the proposal and requested further information regarding the proposed bin store for the site. The query was based on the potential problems with could arise if it was located opposite Plot 1 as this would reduce the width of the site's vehicular access at this point. The applicant has provided additional block plan showing the location of the bin store and officers are satisfied with the proposed location.

- 5.13 Regarding the potential impact upon the access, the guidance set out in the Manual for Streets indicates that a road width of 6 metres must be provided in conjunction with parking spaces to be entered perpendicularly. Officers note that this minimum width has not met by the extreme western end of the garage, however it is noted that an auto-track drawing for a fire engine was submitted with the approved scheme. Although there is a concern regarding the narrowness of the access at this point, this only pertains for part of the garage and the proposed garage would not project onto the access road. As such, officers consider that there would not be sufficient grounds to sustain a highway or transportation objection to this application subject to a condition seeking an 'up and over' garage door. Officers noted that the existing approved garage has not been constructed, given the restricted access, it is considered that it would be necessary to impose a condition to ensure that this proposal would be an alternative to the previous approved location. Subject to such condition, there is no highway objection to the proposal.

5.14 Impact upon Public Rights of Way:

The Public Rights of Way Officer has considered the submitted details, and considered that the proposal is unlikely to affect the nearest recorded public right of way, ref. MA16, which runs behind the western boundary of the site, therefore there is no objection to the proposal from the public rights of way perspective.

5.15 Drainage and flooding:

The submitted site plan shows that permeable surface are proposed to the access / driveway, parking and turning area. Officers therefore have no drainage objection to the proposal subject to a planning condition to be impose to ensure sustainable surface water drainage system would be installed. In addition, all hardstanding area would be constructed of bound permeable materials.

5.16 Other Issues

Residents raise concerns regarding the potential use of the garage. As every planning application is considered on its own merits, therefore, the grant of this application would not necessarily set a precedence for other future planning applications in the locality.

Officers noted that there are disagreements regarding the tree works between the applicant and the adjacent owners. As discussed previously, the Council Arboricultural Officer has no objection to the proposal and is satisfied with the submitted arboricultural method statement. Nevertheless, if there are any changes due to the circumstances, the applicant will need to seek a prior approval from the Local Planning Authority as these trees are protected under a Tree Preservation Order.

6. CONCLUSION

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

7. RECOMMENDATION

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

Contact Officer: Olivia Tresise

Tel. No. 01454 863761

CONDITIONS

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

Reason

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to protect the residential amenity of the neighbouring occupiers and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and Saved Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

2. The off-street parking facilities including the proposed garages hereby permitted shown on Drawing 04A shall be provided before the new dwelling at Plot 1 is firstly occupied, and thereafter retained for that purpose. In avoidance of doubt, the attached garage hereby permitted shall be carried out as an alternative to the permission granted on 15 February 2013 for the erection of 2 no. detached dwelling and garage with associated works (Reference PK12/3951/F) but not in addition to it, to the intent

that the applicant may carry out one of the developments permitted but not both, nor parts of both developments. In addition, an 'up and over' garage shall be installed to the proposed garage hereby approved to the front of dwelling at plot 1 and shall be retained as such thereafter.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, saved Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006, and the Council's Residential Parking Standards Adopted December 2013.

3. The works around the existing protected trees shall be strictly carried out in accordance with the approved Arboricultural Impact Statement, Arboricultural Method Statement and Tree Protection Plan, prepared by Hillside Trees Limited Arboricultural Consultancy dated November 2012.

Reason

In the interests of the long term health of the tree, and to accord with The Town and Country Planning (Tree Preservation) (England) Regulations 2012, Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and saved Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. The approved mitigation strategy for slow-worm and hedgehog in the Ecological Method Statement dated 20 March 2013 prepared by Just Ecology shall be carried accordingly.

Reason

To protect the wildlife and the ecological interests of the site, in accordance with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

5. The approved landscaping scheme including the detailed mix dated 25 January 2013 shall be implemented and the nest boxes shall be provided prior to the occupation of the dwelling of plot 1.

Reason

To protect the wildlife and the ecological interests of the site, in accordance with Policies L8 and L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. The proposed parking and turning area, access and any hardstanding area in front of the new dwellings hereby approved shall be constructed of permeable bound surface, and shall be maintained as such thereafter.

Reasons

- a. To minimise the effect of any flooding which may occur and to comply with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.
- b. In the interests of highway safety, and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. No windows shall be inserted at any time in the side north east elevation of the proposed dwelling in Plot 1 and no windows shall be inserted at any time in the side elevations of the proposed dwelling in Plot 2.

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy CS1 of the South Gloucestershire Local Plan and saved Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. The hours of working on site during the period of construction shall be restricted to Mondays to Fridays 07.30am to 18.00pm and Saturdays 08.00am to 13.00pm 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 saved Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

9. The bin collection point shall be provided in accordance with the approved plan No. 05A and shall be maintained as such thereafter.

Reason

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

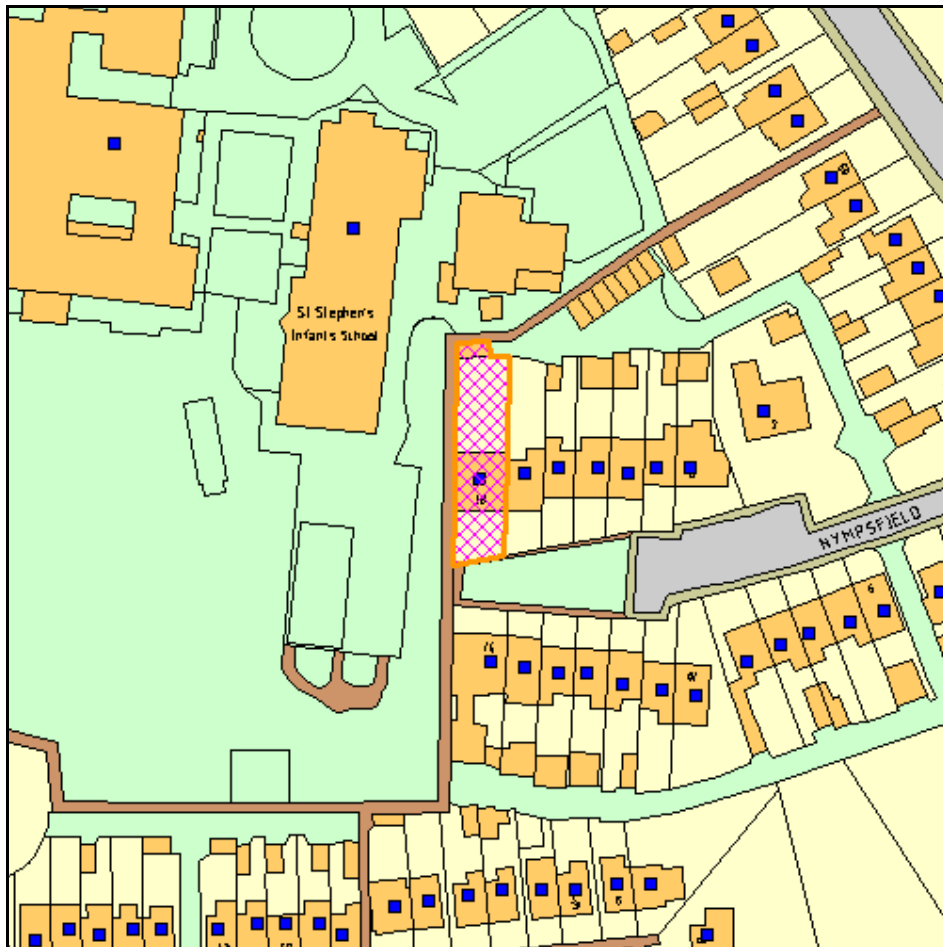
10. The main part of the proposed dwellings hereby approved shall be finished with Ibstock Leicester Autumn Multi with Brunswick Wilton Yellow for the quoins/corner pillars of the buildings. Black plain tiles shall be used for the construction of the roof of the new dwellings. Any variations to the approved materials shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Development shall be carried out in accordance with the approved details.

Reason

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

CIRCULATED SCHEDULE NO. 12/16 – 24 March 2016

App No.:	PK16/0087/CLP	Applicant:	Mr Chris Bond
Site:	16 Nympsfield Kingswood Bristol South Gloucestershire BS15 1XP	Date Reg:	12th January 2016
Proposal:	Application for a certificate of lawfulness for the proposed replacement of flat roof to dual pitched and hipped roof to existing two storey side extension.	Parish:	None
Map Ref:	365041 174688	Ward:	Kings Chase
Application Category:		Target Date:	7th March 2016



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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 installation of a dual pitched and hipped roof over the existing flat roof at no. 16 Nympsfield, Kingswood, 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 After reviewing the property's planning history for the site, it is clear that the relevant householder permitted development rights are intact and are, therefore, exercisable.

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 B.

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 None

4. CONSULTATION RESPONSES

- 4.1 Parish/Town Council
Unparished area
- 4.2 Councillor
No response received
- 4.3 Public Rights of Way
Standard informative recommended
- 4.4 Open Spaces Society
No response received

- 4.5 Community Spaces
No response received

Other Representations

- 4.6 Local Residents
None received

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Site Location Plan; Roof Plans (1516 – 28/1; 1516 – 28/2); Existing Views (Aerial and Front) (1516-28/3; 1516 – 28/4) – received on 08/01/2016.

Roof Volume Calculation (1516-28/5) – received on 09/03/2016.

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 the installation of a pitched and hipped roof over the existing flat roof. This development is therefore assessed against the criteria set out within Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015.

B. The enlargement of a dwelling consisting of an alteration to its roof.

B.1 Development is not permitted by Class B 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 (change of uses);**

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

- (b) Any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;**

No part of the alterations to the roof will exceed the highest part of the existing roof.

- (c) Any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway;**

The new pitched roof will not extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway.

- (d) The cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than-**
(i) 40 cubic metres in the case of a terrace house, or
(ii) 50 cubic metres in any other case;

The house is semi-detached and the total cubic content of the proposed pitched roof is approximately 49.41 cubic metres.

- (e) It would consist of or include-**

- (i) The construction or provision of a veranda, balcony or raised platform, or**
(ii) The installation, alteration or replacement of a chimney, flue or soil and vent pipe;

The proposal does not include the construction of any of the above; or

- (f) The dwellinghouse is on article 2(3) land.**

The dwellinghouse is not on article 2(3) land.

Conditions

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

- (a) The materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.**

The new roof tiles will match those on the existing dwelling.

- (b) The enlargement must be constructed so that –**
a. Other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension-
(aa) the eaves of the original roof are maintained or reinstated; and
(bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the

eaves, measures along the roof slope from outside the edge of the eaves; and

The proposal incorporates an enlargement which joins the original roof to the roof of a rear and side extension, therefore this condition does not apply.

b. Other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse; and

The proposal incorporates an enlargement which joins the original roof to the roof of a rear and side extension, therefore this condition does not apply.

(c) Any window inserted on a wall or roof slope forming the side elevation of a dwellinghouse shall 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.

The proposal does not include any side elevation windows.

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 development falls within the permitted rights afforded to householders under Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) Order 2015.

Contact Officer: Helen Braine
Tel. No. 01454 863133

CONDITIONS

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

CIRCULATED SCHEDULE NO. 12/16 – 24 MARCH 2016

App No.:	PK16/0157/F	Applicant:	Mr & Mrs Eric and Susan Gavras
Site:	Four Ashes Ashwicke Road Marshfield South Gloucestershire SN14 8AD	Date Reg:	18th January 2016
Proposal:	Conversion of stables to form 1no. dwelling (Class C3 as defined in the Town and Country Planning (Use Classes) Order 1987), creation of residential curtilage, retention of existing shed and associated works	Parish:	Marshfield Parish Council
Map Ref:	377703 172618	Ward:	Boyd Valley
Application Category:	Minor	Target Date:	11th March 2016



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REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application has been referred to the circulated schedule for determination as comments of objection have been received. These are contrary to the officer recommendation for approval.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the conversion of an existing stable block into a residential dwelling. The site is to the south of Marshfield but is located outside of any defined settlement. The site is also within both the Cotswolds Area of Outstanding Natural Beauty and the Bristol and Bath Green Belt.
- 1.2 There are a number of horse related structures on the site including an outdoor riding arena, horse walker, field shelter, and open-fronted barn. The building to be converted is the only stable building on the site.
- 1.3 The proposal is to convert the existing stable building into a dwelling. The other horse related structures would remain and the majority of the site would be retained in an equestrian use.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS4a Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS15 Distribution of Housing
CS17 Housing Diversity
CS34 Rural Areas

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

L1 Landscape
L2 Cotswolds Area of Outstanding Natural Beauty
EP2 Flood Risk and Development
T12 Transportation
H10 Conversion and Re-use of Rural Buildings for Residential Purposes

2.3 Supplementary Planning Guidance

- i. Development in the Green Belt SPD (Adopted) June 2007
- ii. Residential Parking Standard SPD (Adopted) December 2013
- iii. Landscape Character Assessment SPD (Adopted) November 2014
- iv. Cotswolds AONB Management Plan 2013-2018 (Endorsed)

3. RELEVANT PLANNING HISTORY

- 3.1 PK14/0192/F Approve with Conditions 14/03/2014
Erection of 1no. barn and associated hardstanding and the stationing of horsewalker and mobile horse shelter (retrospective).
- 3.2 PK11/0087/F Approve with Conditions 10/03/2011
Construction of manege and erection of 1.2m high post and rail fencing.
- 3.3 PK10/2098/F Approve with Conditions 09/11/2010
Change of use from agricultural land to land for the keeping of horses. Erection of stable block.

4. CONSULTATION RESPONSES

- 4.1 Marshfield Parish Council
Objection: create precedent in the green belt for the conversion of recently built buildings; impact on character and openness of green belt.
- 4.2 Highway Structures
No comment
- 4.3 Landscape Officer
Development would not have an adverse impact on the landscape character of the area or the wider AONB. However, the original justification for the buildings is now reduced given the reduced need for stabling. A condition should be attached that restricts occupation to those involved in horse related activity.
- 4.4 Lead Local Flood Authority
No objection

Other Representations

- 4.5 Local Residents
Two letters of objection have been received which raise the following matters:
- buildings are not of a permanent and substantial construction
 - development would not preserve the openness of the green belt
 - development would compromise the AONB
 - implication that the building is an asset is not supported
 - approval would set a precedent for other applications to come forward

5. ANALYSIS OF PROPOSAL

- 5.1 Planning permission is sought for the conversion of an existing stable building into a residential dwelling. The building is located outside of any defined settlement in the open countryside. The site is also located within the Bristol and Bath Green Belt and the Cotswolds Area of Outstanding Natural Beauty.

5.2 Principle of Development

A number of factors contribute towards establishing the principle of the development. Policy H10 of the Local Plan allows for the conversion of rural buildings into residential accommodation subject to an assessment of whether the building could support an economic reuse as a preference, whether the conversion can take place without major or complete reconstruction; whether the building is in keeping with its surroundings and relates well to other buildings, and the impact of any residential paraphernalia.

5.3 However, at present the Council is unable to demonstrate a 5-year supply of deliverable housing land and as a result, the policies within the development plan (insofar as they relate to housing) are out of date. Guidance in the NPPF dictates that applications for residential development must therefore be assessed against the presumption in favour of sustainable development. The presumption in favour of sustainable development is set out in paragraph 14 of the NPPF and states that where policies are out of date, development proposals should be approved unless the adverse impacts of doing would significantly and demonstrably outweigh the benefits or specific guidance in the NPPF dictates that development should be refused.

5.4 With regard to other development constraints, the proposal must therefore accord with the green belt guidance set out in the NPPF and guidance on development within the AONB.

5.5 The proposed development is therefore acceptable in principle but should be determined against the analysis set out below.

Specific NPPF Guidance: Green Belt

5.6 The government attaches great importance to green belts with the fundamental aim of keeping land permanently open in nature. In order to achieve this there is a general presumption against development in the green belt unless it falls into the predefined exception categories listed in paragraphs 89 and 90 of the NPPF or very special circumstances which outweigh the harm to the green belt and any other harm are identified.

5.7 This development seeks permission for the reuse of an existing building for residential purposes. Paragraph 90 address developments such as this. One of the exception categories listed in this paragraph is 'the reuse of buildings provided that the buildings are of permanent and substantial construction'.

5.8 A structural engineer's report prepared by E&M West Consulting Engineers has been submitted to support this application. This report identifies that the building is erected of a concrete slab and the external walls are built form single course engineering brick. The report finds that the building is of permanent and substantial construction and would be capable of conversion.

5.9 This report is accepted and the building is considered to be capable of conversion without major or complete reconstruction. As such, the proposal falls within the exception categories as listed in the NPPF and does not constitute an inappropriate form of development in the green belt.

- 5.10 It is acknowledged that the development would result in the creation of a small residential curtilage. This would be positioned to the front of the building; this is where there is currently an area of hardstanding. The formation of a residential curtilage in this location would be reasonably contained and is not considered to have a significant or detrimental impact on the openness or purposes of the green belt. Indeed the residential curtilage is considered to have a neutral impact on the green belt over and above the exiting site layout and usage.
- 5.11 This planning application also seeks to retain an exiting shed. It is considered reasonable that a domestic property have access to a shed and the size of the structure is not out of scale with the proposed residential use. The shed is therefore also accepted as being appropriate. However, to prevent further development on the site and the erosion of the rural character, permitted development rights should be removed by condition.

Specific NPPF Guidance: Landscape

- 5.12 Section 11 of the NPPF addresses the natural environment. Policy L2 of the Local Plan specifically addresses development within the AONB. Paragraph 115 of the NPPF states that 'great weight should be given to conserving landscape and scenic beauty in [...] Areas of Outstanding Natural Beauty, which have the highest status of protection'. Development should therefore not be permitted which would harm the natural beauty of the landscape.
- 5.13 There are a number of dwellings and agricultural buildings along Ashwicke Road, including a cluster of buildings and a dwelling on the opposite side of the road. The site is located at the bottom of a shallow valley. There is mature tree and shrub planting to the west, which screens the site in views from the west. There is a mature hedgerow on the boundary of the three fields that the development site is located in. This helps to screen the stable in views from the north, east and south. However the buildings and infrastructure are visible through the hedge in views from Ashwicke Road, especially during the winter months. The building is a stable which has the appearance of a typical stable but does not have the character of a typical residential dwelling within the Cotswolds AONB. However the conversion has been carefully designed to minimise the alterations that will be visible from Ashwicke Road and other elevations are screened by the topography and vegetation of the surrounding area.
- 5.14 The residential curtilage is being kept to a minimum and is predominantly an area already down to hardstanding. The residential curtilage is also screened from the wider landscape by existing vegetation and the topography of the area. There is however potential for the conversion of the stables to residential to have a domesticating effect on the character of the area. This is through the erection of sheds, fencing, the permanent parking of more cars than would be needed for looking after the horses, erection of washing lines and other garden paraphernalia. The fact that the stables are not needed for housing the horses or storage of hay and other equestrian items is due to the erection of the barn, stable and field shelter which has already resulted in the intensification of the use of the land and change of character from rural to equestrian.

- 5.15 Whilst the development may result in a domesticating effect, the removal of permitted development rights would enable the Local Planning Authority to assess further development on the site in more detail. It is not considered that the proposal would result in a significant change to the landscape character of the area and therefore no landscape objection is raised.
- 5.16 Concern has been raised that the conversion undermines the justification for permitting the buildings on the site in the first place. Policy H10 does not include criteria that require the assessment as to whether the potential the proposed development would result in the potential for other further development; in other words whether the loss of the stables would result in a later application for further stables is not a policy consideration. If such a situation was to occur, the later application would be assessed on its own merits. Notwithstanding this, the presumption in favour of sustainable development is likely to outweigh such a situation as the proposal would make a contribution (albeit a very modest one) to the supply of housing.

Specific NPPF Guidance: Design

- 5.17 Design considerations are set out in policy CS1. As this is a general design policy and not specific to the supply of housing, notwithstanding the 5-year housing land supply, it can still be afforded full weight in decision taking.
- 5.18 This policy requires development to reach the highest possible standards of site planning and design. Guidance in the NPPF states that good design is indivisible from good planning and therefore this policy is considered to be compliant with the NPPF.
- 5.19 The proposed development seeks to convert the existing building. Although of a timber construction it is not considered that the use of the building as a dwelling or the operational development required by the conversion would amount to poor design. The resulting structure is consistent and respectful of the character and appearance of the existing stables. No objection to the proposal with regards to design is raised.

Summary

- 5.20 The proposed development has one benefit - the supply of housing. The contribution the proposal makes to the overall housing supply is minimal given that it would result in 1 additional dwelling. In an analysis of benefit against harm the benefit would only be afforded limited weight. However, in this instance the level of harm which would result from the development is also considered to be limited.
- 5.21 The presumption in favour of sustainable development states that permission should be granted unless the adverse impacts of doing so *significantly and demonstrably* outweigh the benefits. From the analysis set out above the impacts are not considered to be adverse and do not significantly or demonstrably outweigh the benefit. Therefore planning permission should be granted.

5.22 Transport and Parking

With regard to highway matters, development of this nature is required to provide sufficient off-street parking to meet the needs arising from the proposal. This has been defined within the Residential Parking Standard SPD. For a two bedroom dwelling, the SPD requires a minimum of 1.5 parking spaces. The submitted block plan indicates 3 would be provided. This is above standard and therefore no objection is raised with regards to transport or parking.

5.23 Other Matters

Concerns have been raised by members of the public and the Parish Council that the development would set a precedent for other applications to come forward. Each application for planning permission is assessed on its own merits and therefore the grant of one such application should not be taken to mean that all such applications would be approved. Furthermore, the reuse of buildings is considered to be a sustainable form of development and no objection has been raised to the principle of the development. As such, planning policy would broadly support the reuse of buildings.

5.24 Whilst it may be read that the application considers the building to be an asset, it is not a requirement that an assessment be made along those lines. Therefore no comment is made on this matter.

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, including the presumption in favour of sustainable development.

7. RECOMMENDATION

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

Contact Officer: Griff Bunce
Tel. No. 01454 863438

CONDITIONS

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

Reason

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

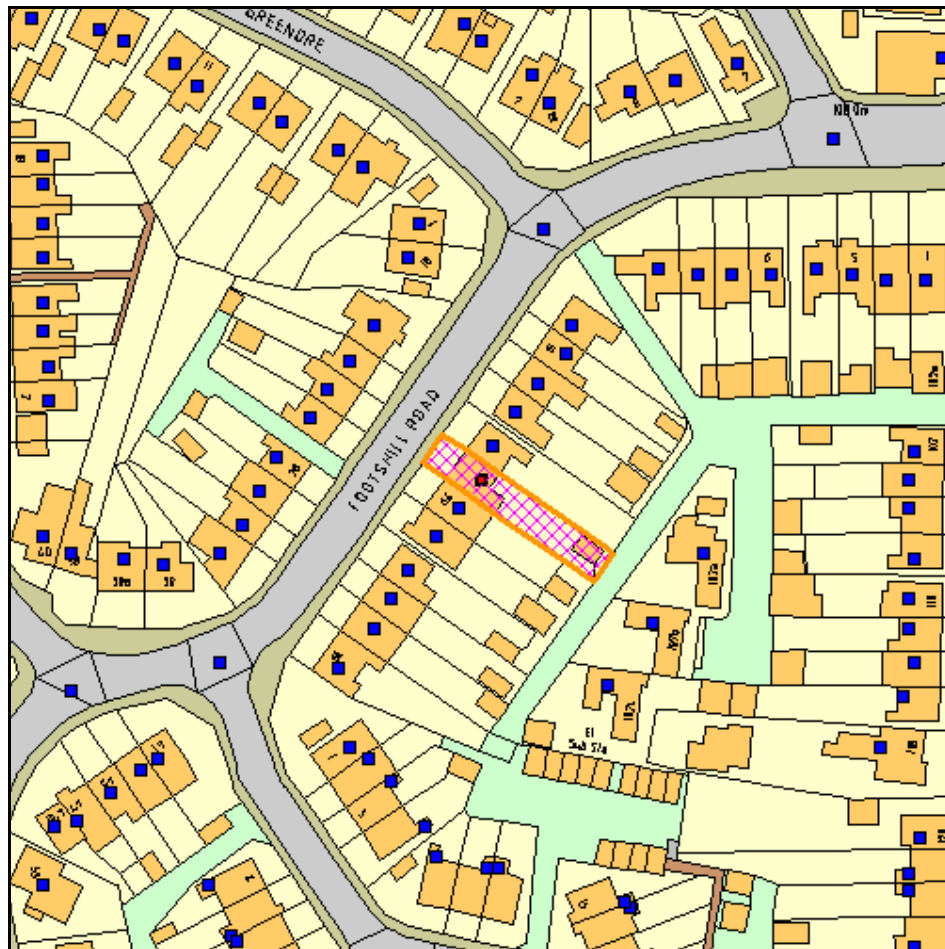
2. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, D, E, F, and G) or any minor operations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

Reason

To enable the Local Planning Authority to assess further development on the site to protect the landscape character of the AONB and the openness of the Green Belt and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, policy L1 and L2 of the South Gloucestershire Local Plan (Adopted) January 2006 and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 12/16 – 24 MARCH 2016

App No.:	PK16/0339/CLP	Applicant:	Mr Laurence Brown
Site:	27 Footshill Road Hanham Bristol South Gloucestershire BS15 8EP	Date Reg:	28th January 2016
Proposal:	Certificate of lawfulness for the proposed erection of a single storey rear extension.	Parish:	None
Map Ref:	364442 173050	Ward:	Woodstock
Application Category:		Target Date:	24th March 2016



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed erection of a single storey rear extension at 27 Footshill Drive, Hanham, would be lawful.
- 1.2 This application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based on the facts presented.

2. POLICY CONTEXT

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

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 There is no relevant planning history.

4. CONSULTATION RESPONSES

- 4.1 Town/Parish Council
Unparished

- 4.2 Other Consultees

Councillor
No comments

Other Representations

- 4.3 Local Residents
No comments received

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Location Plan- 00.
- Existing Ground Floor Plan- 01
- Existing First Floor Plan- 02
- Existing Front Elevation- 03
- Existing Left Elevation- 04
- Existing Right Elevation- 05
- Existing Rear Elevation- 06
- Proposed Ground Floor- 07
- Proposed First Floor- 08
- Proposed Front Elevation- 09
- Proposed Left Elevation- 10
- Proposed Right Elevation- 11
- Proposed Rear Elevation- 12

All plans received on 25th January 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, 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) 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 extension will not exceed the eaves of the existing dwellinghouse.
- (e) **The enlarged part of the dwellinghouse would extend beyond a wall which—**
(i) **forms the principal elevation of the original dwellinghouse;**
or
(ii) **fronts a highway and forms a side elevation of the original dwellinghouse;**
The extension would 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 mid-terrace dwellinghouse. The proposed extension would extend 2.8 metres beyond the rear wall. The development is 3.5 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 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 to 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 development does not extend beyond a side elevation of the dwellinghouse.

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

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

The development would not include any of the above.

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

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

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

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

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

Within the plans received on 25th January 2016 (drwg no. 12) it states that the materials used will match those of the existing building.

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

(i) obscure-glazed, and

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

Not applicable.

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

Not applicable.

7. RECOMMENDATION

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

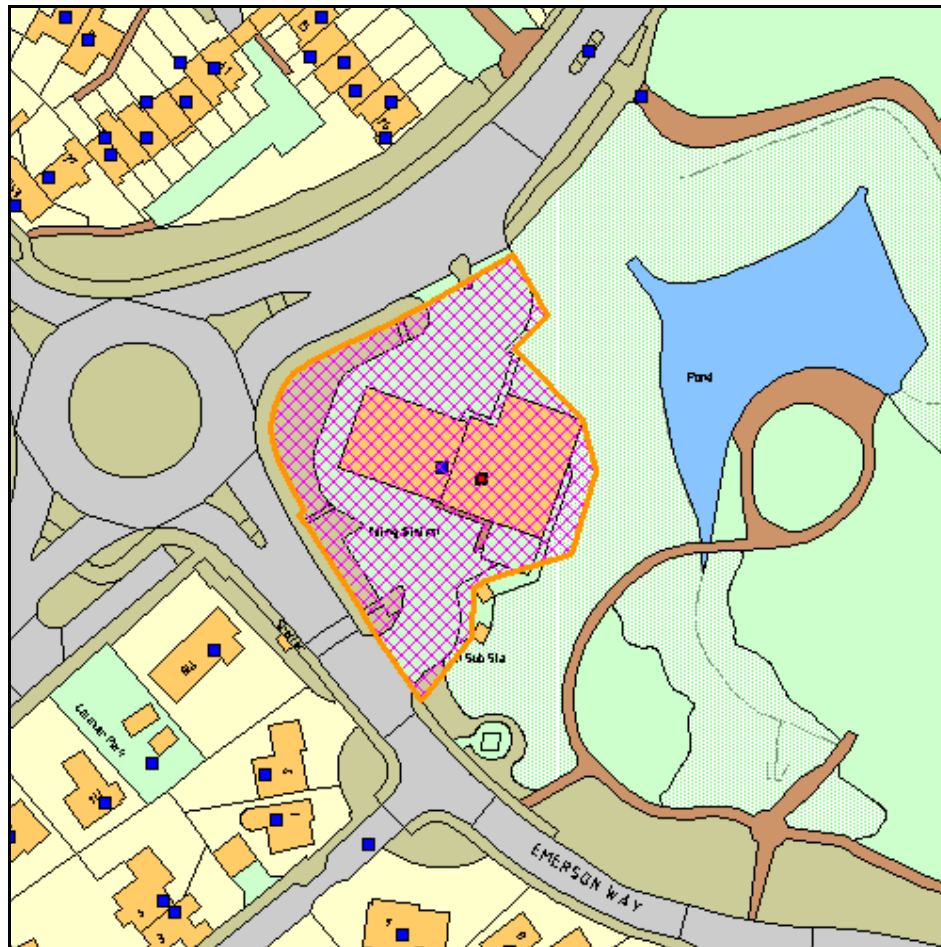
Evidence has been provided to demonstrate that the development is acceptable within permitted development within the curtilage of the dwellinghouse under Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Contact Officer: Chloe Buckingham
Tel. No. 01454 867967

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

CIRCULATED SCHEDULE NO. 12/16 – 24 MARCH 2016

App No.:	PK16/0342/F	Applicant:	Peregrine Retail Ltd
Site:	Blackhorse Garage Westerleigh Road Emersons Green Bristol South Gloucestershire BS16 7AN	Date Reg:	29th January 2016
Proposal:	Erection of single storey extension to form additional retail floorspace with associated works including alterations to the forecourt.	Parish:	Emersons Green Town Council
Map Ref:	366608 177645	Ward:	Emersons Green
Application Category:	Minor	Target Date:	22nd March 2016



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REASON FOR INCLUSION ON THE CIRCULATED SCHEDULE

This application has been included on the circulated schedule because a comment has been received that is contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 The application seeks permission for the erection of a single storey extension to form additional floorspace to an ancillary retail store with associated works including alterations to the forecourt of Blackhorse Garage in Emersons Green.
- 1.2 The application site is situated on the Westerleigh Road roundabout; there is a large forecourt area with parking space for approximately fourteen cars either side of the small ancillary 'Budgens' retail store. The application proposes to increase the number of parking spaces to fifteen, with one space available for disabled users and the incorporation of four new cycle spaces created.
- 1.3 The total gross new internal floorspace proposed is 99 sqm and the application proposes to increase the number of full-time employees from 5 to 8 and the number of part-time employees from 10 to 18. The hours of opening for the retail store is proposed to be 24 hours.

2. POLICY CONTEXT

Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

T8	Parking Standards
T12	Transportation Development Control Policy for New Development
E3	Proposals for Employment within the Urban Area
RT8	Small-Scale Retail Uses within the Urban Areas and Boundaries of Small Settlements.

2.4 South Gloucestershire Core Strategy Incorporating Post-Submission Changes December 2011

CS1	High Quality Design
CS8	Access
CS14	Town Centre and Retail
CS29	Communities of the East Fringe of Bristol Urban Area

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007

3. RELEVANT PLANNING HISTORY

- 3.1 K534/6 Approval Full Planning 20.06.1996
Redevelopment of petrol service station including new canopy, sales building and car wash. (Previous ID: K534/6)
- 3.2 P98/4392/A Advert Approval 03.08.1998
Display of internally illuminated signs.

- 3.3 P99/4036 Approval Full planning 16.03.1999
Installation of ATM cash dispenser
- 3.4 PK12/3350/F Approve with Conditions 21.11.2012
Demolition of existing car wash and erection of extension to form additional shop floor area and store. Relocation of HGV pump, erection of 2.5m high fence and gates, creation of additional parking spaces and associated works.
- 3.5 PK13/0635/ADV Approve 21.05.2013
Display of 1no. internally illuminated fascia sign, 4no. non-illuminated double sided station flags, 2no. non-illuminated wall mounted signs, 4no. non-illuminated post signs and 5no. non-illuminated acrylic panels.

4. CONSULTATION RESPONSES

- 4.1 Emersons Green Parish Council
No objection.
- 4.2 Environmental Protection
- No objections in principle.
 - The historic and current use of the site as a petrol filling station may have caused contamination which could give rise to unacceptable risks to the proposed development. The following conditions should therefore be included in any approval.
 - Prior to commencement, an investigation shall be carried out into the previous uses and contaminants likely to affect the development. A report shall be submitted for the written approval of the Local Planning Authority prior to the commencement of development.
 - Where potential contaminants are identified, prior to the commencement of development, an investigation shall be carried out to ascertain the risks the contamination may pose to the development in terms of human health, ground water and plant growth. A report shall be submitted for the written approval of the Local Planning Authority with mitigation measures agreed.
 - Prior to occupation, where works have been required to mitigate contaminants (under section B) a report verifying that all necessary works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.
 - If unexpected contamination is found after the development is begun, development shall immediately cease upon the part of the site affected.
- 4.3 Highway Structures
No comment
- 4.4 Lead Local Flood Authority
No objection
- 4.5 Sustainable Transport
- Increase the retail floor area by 99sqm and forecourt will be rearranged to provide an extra car parking space.

- The proposal does not alter the existing access arrangement.
- As the extension is relatively small it is considered that it will only serve existing visitors to the filling station and is highly unlikely to attract many new trips to the site.
- Unlikely to materially alter the travel or traffic patterns associated with the garage as a whole.
- Car parking standards in Policy T8 of the Local Plan (2006) indicates that retail units of this total size (approx. 450sqm) must be provided with at least 13 spaces plus one for disabled visitors.
- The site provides 15 spaces plus one for disabled visitors it fully conforms to policy and there are no objections in terms of traffic and transport.

Other Representations

4.5 Local Residents

Objection comment received by no.176 Westerleigh Road, Emersons Green.

- More parking will be needed.
- Cars are parked outside properties as a result to the garage expanding.
- Very difficult to get in and out of the property.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy RT8 states that outside town centres, small scale proposals falling within class A1 (shops) will be permitted providing that: the development would not give rise to unacceptable levels of vehicular traffic or on-street parking; the development would not prejudice existing residential amenity; the character of the area would not be adversely affected; and in the case of development outside of a Local Centre, the development would improve the range of services for the local community and would not harm the viability of the existing Local Centre. Similarly Policy CS14 of the Core strategy encourages convenient and accessible local shopping facilities to meet the day to day needs of residents.

5.2 Policy E3 states that proposals for employment uses within the existing urban areas will be permitted provided that: the development would not have unacceptable environmental effects; the development would not give rise to unacceptable levels of vehicular traffic; development would not prejudice existing residential amenities; and the character of the area is not adversely affected.

5.3 The proposed development is therefore acceptable in principle, subject to the details discussed below.

5.2 Retail Issues

Advice contained within the NPPF promotes new economic growth, especially where it is sustainable. The NPPF states that Local Authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan.

Whilst the proposal could be considered as a main town centre use, as the retail space is to be small-scale and ancillary to the service station, which is not a main town centre use, the sequential test does not apply in this instance. Paragraph 26 of the NPPF states that when assessing applications for retail development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set threshold. If there is no locally set threshold, the default threshold is 2500 sqm. Therefore, as the total retail floorspace generated is only 99sqm the Council does not require an impact assessment.

- 5.3 Policy E3 of the South Gloucestershire Local Plan (Adopted) January 2006 explains that proposals for employment uses within existing urban areas and the boundaries of settlements will be permitted provided that development would not have unacceptable environmental effects, unacceptable levels of vehicular traffic generated and the development would not affect the character of the area or prejudice existing residential amenities.
- 5.4 Having regard to the above, it is considered that the application is in accordance with the NPPF and E3 of the Local Plan (2006). It is considered that the proposed retail use will remain ancillary to the existing garage. It is likely that the facility will be used in association with any trip to Blackhorse Garage, rather than resulting in a purpose built trip. Clients will be able to collect petrol whilst purchasing convenience goods, rather than driving longer distances to pick up convenience goods which will result in a more sustainable form of development. It is important to note that the site is considered to be within a very sustainable area as it is close to a large residential area and so trips by foot and bicycle to collect convenience goods will be probable.
- 5.5 Transportation
The Transport Officer was consulted regarding the proposal and explained that as the proposal does not alter the existing access arrangement and as the extension is relatively small it is considered that it will only serve existing visitors to the filling station and is highly unlikely to attract many new trips to the site. Equally it is not considered that the minor increase in shop floor space (99sqm) will materially alter the travel or traffic patterns associated with the garage as a whole. Car parking standards in Policy T8 of the Local Plan (2006) indicates that retail units of this total size (approx. 450sqm) must be provided with at least thirteen spaces plus one for disabled visitors. As the site provides fifteen spaces plus one for disabled visitors it fully conforms to policy. It must also be noted that the proposal will introduce four cycle-parking facilities. Therefore it is considered that the proposal would not cause any undue harm to the existing parking situation and sufficient parking provision would remain, with the inclusion of facilities for more sustainable modes of transport. In light of the above, there is no highway objection to this application.
- 5.6 Residential Amenity
An objection comment received from no.176 Westerleigh Road explains that the expansion has already created parking issues, with cars being parked outside the property making access difficult. However, as the proposal is for a modest single storey extension and as the site provides fifteen spaces plus one

for disabled visitors it fully conforms to policy T8 of the Local Plan (2006). However, a condition will be issued to ensure that the parking arrangement as detailed within plan P04 is provided prior to first use of the extension in order to ensure satisfactory highway safety and sufficient parking provision.

5.7 Design

The proposal is for a single storey extension to an existing small scale retail unit that is ancillary to the functions of the garage. It is considered that the development will not be visually obtrusive due to its modest size and that the proposed materials are to match those of the existing building.

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.

6.3 The recommendation to grant permission is for the following reasons:-

1. The proposal is for an extension to the retail floorspace of an existing garage. Whilst the retail function is considered to be a main town centre use, the shop function is considered to be ancillary to the garage which is not a main town centre use. The extension of the shop compliments the use of the garage. Due to the additional retail floorspace and alterations to the forecourt being small-scale the character of the area is not adversely affected. Similarly as the proposal is for a modest single storey extension to an existing retail unit there are no significant adverse impacts on residential amenities. The proposal therefore accords with Policy E3 and RT8 of the Local Plan (2006).
2. The proposal is acceptable in highway safety terms. As such the proposal is considered to be compliant with Planning Policy T12 (Transportation Development Control Policy) of the South Gloucestershire Local Plan (Adopted) January 2006.

7. RECOMMENDATION

7.1 Planning permission be granted subject to the conditions set out on the decision notice.

Contact Officer: Chloe Buckingham
Tel. No. 01454 867967

CONDITIONS

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

Reason

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

2.
 - A) Previous historic uses(s) of the site may have given rise to contamination. Prior to commencement, an investigation (commensurate with the nature and scale of the proposed development) shall be carried out by a suitably qualified person into the previous uses and contaminants likely to affect the development. A report shall be submitted for the written approval of the Local Planning Authority prior to the commencement of development.
 - B) Where potential contaminants are identified, prior to the commencement of development, an investigation shall be carried out by a suitably qualified person to ascertain the extent, nature and risks the contamination may pose to the development in terms of human health, ground water and plant growth. A report shall be submitted prior to commencement of the development for the written approval of the Local Planning Authority setting out the findings (presented in terms of a conceptual model) and identify what mitigation measures are proposed to address unacceptable risks. Thereafter the development shall proceed in accordance with any agreed mitigation measures.
 - C) Prior to occupation, where works have been required to mitigate contaminants (under section B) a report verifying that all necessary works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.
 - D) If unexpected contamination is found after the development is begun, development shall immediately cease upon the part of the site affected. The Local Planning Authority must be informed immediately in writing. A further investigation and risk assessment should be undertaken and where necessary an additional remediation scheme prepared. The findings and report should be submitted to and agreed in writing to the Local Planning Authority prior to works recommencing. Thereafter the works shall be implemented in accordance with any further mitigation measures so agreed.

Note: An appropriate investigation is likely to include the following:

- i) A comprehensive desk study to identify all potential sources of contamination both arising on-site and migrating onto site from relevant adjacent sources.
- ii) A comprehensive ground investigation including sampling, to quantify the extent and nature of contamination.
- iii) An appropriate risk assessment to determine the scale and nature of the risks to human health, groundwater, ecosystems and buildings arising from the contamination. This will normally be presented in the form of a conceptual model.
- iv) A report detailing the remediation options including the final proposals for mitigating any identified risks to the proposed development.
- v) All works should be carried out with reference to the most relevant, appropriate and up to date guidance.

Reason

To ensure that adequate measures have been taken to mitigate against contaminated land to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

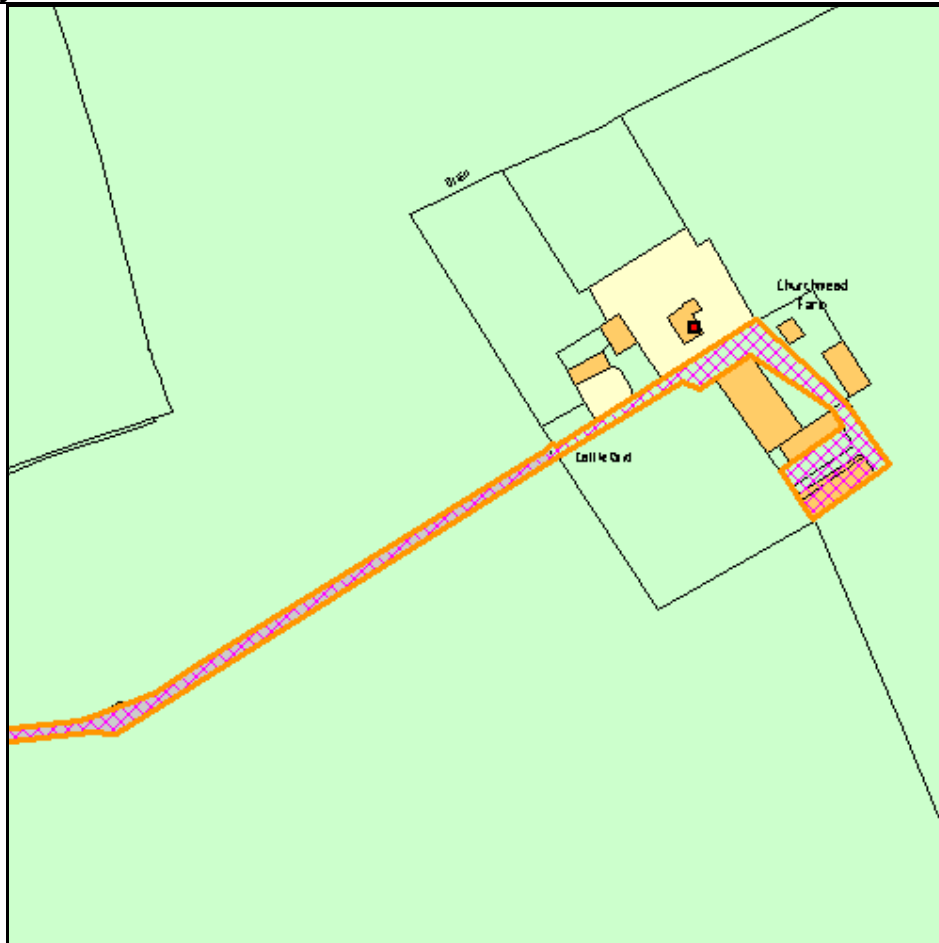
3. The off-street parking facilities (for all vehicles, including cycles) shown on plan P04 hereby approved shall be provided before first use of the extension, and thereafter retained for that purpose.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; and Policy T8 of the Local Plan (2006).

CIRCULATED SCHEDULE NO. 12/16 – 24 MARCH 2016

App No.:	PK16/0458/F	Applicant:	F Hill And Sons Hill and Sons
Site:	Churchmead Farm Hodden Lane Pucklechurch Bristol South Gloucestershire BS16 9SG	Date Reg:	8th February 2016
Proposal:	Change of use of Agricultural Barn to storage (B8) use with ancillary office space as defined in Town and Country Planning (Use Classes) Order 1987 (as amended) with associated external alterations. As well as the formation of passing bays to enable a suitable access via Hodden Lane.	Parish:	Pucklechurch Parish Council
Map Ref:	370927 176181	Ward:	Boyd Valley
Application Category:	Minor	Target Date:	1st April 2016



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 100023410, 2008. **N.T.S.** **PK16/0458/F**

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application has been submitted to the Council's circulated schedule procedure as comments received have been contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 The proposal seeks planning permission for the change of use of an agricultural barn to a storage (Use Class B8) use with ancillary office space. To aid in the facilitation of this proposal, the formation of passing bays within Hodden Lane are also proposed to facilitate suitable access.
- 1.2 The change of use applies to an agricultural building at Churchmead Farm, Hodden Lane near Pucklechurch. The application site is situated within the Bristol/Bath Green Belt and is within the open countryside. The farm is accessed along a single track lane which also provides access to several residential dwellings.
- 1.3 In 2015 the Local Planning Authority received notification from the applicant of the change of use of a section of an existing unit at the site from an agricultural use to a flexible B1/B8 use. This section of a barn had a gross floor area of 147m². It is unclear whether this unit has been implemented or not, but officers understand it is the intention of the applicant to implement this permission. In early 2016 the Local Planning Authority refused an application for prior notification under Part 3, Class R of the Town and Country Planning (General Permitted Development) (England) Order 2015 (known hereafter as GPDO) due to the impact the development would have on Hodden Lane.
- 1.4 This planning application is effectively the resubmission of the one refused earlier this year. In order to overcome the reason for refusal they have proposed parking bays within Hodden Lane, this requires express planning permission and therefore the cumulative proposal cannot be determined positively under permitted development rights.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
National Planning Practice Guidance
Town and Country Planning (General Permitted Development) (England) Order 2015 – Schedule 2, Part 3
- 2.2 Development Plans
South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
CS3 Renewable and Low Carbon Energy Generation
CS4a Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage

CS11 Distribution of Economic Development Land
CS12 Safeguarded Areas for Economic Development
CS13 Non-Safeguarded Economic Development Sites
CS34 Rural Areas

South Gloucestershire Local Plan Adopted January 2006 Saved Policies

L1 Landscape Protection and Enhancement
T7 Cycle Parking
T12 Transportation
E6 Employment Development in the Countryside
E7 Conversion and RE-Use of Rural Buildings
E8 Farm Diversification

2.3 Supplementary Planning Guidance

Residential Parking Standard SPD (Adopted) December 2013
South Gloucestershire Design Checklist SPD (Adopted) August 2007

3. RELEVANT PLANNING HISTORY

3.1 PK15/3523/PNFU Refused 12/01/2016
Prior Notification under Part 3 Class R of a flexible change of use from an agricultural building to Class B1(business) B8 (warehouse and storage) as defined in the Town and Country Planning (General Permitted Development) (England) Order 2015.

Refusal Reason:

Hodden Lane is a single track lane with limited passing opportunities especially within the section nearest to Abson Road, and as such, is not suitable for any significant increase in traffic movements. This lane is currently utilised by residential; farm; and (if implemented - PK15/3523/PNFU) business traffic. If approved this development would result in a significant increase in vehicular movements (approximately 12 additional vehicular movements per day) using Hodden Lane. This increase in vehicular movements would increase the probability of movement conflicts on Hodden Lane resulting in a materially harmful impact on the highway safety of all users of the Lane. Accordingly, the Local Planning Authority refuses to grant prior approval with regard to the development's impact on transport and highway safety.

3.2 PK15/3523/PNFU Permitted Development 01/10/2015
Prior Notification under Part 3 Class R of a flexible change of use from an agricultural building to Class B1(business) B8 (warehouse and storage) as defined in the Town and Country Planning (General Permitted Development) (England) Order 2015.

3.3 PK15/0153/F Approve with conditions 25/02/2015
Demolition of existing front porch/canopy and erection of two storey front extension to form lobby. (resubmission of PK14/3170/F)

- 3.4 PK14/3170/F Refusal 25/09/2014
Erection of single storey rear extension to provide additional living accommodation and front two storey extension to form lobby

Refusal reason:

The site is located within the Bristol/Bath Green Belt and the proposal does not fall within the limited categories of development normally considered appropriate within the Green Belt. This is because the cumulative volume of the existing and proposed extensions would result in a disproportionate addition over and above the size of the original building. The applicant has not demonstrated that very special circumstances apply such that the normal presumption against development within the Green Belt should be overridden. The proposal is therefore contrary to the provisions of NPPF (2012) and the South Gloucestershire SPD: Green Belt (Adopted) 2007.

- 3.5 PK08/3094/PNA No objection 23/12/2008
Prior notification of the intention to erect an agricultural building for the storage of hay.

4. CONSULTATION RESPONSES

4.1 Pucklechurch Parish Council

Objection based on the following grounds:

- The Parish reiterated that the application should be refused for similar reasons as to why PK15/5035/PNFU was refused;
- Concerns about the exact nature of the volume of traffic that will be generated on this single track lane;
- Proposed passing bays are not sufficient;
- Passing bays do not overcome the narrowness of the lane and the impact on pedestrian and cyclist movements;
- Vehicles will end up reversing onto Abson Road from the lane;
- At the end of the road (at the Abson Road end near North Crest) the road surface is subsiding and in need of repair;
- Councillors are concerned regarding the impact of the proposed development on nearby residents.

4.2 Sustainable Transport

No objection subject to conditions regarding the implementation of the passing bays on Hodden Lane; and also the restriction of future B1 uses at the development. An informative note is also suggested regarding the Highway Act – such a note will be attached to any development permitted.

4.3 Environmental Protection

No objection subject to a condition regarding the hours of operation at the site.

4.4 Economic Development

The Economic Development team supports this proposal.

Other Representations

- 4.5 Local Residents
None received.

5. ANALYSIS OF PROPOSAL

- 5.1 This planning application seeks planning permission for the change of use from an agricultural use to storage and distribution use (Use Class B8), as well as the formation of passing bays in order to facilitate safe access.
- 5.2 Principle of Development
Paragraph 90 of the NPPF states that the 're-use of buildings' within the Green Belt is acceptable provided the building to be converted is of a 'permanent and substantial construction'. As well as this, to accord with paragraph 90, the development must also preserve the openness of the Green Belt and will not conflict with the purposes of including land in Green Belt (paragraph 80). From visiting the site officers can confirm the permanent and substantial construction of the host building. With this in mind all that is to be assessed in terms of the Green Belt and the conversion of the building is whether the proposal accords with paragraph 80 of the NPPF, and also if the proposal preserves the openness of the Green Belt.
- 5.3 The proposed access alterations are considered to be 'engineering operations', engineering operations are considered to be appropriate development in the Green Belt under paragraph 90 of the NPPF. This is on the condition that the proposal preserves the openness of the Green Belt and the development also conforms to paragraph 80 of the NPPF.
- 5.4 Policy CS34 'Rural Areas' of the adopted Core Strategy aims to protect the distinctive character and heritage of rural areas; and also protect rural employment sites. Policy CS5 'Location of Development' of the adopted Core Strategy does not specifically refer to proposals of this kind, however, it does state that development in the open countryside should be strictly limited. Both policies CS34 and CS5 support the protection of the Green Belt.
- 5.5 Saved policy E7 only permits proposals for the conversion and re-use of existing buildings for employment uses in the open countryside where:
- The buildings are of permanent construction and structurally sound and capable of conversion without major or complete reconstruction;
 - The buildings are in keeping with their surroundings in terms of character, form, bulk and overall design;
 - The proposal would not have a harmful effect on the character of the countryside.
 - Development will only be permitted if it does not have unacceptable impacts on the environment, traffic generation and amenity.
- 5.6 Saved policy E8 'farm diversification' is material in that the proposal does represent the diversification of an agricultural building. However, as the

proposal is not proposing to retain any sort of agricultural or 'farm-related' use, saved policy E7 is considered to be much more relevant to this proposal.

- 5.7 Paragraph 28 of the NPPF states that local planning authorities should support economic growth in rural areas in order to create jobs through appropriate planning policies that supports sustainable new development. Further within this paragraph, planning policy is encouraged to:

'support growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings'.

- 5.8 Also material to the proposed change of use is the fact that under Schedule 2, Part 3 of the GPDO, agricultural buildings can be converted without the requirement of express planning permission, provided they have acceptable impacts with regard to:

- transport and highways impacts of the development;
- noise impacts of the development;
- contamination risks on the site; and
- flooding risks on the site.

- 5.9 The previously refused application for prior notification stated that the only issue that prevented the approval of the prior notification was the associated transport and highways impacts of the development. With this in mind, should the transportation and highway safety impacts of the development be found to be acceptable, the Local Planning Authority would have little reason to resist the proposed development.

- 5.10 Accordingly, the proposal is acceptable in principle subject to the proposal conforming to the considerations set out above. Such considerations will be assessed throughout the remainder of this report.

5.11 Green Belt

Both aspects of the proposed development are considered to appropriate development within the Green Belt, provided the development preserves the openness of the Green Belt, and does not conflict with the aims of including land in Green Belt. Paragraph 80 sets out the purposes of the Green Belt, after assessing each criteria, officers find that the development (the conversion and access alterations) will not conflict with these five purposes.

- 5.12 With regard to the proposed conversion of the existing barn, officers considered the development to not harm the openness of the Green Belt. No extensions are proposed, so the cumulative built form within the Green Belt will not increase. Further to this, officers have considered the hardstanding to the north of the host unit, this area is included within the 'red-edge' plan and hence officers need to ensure that the curtilage of the building is not excessive, as the change of use of land within the Green Belt is inappropriate.

- 5.13 With this in mind, officers find the amount of land associated with the development to not be excessive and to be reasonably required as curtilage to allow the conversion to function as its proposed use. Further to this, officers did contemplate conditioning/restricting the use of this area of hardstanding to prevent outdoor storage. However, when considering the existing use of the development, and that the hardstanding will be utilised as car parking, officers do not find the proposed conversion to be harmful to the openness of the Green Belt.
- 5.14 The proposed installation of passing bays on Hodden Lane are also not considered to be materially harmful to the openness of the Green Belt. Two bays will be inserted which are both 1.5 metres by 15 metres. This will necessitate the erection of additional fencing, this is not considered to be harmful to the openness of the Green Belt, especially considering the existing situation where fencing runs alongside all of Hodden Lane. As well as this, any fencing will be limited at a height of 1 metre due to the restrictions of the GPDO (Schedule 2, Part 2).
- 5.15 Overall, the development as a whole is considered to be appropriate development in the Green Belt.
- 5.16 Character of the Countryside
The change of use in itself will not result in material harm to the character of the countryside. The development is well-concealed within the existing site, and when compared to the existing agricultural use, the B8 use will not be that materially different in terms of perception when enjoying the surrounding countryside.
- 5.17 Similarly, the proposed passing bays are not considered to be harmful to the enjoyment or character of the countryside. The development will be rather innocuous when viewed in the context of rather lengthy Hodden Lane. Further to this, it is recommended that the surface material used within the proposed passing bays is conditioned to ensure suitable materials are used, this is also important in terms of highway safety.
- 5.18 The proposal includes effectively the installation of a number of shutter/garage style roller doors. Although unsightly, these will be installed on the north western elevation, and in this way, will be largely out of sight. The proposed roller doors are therefore not harmful to the character of the area.
- 5.19 Accordingly, with the wider context of the site in mind, officers find this proposal to have an acceptable impact on the character of the countryside.
- 5.20 Transportation and Highway Safety
The proposal differs from the previously refused application PK15/5035/PNFU in that it does not include general B1 use but instead is for B8 storage with an ancillary office. The proposal also includes a passing area half way along the lane at a point visible from Abson Road.
- 5.21 The proposed passing bays are sufficient to provide acceptable passing opportunities for vehicles using the lane associated with the proposed B8 use

and also the existing uses (residential and agricultural) which rely upon Hodden Lane for access. This is down to the assertion that B8 uses are expected to only produce around 5 – 6 vehicle trips per day. Although Hodden Lane is only generally able to accommodate one way vehicle movements there is sufficient width at the access onto Abson Road for cars and small vans to pass one another and the additional passing place will accommodate larger goods vehicles passing one another. Accordingly, should planning permission be granted, it is recommended that a condition is imposed to ensure both a suitable material is used within the passing bays and also that the passing bays are installed prior to the occupation of the B8 use.

- 5.22 Through the provisions of the GPDO, B8 uses can change to B1 uses without the need for express planning permission. In this way, officers must consider whether such a change of use would be harmful. According to the TRICS database the B8 use will generate about 5 – 6 vehicle trips a day whereas the B1 light industrial use would generate around 12 trips a day. The Sustainable Transport has assessed such an eventuality and has stated that this would represent a harmful impact on highway safety associated with Hodden Lane. In this way, should planning permission be granted, officers recommend a condition restricting the relevant permitted development rights that would allow the host site to change use to B1 without express planning permission being required.
- 5.23 The area to the north of the host building has been denoted as a ‘parking area’, this area is considered to be acceptable in size to support the required parking levels. In order to stop car parking spilling out into other areas of the farm, officers recommend that parking area to the front of the unit is implemented and retained as car parking prior to the occupation of the unit. It is recommended that this is achieved through the imposition of a condition.
- 5.24 Overall, subject to the suggested conditions, the proposed development is considered to be acceptable in highway safety terms.
- 5.25 Residential Amenity
There are approximately five dwellings, including the host site, accessed from Hodden Lane. In this way, officers must consider if the traffic associated with the proposed B8 use utilising Hodden Lane would materially harm the enjoyment of aforementioned residential dwellings.
- 5.26 The use of the host building itself is not considered to be harmful to the enjoyment of any nearby residential dwellings due to the host buildings relative isolation. However, officers have considered that vehicular movements associated with the B8 use could result in the disturbance of the occupiers of the dwellings accessed from Hodden Lane. To overcome such a disturbance, officers suggest limiting the hours of operation at the site. The application form submitted in support of this planning application states the site will have the following hours of opening:
- Monday to Friday: 08:00 – 18:00;
 - Saturday to Sunday: 08:00 – 13:00.

- 5.27 These suggested hours of operation are considered to be slightly restrictive to future use of the site. Officers feel the following hours of operation satisfactory in limiting potential disturbance to nearby residential occupiers:
- Monday to Friday: 07:00 – 20:00;
 - Saturday to Sunday: 08:00 – 18:00.

5.28 In this way, officers recommend that should planning permission be granted, a condition is imposed that restricts the hours of operation as submitted by officers.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 It is recommended that planning permission is **GRANTED** subject to the conditions listed below and on the decision notice.

Contact Officer: Matthew Bunt
Tel. No. 01454 863131

CONDITIONS

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

Reason

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

2. Prior to the occupation of the hereby permitted B8 Unit, details of the construction (including materials) of the hereby permitted passing bays shall be submitted to the Local Planning Authority for determination. The development shall then be carried out in strict accordance with the approved details. For the avoidance of doubt, the B8 Unit shall not be occupied until the completion of the passing bays in accordance with the approved details.

Reason

In the interests of highway safety and to ensure the character and landscape of the area are conserved, and to accord with Policies CS8 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policies E7 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006; and the National Planning Policy Framework.

3. The parking area immediately to the north west of host unit shown on the submitted Site Location Plan, shall be provided prior to the occupation of the hereby permitted B8 Unit. This parking area shall then be retained as such.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the surrounding site, and to accord with Policy CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; Policies T8 of the South Gloucestershire Local Plan (Adopted) January 2006; and the National Planning Policy Framework.

4. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 3 (Class I) other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority. For the avoidance of doubt, this condition means that the change of use of the host unit, or section/part of the planning unit, to a B1 Use would require express planning permission from the Local Planning Authority.

Reason

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

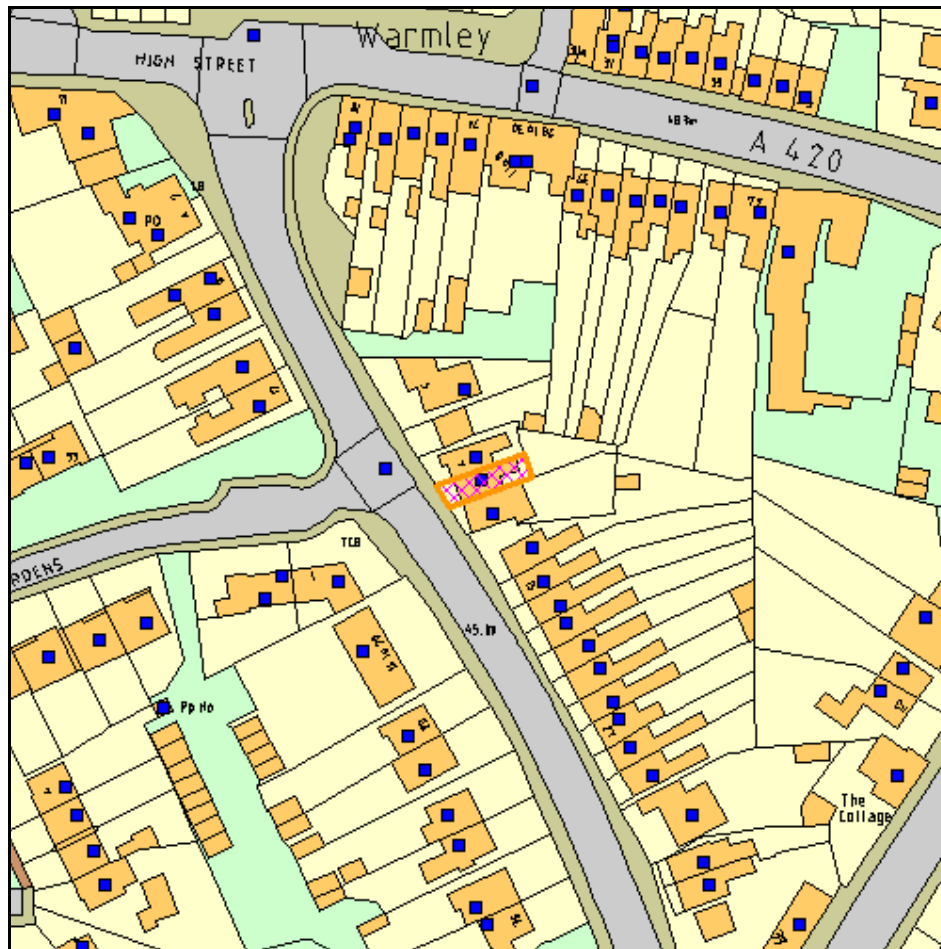
5. The B8 Unit hereby permitted shall not operate outside the following times:
Monday to Friday: 07:00 - 20:00; and
Saturday to Sunday: 08:00 - 18:00.

Reason

In the interests of residential amenity, and to accord with Policy E7 of the South Gloucestershire Local Plan (Adopted) January 2006; and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 12/16 – 24 MARCH 2016

App No.:	PK16/0499/CLP	Applicant:	Mr Leigh Murphy
Site:	9 Tower Road North Warmley Bristol South Gloucestershire BS30 8YE	Date Reg:	8th February 2016
Proposal:	Application for certificate of lawfulness for proposed installation of rear dormer and 1no. rooflights to the front roof elevation to facilitate a loft conversion	Parish:	Siston Parish Council
Map Ref:	366955 173493	Ward:	Siston
Application Category:		Target Date:	31st March 2016



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 100023410, 2008. **N.T.S.** **PK16/0499/CLP**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposal at 9 Tower Road North, Warmley would be lawful development. This is based on the assertion that the proposal falls within the permitted development rights normally afforded to householders under the Town and Country Planning (General Permitted Development) (England) Order 2015.
- 1.2 The application is formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based on the facts presented.
- 1.3 The proposed works include the following:
- The erection of a rear dormer, including a Juliet balcony, and
 - One rooflight to the front roof elevation.

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)

The Adopted Development Plan is not of relevance to the determination of this application; the decision rests on 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 the proposed development is lawful against the GPDO.

3. RELEVANT PLANNING HISTORY

- 3.1 PK15/3606/F Approved with Conditions 08/10/2015

Erection of single storey and first floor rear extension to form additional living accommodation

4. CONSULTATION RESPONSES

4.1 Siston Parish Council

No Comment received

4.2 Councillor

No Comment received

Other Representations

4.3 **Local Residents**

One letter of objection has been received in relation to this development. These comments are summarised below:

- Proposed dormer will cut out natural light to the top rooms of my house.
- Proposed dormer will heavily overlook my son's garden.
- No-one has a dormer in our area and it will change the "cottage" look to the properties at the rear.
- Loft is likely to be split in half for more bedrooms.
- Tower Road North already has a parking issue and this will further increase the problem.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Site Location Plan; Existing Ground Floor Plan (CLD_EX01); Existing First Floor Plan (CLD_EX02); Existing Elevations (CLD_EX03); Proposed Ground Floor Plan (CLD_PR01); Proposed First Floor Plan (CLD_PR02); Proposed Elevations (CLD_PR03); Proposed Elevations (CLD_PR04) – received on 03/02/2016.

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 not consideration of planning merit; the application is based on the facts presented. This submission is not an application for planning permission and as such the development plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful, on the balance of probabilities, the Local Planning Authority must grant a certificate confirming that the proposed development is lawful.

- 6.2 The key issue in this instance is to determine whether the proposal falls within the permitted development rights afforded to the householders under Schedule 2, Part 1 Classes B and C of the GPDO (2015).
- 6.3 The proposed development consists of the installation of a rear dormer and the insertion of a rooflight to the front roof elevation. This development would be within Schedule 2, Part 1 Class B and C of the GPDO (2015).
- 6.4 Class B allows for the enlargement of dwellinghouses consisting of an addition or alteration to its roof. The proposed rear dormer and associated works will be assessed against the criteria set out within this class. Class C allows for a number of alterations which are not considered within Class B. Accordingly, the insertion of the rooflight to the front roof elevation will be assessed against the criteria within this category.

B.1 Development is not permitted by Class B 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) **Any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;**

The proposed dormer would not exceed the highest part of the existing roof.

- (c) **Any part of the dwellinghouse as a result of the works, extend beyond the plane of any existing roof slope which forms a principal elevation of the dwellinghouse and fronts a highway;**

The proposed dormer extends from the rear roof slope and not the principal elevation. The rooflight proposed on the forward facing slope is to be considered against Part 1, Class C of the GDPO (2015).

- (d) **The cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than –**
(i) **40 cubic metres in the case of a terrace house, or**
(ii) **50 cubic metres in any other case**

The proposal would result in an additional volume of approximately 14.72 cubic metres.

- (e) **It would consist of or include –**
(i) **the construction or provision of a veranda, balcony or raised platform, or**
(ii) **the installation, alteration or replacement of a chimney, flu or soil and vent pipe;**

The Permitted Development for Householders Technical Guidance (April 2014) defines a balcony as a *platform with a rail, balustrade or parapet projecting outside an upper storey building*. The guidance goes on to state a *'Juliet' balcony, where there is no platform and therefore no external access, would normally be permitted development*. The proposal includes a Juliet balcony on the rear elevation of the dormer window, but from this balcony there is no external access or associated platform and therefore, it is considered to satisfy this criterion.

- (f) **The dwellinghouse is on article 2(3) land.**

The host dwelling is not on article 2(3) land.

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

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

The submitted plans show the materials used will match those used in the existing dwelling. Although these materials have not been stated, that case officer is satisfied that all the materials will match on the plans because if the materials utilised do not match, the proposal will have failed this criterion and the certificate would be considered void, as it is based on the assertions made within the submitted plans.

- (b) **the enlargement must be constructed so that –**
- (i) **other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension –**
- (aa) **the eaves of the original roof are maintained or reinstated; and**
- (bb) **the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measure along the roof slope from the outside edge of the eaves; and**
- (ii) **other than in the case of an enlargement which joins the original roof to the roof of a side or rear extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse; and**

The rear elevation of the proposed dormer is set back over 20cm from the eaves of the original roof.

- (c) **any window inserted on 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 to be installed.**

The proposal does not include a window in the side elevation.

C.1 Development is not permitted by Class C 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 (change of uses);**

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

- (b) The alteration would protrude more than 0.15 metres beyond the plane of the slope of the original roof when measure from the perpendicular with the external surface of the original roof

The submitted plans show the rooflight will protrude less than 150mm.

- (c) It would result in the highest part of the alteration being higher than the highest part of the roof; or

The proposal does not exceed the highest part of the original roofline at any point and therefore, meets this criterion.

- (d) It would consist of or include-

- (i) The installation, alteration or replacement of a chimney, flue or soil and vent pipe;
(ii) The installation, alteration or replacement of solar photovoltaics or solar thermal equipment.

The proposal does not include any of the above.

C.2 Development is permitted by Class C subject to the condition that any windows on the roof slope forming the side elevation of the dwellinghouse shall be –

- (a) obscure glazed; and
(b) non opening, unless the parts of the window which can be opened is more than 1.7 metres above the floor of the room in which it is installed.

The proposed rooflight is not to a side elevation.

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 development falls within the permitted rights afforded to householders under Schedule 2, Part 1, Classes B and C of the Town and Country Planning (General Permitted Development) Order 2015.

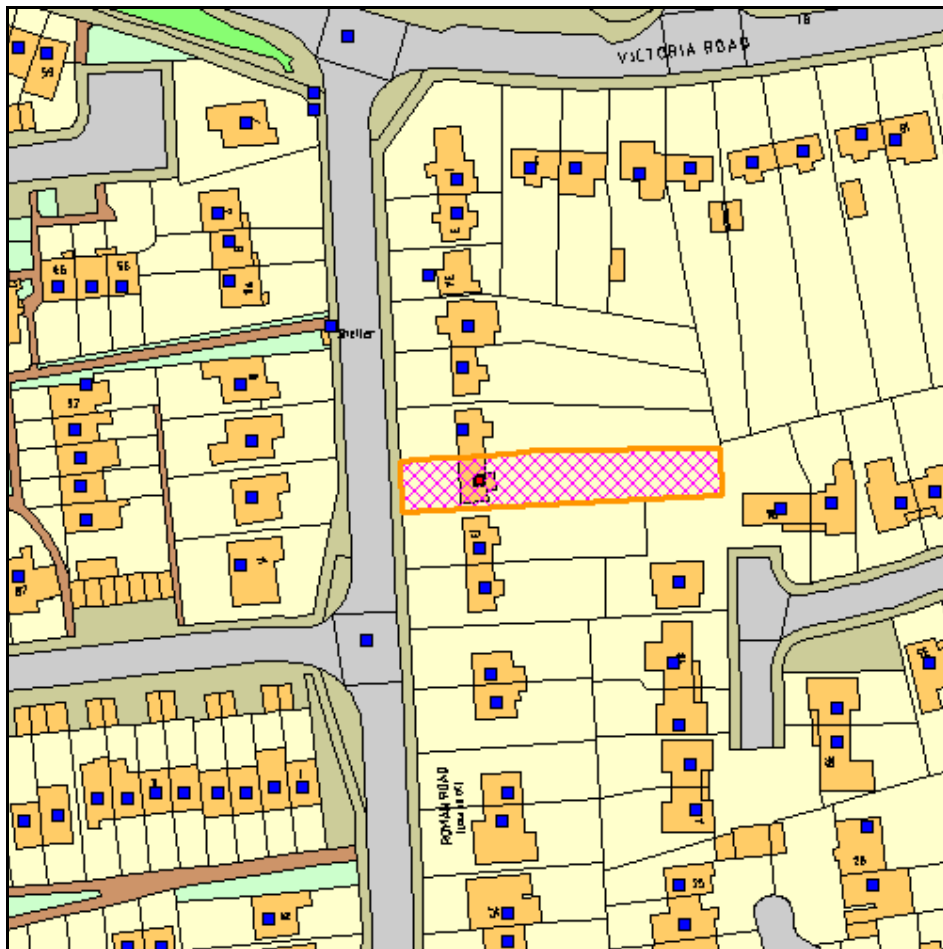
Contact Officer: Helen Braine
Tel. No. 01454 863133

CONDITIONS

1. Evidence has been provided to demonstrate that on the balance of probabilities the proposed development falls within the permitted rights afforded to householders under Schedule 2, Part 1, Classes B and C of the Town and Country Planning (General Permitted Development) Order 2015.

CIRCULATED SCHEDULE NO. 12/16 – 24 MARCH 2016

App No.:	PK16/0569/F	Applicant:	Ms A Neads
Site:	11 Cloverlea Road Oldland Common Bristol South Gloucestershire BS30 8LE	Date Reg:	26th February 2016
Proposal:	Erection of front porch, demolition of existing rear extension and erection of two storey rear extension to provide additional living accommodation	Parish:	Bitton Parish Council
Map Ref:	367413 172311	Ward:	Oldland Common
Application Category:	Householder	Target Date:	21st April 2016



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

The planning application has been referred to the Council's Circulated Schedule procedure due to an objection comment received from a neighbouring resident.

1. THE PROPOSAL

- 1.1 The application seeks planning permission for the demolition of the existing rear extension and the erection of a two storey rear extension and a single storey front porch to provide additional living accommodation at 11 Cloverlea Road Oldland Common.
- 1.2 The host dwelling is a two-storey semi-detached dwelling with a hipped roof.
- 1.3 The applicant site is located within the settlement boundary of Oldland Common.
- 1.4 The agent was contacted on the 14th March 2016 and asked to submit a parking plan (by 21st March 2016) to address the comments made by the Sustainable Transport Officer and to allow for a period of reconsultation. A vehicle parking block plan was submitted on 15th March 2016.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Policy Guidance 2014

2.2 Development Plans

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

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

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS4A Presumption in Favour of Sustainable Development

CS5 Location of Development

CS8 Improving Accessibility

CS9 Managing the Environment and Heritage

2.3 Supplementary Planning Guidance

Design Checklist Supplementary Planning Document (adopted) August 2007

Residential Parking Standards Supplementary Planning Document (adopted)
December 2013

3. RELEVANT PLANNING HISTORY

- 3.1 There is no planning history for this site.

4. CONSULTATION RESPONSES

4.1 Bitton Parish Council

No objections providing adequate parking is provided

4.2 Sustainable Transport

Following revised plans being submitted which show the frontage of the property being utilised for parking which will involve the creation of a new vehicular crossover onto Cloverlea Road. There are no transportation objections to the proposed development subject to conditions.

Other Representations

4.3 Local Residents

One letter has been received from a local resident raising the following objections regarding the proposal:

- The right to natural light of a neighbouring property will be severely restricted both upstairs and downstairs.
- Outlook of neighbouring dwelling will be of a brick wall from their rear right window as they do not extend as far. Furthermore they believe it is unclear whether a window will be situated on the adjacent wall this would result in an appalling invasion of privacy.
- Parking, it is essential the existing gravel is removed as the pavement and road will become a hazard and very messy.

5. ANALYSIS OF PROPOSAL

5.1 The application seeks permission for the demolition of the existing rear extension and the erection of a two-storey rear extension and single storey front porch to form additional living accommodation.

5.2 Principle of Development

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

Policy CS1 of the Core Strategy exists to make sure developments enhance and respect the character, distinctiveness and amenity of the site and its context. The proposal shall be determined against the analysis below.

5.3 Design and Visual Amenity

The application site is a two-storey semi-detached dwellinghouse in Oldland Common. The property is situated on the residential road of Cloverlea Road. The application seeks approval for the demolition of the existing rear extension and erection of a two-storey rear extension and single storey front porch which will be used to provide additional living accommodation.

The proposed two-storey rear extension will be subordinate to the existing ridge line, with a ridge line circa 0.4 metres below the existing. The proposed two-storey rear extension will have a pitched roof and have a total height of 7.3 metres (5.1 metres to the eaves), the extension will extend beyond the rear wall of the existing dwelling by 3.5 metres at the maximum point. The extension will span the width of the existing dwelling.

The single storey front porch will have a lean to roof with a total height of 3.1 metres. The porch will extend from the front elevation by 1.5 metres with a width of 3 metres.

The existing dwelling has double roman roof tiles, pebble dash render and white upvc windows and doors. The materials which would be utilised in the proposal match those of the existing dwelling.

The proposal respects the character of the site and the wider context as well as being of an appropriate scale and proportion with the original dwelling and surrounding properties. Thus, the proposal satisfies policy CS1 of the adopted Core Strategy.

5.4 Residential Amenity

Saved policy H4 of the adopted Local Plan states that proposals for development within existing residential curtilages will only be permitted where they would not prejudice the amenity of nearby occupiers.

The applicant site is a semi-detached two-storey property located within the Oldland Common settlement boundary. The existing boundary treatments at the site consist of 1.8 metre fences to the rear and sides of the property and a 0.5 metre chain link fence separating the dwelling from the pavement. The proposal seeks permission for the demolition of the existing single storey rear extension and the erection of a two-storey rear extension and single storey front porch.

The proposed two-storey rear extension has no side elevation windows, a neighbouring resident is unclear whether there is to be a window on the side elevation which would create an appalling invasion of privacy; the plans submitted show that no windows will be inserted on the northern elevation, however in order to be certain of this a condition will be imposed restricting the insertion of windows on the north elevation. There are however three new windows proposed in the first floor rear extension, these are situated in a similar position to those in the existing elevation. The ground floor of the rear extension will see the insertion of one window and two sets of patio doors; because of the boundary treatments at the rear of the property of 1.8 metres the impact of overlooking is reduced. As such the proposed windows in the two-storey rear extension are not considered to create an adverse impact with regards to overlooking. The proposed single storey front porch will have two windows at the front and windows in the side elevations. The boundary treatments at the front of the site consist of a small hedge and a fence, this minimises any potential for overlooking.

An objection comment has been received from a neighbouring resident regarding the proposal being overbearing. The proposal will extend beyond the rear wall by a maximum of 3 metres. There is no precedent on this part of Cloverlea Road for two-storey rear extensions. A neighbouring resident states that one of their rear windows will have an outlook of the wall, this will only partially be a wall, it will not block their outlook. The neighbouring resident has also raised the point that the proposal will severely restrict the natural light into their property both upstairs and downstairs, and highlight that everyone has a right to light, this report considers the likely impact on residential amenity rather than 'rights to light'. The proposed two-storey rear extension will be situated on the east elevation and whilst there is likely to be some impact over the existing situation it would not have an unreasonable impact on the living conditions of adjacent occupiers.

The proposed extensions are unlikely to affect the private amenity space of the existing residents or any future residents as there is a large rear garden available.

Overall the proposal would not result in any adverse impacts on the residential amenity of neighbouring occupiers or future occupiers. As such the proposal is considered acceptable in terms of saved policy H4 of the Local Plan (adopted) 2006.

5.5 Highways

The proposal shows that following the development the number of bedrooms within the development will increase to four. Vehicular parking for a dwelling is assessed on the number of bedrooms available. A dwelling with up to four bedrooms would require a minimum of two parking spaces within the site boundary measuring at least 2.4, wide by 5m deep.

Following correspondence with the agent a revised block plan has been submitted showing the creation of vehicular parking at the frontage of the site and a new vehicular crossover onto Cloverlea Road. As such subject to conditions the Sustainable Transport officer has no objection to the proposal.

A neighbouring resident has raised concern about the gravel which exists on the site, one of the conditions that the Sustainable Transport Officer advised to include is that the proposed vehicular parking area is to be of a permeable bound surface (ie no loose stone). As such it is considered this concern has been resolved.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Fiona Martin
Tel. No. 01454 865119

CONDITIONS

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

Reason

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

2. No windows other than those shown on the plans hereby approved shall be inserted at any time in the north elevation of the property.

Reason

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

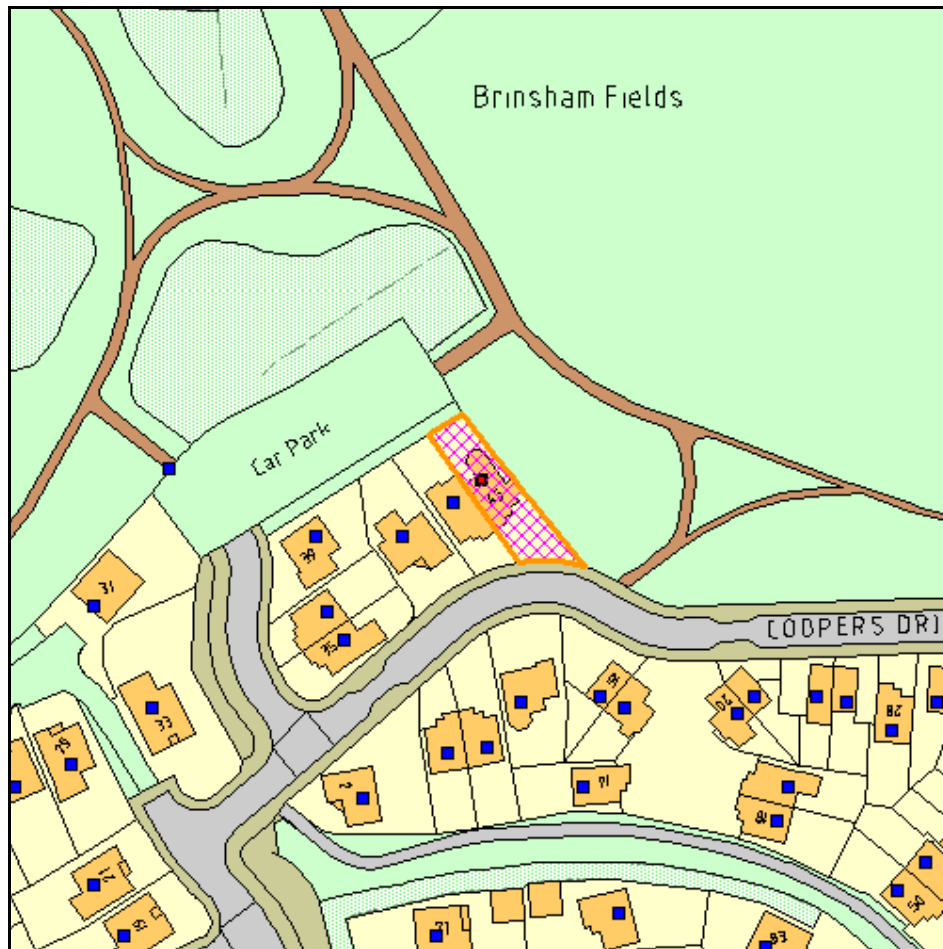
3. The extension shall not be occupied until the associated vehicle parking areas and manoeuvring areas have been drained and surfaced in accordance with the details approved in writing by the Local Planning Authority, the surface shall be constructed with permeable bound surface material (ie no loose stone). The facilities so provided shall not be used, thereafter, for any purpose other than the parking and manoeuvring of vehicles.

Reason

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

CIRCULATED SCHEDULE NO. 12/16 – 24 MARCH 2016

App No.:	PK16/0692/CLP	Applicant:	Mr Paul Thomas
Site:	45 Coopers Drive Yate Bristol South Gloucestershire BS37 7XZ	Date Reg:	16th February 2016
Proposal:	Application for a certificate of lawfulness for the proposed erection of a single storey rear extension.	Parish:	Yate Town Council
Map Ref:	371614 184188	Ward:	Yate North
Application Category:		Target Date:	7th April 2016



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REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 This application seeks a formal decision as to whether or not the proposed erection of a single storey rear extension at 45 Coopers Drive Yate would be permitted under the regulations contained within The Town and Country Planning (General Permitted Development) (England) Order 2015.
- 1.2 This application is not an analysis of planning merit, but an assessment as to whether the development proposed accords with the above regulations. There is no consideration of planning merit, the decision is based solely on the facts presented.

2. POLICY CONTEXT

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

3. RELEVANT PLANNING HISTORY

- 3.1 PK03/1083/F Refusal 21/05/2003
Erection of detached garage with new access and installation of 2 no. rear dormer windows. (Resubmission of PK02/2285/F).
- 3.2 PK02/2285/F Refusal 02/09/2002
Erection of detached single garage with new access.
- 3.3 P96/0600/39 Approval of Reserved Matters 22/08/1996
Erection of 112 dwellings, construction of associated roads, parking and footpaths.
- 3.4 P94/1906 Approval Full Planning 14/09/1994
Construction of roads and sewers, footways and cycleways (in accordance with the amended plans received by the council on 2 September 1994).
- 3.5 P93/1636 Approval of Reserved Matters 15/09/1993
Construction of road, footways, and sewers (approval of reserved matters) (in accordance with revised plans received by the council on 16 August 1993) (to be read in conjunction with P90/1135).
- 3.6 P94/1551 Approval Full Planning 15/09/1993
Residential and ancillary development on approximately 25.6 hectares (63.3 acres). Construction of related roads and infrastructure, (outline) without compliance with condition 01 attached to planning permission P90/1135 dated 18 May 1990, variation to condition 01(b) to extend the time limit for submission of reserved matters from three to six years and condition 01(c) to extend the time limit for commencement of development from five to eight years.

- 3.7 P90/1135 Approval 14/05/1990
Residential and ancillary development on approximately 25.6 hectares (63.3 acres) construction of related roads and infrastructure (outline) (in accordance with the amended plans received by the council on 2nd March 1990).
- 3.8 P87/1815 Approval Full Planning 06/08/1987
Use of land for the winning and working of celestite.

4. CONSULTATION RESPONSES

- 4.1 Yate Town Council
No objection to the proposal.
- 4.2 Community Spaces
No comments received regarding the proposal.

Other Representations

- 4.3 Local Residents
No comments received.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 The following evidence was submitted to the Local Planning Authority on 11 February 2016 –
- Existing and Proposed Block Plans and Location Plan
 - Existing and Proposed Side Elevations
 - Existing and Proposed Rear Elevations
 - Existing and Proposed Ground Floor Plans

6. ANALYSIS OF PROPOSAL

- 6.1 This application seeks a certificate of lawfulness for a proposed single storey rear extension at a property in Yate.
- 6.2 Principle of Development
An application for a Certificate of Lawfulness is purely an evidential test and is a formal way to establish whether or not the proposed development can be implemented lawfully without the need for planning permission. Thus there is no consideration of planning merit, the application is based on facts presented. The submission is not a planning application and therefore the Development Plan is not of relevance to the determination of this application.
- 6.3 The key issue in this instance is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015.
- 6.4 It should be noted that some of the permitted development rights for the property have been removed under application P96/0600/39, but do not affect the proposal for a single storey rear extension.

6.5 Assessment of Evidence: Single Storey Rear Extension
Schedule 2 Part 1 Class A allows for the enlargement, improvement or other alteration of a dwellinghouse, subject to meeting the following criteria:

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

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

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

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

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

(e) The enlarged part of the dwellinghouse would extend beyond a wall which –

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

The proposed extension does not extend beyond a wall which forms a principle elevation of the original dwellinghouse neither does it extend beyond a wall which fronts a highway or form a side elevation.

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

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

The application is for a semi-detached dwellinghouse. The proposed extension would have the maximum height to the ridge line of 3.7 metres. The proposed extension would extend beyond the rear wall of the original dwellinghouse by 3 metres.

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

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

(ii) exceed 4 metres in height;

Not applicable

(h) The enlarged part of the dwellinghouse would have more than a single storey and—

(i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or

(ii) be within 7 metres of any boundary of the curtilage the dwellinghouse opposite the rear wall of the dwellinghouse

The proposed extension would be single storey.

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

The height of the eaves would not exceed 3 metres.

(j) The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would –

(i) exceed 4 metres in height,

(ii) have more than a single storey, or

(iii) have a width greater than half the width of the original dwellinghouse; or

The proposed extension does not extend beyond a side wall of the property.

(k) It would consist of or include –

(i) the construction or provision of a veranda, balcony or raised platform,

(ii) the installation, alteration or replacement of a microwave antenna,

(iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or

(iv) an alteration to any part of the roof of the dwellinghouse.

The proposed extension does 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 is not situated within article 2(3) land.

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

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

The proposed plans show that the extension will be finished with brickwork to match the existing and tiles that match the existing dwelling as near as possible. As such the proposed materials would therefore match the host dwelling.

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

(i) obscure-glazed, and

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

This is not applicable for the proposed development.

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

This is not applicable for the proposed development.

6.6 The proposed rear extension is **considered to comply** with Schedule 2 Part 1 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 **and is therefore permitted development**

7. RECOMMENDATION

7.1 That a Certificate of Lawfulness for Proposed Development is **GRANTED** for the following reason:

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

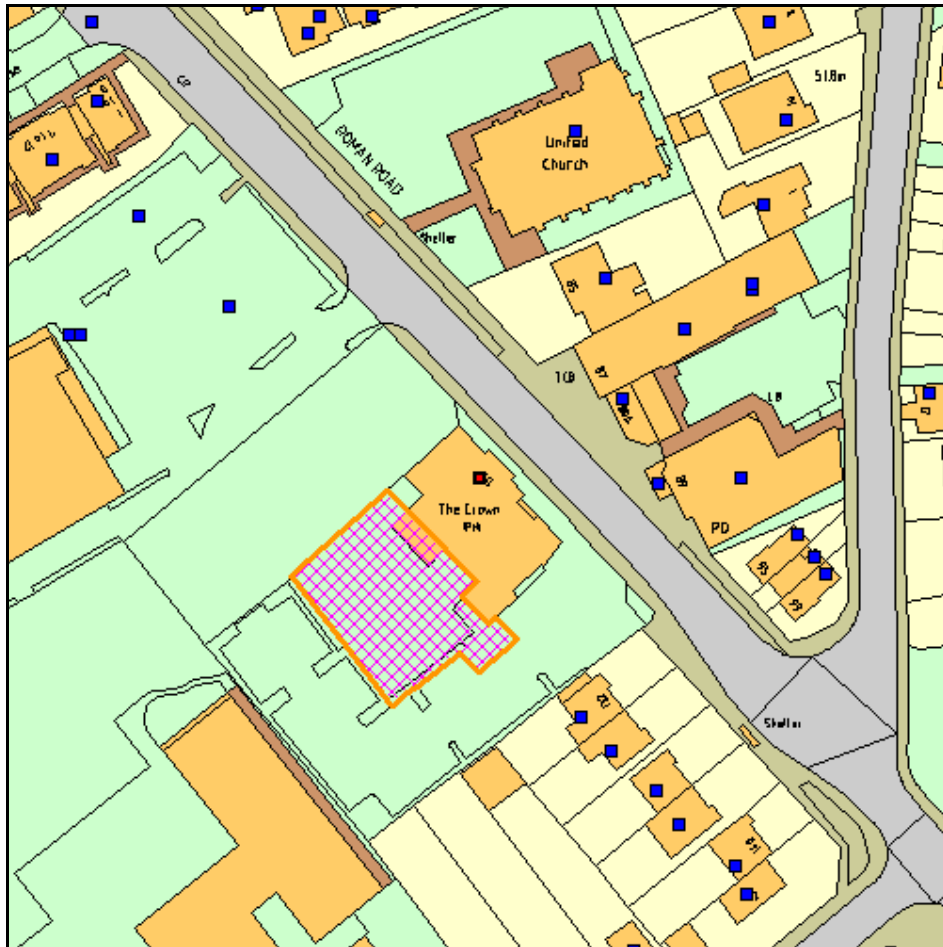
Contact Officer: Fiona Martin
Tel. No. 01454 865119

CONDITIONS

1. Evidence has been provided to demonstrate that on the balance of probabilities the proposed extension would fall 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.

CIRCULATED SCHEDULE NO. 12/16 – 24 MARCH 2016

App No.:	PK16/0817/F	Applicant:	Mitchells And Butlers PLC
Site:	Crown Havester 126 Bath Road Longwell Green South Gloucestershire BS30 9DE	Date Reg:	24th February 2016
Proposal:	Erection of Pergola and Jumbrella with associated works.	Parish:	Hanham Abbots Parish Council
Map Ref:	365761 171112	Ward:	Longwell Green
Application Category:	Minor	Target Date:	18th April 2016



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

The planning application has been referred to the Council's Circulated Schedule procedure due to an objection comment received from a neighbouring resident.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of a pergola and jumbrella with associated works in the rear grounds of a public house in Longwell Green.
- 1.2 The proposed works will be located within the grounds of the Crown Harvester Public House which is a two storey restaurant with a large garden located on Bath Road in Longwell Green.

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)
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
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist SPD (Adopted) August 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PK16/0915/ADV Pending Decision
Consent to display 1 no. internally illuminated totem, 2 no. internally illuminated static fascia and 1 no. internally illuminated post mounted sign.
- 3.2 PK09/5783/F Approve with Conditions 06/01/2010
Extension of existing car park to create 10 additional parking spaces.
- 3.3 PK04/0154/ADV Approved 08/03/2004
Display 1 no. non illuminated entrance sign.
- 3.4 P98/4548 Approval Full Planning 21/09/1998
Erection of single storey rear restaurant and dry store extension. Erection of retaining walls.
- 3.5 K4982/2 Approval Full Planning 24/02/1993
Extension to existing bin store/ bottle store (Previous ID: K4982/2).

- | | | | |
|-----|--|------------------------|------------|
| 3.6 | P88/4278 | Advert Approval | 22/08/1988 |
| | Display of a double-sided illuminated pole sign and individually mounted letter signs externally floodlit (Previous ID: A355/1). | | |
| 3.7 | K4982/1 | Approval Full Planning | 05/05/1988 |
| | Alterations to premises to provide weather vane and horizontal timber boarding to front & side elevations (Previous ID: K4982/1). | | |
| 3.8 | K4982 | Approval | 28/01/1986 |
| | Single storey extension to rear forming restaurant and incorporating ancillary stores, toilets and extension to car park (Previous ID: K4982). | | |
| 3.9 | P85/4685 | Advert Approval | 10/02/1986 |
| | Erection of various signs (Previous ID: A355). | | |

4. CONSULTATION RESPONSES

- 4.1 Oldland Parish Council
No comments received regarding the proposal.
- 4.2 Hanham Abbots Parish Council
No comments received regarding the proposal.
- 4.3 Sustainable Transport
The proposed development will not affect the existing car parking within the site, as such there is no transportation objection to the proposed development.
- 4.4 Highway Structures
No comment regarding the proposal.
- 4.5 Lead Local Flood Authority
No comment regarding the proposal.

Other Representations

- 4.6 Local Residents
One letter has been received from a local resident raising the following objections regarding the proposal:
- The objection regards the noise that will be created in the summer rather than the physical building works. The pub will have loud music playing during the weekends when adjacent properties are trying to enjoy their gardens and this extension will be designed to encourage drinkers into the garden which will most likely be accompanied by music. Suggests the planning authority impose a restriction on music in the outdoor space which will not be able to be changed in 6 months after the erection is completed and not at a level which will disturb the adjacent residents.

One letter of general comments has been received from a local resident stating that:

- There is no real objection to the proposal providing the fencing that borders their property is finished to a high standard so that they have privacy and security; at present patrons can see straight into the resident's garden. A barrier/ sleeper would also stop cars reversing into and damaging the new fencing.

5. **ANALYSIS OF PROPOSAL**

5.1 The application seeks full planning consent for the erection of a pergola and jumbrella with associated works to provide covered seating in the rear garden of a Public House in Longwell Green.

5.2 Principle of Development

Policy CS1 of the South Gloucestershire Core Strategy (adopted December 2013) relates to 'High Quality Design'. The policy states that development proposals will only be permitted where the highest possible standards of design and site planning are achieved. Thus developments must demonstrate that they: enhance and respect the character, distinctiveness and amenity of the site and its context; have an appropriate density and well integrated layout connecting the development to wider transport networks; safeguard and enhance important existing features through incorporation into development; and contribute to strategic objectives.

The improvements the proposal brings to an economic development in the area attracts weight in favour of the proposal.

5.3 Design and Visual Amenity

The application site is the rear garden of a Public House in Longwell Green. The proposal is to erect a pergola and jumbrella with associated works within the existing garden.

The proposed pergola will have a width of 5.9 metres and depth of 2 metres, the height will be 2.5 metres and the pergola will have a flat roof made of galvanised steel mesh sheeting. The proposed pergola will provide three booths as covered seating within the garden. The proposed pergola will be open sided and would be situated to the west of the rear garden.

The proposed jumbrella will be situated to the east of the garden and will provide cover over a curved fixed seating area. The jumbrella will provide heating and lighting.

The proposal is considered to respect the character of the site and the wider context as well as being of an appropriate scale and proportion with the original dwelling and surrounding properties. Thus, the proposal satisfies policy CS1 of the adopted Core Strategy.

5.4 Residential Amenity

The proposed erection of a pergola and jumbrella are unlikely to cause significant harm to neighbouring dwellings over an above the established situation. The boundary treatments surrounding the site consist of 1.8 metre fences, reducing the impacts of overlooking and overbearing on neighbouring residents. An objection has been raised regarding the impact of noise; a

neighbouring resident is concerned that the proposed development will encourage patrons to be in the garden during the summer months which may be accompanied by music. The objector suggests a restriction could be imposed on music in outdoor space. The land on which the proposed pergola and jumbrella are located are within the existing curtilage of the Crown Harvester as such customers are already entitled to use the pub garden during pub operating hours. Indeed there is existing garden furniture within the applicant site including existing jumbrellas, as such the Officer does not believe there will be a significant material increase in noise to the site by virtue of the upgrade in external furniture. There are other more specific laws that assist in protecting against noise nuisance and it is not considered proportionate to the nature of this application given the existing situation to impose further planning conditions.

5.5 Highways

The Council's transport team have been consulted for this proposal but do not believe that the proposed erection of a jumbrella and pergola will affect the existing car parking within the site. As such there are no objections to the proposed development.

5.6 Other issues

A neighbouring resident has commented stating that the proposed fencing to the east of the site should be finished to a high standard allowing the residents privacy and security. The replacement sections of fence are to be 1.8 metres high.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Fiona Martin
Tel. No. 01454 865119

CONDITIONS

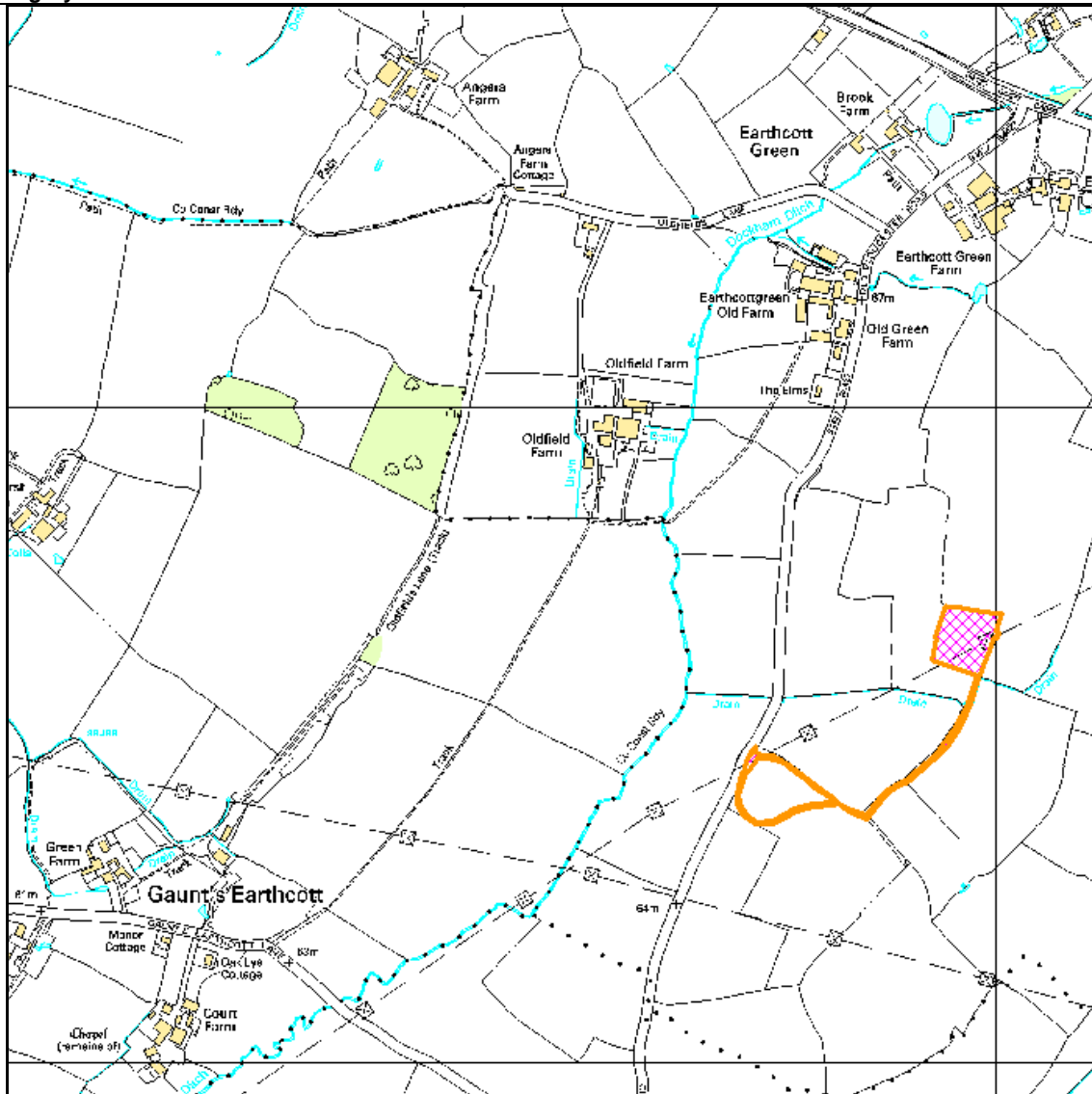
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 12/16 – 24 MARCH 2016

App No.:	PT15/4685/F	Applicant:	Ecotricity Group Ltd
Site:	Agricultural Field Circa 600M South Of Earthcott Green And Circa 297M East Of The B4427. Adjacent To Existing Electricity Pylons And 297M East Of The B4427.	Date Reg:	20th November 2015
Proposal:	Construction of a new 132kV electricity Substation, static compensator, harmonic suppression, access track, switchgear building, transformer, cable trench, CCTV, palisade fencing, landscaping and other associated ancillary infrastructure.	Parish:	Alveston Parish Council
Map Ref:	364767 185132	Ward:	Thornbury South And Alveston
Application Category:	Major	Target Date:	10th March 2016



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 100023410, 2008. N.T.S. PT15/4685/F

1. THE PROPOSAL

- 1.1 The proposed development would utilise approximately 3600 square metres of agricultural land located approximately 250 metres to the east of Old Gloucester Road. The site is located in open countryside but is not subject to specific landscape designation. However, the site is within the designated Bristol and Bath Green Belt. The site is located within Flood Zone 1 (low risk of flooding).
- 1.2 There are no recreational routes passing through the site. However, public rights of way cross the wider area. The nearest public footpath (OAN/77/10) passes approximately 200 metres to the north.
- 1.3 The proposed development consists of the construction of an electricity substation that would act to distribute electricity to the National Grid generated by 'Alveston Wind Park' (3 x 100 metre wind turbines) approved under planning permission PT08/1658/F and PT12/0537/RVC (as set out in section 3 of this report). The proposed substation would facilitate the connection of 'Alveston Wind Park' directly onto the 132kV power line which passes due northwest of the approved wind turbines. The substation includes a compound measuring 72 metres by 45 metres which would be separated into two parts containing separate electricity distribution equipment for the wind turbine operator (Ecotricity) and the electricity distributor (Western Power Distribution). The perimeter fence associated with the compound is proposed to be made up of a 2.4 metre high palisade fence and gates. The transformer equipment would be generally 6 metres in height although a pole carrying the connection to the National Electricity Grid would be approximately 10 metres in height. A switchgear building measuring approximately 15 metres by 7 metres and 6 metres in height.
- 1.4 Access to the development would utilise part of the access track already approved (and partially installed) associated with the development of three 100 metre high wind turbines (as detailed in section 3 of this report). A new access track, approximately 300 metres in length and 5 metres in width would be constructed to link the substation site with the existing access track. This track would be retained to allow future maintenance access to the electricity compound.
- 1.5 The developer originally intended to connect the approved Wind Turbine development to the National Electricity Grid by connecting to the existing 33kV power lines to the south of the wind turbines (close to the junction of Gaunt's Earthcott Lane and Old Gloucester Road). However, there is no longer grid capacity on the 33kV network. The proposal submitted under this application is made in order to secure an alternative method of connection to the National Grid.
- 1.6 Procedural Matters
This application details the provision of a new electricity substation that would facilitate the delivery of electricity power generated by the Alveston Wind Park

to the National Electricity Grid. For the avoidance of doubt, the Local Planning Authority is satisfied that the development of the Windfarm (as approved under PT08/1658 and PT12/0537/RVC) has been implemented through the provision of part of its access track and associated construction compound hard-standing.

- 1.7 This application does not itself propose wind turbines, but does propose the development of associated electricity generating infrastructure directly associated with the approved wind turbines. Having regards to the above, the assessment of this application (for the construction of an electricity sub-station) cannot re-assess the development of the 'Alveston Wind Park' on the adjacent site. However, the assessment of this application will consider the impacts of the proposed development in the context of the approved development. This assessment is set out in the main body of this report.
- 1.8 Environmental Impact Regulations
The development proposed by this application falls within Schedule 2 of the Environmental Impact Assessment (England and Wales) Regulations 2011 as the overall site area exceeds the relevant threshold (0.5 hectares).
- 1.9 When considered in isolation, officers are of the view that the proposed electricity sub-station development is unlikely to trigger a requirement for the application to be accompanied by an Environmental Statement. However, in this instance, the applicant has elected to provide an Environmental Statement given that the proposal is associated with the Windfarm; which was also accompanied by an Environmental Statement. Officers would concur with this approach. For the avoidance of doubt, the applicant did not request an Environmental Impact Assessment Screening Opinion or Scoping Opinion to inform the submitted Environmental Statement.
- 1.10 The Scope of the submitted Environmental Statement is relatively narrow, addressing specifically the impacts of the development of the electricity sub-station in the context of the approved wind turbine development. Officers consider that the Environmental Statement submitted in support of this planning application soundly addresses the significant environmental impacts of the proposed development and is sufficient to enable a full and proper assessment of this planning application.
- 1.11 Applicants Case for Very Special Circumstances (Green Belt)
An assessment of the impact of the proposed development in Green Belt terms is contained in the main body of this report. The applicant acknowledges that the site is within the Green Belt and does not fall within the limited categories of development appropriate within the Green Belt; and that Paragraph 88 of the National Planning Policy Framework attributes 'substantial weight' to any harm to the Green Belt and that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of its inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 1.12 The applicant has provided arguments (in the context of paragraph 79, 80 and 91 of the National Planning Policy Framework) in support of their case for very special circumstances in support of this planning application.

1.13 In terms of the 'harm' to the Green Belt the applicant submits the following arguments (officer summary);

- i) *Keeping Land Permanently Open* – The applicant notes that some impact in respect of 'openness' will occur. The applicant argues that the nature of the existing topography and vegetation associated with the site is such that views of the development in the landscape will be limited from public vantage points and the wider road network; and, that views of the site would be restricted to those in close proximity thereby excluding the perception of the wider openness of the Green Belt.

The applicant argues that the lack of visibility combines with the low-lying and ground hugging nature of the development to reduce impact upon 'openness'.

The applicant sets out that the proposed substation would be linked to the approved windfarm which is temporary for a period of 25 years from its connection and as such would itself be temporary in nature; and, can be conditioned as such in line with the approved windfarm.

These matters should reduce the overall weight to be given to the impact of the proposed development upon the openness of the Green Belt.

- ii) *Check Unrestricted Sprawl of Large Built up areas* – The applicant argues that the temporary nature of the development is such that it would be removed and the land restored to agricultural use. On this basis the proposal would not result in unrestricted sprawl.
- iii) *Prevent Neighbouring Towns from Merging into One and Other* – The applicant argues that the overall footprint of the development is very small in the context of the South Gloucestershire Green Belt; and, that the development is substantially different from that typical of an urban environment. The applicant argues that on this basis the development would not result in the merging of neighbouring towns. The applicant reiterates that the development would be temporary in nature.
- iv) *To assist in safeguarding the Countryside from Encroachment* – The applicant argues that the visual screening of the site and the proposed development would reduce the perception of encroachment into the countryside; and, that once operational, the development would be benign and would not increase the encroachment of urbanising development.
- v) *To Preserve the Setting and Character of Historic Towns* – The applicant argues that the site does not form part of the setting of an historic town and as such there is no harm in this regard.
- vi) *To Assist in Urban Regeneration* – The applicant argues that the development would not prejudice urban regeneration elsewhere.

- 1.14 In terms of the 'benefits' of the proposed development the applicant submits the following arguments (officer summary);
- i) The applicant argues that Paragraph 91 of the National Planning Policy Framework sets out that 'very special circumstances' may include the wider environmental benefits associated with the increased production of renewable energy.
 - ii) The applicant argues that additional benefits arise from proposed landscape enhancements, maintenance of the site and income to the local authority via business rates.
- 1.15 The applicant concludes making the following points (officer summary);
- i) The harm arising from the impact upon the openness of the Green Belt and the encroachment should be given moderate weight in the consideration of this application.
 - ii) The environmental benefits associated with renewable generation should be given very substantial weight in the consideration of this application.
 - iii) The landscape enhancements should be given weight in the consideration of this application.
 - iv) The identified benefits of the proposed development can be considered to clearly outweigh the harm to the Green Belt.

2. POLICY CONTEXT

2.1 National Guidance

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

Written Ministerial Statement on the revocation of the North West, West Midlands, South West Regional Strategies (27th March 2013)

2.2 Development Plans

South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013

CS3	Renewable and Low Carbon Energy Generation
CS1	High Quality Design
CS5	Location of Development
CS9	Environmental Resources and Built Heritage
CS34	Rural Areas

South Gloucestershire Local Plan (Adopted) January 2006 Saved Policies

L1	Landscape Protection and Enhancement
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L10	Historic Parks and Gardens
L12	Conservation Areas
L13	Listed Buildings
L16	Protecting the Best Agricultural Land
EP2	Flood Risk and Development
LC12	Recreational Routes
T12	Transportation Development Control Policy for New Development

2.3 Supplementary Planning Guidance

South Gloucestershire Renewables SPD (Adopted) 2014
 South Gloucestershire Revised Landscape Character Assessment SPD
 (Adopted) - (Character Area 10 – Earthcott Vale) 2014
 Development in the Green Belt SPD (Adopted) 2007
 South Gloucestershire Design Checklist (Adopted) 2007

2.4 Other Material Considerations

South Gloucestershire Climate Change Strategy – Low Carbon South
 Gloucestershire Plan 2012 to 2015 (adopted).
 EU Renewable Energy Directive 2009/28/EC
 Report on the Potential for Renewable and Low Carbon Energy Supply in
 South Gloucestershire June 2010 (AECOM Report)

3. RELEVANT PLANNING HISTORY

- 3.1 PT08/1658/F - Erection of 3 No. 100 metre high wind turbines together with access tracks, hard standing areas, information board, electricity sub-station and associated works. Erection of temporary construction compound and construction of new vehicular access.

Approved with Conditions 11th December 2008

- 3.2 PT11/3972/NMA Non material amendment to PT08/1658/F to make all plans accompanying this application, a condition of the permission.

No Objection

- 3.3 PT12/011/SCR Screening Opinion Request for PT12/0537/F as detailed in paragraph 3.4 below.

Environmental Statement Not Required 21st February 2012

- 3.4 PT12/0537/RVC Variation of condition attached to planning permission PT08/1658/F (as added under PT11/3972/NMA) to substitute Proposed Site Plan 3748_T0215_03 as received by the Council 21 February 2012 for Proposed Site Plan (Figure 4.2) (as amended) as received by the Council on 15th October 2008 to amend the location of the crane pad for hard standing for Turbine 2.

Approved with Conditions 21st May 2012

3.5 COM/12/0849/BOC Investigation of alleged breach of planning consent.

In this instance the investigation concluded that no breach of condition has occurred and that the planning permission (PT08/1658/F) has been implemented. The enforcement investigation was closed on 19th July 2012.

4. CONSULTATION RESPONSES

4.1 Alveston Parish Council

No comment has been received

4.2 Frampton Cotterell Parish Council

No Objection

4.3 Iron Acton Parish Council

No comment has been received

4.4 Landscape Architect

No Objection in principle subject to a condition requiring a detailed planting plan including a five year landscape maintenance plan.

4.5 Listed building Officer

No Objection. Impacts upon the setting of the surrounding listed buildings would be mitigated by the proposed landscaping.

4.6 Environmental Health Officer

The Environmental Health Officer confirms that the submitted acoustic report demonstrates that the level of noise from the proposed development is below background noise levels and that there would be no adverse impact resulting from noise generated by the development. No conditions are necessary in this instance.

4.7 Arboricultural Officer

No Objection in principle subject to conditions relating to;

- i) Method Statements for no dig construction of the access road
- ii) Ground protection and tree protection in line with BS5837:2012
- iii) Clearly annotated Tree Protection Plan to be agreed.

4.8 Avon and Somerset Police Crime Prevention Design Advisor

No Objection

4.9 Highway Authority (Sustainable Transport)

No Objection. Development should be in accordance with agreed Construction Management Plan associated with the approved Wind Farm development. An informative should also be applied to any consent highlighting the requirement to contact the South Gloucestershire Traffic Manager and Police Authority with regards to the delivery of the equipment.

4.10 Lead Local Flood Authority
No Objection subject to the use of Sustainable Drainage Systems

4.11 Highways England
No Objection

Other Representations

4.12 Local Residents

Three sets of comments have been received from local residents. All comments are made in objection. The comments are summarised as follows;

The development is located on Green Belt Land.

The Green Belt is worth more than unsightly and unscreened industrial installations. The Green Belt should be protected and preserved for the people of South Gloucestershire. Developers should not be allowed to exploit it for maximum commercial gain.

There has been a steady erosion of Green Belt land over time

The development is an industrial construction which together with the wind turbines should not be located on good agricultural land. The building would have no screening.

The developer believes that the development would not be visible from the local area.

A comparison of this proposal is made to the nearby Data Transmission Site which comments state is made up of an unscreened industrial building.

The proposed substation is much larger than the transformer building associated with the original wind turbine development. The original electricity supply would have left the site on a 33kv underground line.

The original transformer building was subject to a condition requiring screening.

The affected agricultural land would not be able to revert back to agricultural land.

Development could lead to further industrial development in the future.

98% of the population of Earthcott Green and local parish councils objected to the wind turbine development; a petition of 370 local signatures was also signed.

Democracy was not upheld as all other wind turbine developments of this size have been refused in South Gloucestershire.

The development of the wind turbines should be stopped by refusing to grant planning permission for the proposed substation.

The developer has not complied with the planning permission for the wind turbines as no work has commenced on site since December 2011 and the approval is no longer valid. Gravel grading, access and crane pad construction does not constitute the commencement of development. The planning permission should be referred back to the Secretary of State for a ruling on its validity.

Concern is raised as to the potential for the wind turbines to fail structurally resulting in potential damage to the National Grid Electricity supply network resulting in the loss of electricity supply.

5. **ANALYSIS OF PROPOSAL**

5.1 The proposed development consists of the construction of a substation in order to transfer generated electricity from new wind farm development located approximately 300 metres to the south as approved under planning applications PT08/1658/F and PT12/0537/RVC (as detailed in section 3 of this report).

5.2 Principle of Development

As set out earlier in this report, this proposal (for the electricity sub-station) stands to be considered on its own planning merit. However, it is acknowledged that it is closely related to the approved development of three wind turbines on the adjacent site. Nonetheless, this application does not provide the agenda for the re-assessment of the policy implications and environmental impact of the wind turbine development.

5.3 Notwithstanding the above, the fact that this development is proposed in order to support approved (and implemented) renewable energy generation is a factor that will strongly influence the assessment of this planning application.

5.4 There is a very broad base of planning policy that will inform the assessment of this planning application. The main issues are the impact of the proposal on the openness of the Green Belt; the impact on the character and appearance of the surrounding landscape and historic environment and residential amenity when weighed against wider public benefit and the need for renewable energy. This balance must give due regard to the provisions of the Development Plan, national planning guidance and any other material consideration.

5.5 Need for Renewable Energy

There continues to be a strong national agenda to reduce CO2 emissions through the generation of energy from renewable sources. For instance, the United Kingdom is committed to the EU Renewable Energy Directive, requiring the UK to generate 15% of their total energy requirements (heat, transport and electricity) from renewable sources by 2020. In response South Gloucestershire Council has adopted its 'Climate Change Strategy' which, in essence, sets a target that, by 2020, 7.5% of its energy generation will be through renewable means.

- 5.6 European, national, and local policy encourages renewable energy developments to help mitigate the effects of climate change provided that full consideration is given to other environmental impacts. In this instance, the approved wind farm carries the potential to make a positive contribution (approximately 6.9 MW of electricity) towards renewable energy production in South Gloucestershire and meeting the district target; as well as moving towards the National commitment. The proposal to provide a direct connection to the National Electricity Grid therefore carries significant weight in considering this planning application.
- 5.7 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. Although this application does not itself propose wind turbines, it does propose the development of infrastructure directly related to approved (and implemented) wind turbine development. On this basis, policy CS3 of the South Gloucestershire Core Strategy (Adopted) carries significant weight in the determination of this planning application.
- 5.8 *Policy CS3 of South Gloucestershire Local Plan; Core Strategy (adopted) December 2013*
Policy CS3 sets that proposals for the generation of energy from renewable sources that would not cause significant demonstrable harm to residential amenity, individually or cumulatively will be supported. Policy CS3 sets out that in assessing proposals for renewable energy significant weight will be given to the following 4 criteria. In applying this criteria, officers are mindful that the Wind Turbine development is approved and implemented. On this basis, it is appropriate to apply the criteria only in relation to the additional impacts of the proposed sub-station.
- 5.9 *Criterion 1 - The wider environmental benefits associated with increased production of energy from renewable sources.*
- The South Gloucestershire Climate Change Strategy (CCS) document sets local targets on carbon reduction and renewable energy which have been derived from the legally binding UK targets and from an assessment of local renewable energy resources.
- 5.10 The Climate Change Strategy was formally approved by the Policy and Resources Committee on 8 April 2013. This document establishes a target to deliver 7.5% of South Gloucestershire's total projected 2020 energy demand from renewable sources. The document recognises that a varying mix of technologies could meet the 7.5% target across the district. Currently, the installed capacity of renewable energy development falls well below the target level. In the event that renewable energy developments with planning consent are installed, the short fall will be reduced, however it would remain well below target.
- 5.11 Whilst it is acknowledged that this document was approved after the associated wind turbine development was approved, it is a document that carries weight in

the determination of this planning application given that it would enable approved wind turbine development to become fully operational.

- 5.12 Existing renewable energy installations in South Gloucestershire generate enough electricity to supply approximately 1.23% of South Gloucestershire's projected total energy requirement in 2020. Renewable energy installations with planning consent, but not yet installed has the potential to generate a further 3.51% giving a total of 4.74% if fully deployed. The associated consented wind turbine development would potentially provide 0.25% of this amount. Whilst this appears relatively small, the turbines have the potential to generate as much electricity as the solar farm development at Says Court Farm. In the event that the generating capacity at the associated wind turbine development is not connected to the National Grid, this would be a significant retrograde step that would itself be extremely difficult to recover prior to 2020.
- 5.13 On this basis, officers consider that the fact that the proposed electricity sub-station would facilitate the connection of an approved renewable energy generating facility would make a positive contribution towards renewable energy targets set out in the South Gloucestershire Climate Change Strategy as well as moving towards the National commitment. This benefit carries significant weight in considering this planning application (in compliance with Policy CS3 of the Core Strategy). However, it is necessary to weigh this benefits in the balance with other adopted policies and material issues critically the impact upon the local environment. The issues for consideration are set in the relevant sections of this report.
- 5.14 *Criterion 2 – Proposals that enjoy significant community support and generate an income for community infrastructure purposes by selling heat or electricity to the National Grid.*

It is noted that the consented wind turbine development does not make provision for a financial (or otherwise) contribution towards community infrastructure. However, this application does not itself propose new wind turbine development. Rather, it proposes a means of connecting approved wind farm development to the National Grid. As set out earlier in this report, this application does not provide the agenda for re-consideration of the wind turbines which have an extant and implemented planning permission and as such cannot form the basis for securing a 'community fund'. Such a measure would ultimately be at the discretion of the development in discussion with the local community. In essence, it is possible for the development to proceed on the basis of that which is approved, irrespective of the nature of the ultimate method of connection to the National Grid.

- 5.15 Having regards to the above, officers consider that the proposed electricity sub-station would have a neutral impact in relation to this criterion.
- 5.16 *Criterion 3 – The time limited, non-permanent nature of some types of installations.*

In this instance the proposed electricity sub-station would be directly related to the approved wind turbine development. The wind turbine development is

temporary in nature in that it is subject of a planning condition to limit the lifetime of the development (and require its removal) after 25 years from the connection of it to the National Grid. It stands to reason, that the proposed electricity sub-station would not be required after the wind turbine development has expired, and on this basis, would also be decommissioned and removed.

5.17 *Criterion 4 – The need for secure and reliable energy generation capacity, job creation opportunities and local economic benefits.*

It is acknowledged that wind turbine development would provide limited opportunity for creating permanent employment. Local employment is likely to be for a temporary period during the construction phase. Given the nature and extent of the proposed electricity sub-station it is unlikely that this would alter this characteristic of the consented wind turbine development.

5.18 Similarly, it is acknowledged that the provision of renewable energy generation would generally make a positive contribution to the overall 'energy security' for the United Kingdom; albeit a small contribution from the consented wind farm development. Nonetheless, the proposed electricity sub-station would facilitate the connection of the electricity generated by the turbines to the National Grid and as such would act to positively contribute to this criterion.

5.19 It is noted that the applicant submits that the consented wind turbine development would provide local economic benefit through 'business rate' and provides this argument (in part) in support of the 'very special circumstances' argument. However, this would be a relatively small contribution with very limited direct benefit to the local community. Nonetheless, the proposed electricity substation would facilitate the exportation of electricity to the National Grid and in doing so facilitate this modest but positive economic benefit.

5.20 Having regards to the above, it is considered that the proposed development is consistent the objectives of Policy CS3 of the South Gloucestershire Core Strategy in that it would support the implementation of the consented wind farm development. This is a factor that can be given significant weight in the determination of this planning application. Policy CS3 acknowledges that the close proximity of the Green Belt to the main urban areas will make it an attractive location for renewable or low carbon energy generation. The policy indicates that greater weight will therefore be given to the 'wider' environmental benefits in considering proposals for renewable energy development in the Green Belt area and particularly where criteria ii, iii, and/or iv, (as set out above) are also met. The impact of the development in respect of the openness of the Green Belt is considered below.

5.21 Green Belt

The site is located within the Green Belt. The National Planning Policy Framework sets out that the fundamental purpose of the Green Belt is to preserve its openness; and sets out that the development of many renewable energy projects will comprise inappropriate development. For the avoidance of doubt, the development of the three wind turbines within the Green Belt is already established through the extant planning permission. For the purpose of this planning application it is not appropriate to re-consider the impact of the

wind turbines in respect of Green Belt policy. However, it is necessary to consider the impact of the proposed sub-station in its own right and in the context of the wind turbine development (the cumulative impact).

5.22 Policy CS34 of the adopted South Gloucestershire Local Plan; Core Strategy (criteria 4) protects the designated Green Belt from inappropriate development. In such cases, the onus is upon developers to demonstrate very special circumstances that clearly outweigh the harm to openness, if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources. The applicant has provided a statement setting out their case for 'very special circumstances'. This is summarised in section 1.12 of this report.

5.23 Paragraph 17 of the National Planning Policy Framework (NPPF) provides a set of core planning principles, which include protecting the Green Belt and encouraging the use of renewable resources that should underpin both plan-making and decision-taking.

5.24 Paragraph 87 of the NPPF states that;

'As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.'

5.25 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 potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.'

5.26 Recent case law has clarified the position in respect of the purpose of the phrase 'and any other harm'. Essentially, the findings of the Court of Appeal are such that the test for finding very special circumstances (for allowing inappropriate development in the Green Belt) is that harm to the openness of the Green Belt must be considered in conjunction with any other harm found; such as harm to landscape character, adverse visual impact and residential amenity.

5.27 Furthermore, it must be shown that the benefit of development (such as the wider public benefit in terms of renewable energy production) will clearly outweigh the harm to the openness of the Green Belt and any other harm.

5.28 Paragraph 91 of the NPPF sets out that wider environmental benefits can be considered as a factor that would go towards the case for very special circumstances and states that,

'When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases, developers will need to demonstrate very special circumstances if projects are to proceed. Such very

special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.'

- 5.29 In this instance, given the nature of the proposed development, it is considered that it is not appropriate within the Green Belt; and is by definition harmful to the openness of the green belt and the purpose of including the land within it. In particular, the NPPF (paragraph 88) attributes 'substantial' weight to the harm, and on this basis it is clear that any special circumstances found must be of more substantial weight in order to clearly outweigh that harm. The onus is with the applicant to demonstrate that very special circumstances exist so as to outweigh the defined harm.
- 5.30 The applicant has provided a case for very special circumstances, which is summarised at paragraph 1.12 of this report. The applicant has submitted arguments to demonstrate that there are very special circumstances such that the harm to the green belt is outweighed by other considerations. These and other factors are addressed in below.
- 5.31 *Harm to the Green Belt.*
The applicant argues that 'the harm arising from the impact upon the openness of the Green Belt and the encroachment should be given moderate weight in the consideration of this application'
- 5.32 As a starting point, the NPPF (paragraph 88) makes it very clear that 'substantial weight' is attributed to harm to the Green Belt. It does not provide a scenario where the weight attributed to this impact can be reduced. On this basis, 'substantial weight' should be applied. However, in considering this application the weight of this impact should be considered in the balance with other impacts positive and negative impacts.
- 5.33 *Renewable Energy Production and Environmental Benefit*
The applicant argues that 'the environmental benefits associated with renewable generation should be given very substantial weight in the consideration of this application'; and that 'the identified benefits of the proposed development can be considered to clearly outweigh the harm to the Green Belt'
- 5.34 Paragraph 91 of the NPPF acknowledges that 'very special circumstances may include the wider environmental benefits associated with increased production from renewable energy sources'. However, it is not the case that the NPPF attributes 'very substantial weight'; rather the NPPF implies that weight can and should be attributed to this factor. Policy CS3 of the South Gloucestershire Core Strategy
- 5.35 This application details the provision of an electricity sub-station to allow the electricity produced by the approved wind turbine development to be exported to the National Grid. Whilst this application cannot re-asses the original planning permission for the wind turbine development (PT08/1658/F), the purpose of the proposed electricity sub-station is to allow the effective distribution of renewable energy generated by the approved wind turbines. This in turn would bring about the wider environmental benefit associated with

renewable energy generation; and in particular that contribution which the approved development would potentially bring. Similarly, it is acknowledged that some economic benefit would result from the generation of renewable energy at this site. Officers are satisfied that the proposed development would make a positive contribution to the Councils Objectives and wider national and international objectives as set out in the South Gloucestershire Climate Change Strategy. These factors are specifically acknowledged in Policy CS3 of the South Gloucestershire Local Plan; Core Strategy which attributes significant weight to this factor.

5.36 Site Selection

Clearly the siting of the approved wind turbine development is fixed by virtue of the associated planning consent. The wind turbine development has been implemented and as such the planning consent remains extant. This application (for an electricity substation) would facilitate the connection of the wind turbine development to the National Grid.

5.37 In this instance, the applicant indicates that the original option for connection to the National Grid is no longer available. Essentially, the original option was to connect the approved wind turbine development to existing 33kV powerlines to the south of the wind turbines (close to the junction of Gaunt's Earthcott Lane and Old Gloucester Road). However, there is no longer grid capacity on the 33kV network. As such a total of four options for connection to the National Grid have been explored by the applicant, as follows;

- i) 11kV connection at the Oxbridge Substation (5.5km to the South of the wind turbine site). This is ruled out as there is no grid capacity on that network.
- ii) Limit the amount of electricity generated by the wind turbines to 2.4MW to enable connection to the 11kV grid network. This option is ruled out as it would render the wind turbine development (which has a capacity rating of 6.9MW) financially unviable.
- iii) Connect the wind turbine development to the 132kV Iron Acton Grid Supply Point (GSP) (large substation) using an underground 32kV cable. This option is ruled out as it would also require a 132kV transformer to be located within the Iron Acton GSP. Western Power Distribution have confirmed that there is not sufficient space within the compound to enable this.
- iv) Direct connection to the 132kV grid which crosses the wind turbine site. This requires the construction of a substation adjacent to the site with a direct cable connection to the existing 132kV overhead lines. This is the option considered most viable by the applicant and which forms the basis of this application.

5.38 Officers are satisfied that the applicant has made appropriate investigations into the use of alternative means to connect the approved wind turbine development to the National Electricity Grid. The fact that there is very limited capacity is a factor that attracts weight in the consideration of this planning

application. Similarly, officers are satisfied that the only practical option for the location of an alternative point of connection to the National Grid is one which would be directly accessible to the National Grid; and that this also attracts weight. In that regard, the statutory undertaker (Western Power Distribution) has ruled out the provision of additional equipment within the existing GSP at Iron Acton due to very limited space. On this basis, the most practical solution is to provide a direct connection on or close to the wind turbine site. This application proposes to connect the wind turbine development via a new 132kV sub-station position due north of the approved wind turbines and directly under the existing 132kV power lines.

5.39 Officers are satisfied that the proposed siting of the electricity substation is reasonably identified as the only viable option by the applicant; and on this basis attracts significant weight in the assessment of this planning application.

5.40 Openness of the Green Belt

Paragraph 79 of the NPPF sets out that the fundamental aim of Green Belt land is to keep land permanently open. Paragraph 80 provides the five purposes of Green Belt Land as follows;

- i) to check the unrestricted sprawl of large built up areas;
- ii) to prevent neighbouring towns from merging into one and other;
- iii) to assist in safeguarding the countryside from encroachment
- iv) to preserve the setting and special character of historic towns; and
- v) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

5.41 In this instance, the proposed electricity substation is directly related to approved wind turbine development. The development of the wind turbines has been implemented and can continue irrespective of the outcome of this planning application. The impact of the wind turbines upon openness cannot be reconsidered as part of this planning application. Essentially, the wind turbines would not represent appropriate development in the Green Belt and have an adverse impact upon the openness of the Green Belt. However, the assessment of the earlier planning application for the development of the wind farm (PT08/1658/F) considered this issue and it was determined that 'very special circumstances' exist so as to allow the development within the Green Belt.

5.42 It is necessary to consider the impact of the proposed development of the electricity substation upon the openness of the Green Belt. This assessment should account for impact of the electricity substation in its own right and in combination with the wind turbine development.

5.43 In Green Belt terms the applicant acknowledges that the development is harmful to the openness of the Green Belt and that the proposed substation development does not represent appropriate development within the Green

Belt. However, the applicant argues that the development would not conflict with the purposes of including the site within the Green Belt as set out in paragraphs 79 and 80 of the National Planning Policy Framework (NPPF). In particular, the applicant argues that the topography and vegetation associated with the site, together with additional planting and landscaping proposed as part of the development would reduce the impact on 'openness'. Similarly, the temporary nature of the development (in connection with the temporary nature of the wind turbines) would mean that any impact would not be permanent. The applicant argues that the limited scale/footprint of the development, its temporary nature and together with landscaping would also assist in addressing the NPPF objectives for including land within the Green Belt.

- 5.44 The impact of the development in landscape terms is considered later in this report. However, in Green Belt terms, officers consider that there is some merit in this argument. Officers consider that landscape conditions, the temporary nature of the development and associated landscape mitigation can be weighed in favour of the development, alongside the positive environmental benefits and restricted siting options identified earlier in this report.
- 5.45 It is noted that the introduction of the proposed substation would allow the original transformer and switch gear buildings to be deleted from the approved wind turbine development. Although the proposed substation is larger than the approved equipment, the topography of the site is such that the proposed location of the substation is less visible than the location of the approved transformer building. It is considered that this, together with the proposed landscaping would result in further visual benefit and this is given moderate weight in the consideration of this application.
- 5.46 When considered in combination with the approved wind turbine development (given that the proposed substation would be an operational part of the wind farm) officers consider that overall, the introduction of the proposed substation would not result in a significantly greater impact on the openness of the Green Belt than that of the approved wind turbine development. Indeed, it is considered that the developments would be read as one given the operational relationship of them. Over time, officers are satisfied that landscape mitigation will complement the topography and nature of the site and reduce the visual impact of the substation itself. This factor is attributed significant weight in the assessment of this planning application.
- 5.47 Landscape and Visual Impact
The application is supported by a comprehensive Landscape and Visual Impact Assessment. Officers are satisfied that this demonstrates that views of the substation would be screened from the general area by layers of existing vegetation. However, it is noted that the LVIA shows that some open views in close proximity of the substation would be available from the public footpath due north of the site; and that this impact would be 'medium' in the first year. Officers concur with this assessment.
- 5.48 In order to mitigate this impact, the proposed development includes comprehensive screen planting to the Northern Elevation of the proposed substation compound, and additional screening against the associated

switchgear building on the Southern Elevation of the compound. The LVIA concludes that this planting would reduce the visual impact of the proposed substation to a 'low magnitude of change' in the first five years of growth, reducing further to a 'negligible magnitude of change' at ten years of growth. Officers concur with this assessment and on this basis are satisfied that the visual and landscape impact of the development would be adequately mitigated. Officers note that the development would involve the introduction of a new access track. However, this would be positioned along the existing field boundary where it would be hidden from view in the local and wider landscape. The impact of the proposed track is considered to be negligible in the landscape. It is also noted that this development proposal would facilitate the omission of the approved transformer buildings associated with the approved wind turbine development. This would result in a reduction of buildings within the area of the approved wind turbines and from a more visible area of the landscape. Given that the landscaping would eventually screen the proposed substation to a negligible level, this factor is considered to offer some visual benefit overall.

- 5.49 Notwithstanding the above, exact details of the planting (species, planting times and maintenance) should be submitted for agreement by the Local Planning Authority. This requirement is appropriately the subject of a planning condition which would secure the implementation of the planting prior to the first use of the substation to export electricity to the National Electricity Grid.
- 5.50 It is noted that the proposed access track would have some impact on trees to be retained within the application site. Officers are satisfied that in this regard, 'no-dig' construction measures and appropriate tree protection can be utilised in order to minimise any impact upon trees to be retained within the site. However, exact details in the form of an 'Arboricultural Method Statement' is required by condition in order to secure the use of 'no-dig' construction are appropriate locations along the access track. Officers are also satisfied that two trees which are to be removed to facilitate the construction of the access track are of a very low quality and amenity value and the loss of the trees would not have a detrimental landscape impact.
- 5.51 Subject to the use of the above conditions, officers consider that the proposed development is acceptable in landscape terms and ultimately would result in some improvement. This factor is given significant weight in the consideration of this planning application.
- 5.52 Impact upon Heritage Assets
There are a number of heritage assets within 3km of the application site. Most notably Acton Court (Grade I) approximately 2 ½ due West of the site. A total of 17 Grade II and 1 Grade II* Listed Buildings are located within 2Km of the development site.
- 5.53 As set out earlier in this report, the impact of the approved wind turbine development cannot be re-addressed as part of this planning application. In terms of the proposed substation, officers are satisfied that the scale and siting of the development, the topography of the site and the proposed landscaping are such that the impact of the substation would be low. Officers are satisfied

that the proposed development would not result in impacts that would affect the special significance or setting of the surrounding heritage assets. This factor is afforded neutral weight in the consideration of this planning application.

5.54 Again, the landscaping proposed as part of the development should be secured by way of condition in order to act as appropriate mitigation.

5.55 Impact upon Residential Amenity

The surrounding location is characterised by open countryside with a very low density of dwelling within 2km of the application site. The nearest dwellings are associated with Earthcott Green Old Farm, Oldfield Farm and Frogland Cross; the closest of which being approximately 600 metres from the site.

5.56 Supporting acoustic information demonstrates that activity from the development would result in noise levels below existing background levels and as such Officers are satisfied that adverse noise impact upon the surrounding community is unlikely. The Environmental Health Officer has confirmed that there is no requirement for specific noise control conditions in respect of this development proposal.

5.57 As set out earlier in this report, the key visual receptor would be users of the public right of way due North of the development site. Given the topography and existing layers of vegetation, officers are satisfied that the development would not be easily visible from surrounding dwellings and over time, any limited impact would be negligible as the proposed landscaping matures.

5.58 On this basis, officers are satisfied that the proposed development is acceptable in residential amenity terms and this factor is given neutral weight in the consideration of this planning application.

5.59 Impact upon Agricultural Land

The site is located on Grade 3 agricultural land which is medium to low quality. Given the relatively small area of land to be used within the substation compound, officers consider that the development would not result in a material impact in this regard. This factor is given neutral weight in the consideration of this planning application.

5.60 Ecology Considerations

The site is located on agricultural land (arable) with species-poor hedgerows. On this basis, officers consider that the application site has very limited ecological value; and as such officers are satisfied that the proposed development would not have a detrimental impact in ecological terms.

5.61 However, the application includes measures for the ecological enhancements as part of the development. This would provide the opportunity to improve the ecological value of the site. This is proposed to take the form of hedgerow improvement and new planting to improve species and habitat to encourage more ecological diversity. The developer also sets out that were works are required in the close proximity of hedges, specific ecological investigation would be undertaken and necessary mitigation carried out. The broad scope of this work is set out in the submitted Environmental Statement. Officers

welcome this approach. However, in order to secure this work, a detailed Ecological Management Plan is required for agreement with the LPA and this can be achieved through an appropriately worded planning condition.

5.62 This benefit is given moderate weight in the consideration of this planning application.

5.63 Drainage and Flood Risk

The site is located in Flood Zone One where there is minimal risk of flooding. The Lead Local Flood Authority (SGC Drainage Engineer) does not raise any objection to the proposed development, but has requested specific details to demonstrate the use sustainable drainage measures (SuDS) as part of the development.

5.64 In this instance, the proposed development includes a 'SWALE' which would act to control surface waters in a sustainable way. Officers are satisfied that this measure is acceptable and can be achieved as part of the development. However, in order to secure this approach, an appropriately worded condition can be used in the event that the application is approved.

5.65 The drainage engineer also notes that the development may require some work in the vicinity of an 'ordinary water course' or 'ditch' and advises that this may require the formal consent from South Gloucestershire Lead Local Flood Authority. This is not a planning matter and is covered by specific drainage legislation. However, in the event that this application is approved, and informative can be attached to the decision notice raising this matter with the developer.

5.66 Subject to the above condition, the proposed development is acceptable in drainage and flood risk terms and this is given neutral weight in the consideration of this application.

5.67 Highway Impact

Once operational, the substation would require limited maintenance resulting in negligible vehicular movements (made up of light commercial vehicles) to and from the site.

5.68 The applicant indicates that the construction of the proposed substation would coincide with the construction phase associated with the approved wind turbine development. As set out earlier in this report, this application does not provide the agenda for re-assessing the wind turbine development itself. However, it is noted that the wind turbine development is subject to a Construction Management Plan which secures routing, delivery times and preparatory highway relating to the delivery and construction of the approved wind turbines.

5.69 Officers are satisfied that the delivery and installation of the substation can be reasonably carried out as part of the Wind Turbine development as a whole; and that this would not itself have a detrimental impact in highway safety terms. The applicant has indicated that the provisions of the agreed Construction Management Plan associated with the wind turbine development (as agreed under condition 16 of PT08/1658/F on 4th May 2011) would inform the delivery

and construction process for the substation. However, for clarity, it is considered that the Construction Management Plan should be revised appropriately and agreed prior to the commencement of development. This can be secured by way of an appropriately worded condition.

5.70 Planning Conditions

The need for conditions to cover over specific subject areas is set out in each relevant section of this report. Given the relationship of the proposed substation to the approved wind farm development it is considered appropriate to link the proposal to the 'temporary' nature of the wind turbine development. Indeed, the applicant is relying on the fact that the substation would also be 'temporary' in nature as part of the argument in favour of allowing the development in the Green Belt. On this basis, a condition should be introduced to any approval such that the installation, operation, decommissioning and ultimate removal of the substation is linked to the same time scale as the approved wind turbines.

5.71 The Planning Balance

The proposed development would enable the approved wind turbine development to become fully operational; and provide the means to export electricity to the National Grid. Accordingly, the proposed substation has a direct impact upon the delivery of renewable energy. There is a balance to be struck between the urgent need to provide renewable energy to address climate change and the environmental costs associated with its production. In respect of this planning application, it is clear that this is a balanced judgement and that there is both environmental benefit and environmental harm associated with this proposal.

5.72 The site is located within the Green Belt. The proposed development is not appropriate development within the Green Belt and is, by definition, harmful to the openness of the Green Belt. Paragraph 88 of the NPPF attributes substantial weight to that harm; and very special circumstances must be found in order to justify the development in the face of the harm to openness.

5.73 As set out in the main body of this report, the test for finding very special circumstances must consider the harm to the openness in conjunction with any other harm found; such as harm to landscape character, residential visual amenity and heritage assets. It must also be shown that the benefit of development (such as the wider public benefit in terms of renewable energy production) will clearly outweigh the harm to the openness of the Green Belt and any other harm.

5.74 Officers have concluded that, subject to relevant mitigation and conditions, the development would not have a detrimental impact in respect of the visual amenity of the landscape, heritage assets, ecology and highway safety. Officers have also concluded that the development would not result in an unacceptable impact in terms of residential amenity in the surrounding locality. Paragraph 91 of the NPPF sets out that wider environmental benefits, such as the contribution to the South Gloucestershire Climate Change Strategy, can be considered as a factor that would go towards the case for very special circumstances; and officers have given this factor significant weight along with the temporary nature of the proposed development. Officers have concluded

that the limited environmental impact in this regard does not act to outweigh the positive environmental benefit of facilitating the provision renewable energy and the temporary nature of the development and associated wind turbines.

- 5.75 The South Gloucestershire Council 'Climate Change Strategy' is highly relevant to this planning application and it sets a target that, by 2020, 7.5% of its energy generation will be through renewable means within South Gloucestershire. The proposed development would facilitate the export of renewable electricity to the National Grid and would make a positive contribution to that target over a temporary period of 25 years. This is given significant weight in the determination of this planning application in line with Policy CS3 of the South Gloucestershire Core Strategy.
- 5.76 The test for finding very special circumstances for allowing inappropriate development in the Green Belt has a high threshold. In this instance, officers have concluded that the proposed electricity substation would have limited environmental impact, and this can be adequately mitigated as part of the development. Officers also consider that when considered in the context of the associated approved wind turbine development the overall impact upon the openness of the Green Belt is relatively modest. When weighed against the identified benefit, the balance of consideration is such that officer consider that it can be demonstrated that the benefits of the proposal clearly outweigh the harm to the openness of the Green Belt. As such the test succeeds and the proposed development is considered to be acceptable. Approval is therefore recommended.

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 proposed development would represent a Departure from the Development Plan. Accordingly, notice has been served under Article 13 of the Town and Country Planning (Development Management Procedure) (England) Order 2013 as a Departure from the Development Plan (Departure Notice). This notice expires on 25th March 2016.
- 6.3 For the avoidance of doubt, this development proposal is not subject to the requirements of Circular and Planning Direction 02/09 and as such any resolution to grant planning consent is not required to be referred to the Secretary of State for Communities and Local Government.
- 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 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; and having full regard to the findings and recommendations set out in the accompanying Environmental Statement; which has been found to be sound.

7. **RECOMMENDATION**

- 7.1 That, subject to no further comments being received in relation to the Departure Notice, Planning Permission is granted subject to the following conditions.

Contact Officer: Simon Penketh
Tel. No. 01454 863433

CONDITIONS

1. The development hereby approved shall be removed not later than 25 years from the date that electricity from the development is first exported to the National Grid and the land shall be returned to its former condition within 12 months of the expiration of this permission. Such renovation of the landscape shall be carried out in consultation with the Local Planning Authority and shall be agreed in writing. The renovation shall continue in accordance with the agreed details and shall be retained as such.

Reason

In order to ensure that the approved development does not remain in situ beyond the projective lifetime of the equipment so installed in the interests of the visual amenity and character of the surrounding landscape and the openness of the Green Belt; and to accord with Policy CS1, CS3, CS5, CS9 and CS34 of the South Gloucestershire Local Plan, Core Strategy and Saved Policy L1 of the South Gloucestershire Local Plan (Adopted) 2006.

2. The developer shall notify the Local Planning Authority within 21 days of such time that electricity from the development is first exported to the National Grid.

Reason

In order to allow the Local Planning Authority to adequately monitor the time scale of the development; and conditions contained in this decision notice.

3. Prior to the exportation of electricity to the National Grid, a scheme of landscaping, which shall include details of all proposed planting (and times of planting); shall be submitted to the Local Planning Authority for approval. For the avoidance of doubt, the landscaping shall be consistent with that indicated in Chapter 4 (Proposed Development and Alternatives) (Drawing Numbered E.0218_12). Thereafter the development shall be carried out in accordance with the agreed details and shall be retained as such for the lifetime of the development hereby approved.

Reason

To protect the character and appearance of the area and the openness of the Green Belt and to accord with Policies CS1, CS5, CS9 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

4. No development shall commence until an ecological management plan for the site has been submitted to and approved in writing by the Local Planning Authority. The management plan shall include the results of an ecological survey of the site, and a

detailed scheme of protection, mitigation and compensation measures to be incorporated within the development, including a timetable for the implementation of the scheme and for the monitoring of the impact of the development on the ecological features. For the avoidance of doubt, the enhancement and mitigation measures shall reflect the measures identified in Chapter 5 (Ecology) of the submitted Environmental Statement. Thereafter the development shall be implemented in accordance with the agreed details and retained as such for the lifetime of the development hereby approved.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of ecology, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework. The information is required prior to the commencement of the development in order to avoid unnecessary remediation works.

5. Prior to the commencement of the development hereby approved, a detailed Arboricultural Working Method Statement shall be submitted to and agreed in writing by the Local Planning Authority. For the avoidance of doubt the method statement shall detail the method of 'no dig' construction around the roots of trees to be retained within the development and adjacent to the development site (as necessary); and the protection of trees to be retained within the development and adjacent to the development. Thereafter the development shall be implemented in accordance with the agreed details.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of trees to be retained, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework. The information is required prior to the commencement of the development in order to avoid unnecessary remediation works.

6. 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. The information is required prior to the commencement of the development in order to avoid unnecessary remediation works.

7. Prior to the commencement of the development hereby approved, a Construction Management Plan (CMP) shall be submitted to and agreed in writing by the Local Planning Authority. For the avoidance of doubt, the CMP shall provide details of the delivery and times of delivery consistent with the CMP relating to the associated Wind Turbine development PT08/1658/F as agreed in writing by the Local Planning

Authority on 4th May 2011. Thereafter the development shall proceed in accordance with the agreed details.

Reason

In the interest of highway safety and amenity and to accord with saved Policy T12 of the South Gloucestershire Local Plan (adopted) January 2006. The information is required prior to the commencement of the development in order to avoid unnecessary remediation works.

8. Prior to the commencement of the development hereby approved, details of the access track shall be submitted to and agreed in writing by the Local Planning Authority. The details shall demonstrate the method of construction and surfacing of the access track. Thereafter the development shall proceed in accordance with the agreed details and retained as such for the lifetime of the development.

Reason

To protect the character and appearance of the area and the openness of the Green Belt and to accord with Policies CS1, CS5, CS9 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework. The information is required prior to the commencement of the development in order to avoid unnecessary remediation works.

9. The development shall be implemented strictly in accordance with the following plans;

Drawings Numbered

E.0218_01-Rev B

E.0218_02 Rev C

3748_T0226_09 (1 of 3), (2 of 3) and (3 of 3)

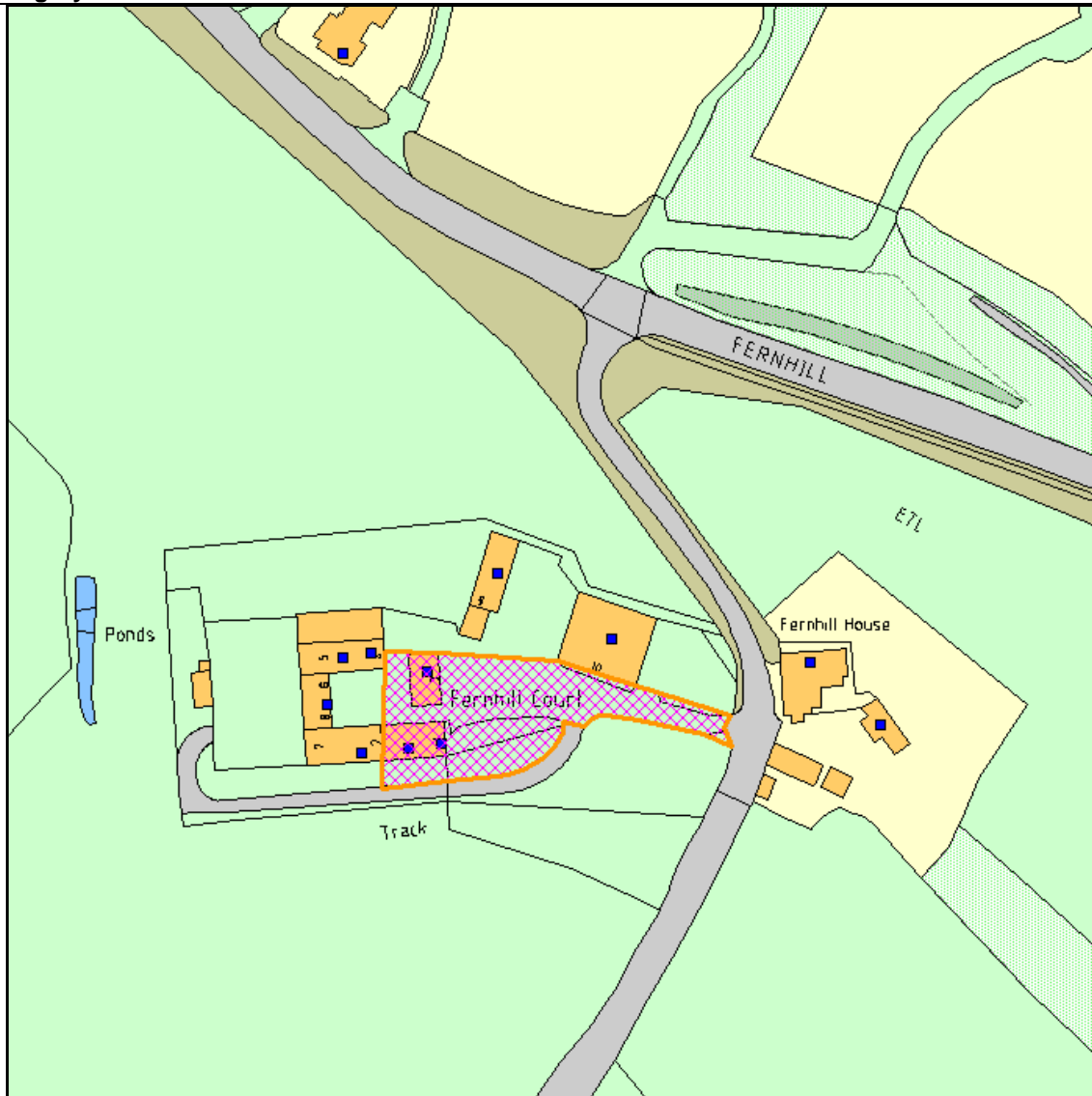
as received by the Local Planning Authority on 22nd March 2016.

Reason

For the avoidance of doubt.

CIRCULATED SCHEDULE NO. 12/16 – 24 MARCH 2015

App No.:	PT15/5415/RVC	Applicant:	Construction And Real Estate Properties Ltd
Site:	Unit 1 And 3 Fernhill Court Fernhill Almondsbury South Gloucestershire BS32 4LX	Date Reg:	23rd December 2015
Proposal:	Variation of condition of PT14/3725/F listing approved plans (added by PT15/4626/NMA) to substitute approved drawings with those received by the Council on 17 December 2015.	Parish:	Olveston Parish Council
Map Ref:	361193 185073	Ward:	Severn
Application Category:	Minor	Target Date:	15th February 2016



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 100023410, 2008. N.T.S. PT15/5415/RVC

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application seeks planning permission for a number of amendments to the approved scheme under reference PT14/3725/F. The changes include (i) combining Units 1 and 2 into one dwelling, (ii) installing a new patio door to replace an existing window on the rear elevation of Unit 1, (iii) extending Unit 3 to provide an additional bedroom, hall and w.c.. During the course of the application, a revised proposal has been submitted to reduce the ridge height of the proposed extension from 4.7 metres down to 4.1 metres.
- 1.2 The application relates to three residential units, which were granted planning permission PT14/3725/F and prior approval, PT13/2825/PNC, for the change of use of former business (Class B1) to residential uses (Class C3), situated within Fernhill Court on the south side of Fernhill, Almondsbury. The application site is located beyond any settlement boundary and it is situated within the Bristol / Bath Green Belt.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework (March 2012)
National Planning Policy Framework Technical Guidance
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	Environmental Resources and Built Heritage
CS16	Housing Density
CS17	Housing Diversity
CS34	Rural Areas

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

L1	Landscape Enhancement and Protection
L9	Species Protection
T12	Transportation Development Control Policy for New Development

Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted)
Development in the Green Belt (Adopted)
Residential Parking Standard SPD (Adopted)

3. **RELEVANT PLANNING HISTORY**

There is extensive history to the site, the most recent relevant applications being as follows:

- 3.1 PT14/3725/F Excavation works to create rear garden and installation of patio door to Unit 1. Erection of single storey extension to provide additional living accommodation and erection of 1.8 metres high boundary wall between Unit 3 and Unit 4. Creation of car parking area. Associated works to include sheds and retaining walls. Approved 11.12.2014
- 3.2 PT13/2825/PNC Change of use of 7no. offices (Class B1) to residential (Class3). No objection. 20.09.13
- 3.3 PT12/3027/F Change of use of office (Class B1a) to Residential (Class C3) to form 1 no. dwelling with associated work. Allowed in appeal 02.12.2013
- 3.4 PT06/2344/F: Change of use of 3 agricultural buildings to offices (Class B1) as defined in the Town & Country Planning (Use Classes) order 1987 (as amended). (Additional buildings.) Refused: 26.09.2006
- 3.5 PT01/1861/F: Change of use of two existing agricultural buildings to class B1 (office/light industry) and/or class B8 (storage and distribution) use. Relaxation of conditions attached to planning permissions ref P87/1950 and P94/1497, and revocation of Section 106 Agreement dated 6 July 1988 to facilitate this. Permitted: 07.10.2003.
- 3.6 P87/1950: Change of use of redundant buildings from agriculture to use as small light industrial workshops, totalling 3106 sq. ft. in floor area. (Units 1- 5.) Permitted: 11.07.1988
- 3.7 P86/2435: Proposed change of use from farm buildings to light industrial. (Units 1 – 7.) Withdrawn: 18.11.1986

4. **CONSULTATION RESPONSES**

4.1 Olveston Parish Council

Objection – there is no evidence to support the reason of the need for large family housing in the area. The Parish Vision Survey identified the needs for affordable housing, starter home, or smaller houses for older residents. There is an argument that the whole plot of Fernhill Court could have been better suited to affordable/starter properties as their change of use to domestic properties has already been agreed.

Other Consultees

Highway Officer:

No objection. Although this will mean an increase in the number of bedrooms in Unit 3, the site will continue conform to the Councils adopted Residential Car Parking Standards as 4 spaces are

provided for these two units. Therefore there is no transportation objection to this application.

Highway Structures Team: No comment.

Highway Drainage: No objection subject to a planning condition to seek sustainable surface water drainage.

Archaeology Officer: No archaeological objection.

Other Representations

4.2 Local Residents
None received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

This application is submitted under s73 of the Town and Country Planning Act for the approved development without complying with conditions subject to which a planning permission was granted. On this application, the local planning authority should primarily consider the question of the conditions, and it may decide that the permission shall be subject to the same conditions as were previously imposed, that the permission should be granted subject to different conditions, or that permission should be granted conditionally. Therefore it is limited in scope as the original permission still stands. The application under S73 does not offer an opportunity for the local planning authority to remove the original planning application, as such officers should primarily examine the reasons for the conditions.

In addition, Paragraph 206 of the NPPF states 'Planning conditions should only be imposed where they are:

1. Necessary;
2. Relevant to planning and;
3. To the development to be permitted;
4. Enforceable;
5. Precise and
6. Reasonable in all other respects.

Therefore the above six tests are the key elements for the assessment and the determination of this application and officers need to make sure that the proposed variation of condition will meet the tests.

5.2 A prior approval was granted in 2013 for the change of use of former 7 no. office buildings to residential uses including Unit 1 and Unit 3. Therefore there is no in-principle objection to proposed amendments provided that the proposal would not prejudice the visual amenity of the area, the residential amenity of the neighbouring properties, and public highway safety.

5.3 Green Belt

The site is located within the Bristol / Bath Green Belt, the National Planning Policy Framework advises that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt, except the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

There is no extension proposed to Units 1 and 2, as such, the proposed amendment to these units would not cause any material impact upon the openness of the Green Belt.

The proposal is to extend the approved single storey extension of Unit 3. The proposed extension would measure 6.3 metres by 6.3 metres and 4.1 metres to its ridge. The volume of the existing building is approximately 294.5 cubic metres, and the proposed extension would be approximately 134 cubic metres, therefore would be approximately 46% of the size of the existing building, which is very similar to the applicant's figures. Whilst the resulting building would be larger than the approved proposal and would project further, the resulting volume of the extension would be below 50% which is suggested by the Green Belt SPD as the maximum amount that would normally be considered to be proportionate. In addition, the proposed extension is compact in form and would have a lower ridgeline than the approved scheme. As such, the proposed extension would be more subservient in height. Overall, it is therefore considered that the proposal would not result in a disproportionate addition over and above the size of the original building and therefore would be appropriate development in green belt.

5.2 Design/ Visual Amenity

Unit 1 and Unit 2

The proposal includes replacing an existing window with a sliding patio door and combining two units into one unit. The proposed patio door would match the design of the existing door on Unit 2. It is considered that the proposal physical change is minor in nature and therefore officers have no objection.

Unit 3:

Although the proposed extension would be larger than the previous approved scheme, it would have a lower ridge line, as such, the extension would be more subservient. The external wall will be finished with stone work to match that of the existing building. It is considered that The proposal respects the character of the building and there is no objection to the proposed extension.

5.3 Residential Amenity

Unit 1 and Unit 3 are single storey buildings and no dormers or first floor extensions are proposed. All windows would be overlooking over their own curtilage. The proposed boundary wall would also give adequate privacy for the future occupiers.

The proposed extension to Unit 3 would remain a reasonable distance from the adjacent parking area and the side elevation of Unit 10, as such it is considered

that the proposal would not cause any unreasonable overlooking or overbearing impact upon the neighbouring occupiers.

5.4 Highway Safety

Although the proposal would result in larger residential units within the complex, there is a large hard-standing area, where would be able to provide adequate parking spaces to continue conform to the Councils adopted Residential Car Parking Standards. On this basis, there are no highway objections to the proposal.

5.5 Permitted Development Rights

It is noted that permitted development rights have not been removed from the previous planning permission. However, given that Unit 3 would now be larger than the previous approved scheme, it is considered that any further extension would need to be monitored in order to protect the openness the green belt. As such, it is considered that there is exceptional circumstance to justify the removal of permitted development rights from Unit 3 in this instance.

5.6 Other issues

Officers acknowledge Parish Council raises concerns regarding the area needs smaller residential accommodation instead of larger family units. Paragraph 50 of the National Planning Policy Framework advises the local planning authority to deliver a wide choice of high quality homes, widen opportunities for home ownership. Whilst the proposal would provide larger units on site, the proposal would provide 1 no. 4-bed unit and 1 no. 3-bed unit. These would still be likely occupied by families. The aspirations of the Parish from their vision survey are noted, however the degree of control anticipated following through to individual decision making is not proportionate. The NPPF states that housing supply generally should be boosted, particularly so where there is an undersupply of housing. Officers do not consider that a significant and demonstrable harm would result by allowing these proposed changes, it is also to a reasonable extent a commercial judgement by the applicant. Moreover, planning permission is not required of itself to combine two residential units into one unit. As such, there is no objection to the proposal.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Olivia Tresise
Tel. No. 01454 863761

CONDITIONS

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

Reason

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

2. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, D, and E), other than such development or operations indicated on the plans for Unit 3 hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason:

To protect the openness of the Green Belt and to accord with the National Planning Policy Framework March 2012.

3. All hard and soft landscape works shall be carried out in accordance with the approved drawing no. 936-PA-01B received on 9 March 2016 prior to the first occupation of the proposed development hereby approved unless a prior approval by the Local Planning Authority has been given to the variations. Details of the western boundary treatment of Unit 3 shall be submitted to and approved in writing by the Local Planning Authority and the works shall be carried out in accordance with the approved details.

Reason

To protect and enhance the landscape character of the area to accord with the National Planning Policy Framework March 2013, Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. Prior to the commencement of the development hereby permitted, a sample of the render to be used for the construction of the retaining wall adjacent to the proposed parking area shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reason:

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

5. Notwithstanding the submitted drawing, No. B11706 U3/01 Rev E, the external stone wall and the slate tiles for the construction of the proposed extension shall match to those of the existing buildings.

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

6. Prior to the commencement of the development, surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reasons:

- a. This is a pre-commencement condition in order to avoid any remedial works in the future.
 - b. To prevent flooding, and to accord with the National Planning Policy Framework March 2012 and Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).
7. This decision relates only to the plans identified below:

The following plans received by the Council:

Site location plan Drawing No. B11706 LP on 17 December 2015

Existing Block Plan, Drawing No. B11706 SP on 17 December 2015

Landscape Plan 936-PA-01B received on 9 March 2016

Existing and Proposed elevations and floor plans of Unit 1 and 2, Drawing No. B11706 U1/01 Revision A on 17 December 2015 and B11706 U1/03 Revision A received on 3 March 2016

Revised Existing and Proposed elevations and floor plans for Unit 3 Drawing No. B11706 U3/01 Revision E received by the Council on 18 March 2016

Proposed shed elevation and car parking elevation showing the retaining wall, Drawing No. B11706 U3/03 Revision C I, received by the Council on 4 December 2014, and

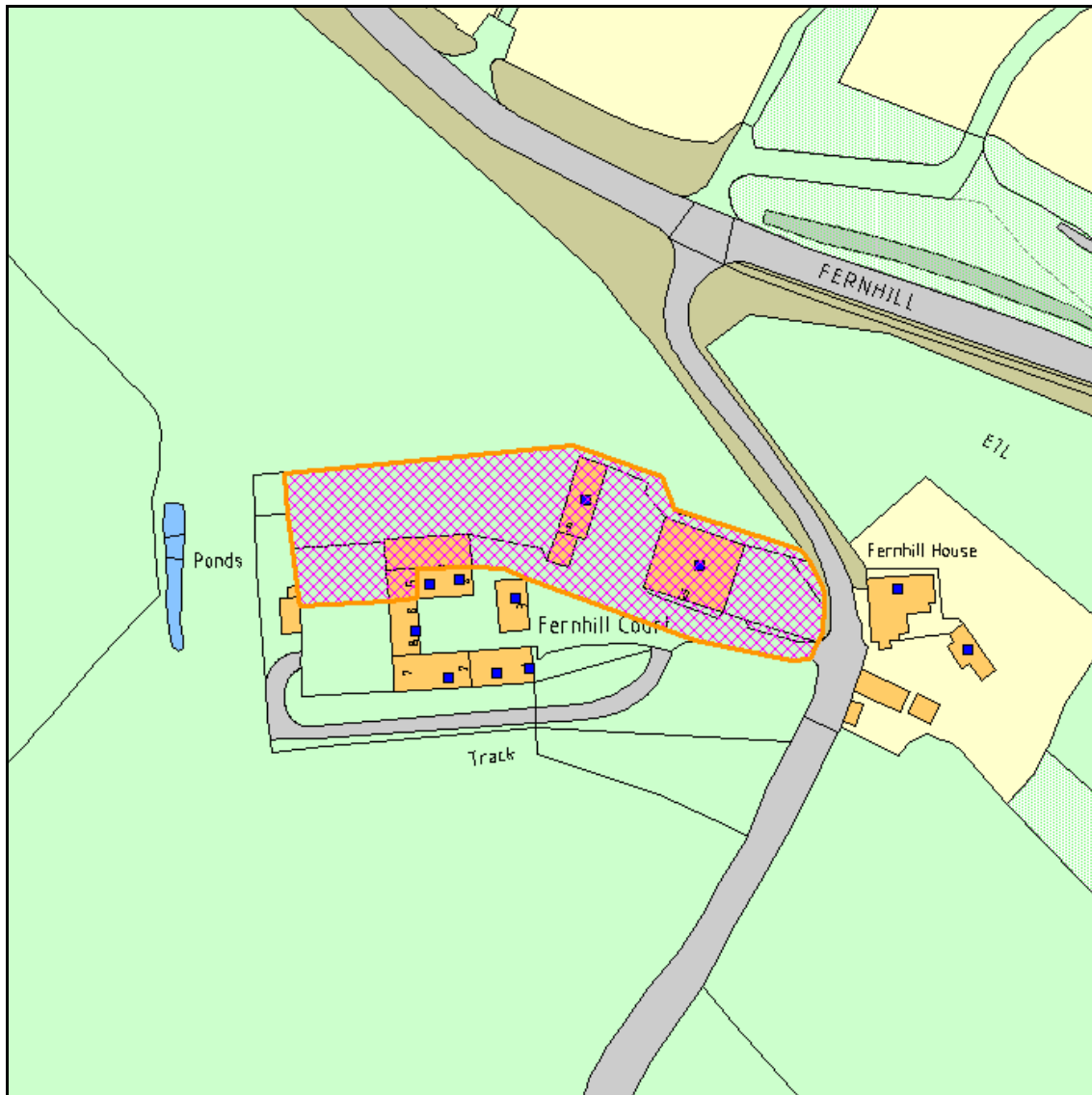
Revised Proposed Site Plan and Section AA, Drawing No. B11706 U3/02 Revision D, received by the Council on 17 December 2015.

Reason

To ensure that the development complies with the submitted details, in the interests of visual amenity, highway safety and residential amenity and to accord with policies CS1, CS4A, CS5, CS8, CS9, CS16, CS17, and CS34 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, and Policies L1, L9, and T12 of the South Gloucestershire Local Plan (Adopted) January 2006, the adopted residential parking standards SPD, and the National Planning Policy Framework March 2012.

CIRCULATED SCHEDULE NO. 12/16 – 24 MARCH 2016

App No.:	PT15/5450/RVC	Applicant:	Construction And Real Estate Properties Ltd
Site:	Units 4-7 Fernhill Court Fernhill Almondsbury South Gloucestershire BS32 4LX	Date Reg:	13th January 2016
Proposal:	Variation of condition 07 attached to PT15/1625/F to include additional plans in connection with access, layout and landscaping	Parish:	Olveston Parish Council
Map Ref:	361246 185097	Ward:	Severn
Application Category:	Householder	Target Date:	7th March 2016



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 100023410, 2008. **N.T.S.** **PT15/5450/RVC**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

1.1 The application seeks full planning permission to make a number of amendments to an approved scheme, PT15/1625/RVC. The proposed amendments are to (i) change the internal layout of Units 4 and 7 incorporating the adjoining Unit 5 (there is no increase or reduction to the total number of units) (ii) install 2 no. rooflights and a patio door on the north elevation for each units, (iii) change the design and the number of openings on the east and west elevation, and (iv) to construct a decking to the west of Unit 10. It should be noted that this application is not to propose any extension to the existing buildings of Units 4 & 7 and there is no new opening or extension to Unit 5.

1.2 Planning permission was granted for an erection of extensions and install dormers/windows to Units 4, 7, 9 and 10, which are situated within Fernhill Court, Almondsbury to facilitate the residential development. The permission also allows the change of the use of part of the adjacent field to residential purposes associated with Unit 4, 7 and 10. The site is situated beyond any settlement boundaries and is situated within the Bristol / Bath Green Belt. During the course of the application, a revised plan has been submitted to ensure the proposed boundary of the units would be in line with the approved plans.

1.3 The application relates to four residential units, which were granted a prior approval, PT13/2825/PNC, for the change of use of former business (Class B1) to residential uses (Class C3). It should be noted that the fenced area lies to the north of the site does not form of the curtilage of the existing business unit. The said prior approval has not been implemented.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework (March 2012)
National Planning Policy Framework Technical Guidance
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	Environmental Resources and Built Heritage
CS16	Housing Density
CS17	Housing Diversity

CS34 Rural Areas

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

L1 Landscape Enhancement and Protection

L9 Species Protection

T12 Transportation Development Control Policy for New Development

Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted)

Development in the Green Belt (Adopted)

Residential Parking Standard SPD (Adopted)

Area 18 Severn Ridge, in SG Landscape Character Assessment.

3. RELEVANT PLANNING HISTORY

There is extensive history to the site, the most recent relevant applications being as follows:

- 3.1 PT15/4629/NMA (Unit 4, 7, 9 & 10) Non material amendment to PT15/1625/F to include all approved plans and documents of the planning permission as a condition. Approved 24.11.2015
- 3.2 PT15/1625/F (Unit 4, 7, 9 & 10) Installation of 4no. dormer windows and increase height of eaves to provide additional first floor accommodation to Units 4 and 7. Installation of dormers and rooflights and increase in roof height to provide additional first floor accommodation to Unit 10 to facilitate residential development and to change the use of the land to residential purposes to these Units. Approved 11.09.2015
- 3.3 PT15/5415/RVC (Unit 1 and Unit 3) Variation of condition of PT14/3725/F listing approved plans (added by PT15/4626/NMA) to substitute approved drawings with those received by the Council on 17 December 2015. Pending Decision
- 3.4 PT15/4626/NMA (Unit 1 and Unit 3) Non material amendment to PT14/3725/F to include all approved plans and documents of the planning permission as a condition.
- 3.5 PT14/3725/F Excavation works to create rear garden and installation of patio door to Unit 1. Erection of single storey extension to provide additional living accommodation and erection of 1.8 metres high boundary wall between Unit 3 and Unit 4. Creation of car parking area. Associated works to include sheds and retaining walls. Approved 11.12.2014
- 3.6 PT13/2825/PNC Change of use of 7no. offices (Class B1) to residential (Class C3). No objection. 20.09.13
- 3.7 PT12/3027/F Change of use of office (Class B1a) to Residential (Class C3) to form 1 no. dwelling with associated work. Allowed in appeal 02.12.2013

- 3.8 PT06/2344/F: Change of use of 3 agricultural buildings to offices (Class B1) as defined in the Town & Country Planning (Use Classes) order 1987 (as amended). (Additional buildings.) Refused: 26.09.2006
- 3.9 PT01/1861/F: Change of use of two existing agricultural buildings to class B1 (office/light industry) and/or class B8 (storage and distribution) use. Relaxation of conditions attached to planning permissions ref P87/1950 and P94/1497, and revocation of Section 106 Agreement dated 6 July 1988 to facilitate this. Permitted: 07.10.2003.
- 3.10 P87/1950: Change of use of redundant buildings from agriculture to use as small light industrial workshops, totalling 3106 sq. ft. in floor area. (Units 1- 5.) Permitted: 11.07.1988
- 3.11 P86/2435: Proposed change of use from farm buildings to light industrial. (Units 1 – 7.) Withdrawn: 18.11.1986

4. CONSULTATION RESPONSES

4.1 Olveston Parish Council

Olveston Parish Council objects to this application. The application PT15/5415/RVC recently submitted in the same development argued that large properties are required in the area and yet the resultant changes under this application create a further property and decrease the effective size of the originally proposed three bedrooms. There is no evidence currently to support this view, and the Parish Council suggest that the application is rejected until the results from the recently conducted Olveston Housing Needs Survey are published. Given that 'Change of Use to domestic properties' has already been agreed for the whole plot of Fernhill Court, it would be ideal to support the findings of the Housing Needs Survey.

Other Consultees

Landscape Officer: No objection to the submitted landscaping plan, officer initially raised concerns regarding the intervening land between the rear garden fences and the site boundary, and the new layout would allow bin stores being more exposed.

Archaeology Officer: No objection

Highway Officer: No objection subject to condition seeking parking spaces clearly marked out and allocated for each units on site.

Lead Local Flood Authority: No comments.

Council Ecologist: No objection to the previous scheme and no further survey work is required.

Other Representations

- 4.2 Local Residents
No comments received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application site is located within the open Green Belt. In this regard, National Planning Policy Framework advises that planning permission will only be granted for the construction of new buildings, for a limited number of criteria; one such criteria relates to essential facilities for outdoor sport and recreation and for other uses which preserve the openness of the Green Belt and which do not conflict with the purposes of including land within the Green Belt.

Planning permission PT15/1625/F and a prior approval PT13/2825/PNC were granted for the proposed residential use of these buildings, and the green belt issue has been considered under the previous planning applications. Furthermore, this application does not propose any extension to the approved scheme, and there is no material change to the private amenity garden area onto the open field, therefore there is no 'in-principle' objection to the proposal.

This application is submitted under s73 of the Town and Country Planning Act for the approved development without complying with conditions subject to which a planning permission was granted. On this application, the local planning authority should primarily consider the question of the conditions, and it may decide that the permission shall be subject to the same conditions as were previously imposed, that the permission should be granted subject to different conditions, or that permission should be granted conditionally. Therefore it is limited in scope as the original permission still stands. The application under S73 does not offer an opportunity for the local planning authority to remove the original planning application, as such officers should primarily examine the reasons for the conditions.

In addition, Paragraph 206 of the NPPF states 'Planning conditions should only be imposed where they are:

1. Necessary;
2. Relevant to planning and;
3. To the development to be permitted;
4. Enforceable;
5. Precise and
6. Reasonable in all other respects.

Therefore the above six tests are the key elements for the assessment and the determination of this application and officers need to make sure that the proposed variation of condition will meet the tests.

5.1 Principle of Development

A prior approval was granted in 2013 for the change of use of former 7 no. office buildings to residential uses including Units 4, 7, 9 and 10.

Whilst the proposal is related to residential alterations, it should be noted that the prior approval, PT13/2825/PNC, for residential conversions has not been implemented. It however should be noted that the National Planning Policy Framework does support high quality design extensions to existing buildings. Policy CS1 of the adopted Core Strategy and the saved Policy H4 of the adopted Local Plan allows extensions and alterations to residential properties subject to the proposal would not prejudice the visual amenity of the area, the residential amenity of the neighbouring properties, and public highway safety. In this instance, it is considered that the proposed alterations to these residential properties would be acceptable in principle.

5.2. Impact upon the Green Belt

The site is located within the Bristol / Bath Green Belt, the National Planning Policy Framework advises that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt, except the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

The proposal involves a number of amendments to the approved scheme. As no further extension is proposed with this application and the proposed garden amenity spaces for the new units would be largely the same to the previous scheme, therefore the proposal would not cause any material impact upon the openness of the Green Belt. Therefore the proposal is acceptable in terms of green belt issues.

5.3 Design/ Visual Amenity

The proposal is to change the internal layout of Unit 4 and 7 incorporating Unit 5 in order to provide 3 no. units. The proposed alternations mainly relates to the number and design of the dormers, windows and doors, officers consider that the proposed changes would still reflect the rural character of the area and would be acceptable in design terms subject to a condition seeking a sample of external materials.

Officers note that it is proposed to construct a decking to the west of Unit 10. Given the nature of the proposal and the difference of the ground levels, it would be unreasonable to refuse the proposed decking, therefore officers have no objection to the proposed decking subject to condition seeking design details in order to safeguard the rural character of the area.

5.4 Boundary treatment

There would be post and rail fence, 1.5 metres high close board fence and a retaining wall to create a private amenity space for each units. There is no in-principle objection to the proposed boundary treatment subject to a condition seeking a sample of the finish materials of the proposed retaining wall.

5.5 Residential Amenity

Fernhill House is the sole neighbouring property to the site. Although the property is located approximately 8 metres from the business park, it would be approximately 85 metres from the east elevation of Unit 4, which is the nearest new residential unit to this neighbouring property.

Given that there is a reasonable distance between Fernhill House and the units, which are situated on a lower ground level, and there would be no increase in height and scale of these units, it is considered that the impact would not be significant nor detrimental to the living conditions of the nearby residents.

All primary windows on these new units would be overlooking over the adjacent field or the courtyard area. Although the proposed Unit 4/5 would be approximately 12 metres from the opposite Unit 1, given that these existing units could be converted under a prior approval consent and there would still be a reasonable distance between these units, as such, it is considered that there would not be any unreasonable overbearing or overlooking impact upon the future occupiers within the site.

In this instance, Officers consider that the impact upon the residential amenity of the adjacent neighbouring residents and future occupiers would be deemed to be acceptable.

5.6 Highway Safety

The site was formerly used a business park and there is already an existing large hard-standing area to accommodate vehicle parking within the site. It is also noted that a prior approval and planning permission have been granted for the conversion of existing office buildings to residential properties.

There is a large hardstanding area within the complex to provide parking spaces for each units. The proposed parking space would continue to conform to the Councils adopted Residential Car Parking Standards. On this basis, there is an existing business use of the site, the proposal would not change the existing vehicular access, and the level of parking provision would comply to the Council's Residential Parking Standards, therefore there are no highway objections to the proposal subject to condition seeking the proposed parking spaces are clearly marked out for each units on site.

5.7 Landscaping impact

The site consists of a pleasing cluster of traditional stone and brick former farmyard buildings nestling near the head of a shallow valley, which runs down to the Severn Ridge towards the Levels. The Gloucester Road to Alveston runs to the southeast of the development with a line of electricity pylons roughly following the line of the road. The rear of the development, to the southwest, is backed by the M4 motorway which is screened by a well-established landscape buffer of native type, shrub and hedgerow planting. The development is surrounded by small pastures, well enclosed by field hedges and hedgerow trees.

A full landscape scheme has been submitted and the Landscape Officer is satisfied with the submitted details. Therefore the proposal is acceptable from the landscape perspective provided that a condition is imposed to ensure that the landscaping scheme will be implemented accordingly.

5.8 Ecological Issues

An Extended Phase I Habitat Survey dated 24 August 2014 was submitted with the application, and the Council Ecologist has considered that no further survey works are required at this stage. Nevertheless, given that bats are roosting in some of these buildings, it is considered that it would be necessary to impose a condition to ensure the mitigation measures including the installation of bat boxes on trees, which are recommended by the Survey Report shall be strictly carried out.

5.9 Other issues

Officers acknowledge Parish Council raises concerns regarding the area needs smaller residential accommodation instead of larger family units. Paragraph 50 of the National Planning Policy Framework advises the local planning authority to deliver a wide choice of high quality homes, widen opportunities for home ownership. Whilst the proposal would change the approved internal layout of each units, the number of units and the number of bedroom in each units would remain the same. The aspirations of the Parish from their vision survey are noted, however the degree of control anticipated following through to individual decision making is not proportionate. The NPPF states that housing supply generally should be boosted, particularly so where there is an undersupply of housing. Officers do not consider that a significant and demonstrable harm would result by allowing these proposed changes, it is also to a reasonable extent a commercial judgement by the applicant.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 That planning permission be granted subject to the following conditions:

Contact Officer: Olivia Tresise
Tel. No. 01454 863761

CONDITIONS

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

Reason

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

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

Reason

To protect the openness of the Bristol / Bath Green Belt and to accord with National Planning Policy Framework, Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and the saved Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Prior to the commencement of the development hereby permitted, a sample of roof materials to be used for the construction of proposed development shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reasons

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

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

4. The stone work to be used externally in the development hereby permitted shall match that of the existing building in type, colour, texture, size, coursing and jointing.

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

5. All hard and soft landscape works shall be carried out in accordance with the approved drawing no. 936-PA-01B received on 9 March 2016 prior to the first occupation of the proposed development hereby approved unless a prior approval by the Local Planning Authority has been given to the variations. Prior to the commencement of development at Unit 10, details including the elevations of the proposed decking and a sample of the finish material of the proposed retaining wall hereby approved shall be submitted to and approved in writing by the Local Planning Authority, and the works shall be carried out in accordance with the approved details.

Reason

To protect the character and appearance of the area to accord with CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and the saved Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. The mitigation measures set out in the submitted Extended Phase I Habitat Survey Report dated 24 August 2014 shall be strictly carried out. To avoid any doubts, all mitigation measures including the bat mitigation methodology shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and all works shall be strictly carried out in accordance with the approved details.

Reason

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

b. To ensure the works are carried out in an appropriate manner and in the interests of the wildlife habitat and the protected species and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

7. The off-street parking facilities (for all vehicles, including cycles) shown on the plan hereby approved shall be provided before the building is first occupied, and all parking spaces shall be clearly marked out for each units on site, and thereafter retained for that purpose.

Reason

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

8. The development shall be implemented strictly in accordance with the following plans:

This decision relates only to the plans identified below:

The following plans received by the Council on 16 April 2015:

Drawing No. B11706 LP Site location plan

Drawing No. B11706 SP Existing Site Plan

Drawing No. A114/7171/3 Existing Elevations

Drawing No. A114/7171/02 Existing floor plans, and

The following plans received by the Council on 4 August 2015:

Drawing No. B11706 U9 / 01 / B Revised Site Layout for Unit 9, and

Drawing No. B11706 U9 / 02 / B Proposed floor plans for Unit 9

Drawing No. B11706 U9 / 03 / B Proposed elevations of Unit 9

Drawing No. B11706 U10 / 01 A Proposed Site Layout for Unit 10

Drawing No. B11706 U10/ 02 / B Proposed floor plans of Unit 10

Drawing No. B11706 U10 / 03 / B Proposed elevations of Unit 10

Drawing No. B11706 U4 / 03 Revision A Proposed elevations and floor plans received
21 December 2015

Drawing No. B11706 U4/02 Revision B received on 18 March 2016

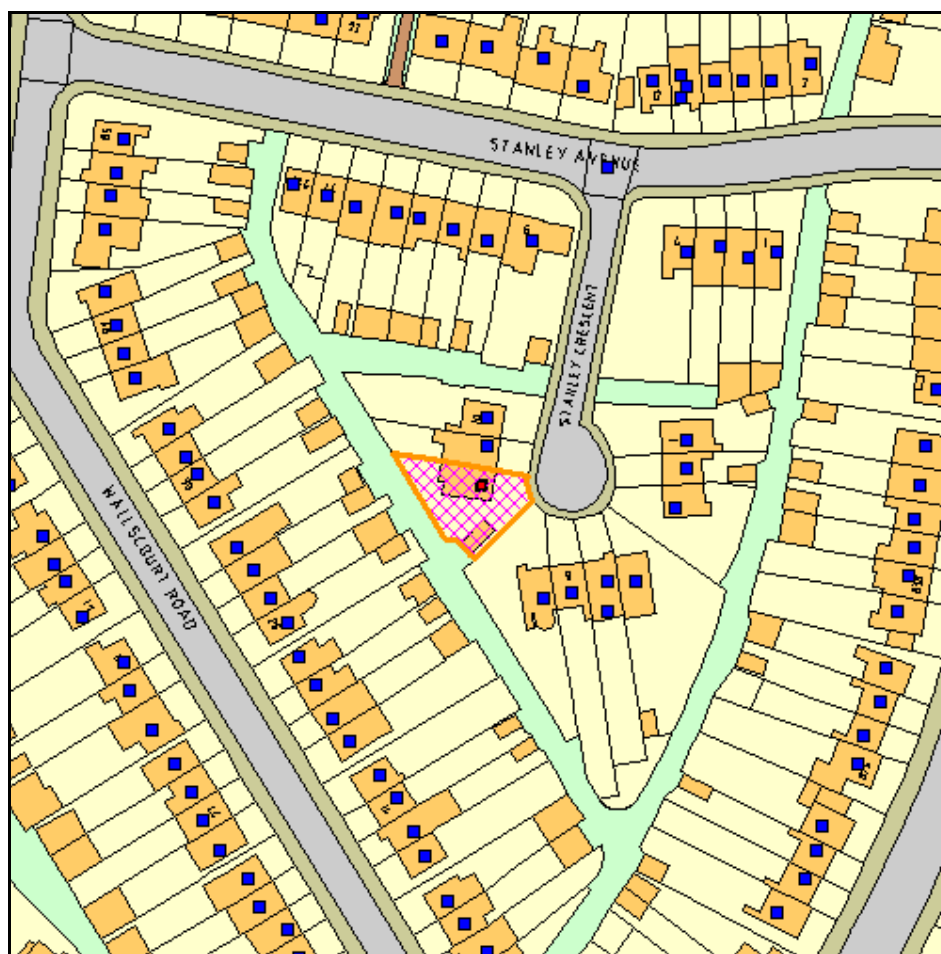
Drawing No. 936-PA-01B Landscaping Plan received on 9 March 2016

Reason

To ensure that the development complies with the submitted details, in the interests of visual amenity, highway safety and residential amenity and to accord with policies CS1, CS4A, CS5, CS8, CS9, CS16, CS17, and CS34 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, and Policies L1, L9, and T12 of the South Gloucestershire Local Plan (Adopted) January 2006, the adopted residential parking standards SPD, Development in the Green Belt SPD and the National Planning Policy Framework March 2012.

CIRCULATED SCHEDULE NO. 12/16 – 24 MARCH 2016

App No.:	PT16/0346/F	Applicant:	Mr R Tao
Site:	8 Stanley Crescent Filton Bristol South Gloucestershire BS34 7NH	Date Reg:	1st February 2016
Proposal:	Demolition of existing garage. Erection of single and two storey side extension to form 1 no. semi detached dwelling with new access and associated works	Parish:	Filton Town Council
Map Ref:	360699 178596	Ward:	Filton
Application Category:	Minor	Target Date:	24th March 2016



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REASON FOR REFERRAL TO THE CIRCULATED SCHEDULE

Three neighbour objections have been received that are contrary to the Case Officer's recommendation.

1. THE PROPOSAL

- 1.1 The application is for the demolition of the existing garage and the erection of a single storey and two storey side extension to form 1no. semi-detached dwelling within the current curtilage of 8 Stanley Crescent, Filton.
- 1.2 The plot is set on a residential cul-de-sac within a built-up residential area of Filton. The existing property is finished in rough stone render with a hipped roof and interlocking red tiles. There is a small garden to the front and a larger garden to the rear of the property which is closed in by a 1.8 metre closed panel wooden boundary fence.
- 1.3 A previous planning application for a two storey and single storey side and rear extension (PK15/4034/F) has recently been approved.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Policy Guidance 2014

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)

CS1 High Quality Design

CS4A Presumption in Favour of Sustainable Development

CS5 Location of Development

CS8 Improving Accessibility

CS15 Housing Distribution

CS16 Housing Density

CS17 Housing Diversity

CS25 The Communities of the North Fringe of Bristol Urban Area

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

T12 Transportation Development Control Policy for New Development.

T7 Cycle Parking

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

- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted 2007)
Residential Parking Standards (Adopted 2013)
Waste Collection Guidance (Adopted 2015)

3. RELEVANT PLANNING HISTORY

- 3.1 PT15/4034/F- Erection of two storey and single storey rear extension to provide additional living accommodation. Approve with Conditions 27.10.2015

4. CONSULTATION RESPONSES

- 4.1 Filton Parish Council
No comment received

4.2 Sustainable Transportation

- Vehicular access would be via the lane to the rear of the new dwelling.
- It is considered that the new dwelling may generate additional on-street parking within Stanley Crescent.
- The constrained turning head is not suitable for additional on-street parking and could create the need for vehicles to reverse down Stanley Crescent on to Stanley Avenue.
- As such this application is recommended for refusal on highway safety grounds.

A second comment from the Transport Officer received on 24th February 2016 explained;

- It is considered that as the sole parking for the existing dwelling is accessed via the lane to the rear, there would be no increase in vehicular movement should the off-street parking for the proposed dwelling also be in the same position.
- It is noted that 7 Stanley Crescent had an approved parking space accessed via the lane to the rear of the property.
- Given the reasons laid out above the previous refusal recommendation is withdrawn and this application is recommended for approval.

- 4.3 Highway Structures
No comment

- 4.4 Lead Local Flood Authority
No objection subject to advice and informatives regarding public and private sewer locations

Other Representations

- 4.6 Local Residents
Objection comment received by no.9, no.4 and no.3 Stanley Crescent
- Objection regarding parking. Rear parking spaces are rarely used on the street. Car parking to the rear is poorly overlooked and there are safety

concerns. The two parking spaces to the front would create only one new space as an on-road space, in front of house no.8 would be lost to provide access.

- Parking provisions already constrained. There is a disabled parking bay currently located in front of the proposed property. It is not feasible to access parking to the front of no.8 Stanley Crescent.
- The proposal would increase density of buildings which would limit daylight in the Crescent and would change the whole character of the area.
- There is no space for further waste and recycling bins on the pavement.
- Extra housing will make the area cramped, dark and overcrowded and the house will not be in-keeping with the other 1930s houses.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Development within the established settlement boundary is generally supported by the Council as it is a sustainable form of development which makes the most efficient use of land. Policy CS5 allows for development within the existing urban areas subject to conformity with other development plan policies.

Similarly policy H4 of the Local Plan states that new dwellings within existing residential curtilages are acceptable in principle but should respect the overall design and character of the existing property and street scene, would not detrimentally affect the amenities of nearby occupiers, would have acceptable parking provision and would provide adequate private amenity space for any new dwelling. Policy CS16 explains that housing development is required to make efficient use of land, to conserve resources and maximise the amount of housing supplied. The density of new development should be informed by the character of the local area and contribute to the high quality design set out in CS1, improving the mix of housing types and providing adequate levels of semi-private communal open space and private outdoor space. Furthermore, as the Council currently does not have a 5 year supply of housing land the test in Paragraph 14 of the NPPF explains that where this is the case permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

In principle the proposed erection of a new 2-bed house would be acceptable because it is situated within an existing urban area and within a settlement boundary. However, the proposal should satisfy all of the criteria as set out above and the remainder of this report will assess such criteria.

5.2 Visual Amenity

The proposal consists of the demolition of the existing garage and erection of a single and two storey side extension to form no.1 end-of-terrace dwelling. The existing dwelling is an end-of-terrace property with a hipped roof and the new dwelling is proposed to be built on to the side elevation of no.8, creating an end-of-terrace property. It was noted that the previous planning permission (PT15/4034/F) was for an extension that was set back with a lower roof ridge which made the extension look somewhat subservient when compared to the

host dwelling. This was considered to be adequate for the creation of an extension but this posed some design issues when considering the property as a separate dwelling. Therefore, the subservient nature of the proposed dwelling was not considered to be the highest possible standard of design and therefore, failed to meet the requirements of policy CS1 of the Core Strategy (2013). Similarly, objection comments received explained that the proposed dwelling would not be in-keeping with the character and design of the other houses on the streetscene. The applicant was invited to submit revised plans and on 1st March 2016 plans (A102 Rev 2) were submitted showing the continuation of the height of the existing roof pitch, the continuation of the front building line, the re-positioning of the front door to the front of the property and the installation of a front bay window to match the other properties in the terrace. Therefore, it is now considered that the design of the proposed dwelling is more in-keeping with the host dwelling and other properties in the terrace and wider streetscene. The dwelling also proposes to retain the existing hipped roof and proposes to use materials that match that of the host dwelling.

Overall, it is considered that the new dwelling would assimilate into the current surroundings and would respect the character and design of the existing street scene and as such, is considered acceptable in terms of visual amenity.

5.3 Residential Amenity

The host dwelling is an end-of-terrace property and the proposed dwelling would be built on the side of no.8 creating an end-of-terrace dwelling, with the host dwelling becoming a mid-terrace. There are neighbouring dwellings to the rear and both side elevations. The properties to the front and rear elevations are separated by access roads and garden space and therefore, it is considered that there is sufficient space between these properties so as not to garner any significant negative impacts in terms of residential amenity. The property to the right side elevation (no.7) is considered to be a sufficient distance away and is also set at an angle which does not create any directly facing windows. However, it is considered that as no.7 has a large parking area to the front of the property there may be some overlooking created. There is also a window in the side elevation of the single storey extension which is proposed to serve the bathroom of the new dwelling. There is currently only an approximate 1.4m brick wall that tapers down to an approximate 0.7m brick boundary wall to the front which separates the driveway of no.7 and the side window of the proposed bathroom. Therefore, it is considered necessary to issue a condition to ensure that the side window is obscure glazed and non-opening from 1.7m from the ground level of the bathroom in order to ensure adequate privacy levels for the future occupants of the new dwelling. Similarly, it is not considered that the attached host property (no.8) will experience any significant negative impacts in terms of residential amenity as there are no windows that overlook the host dwelling.

There is approximately only 30sqm of private amenity space leftover for both the host dwelling and the proposed dwelling which is below the minimum private amenity standards within the Council's emerging PSP Plan. The guidance states that there should be 60sqm for a three-bed property and 50sqm for a two-bed property. However, only limited weight can be given to the Council's emerging PSP Plan and as other issues regarding transport, design and residential amenity are considered to be sufficient, the amount of private

amenity space although not ideal is not considered to represent a significant and demonstrable negative impact that outweighs the benefits of the proposal. The proposed two-bed dwelling is also considered to add to the mix of housing types within the area.

A neighbour objection comment received explains that there is no further room on the pavement for waste and recycling bins. However, from the site plan within plan A102 it shows adequate bin storage to the side of the proposed property and to the front of the host property which is in-line with the Council's Waste SPD (adopted January 2016). The Waste SPD (2015) also states that the collection point should be at the front of the property and no more than 25 metres from the storage point. Collection points must be free from obstructions such as bollards and parked cars and should not result in reduced visibility at junctions. As parking is proposed to the rear of the property and there is adequate outside bin storage facilities and sufficient room for collection to the front of the property, it is not considered that there will be any significant negative impacts in terms of the collection of waste and recycling for one extra dwelling.

Overall, it is considered that the proposed dwelling is not likely to create any significant negative impacts in terms of residential amenity.

5.4 Sustainable Transport

The application is proposing to create a new two-bed dwelling to the side of no.8 Stanley Crescent. The new-build dwelling is proposed to have two bedrooms and the host dwelling has three bedrooms. The Council's Residential Parking Standards SPD (2013) states that there should be a minimum of two parking spaces measuring 4.8m by 2.4m for each three-bed property and a minimum of one parking space measuring 4.8m by 2.4m for each two-bed property. Within the plans received on 26th January 2016 the proposed parking plan was not considered to be sufficient as one of the parking spaces for the host dwelling was situated to the front of the proposed dwelling which caused residential amenity issues. Therefore, revised plans were submitted on 1st March 2016 that show two parking spaces measuring 4.8 by 2.4m to the front of no.8 Stanley Crescent and one space is to be provided measuring 4.8m by 2.4m to the rear of Stanley Crescent for the proposed dwelling. Similarly there is cycle storage provided for both the proposed and host dwelling which is in line with the specifications set out in Policy T7 of the Local Plan (2006). A condition will be issued to ensure that the car and cycle parking arrangements as outlined in plan A102 (Rev 2) will be implemented prior to first occupation of the proposed dwelling to ensure compliance with the Residential Parking Standards SPD (2013) and Policy CS8 of the Core strategy (2013).

The original transport comments received expressed concerns that the new dwelling would create additional on-street car parking and that this would be unacceptable. However, in revised comments received the Transport Officer has explained that as the sole parking for the existing dwelling is accessed via the lane to the rear, there would be no increase in vehicular movement should the off-street parking for the proposed dwelling also be in the same position. There have also been neighbour objections regarding the proposed parking spaces explaining that rear parking spaces are rarely used due to safety

issues. However, it is considered that as the access lane to the rear is already used for access to existing rear garages and as no.7 Stanley Crescent also has a similar rear parking space that is accessed via this lane, it is not considered that this will create any significant issues in terms of highway safety. A further neighbour objection comment explained that there is currently a disabled parking space to the front of no.8 Stanley Crescent that could not be used as a result of the new parking arrangement. However, it is considered that this parking space is currently positioned at an angle that is in front of the existing access for no.7 Stanley Crescent as well as the proposed access for no.8 and therefore, this parking space cannot currently be used as it is because it obstructs the access for no.7. Overall, there are no objections in terms of parking and highway safety.

6. CONCLUSION

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

7. RECOMMENDATION

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

Contact Officer: Chloe Buckingham
Tel. No. 01454 867967

CONDITIONS

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

Reason
To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).
2. Prior to the use or occupation of the dwelling hereby permitted, and at all times thereafter, the proposed ground floor window on the south elevation serving the bathroom shall be glazed with obscure glass to level 3 standard or above with any opening part of the window being above 1.7m above the floor of the room in which it is installed.

Reason

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

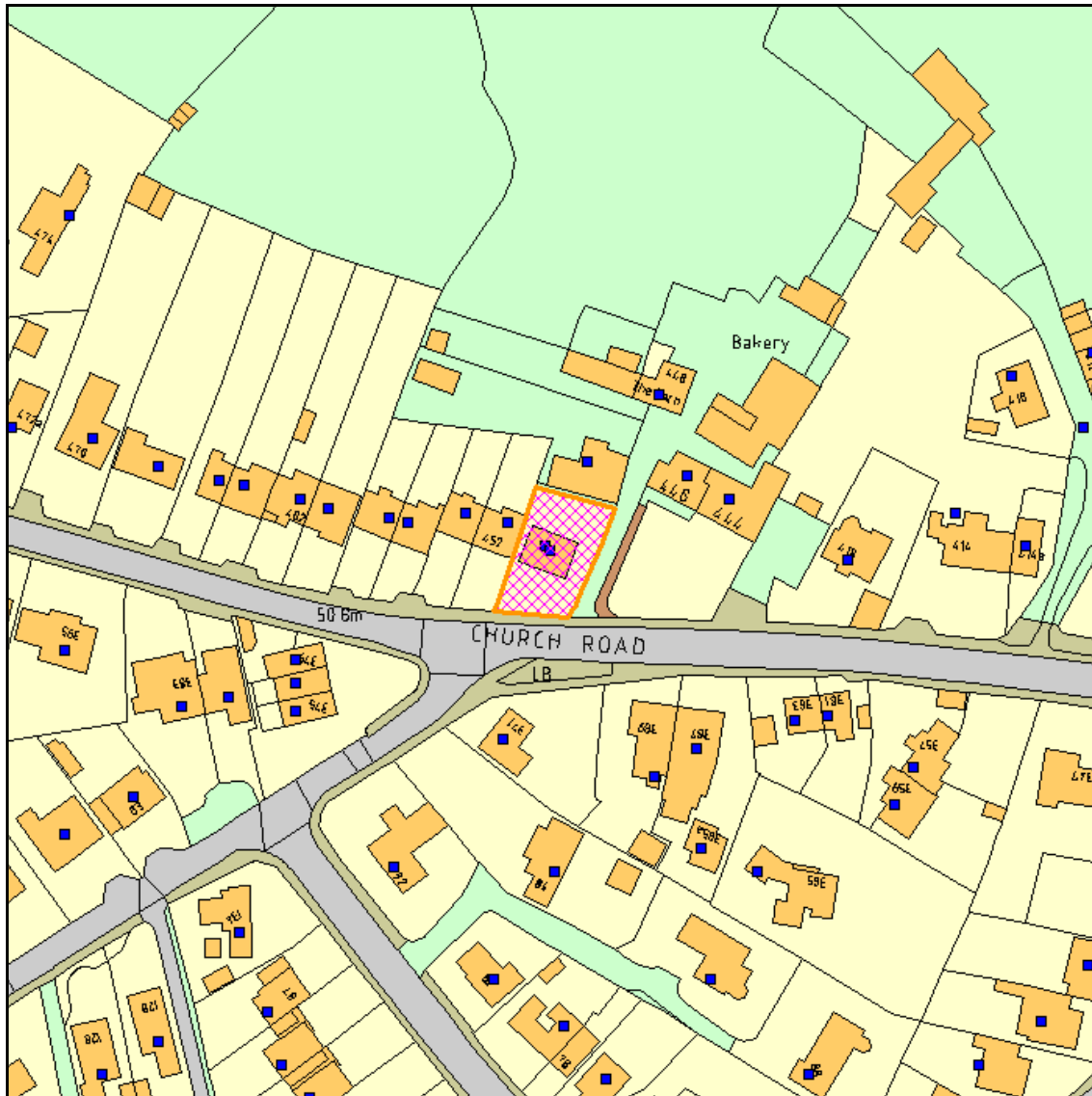
3. Prior to first occupation of the new dwelling the car parking area and cycle parking facilities indicated in Plan A102 Rev 2 shall be provided and retained as such thereafter.

Reason

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

CIRCULATED SCHEDULE NO. 12/16 – 24 MARCH 2016

App No.:	PT16/0387/F	Applicant:	Mr Daniel Phillips
Site:	450 Church Road Frampton Cotterell Bristol South Gloucestershire BS36 2AQ	Date Reg:	3rd February 2016
Proposal:	Erection of single storey side and single storey rear extensions to form garage and additional living accommodation. Erection of front porch. Creation of new vehicular access.	Parish:	Frampton Cotterell Parish Council
Map Ref:	366338 182067	Ward:	Frampton Cotterell
Application Category:	Householder	Target Date:	29th March 2016



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REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application has been submitted to the Council's circulated schedule procedure as comments received have been contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a single-storey side and single storey rear extensions as well as the erection of a front porch and the creation of new vehicular access.
- 1.2 450 Church Road, Frampton Cotterell is situated within a built-up residential area and fronts a busy highway. The dwelling is a detached two-storey property with a pitched roof and interlocking red tiles. The property has buff coloured brick facing with half of the front elevation finished in cream painted rough stone render. There is a gravel driveway to the front and side of the property with parking for approximately two cars. To the front and east side of the property there is a 1.4m stone wall. There is a large garden to the rear with a 1.8m close boarded fence. There is also an access road to the east side elevation which has access to the grade II listed mid-17th Century 444 Church Road and its associated locally listed barns and bakery.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS4A Presumption in Favour of Sustainable Development

CS5 Location of Development

CS8 Improving Accessibility

CS9 Environment and Heritage

South Gloucestershire Local Plan Adopted January 2006 Saved Policies

T12 Transportation

H4 Development within Existing Residential Curtilages

L13 Listed Buildings

2.3 Supplementary Planning Guidance

Residential Parking Standard SPD (Adopted) December 2013

South Gloucestershire Design Checklist SPD (Adopted) August 2007

3. RELEVANT PLANNING HISTORY

- 3.1 P97/1140 Approval Full Planning 01.07.1997
Erection of bungalow.

4. CONSULTATION RESPONSES

4.1 Frampton Cotterell Parish Council

- Objects on the grounds that this is detrimental to the street scene and support the Conservation Officer's objection to the partial demolition of the natural stone wall.
Comment received to the revised plans submitted on 24th February 2016
- The Parish shares the concerns raised by the SGC's Conservation Officer.

4.2 Conservation Officer

- No objections to the scheme of extension but the partial demolition of the natural stone boundary wall to the front and side should be reconsidered.
- This wall forms part of the historic entrance to the grade II listed mid-17th Century 444 Church Road and its associated locally listed barns and bakery to the east of the application site and can be considered to make a positive contribution to the character and distinctiveness of the locality.
- As the proposed garage doesn't appear to be functioning due to its small depth, the wall would help to provide some screening for any car parked in what would be a prominent location.
Comment received to the revised plans submitted on 24th February 2016
- Due to the proposed loss of historic wall being reduced to 1m, although the proposed parking directly to the front of the property would be visually intrusive, from a conservation basis, there are no objections.

Other Representations

4.2 Local Residents

No comments received

5. ANALYSIS OF PROPOSAL

5.1 This application seeks planning permission for the erection of a single-storey side and rear extension, with the erection of a front porch and the creation of new vehicular access.

Principle of Development

5.2 Policy CS1 'High Quality Design' of the South Gloucestershire Core Strategy (adopted December 2013) states development proposals will only be permitted if the highest possible standards of site planning and design are achieved. Meaning developments should demonstrate that they: enhance and respect the character, distinctiveness and amenity of the site and its context; have an appropriate density and well integrated layout connecting the development to wider transport networks; safeguard and enhance important existing features through incorporation into development; and contribute to strategic objectives.

5.3 Policy H4 of the South Gloucestershire Local Plan (adopted January 2006) is supportive in principle of development within the curtilage of existing dwellings. This support is provided proposals respect the existing design; do not prejudice

residential and visual amenity, and also that there is safe and adequate parking provision and no negative effects on transportation.

- 5.4 Policy CS9 'Managing the Environment and Heritage' of the South Gloucestershire Core Strategy aims to ensure that heritage assets are conserved, respected and enhanced in a manner appropriated to their significance. Similarly, saved policy L13 of the adopted Local Plan aims to protect the setting of a listed building.

Design and Visual amenity

- 5.5 Whilst the proposed erection of a single-storey rear extension is not considered to be the highest possible standard of design due to the flat roof design, the proposed materials are considered to match that of the existing materials to the rear elevation and as the extension is situated to the rear it is unlikely to have any significant negative impacts in terms of impacts on the character of the streetscene as it will not be visible from the streetscene. Therefore, the single storey rear extension is sufficient in terms of design.
- 5.6 The single storey side extension is proposed to be set back from the front elevation by approximately 2 metres and extends by 8.3m to the rear of the property with a maximum height of 4.4m and 2.4m to the eaves. The extension is proposed to have a pitched roof and retains the render and interlocking concrete tiles of the existing property. The front porch is also considered to be of a scale and design which is in-keeping with the host dwelling. Therefore, it is considered that the single storey rear and side extension and front porch are in-keeping with the design of the existing dwelling and comply with Policy CS1 of the Core Strategy (2013) and policy H4 of the Local Plan (2006).

The Conservation Officer and Frampton Cotterell Parish Council originally objected to the proposal because whilst the wall is not listed in itself, it is considered that the wall forms part of the historic entrance to the grade II listed mid-17th Century 444 Church Road and its associated locally listed barns and bakery to the east of the application site and can be considered to make a positive contribution to the character and distinctiveness of the locality. The wall was considered to help provide some screening for any car parked to the front side. Revised plans were received by the Council on 24th February 2016 showing the wall only being reduced by 1m to the side. Both the Conservation Officer and Frampton Cotterell Parish Council explained that although the proposed parking directly to the front of the property would be visually intrusive, there were no further objections from a conservation point of view. It is considered that whilst parking to the front of the property is not particularly visually pleasing, the revised plans retain more of the wall and provides some shielding from the street view. In order to preserve the historic setting of the listed buildings it is considered necessary to include a condition to ensure that the scheme is carried out in accordance with the revised plan (450CR.FEB16.P.A Rev A) submitted on 24th February 2016. Overall it is considered that the proposal is acceptable in terms of design and meets the requirements set out within Policy CS1 of the Core Strategy (2013) and Policy H4 of the Local Plan (2006).

5.7 Residential Amenity

The single storey rear extension does not result in a materially overbearing impact to any of the surrounding properties due to the extension being single storey and sufficient boundary treatment is provided in the form of a 1.8m closed panel wooden fence. Therefore, it is not considered that the rear extension will have any significant negative impacts in terms of loss of privacy, loss of light or overlooking for the host dwelling or surrounding neighbours. Similarly the single storey side extension to form a garage is also not considered to create any significant adverse impacts due to its modest nature. There are windows proposed in the side extension and rear extensions however, as there is sufficient boundary treatment of a 1.8m closed panel fence to the rear and as there are no dwellings directly facing the proposed side elevation, it is also not considered that this extension will generate any significant negative impacts in terms of residential amenity. Similarly, the front porch is also considered to be of a scale which would not garner any significant negative residential amenity impacts. The dwelling also benefits from a very large rear garden that provides more than adequate private amenity space for the current and future occupiers of no.450. The emerging PSP Plan states that there should be a minimum of 70sqm of private amenity space for all 4+ bedroom dwellings and the resulting private amenity space for this property would be approximately 100sqm.

Overall, the single storey rear and side extensions and the front porch accord with the residential component of Policy H4 of the adopted Local Plan (2006).

5.8 Transport and Parking

The application does not propose to increase the number of bedrooms in the property and there is room for two car parking spaces in the front driveway which is compliant with the Council's Residential Parking Standards SPD (2013).

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Chloe Buckingham
Tel. No. 01454 867967

CONDITIONS

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

Reason

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

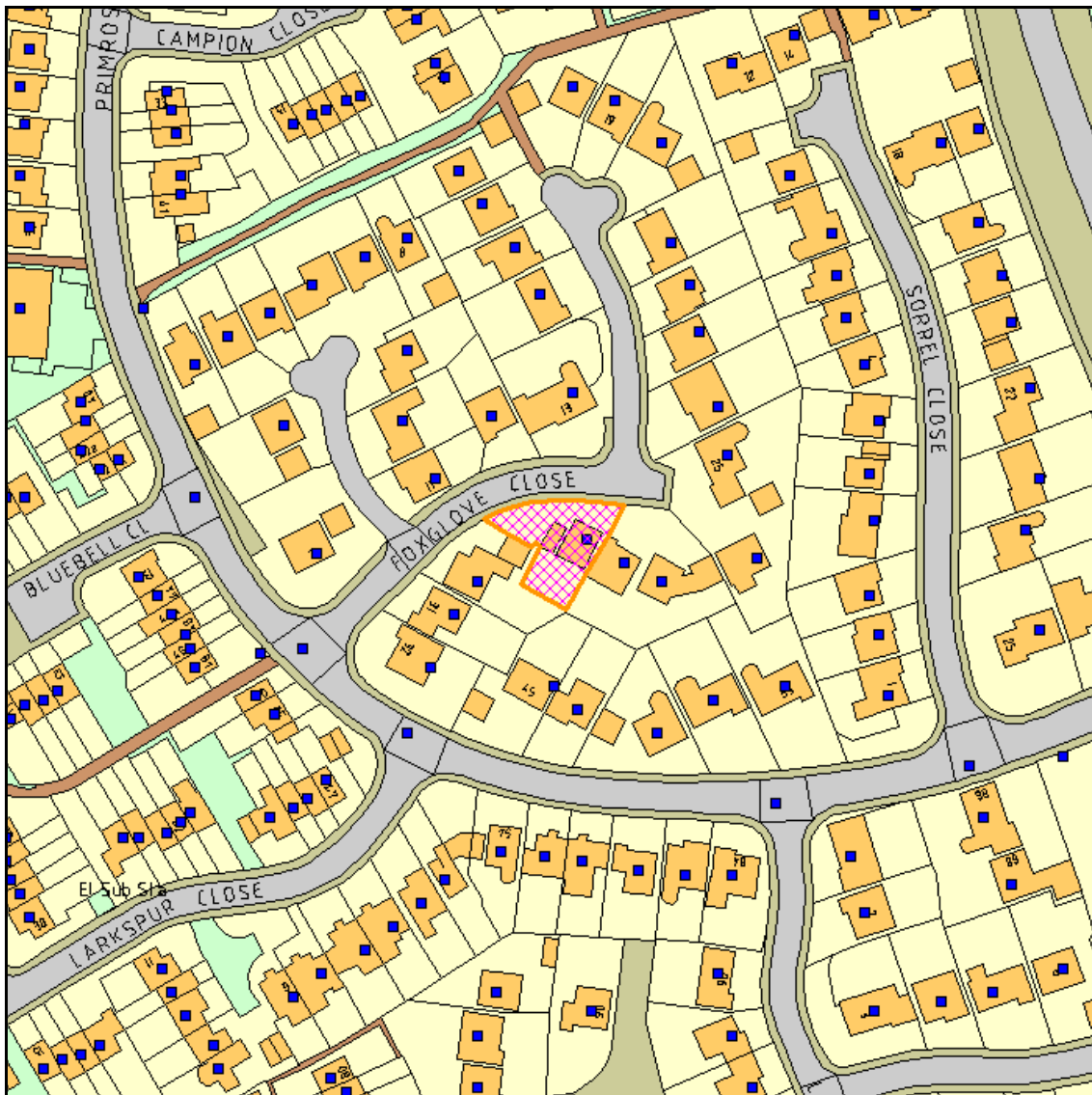
2. Works to the stone wall to the front elevation shall take place in accordance with plan 450CR.FEB16.P.1.A (Rev A). For the avoidance of doubt the extent of the wall to be removed shall be 1m.

Reason

In the interests of preserving the setting of the listed buildings to the rear, the wider visual amenity of the area and to comply with Policy CS1 and CS9 of the South Gloucestershire Council Core Strategy (2013) and Policy L13 of the South Gloucestershire Council Local Plan (2006).

CIRCULATED SCHEDULE NO. 12/16 – 24 MARCH 2016

App No.:	PT16/0432/F	Applicant:	Mr & Mrs C & L Powell
Site:	29 Foxglove Close Thornbury Bristol South Gloucestershire BS35 1UG	Date Reg:	4th February 2016
Proposal:	Demolition of existing garage and erection of two storey side, two storey and single storey rear extensions to provide additional living accommodation.	Parish:	Thornbury Town Council
Map Ref:	364784 190566	Ward:	Thornbury North
Application Category:	Householder	Target Date:	29th March 2016



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REASON FOR REFERRAL TO THE CIRCULATED SCHEDULE

Objection comments have been received from Thornbury Town Council and a neighbour. Whilst the plans have been revised and there was a period of re-consultation it is considered necessary to put the report on the Circulated Schedule as there were original objections.

1. PROPOSAL AND SITE DESCRIPTION

- 1.1 The applicant seeks full planning permission for the demolition of the existing garage and the erection of a two storey side, two storey rear and single storey rear extension to 29 Foxglove Close, Thornbury. The application site relates to a detached dwelling that is situated within an existing settlement boundary and built-up residential area.
- 1.2 The plot is set on a residential cul-de-sac facing towards a highway. The property has a pitched roof with interlocking brown tiles and is finished in buff-coloured brick facing with red brick detailing around the doors and windows. There is a detached pitched roof garage to the side and a paved front driveway area with space for approximately two cars and a 1.4m hedge that separates the boundary to the front. There is also a public right of way running along the front of the property.

2. POLICY CONTEXT

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

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)
CS1 High Quality Design
CS8 Improving Accessibility

South Gloucestershire Local Plan (Adopted) January 2006 – Saved Policies
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted 2007)
Residential Parking Standards SPD (2013)

3. RELEVANT PLANNING HISTORY

- 3.1 N70/29 Approve with Conditions 25.09.1984
Residential and ancillary development together with the construction of the Primary Distributor Road on 14.4 ha. (35.5 acres) of land. (Outline).
- 3.2 P86/0200/9 Approval of Reserved Matters 16.03.1986
Erection of 92 dwellings and associated garages & screen walls. Construction of associated estate roads & parking areas (in accordance with the revised plans)

received by the council on 26TH february 1986).(Details following outline.)
(To be read in conjunction with n.70/29.)

4. CONSULTATION RESPONSES

4.1 Thornbury Town Council

- Object- the rear dormer window is out of character with the area.
Response to revised plans submitted on 27th February 2016
- No comment received

4.2 Other Consultees

Sustainable Transport

- No increase in the number of bedrooms and the parking arrangement complies with the Council's Residential Parking Standards (SPD).

PROW

- The development is unlikely to affect the public right of way to the front of the property and therefore, there are no comments.

Open Spaces Society

- No comment received.

Other Representations

4.3 Local Residents

Objection comment received from no.47 Primrose Drive

- The rear dormer window will be out of character.

Response of no.47 Primrose Drive to revised plans submitted on 27th February 2016

- No longer wish to object.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

5.2 Visual Amenity

The proposal consists of a two storey side extension that will have a pitched roof with a maximum height of 7.2m the two storey side extension keeps the existing rear building line and does not extend to the rear of the property. The two storey side extension will be set back from the main property by 2.7m and will have a lower ridge height than the existing dwelling.

Therefore, the subservient design and materials of the two-storey side extension is considered to be in-keeping with the host dwelling. The two storey rear extension part of the proposal continues the roof pitch of the existing property but is set in from the side elevation by 1.3m, spanning 5.6m along the rear elevation and extending from the rear elevation by 3.3m. Within the original plans a rear dormer window was proposed which was not considered to be in-keeping with the property and wider streetscene and objection comments were received from Thornbury Town Council and a neighbouring dwelling. Revised plans were received on 27th February 2016 which omitted the rear dormer window and installed two velux rooflights and the proposal is now considered to be more in-keeping with the host dwelling and wider streetscene. The single storey rear extension will extend approximately 3m to the rear of the host dwelling and will incorporate a lean-to roof design and it is considered that the scale and use of materials have also been informed and are in-keeping with the character of the existing dwelling and streetscene. Overall, it is considered that the proposed extension would not harm the character or appearance of the area and as such, is considered acceptable in terms of visual amenity.

5.3 Residential Amenity

The dwelling is detached and there are neighbours to the front, rear and both side elevations. It is considered that as the neighbouring dwellings to the front, rear and north west elevations are a significant distance away and as these properties do not directly face no.29, it is not considered that there will be any significant negative impacts in terms of loss of privacy, loss of light or overlooking for these properties or the host dwelling. There are two ground floor windows proposed in the side extension that are secondary windows to a play room and kitchen. There is also a secondary window proposed in the first floor side extension that is proposed to serve a bedroom. However, as the windows are all secondary and as there are no directly facing neighbouring dwellings to the north west side elevation it is not considered that there will be any significant negative impacts for the neighbouring dwellings or the host dwelling in terms of loss of privacy and overlooking. Similarly, there are no windows proposed in the south east side elevation of both the two storey and single storey rear extension and due to the modest extension to the rear it is unlikely that there will be any significant negative impacts in terms of residential amenity for the neighbouring dwelling to the south east or for the host dwelling.

The overall private amenity space leftover after development is approximately 50sqm which is below the minimum standards set out in the guidance within the Council's emerging PSP Plan which states that there should be a minimum of 70sqm of private amenity space for all properties with 4+ bedrooms. However, as the PSP Plan is emerging limited weight can be afforded to the guidance. Overall, it is considered that the proposal would not significantly harm the living conditions currently enjoyed by either the host dwelling or the neighbouring dwellings and as such, is considered acceptable.

5.4 Sustainable Transport

The application is proposing to increase the total number of bedrooms within the property from four to five and whilst the original comment from the Transport Officer states that there would be no change and no issues regarding parking, the Case Officer requested a revised plan showing three parking spaces measuring 4.8m by 2.4m within the residential curtilage of no.29. On 15th March 2016 revised plans (FC/P04a) were received by the Council which shows that the gate to the rear garden of the host dwelling has been adjusted to allow three parking spaces to the front and the north west side elevation. The proposal now complies with the Council's Residential Parking Standards SPD (2013). A condition will be issued to ensure that the parking arrangement in plan FC/P04a is implemented prior to first occupation of the extension. It is also noted that there is a public right of way (PROW) that runs along the front of the property so the Council's PROW team were consulted but it is not considered that the development will affect the PROW. Overall, there are no objections and the proposal is considered to be acceptable in terms of parking and highway safety.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Chloe Buckingham
Tel. No. 01454 867967

CONDITIONS

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

Reason

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

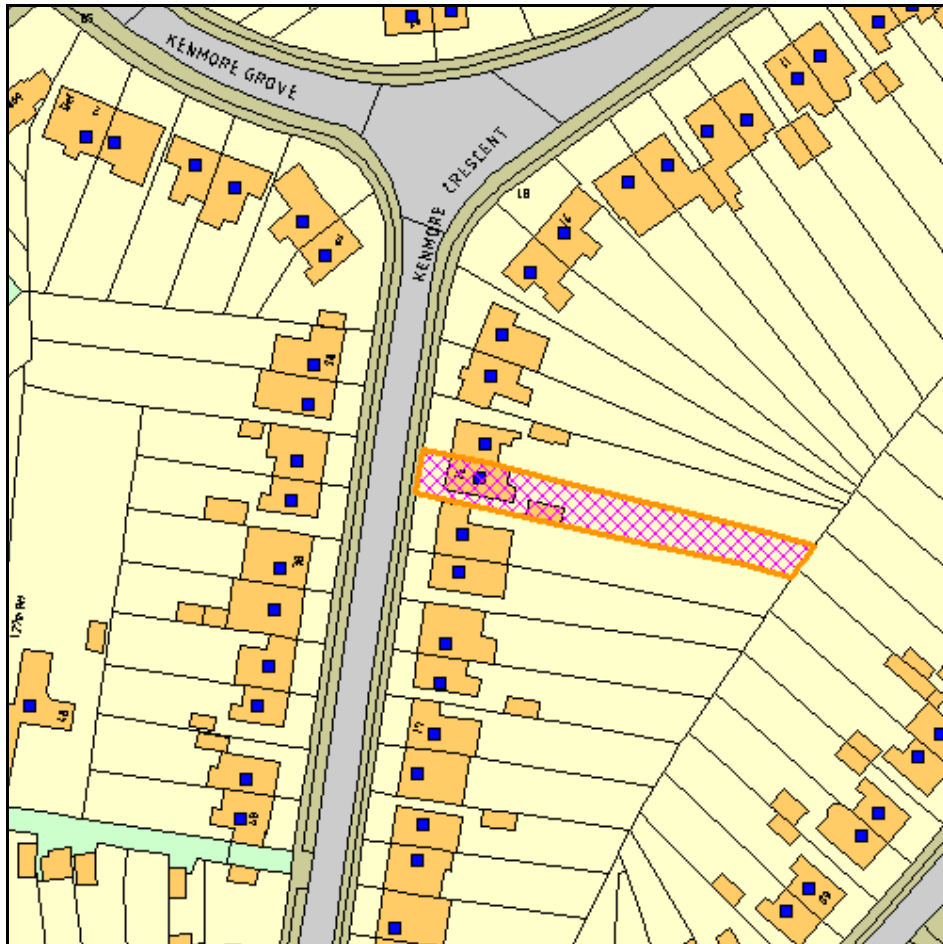
2. Prior to first occupation of the extension the car parking area indicated in Plan FC/P04a shall be provided and retained as such thereafter.

Reason

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

CIRCULATED SCHEDULE NO. 12/16 – 24 MARCH 2016

App No.:	PT16/0643/F	Applicant:	Mr Anne-Marie Layet
Site:	31 Kenmore Crescent Filton Bristol South Gloucestershire BS7 0TJ	Date Reg:	15th February 2016
Proposal:	Erection of two storey and single storey rear extension to form additional living accommodation	Parish:	Filton Town Council
Map Ref:	359379 178351	Ward:	Filton
Application Category:	Householder	Target Date:	7th April 2016



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REASON FOR APPEARING ON THE CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a two-storey and single-storey rear extension at a property on Kenmore Crescent, Filton.
- 1.2 Permission is sought for the extension to provide a new bedroom at first floor level, and a large kitchen/diner at ground floor level.
- 1.3 The porch canopy is also proposed to be filled in to create an enclosed porch, however this is permitted development and therefore it is not necessary to discuss this aspect of the proposal any further within this assessment.
- 1.4 Amendments were received to the proposal on 16th March 2016, to step the two-storey part of the extension in by 1 metre. As the size of the extension was reduced during the course of the application, it was not necessary to do a period of re-consultation.

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

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 PT07/1770/F Withdrawn 13/07/2007
Erection of two storey side extension and single storey front and rear extension to provide additional living accommodation
- 3.2 P92/2342 Approve with conditions 25/10/1992
Erection of rear dormer extension to form bedroom and bathroom

4. CONSULTATION RESPONSES

4.1 Parish/Town Council
No comment received.

4.2 Other Consultees

Transport
No objection.

Other Representations

4.3 Local Residents

One letter of objection has been received, stating the following:

- Concerns about the length of the two storey extension as it is directly south of their property
- Two storey part is 5m in length and may overshadow the rear of the property
- Other two storey extensions in the street extend only 4 metres which is tolerated, however the extra metre is too much
- It has also been increased in width which will exacerbate the impact.

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

The application relates to a two-storey semi-detached property with a porch canopy and curved bay windows on the principal elevation. The dwelling has a hipped roof, and is finished primarily in render. It has already been extended, with a large side and rear dormer window, and a hipped single storey rear extension as well as a small lean-to extension. The lean-to is to be demolished and replaced with a larger lean-to, and the hipped extension is to be raised up to two storeys height. The two storey element has, at the request of officers, been stepped back by one metre at first floor level, which is more consistent with similar additions along Kenmore Crescent. The ground floor level still extends five metres beyond the rear elevation, and is joined to the main bulk of the extension with a small lean-to roof. Cumulatively, the house has been significantly extended, however these new additions are to the rear and not particularly visible from the public realm.

5.3 Overall the proposed design is considered to be in keeping with the existing character of the dwelling and the locality. Appropriate materials have been selected, and it is in accordance with policy CS1 of the South Gloucestershire Core Strategy (Adopted) December 2013.

5.4 Residential Amenity

An objection has been received from the property to the north. It was considered that a five metre two-storey extension was excessive and would appear overbearing onto no. 29. Stepping back the extension at first floor level to four metres has reduced this impact, and is more consistent with the scale of other extensions along Kenmore Crescent. Furthermore, the two-storey element of the proposal is stepped back around three metres from the boundary, with the single-storey lean-to proposed sited adjacent to the boundary. It is acknowledged that there may be a slight reduction in the amount of sunlight within the rear garden of no. 29, however this would only take place in late afternoon and would not be significantly different from the current loss of day light caused by the original dwelling at this time.

5.5 A first floor side window is proposed on the south elevation serving the cupboard in bedroom 4 (although this is missing from the revised floor plan). Alternatively – it may just be a secondary window to bedroom 4. A condition on the decision notice will restrict that this window is obscure glazed in order to protect the residential amenities of no. 33. No 33 is south of the proposed two-storey extension and therefore it is highly unlikely they will experience any loss of light, particularly as it is situated on higher ground than the host property.

5.6 Adequate private amenity space will remain for the host dwelling following the development, and the proposal is considered to be acceptable in terms of policy H4 of the Local Plan.

5.7 Transport

A parking plan was requested from the applicant to show three parking spaces, however this has not been forthcoming. The driveway to the front and side of the dwelling is too small to accommodate three 2.4 metres by 4.8 metre spaces, however it could accommodate two average sized cars. Kenmore Crescent has bays marked out all along it for on-street parking, and therefore in this instance it is considered acceptable for one of the parking spaces to be on-street, and it is not considered that this would cause any 'severe' highway safety issues, which is the high threshold for refusal stated within the NPPF. The Transport officer has not raised any objections to the proposal.

6. CONCLUSION

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

6.2 The recommendation to **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. Prior to the use or occupation of the extension hereby permitted, and at all times thereafter, the proposed first floor window on the south elevation shall be glazed with obscure glass to level 3 standard or above with any opening part of the window being above 1.7m above the floor of the room in which it is installed.

Reason

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

CIRCULATED SCHEDULE NO. 12/16 – 24 MARCH 2016

App No.:	PT16/0769/CLP	Applicant:	Mr J Davies
Site:	Emlett Cottage Earthcott Green Alveston Bristol South Gloucestershire BS35 3TA	Date Reg:	22nd February 2016
Proposal:	Application for a certificate of lawfulness for the proposed erection of a two storey rear extension and detached summerhouse to rear.	Parish:	Tytherington Parish Council
Map Ref:	365679 186281	Ward:	Ladden Brook
Application Category:		Target Date:	13th April 2016



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REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 This application seeks a formal decision as to whether or not the proposed erection of a two storey rear extension and detached summerhouse to the rear would be permitted under the regulations contained within The Town and Country Planning (General Permitted Development) (England) Order 2015.
- 1.2 This application is not an analysis of planning merit, but an assessment as to whether the development proposed accords with the above regulations. There is no consideration of planning merit, the decision is based solely on the facts presented.

2. POLICY CONTEXT

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

3. RELEVANT PLANNING HISTORY

- 3.1 P99/1971 Approval Full Planning 21/09/1999
Alterations and extension to dwelling.

4. CONSULTATION RESPONSES

- 4.1 Tytherington Parish Council
No comments received.

Other Representations

- 4.2 Local Residents
No comments received.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 The following evidence was submitted to the Local Planning Authority on 17 February 2016–
- Location and Block Plans (643/16/01 C)
 - Existing Plans and Elevations (643/16/02)
 - Proposed Floor Plans (643/16/03 A)
 - Proposed Elevation (643/16/04 C)
 - Proposed Summerhouse Plans and Elevations (643/16/10 A)

6. ANALYSIS OF PROPOSAL

6.1 This application seeks a certificate of lawfulness for a two storey rear extension and a detached summerhouse in Earthcott Green.

6.2 Principle of Development

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

6.3 The key issue in this instance is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class A and Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015.

6.4 The proposed development includes a two storey rear extension to the property. This development would fall within Schedule 2, Part 1, Class A this allows for the enlargement, improvement or other alteration of a dwellinghouse, provided it meets the criteria as detailed below.

6.5 Assessment of Evidence: Two Storey Rear Extension

Schedule 2 Part 1 Class A allows for the enlargement, improvement or other alteration of a dwellinghouse, subject to meeting the following criteria:

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

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

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

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

The 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 two storey 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 proposed extension would not exceed the height of the eaves of the existing dwellinghouse.

(e) The enlarged part of the dwellinghouse would extend beyond a wall which –

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

The proposed two storey rear extension would not extend beyond a wall that forms the principal elevation of the original dwellinghouse or a wall that fronts a highway and forms a side elevation of the original dwellinghouse.

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

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

Not applicable

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

- (i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or**
- (ii) exceed 4 metres in height;**

Not applicable

- (h) The enlarged part of the dwellinghouse would have more than a single storey and—**

- (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or**
- (ii) be within 7 metres of any boundary of the curtilage the dwellinghouse opposite the rear wall of the dwellinghouse**

The proposed two storey rear extension will extend beyond the rear wall of the original dwellinghouse by more than 3 metres. The proposed extension will not be within 7 metres of any boundary of the curtilage.

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

The proposed side extensions would not be within 2 metres of the boundary curtilage of the dwellinghouse.

- (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 proposed two storey rear extension does not extend beyond a wall forming a side elevation.

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

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

The proposed extensions do not include any of the above nor will it alter any part of the roof of the dwellinghouse.

- A.2 In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if –**
- (a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;**
 - (b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or**
 - (c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.**

The application site is not situated within article 2(3) land.

- A.3 Development is permitted by Class A subject to the following conditions –**
- (a) the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior dwellinghouse;**

The materials which will be utilised will match those of the existing dwelling.

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

The plans submitted show the window in the first floor west elevation will be obscure glazed and non-opening.

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

The roof pitch of the original dwelling is 45°, this pitch will be utilised on the proposed extension.

- 6.6 The proposed rear extension is **considered to comply** with Schedule 2 Part 1 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 **and is therefore permitted development.**

- 6.7 Assessment of Evidence: Single storey detached summerhouse
Schedule 2 Part 1 Class E allows for the provision within the curtilage of the dwellinghouse of – (a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or (b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas. Subject to meeting the following criteria:

- E.1 Development is not permitted by Class A if –**
- (a) Permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use);**

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

(b) the total area of ground covered by buildings, enclosures and containers within the curtilage (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) any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;

The proposed summer house will not be situated on land forward of the principal elevation of the original dwellinghouse.

(d) the building would have more than a single storey;

The proposed summer house will be single storey.

(e) the height of the building, enclosure or container would exceed –

- (i) 4 metres in the case of a building with a dual-pitched roof,**
- (ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or**
- (iii) 3 metres in any other case;**

The detached single storey summer house will be 2.4 metres high with a flat roof, the proposal does not exceed any of the measurements in (i), (ii) or (iii).

(f) the height of the eaves of the building would exceed 2.5 metres;

N/A the proposal will have a flat roof.

(g) the building, enclosure, pool or container would be situated within the curtilage of a listed building;

The proposed summer house is not situated within the curtilage of a listed building

(h) it would include the construction or provision of a verandah, balcony, or raised platform;

The proposed development does not include any of the above.

(i) it related to a dwelling or a microwave antenna; or

The proposal does not relate to either of the above.

(j) the capacity of the container would exceed 3,500 litres.

The capacity of the proposed summer house would not exceed 3,500 litres.

E.2 In the case of any land within the curtilage of the dwellinghouse which is within

–

(a) an area of outstanding natural beauty;

(b) the broads;

(c) a National Park; of

(d) a World Heritage Site,

Development is not permitted by Class E if the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwellinghouse would exceed 10 square metres.

The applicant site is not situated within any of these sites.

E.3 In the case of any land within the curtilage of the dwellinghouse which is article 2(3) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a

side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse.

The applicant site is not situated on article 2(3) land.

- 6.8 The proposed detached single storey summer house is **considered to comply** with Schedule 2 Part 1 Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 **and is therefore permitted development.**

7. RECOMMENDATION

- 7.1 That a Certificate of Lawfulness for Proposed Development is **GRANTED** for the following reason:

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

Contact Officer: Fiona Martin
Tel. No. 01454 865119

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