



**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.04/16

Date to Members: 29/01/16

Member's Deadline: 04/02/16 (5.00pm)

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

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

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

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

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

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

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

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

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

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

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

GUIDANCE FOR 'REFERRING' APPLICATIONS

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

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

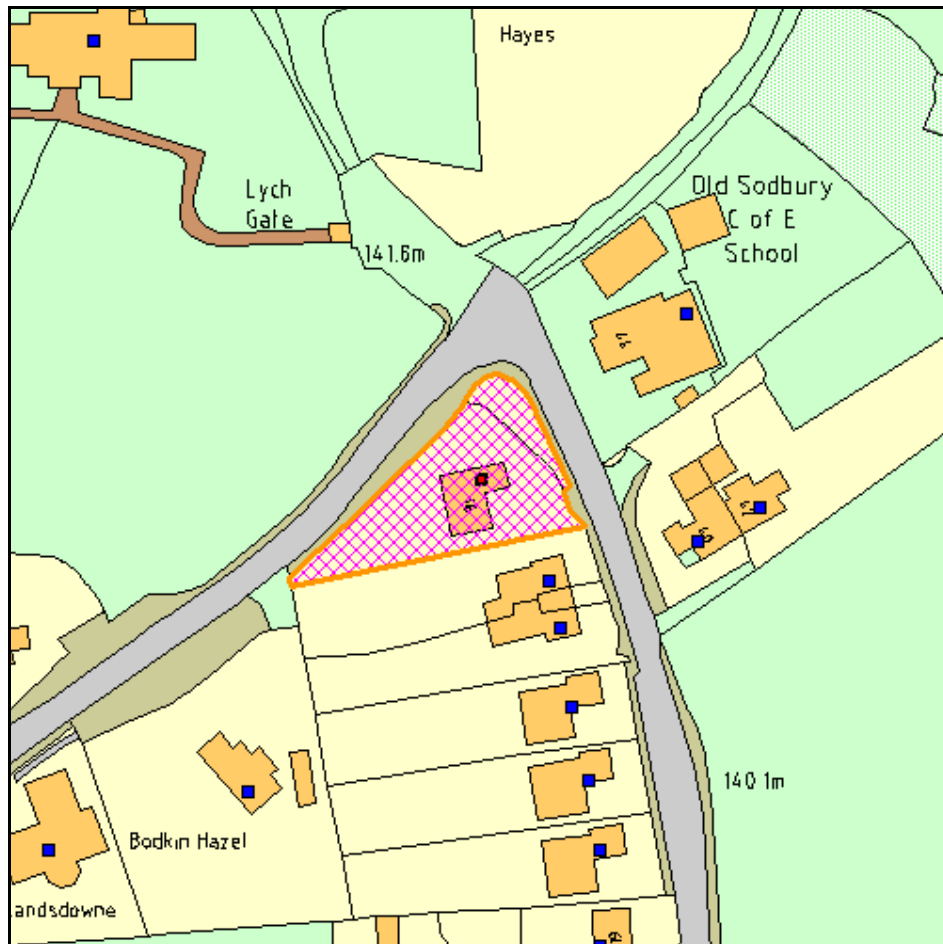
CIRCULATED SCHEDULE 29 January 2016

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ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK15/2585/F	Approve with Conditions	Oxleaze 31 Church Lane Old Sodbury Bristol South Gloucestershire BS37 6NB	Cotswold Edge	Sodbury Town Council
2	PK15/3091/F	Approve with Conditions	Highfield Farm Highfield Lane Horton Bristol South Gloucestershire BS37 6QU	Cotswold Edge	Horton Parish Council
3	PK15/5374/CLP	Approve with Conditions	32 Trident Close Downend Bristol South Gloucestershire BS16 6TS	Emersons	Emersons Green Town Council
4	PK15/5390/F	Approve with Conditions	4 Highfield Road Chipping Sodbury Bristol South Gloucestershire BS37 6HD	Chipping	Sodbury Town Council
5	PK15/5444/F	Approve with Conditions	21 Beesmoor Road Coalpit Heath Bristol South Gloucestershire BS36 2RS	Westerleigh	Westerleigh Parish Council
6	PK15/5498/CLP	Approve with Conditions	88 Church Road Soundwell Bristol South Gloucestershire	Staple Hill	None
7	PT14/4904/F	Approve with Conditions Parish Council	Barmers Land Farm Woodlands Road Tytherington South Gloucestershire GL12 8UL	Ladden Brook	Tytherington
8	PT15/2890/LB	Approve with Conditions	Barmers Land Farm Woodlands Road Tytherington South Gloucestershire GL12 8UL	Ladden Brook	Tytherington Parish Council
9	PT15/2374/F	Approve with Conditions	Glen Farm Moorslade Lane Falfield Wotton Under Edge South Gloucestershire GL12 8DJ	Charfield	Falfield Parish Council
10	PT15/3796/F	Approve with Conditions	93 Gloucester Road North Filton Bristol South Gloucestershire BS34 7PT	Filton	Filton Town Council
11	PT15/4853/RVC	Approve with Conditions	Land At Over Court Farm Over Lane Almondsbury Bristol South Gloucestershire BS32 4DE	Almondsbury	Almondsbury Parish Council
12	PT15/5094/ADV	Approve	5 High Street Thornbury Bristol South Gloucestershire BS35 2AE	Thornbury North	Thornbury Town Council
13	PT15/5279/CLP	Refusal	The Woodlands Ram Hill Coalpit Heath Bristol South Gloucestershire BS36 2UF	Westerleigh	Westerleigh Parish Council
14	PT15/5421/CLP	Approve with Conditions	3 Downfield Drive Frampton Cotterell Bristol South Gloucestershire BS36 2EQ	Frampton Cotterell	Frampton Cotterell Parish Council

CIRCULATED SCHEDULE NO. 04/16 – 29 JANUARY 2016

App No.:	PK15/2585/F	Applicant:	Mr And Mrs J Harvey
Site:	Oxleaze 31 Church Lane Old Sodbury Bristol South Gloucestershire BS37 6NB	Date Reg:	25th June 2015
Proposal:	Erection of two storey and single storey side extension to form additional living accommodation, installation of 2no. front dormer windows, installation of rear balcony, erection of detached garage and associated works	Parish:	Sodbury Town Council
Map Ref:	375630 181728	Ward:	Cotswold Edge
Application Category:	Householder	Target Date:	19th August 2015



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PK15/2585/F

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule for determination in order to take into account the comments of objection received; these are contrary to the officer recommendation for approval.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for a number of extensions and alterations to an existing dwelling in Old Sodbury to create additional living accommodation; the plans also indicate significant internal alterations. These consist of the erection of a side extension, installation of dormers and a balcony and the erection of a garage. The proposal has been subject to extensive negotiation between the applicant and officers to improve the design quality of the development.
- 1.2 The application site is a detached dwelling probably constructed in the 1970s as infill. It has an unusual architectural style as the general 'box' of the house is extended forward from the front elevation with a form of catslide roof into which a recessed window is located. Having considered why this unusual design approach (including the positioning of the dwelling further back in the plot than other properties along Church Lane) was taken, officers are of the opinion that it is in response to the heritage assets in the locality.
- 1.3 Located within Old Sodbury, the site is within a defined settlement. This part of the village is also located within the Cotswolds Area of Outstanding Natural Beauty. To the south of the site, nos.27 and 29 Church Lane are a grade II listed building with the church to the north and the lynchgate listed at grade II* and II respectively.
- 1.4 As a result of the extensive negotiation, the description of development had become inaccurate. To publish this report, the description of development was amended. Whilst the revised description itself has not been subject to public consultation, the plans which indicate the development in full have been. It is therefore considered that the change in description would not prejudice any interested party and adequate notification is given through the publication of this report on the circulated schedule.

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
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS34 Rural Areas

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

- L1 Landscape
- L2 Cotswolds Area of Outstanding Natural Beauty
- L13 Listed Buildings
- T12 Transportation
- H4 Development within Existing Residential Curtilages
- LC12 Recreational Routes

2.3 Supplementary Planning Guidance

- i. Design Checklist SPD (Adopted) August 2007
- ii. Landscape Character Assessment SPD (Adopted) November 2014
- iii. Cotswolds AONB Management Plan 2013-2018 (Endorsed)

3. RELEVANT PLANNING HISTORY

- 3.1 There is no planning history on this site.

4. CONSULTATION RESPONSES

4.1 Sodbury Town Council

No objection

4.2 Archaeology Officer

No comment

4.3 Conservation Officer

Revisions have gone a long way to improve the design, further improvements could be made, overall no objection

4.4 Lead Local Flood Authority

No comment

4.5 Sustainable Transport

No objection

Other Representations

4.6 Local Residents

5 letters of objection have been received which raise the following points:

- amendments do not overcome previous concerns
- balcony would lead to a loss of privacy
- condition should be imposed to restrict occupancy
- design is not in keeping with the area
- extension is beyond the curtilage of the existing house
- extension would be dominant when viewed from the churchyard
- first floor should not be used for living accommodation
- garage should not interrupt visibility splays
- height difference in land is not taken into account
- light and noise pollution/disturbance

- notice of planning application was not received
- plans indicate two dwellings
- single storey extension would be more appropriate

5. **ANALYSIS OF PROPOSAL**

- 5.1 This application seeks planning permission for a number of alterations to an existing house in Old Sodbury.
- 5.2 **Principle of Development**
Extensions and alterations to existing properties are generally supported by policy H4 subject to an assessment of design, amenity and transport. Due to the proximity of the development to a number of listed buildings, consideration should also be given to the impact of the development on the setting of the heritage assets. Finally, given the site's location in the AONB the impact on the landscape should be given additional weight.
- 5.3 From the proposed development is acceptable in principle but should be determined against the analysis set out below.
- 5.4 **Design and Heritage**
As part of the proposal, the front elevation would be re-clad in natural stone whilst the side and rear elevations are finished in a render. Tiles are proposed that match those presently used on the building. This is the most significant change to the original section of the dwelling. A balcony would also be added to the rear elevation of the original part of the house. This would project 2 metres from the rear elevation and would have a width of 4 metres.
- 5.5 In terms of the proposed extensions, a two-storey and single storey side extension would be added to the north elevation of the dwelling. This would provide a living room and hallway on the ground floor and a bedroom and bathroom at first floor. The proposal is not considered to have an adverse impact on character and appearance of the locality. It is noted that the development would result in a material change to the character and appearance of the existing dwelling however it is considered that the change in materials and removal of some of the more stylised aspects of the property would help it integrate into its village setting. The side extension is set back from the front elevation and this assists in minimising the bulk and mass of the extension and prevents it from being out of proportion with the original house.
- 5.6 Having undergone significant negotiation and improvement, the design of the extension is now considered to be acceptable.
- 5.7 To the northwest of the site, towards the junction of Cotswold Way and Church Lane a detached double garage building is proposed. The building would be finished in a natural stone to match that proposed on the main dwelling.
- 5.8 As with the house, the design of the garage has been subject to negotiation. Through the negotiation, the garage has been made to appear more traditional

in nature and less suburban. This is important given its location on a prominent corner position between the nearby listed buildings.

- 5.9 It is not considered that proposed development would be harmful to the visual amenity of the area or the setting of the nearby listed buildings. Subject to the submission of details with regards to the materials the design is acceptable.

5.10 Residential Amenity

Development should not be permitted that has a prejudicial impact on residential amenity. This should be assessed in terms of the impact on the application site and on all nearby occupiers.

- 5.11 The development is not considered to have a detrimental impact on the amenities of the application site. Sufficient private amenity space would be retained within the plot to serve the size of the extended dwelling.

- 5.12 Although the development would result in the installation of a rear balcony, it is not considered that this would have a prejudicial impact on the amenities of nearby occupiers. The site is sloped; the properties that would be most affected would be Bodkin Hazel to the southwest and 29 Church Lane to the south. The application property is situated behind no.29 Church Lane and therefore the balcony, which is towards the opposite side of the site from the neighbour, would not enable overlooking of no.29's primary private amenity space situated directly behind the rear elevation of the property. The street pattern means that the application site is broadly triangular in nature with roads on two sides. Whilst Bodkin Hazel may be behind the application site, the angular relationship and separation distance, of circa 50 metres, are considered to be sufficient so that the development would not have a significant impact on residential amenity. Furthermore, the part of the curtilage of Bodkin Hazel nearest the application site provides access and parking and would not form the principal amenity space of the property.

5.13 Transport and Parking

The extended house, once completed, would have three bedrooms. The property therefore requires two parking spaces to meet the stipulated minimum parking requirement in the Residential Parking Standard SPD.

- 5.14 Sufficient space is provided within the curtilage to meet the parking requirements and a double garage is also proposed. No objection is raised with regard to transport and parking.

5.15 Landscape

Located within the AONB the locality has been recognised for the high quality landscape setting. The development is located within a defined village at the bottom of the Cotswolds scarp. It is not considered that the development would have a significant impact on the setting of the landscape. Given that this is a householder application it is not considered that a landscaping scheme is either necessary or justified.

5.16 Other Matters

Although it did at one point appear that the development would have led to the creation of an internal granny annex, the amended plans have resulted in better integration. A condition is not considered to be necessary in this instance. It is considered that the proposed development falls within the existing residential curtilage of the property. The council has consulted adjacent neighbours and erected a site notice for this application in accordance with its procedure.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Griff Bunce
Tel. No. 01454 863438

CONDITIONS

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

Reason

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

2. Sample panels of stonework, demonstrating the colour, texture and pointing are to be erected on site and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The approved sample panel shall be kept on site for reference until the stonework is complete. Development shall be carried out in accordance with the agreed sample.

Reason

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

3. Prior to the commencement of development samples of the proposed roofing and external facing materials not covered by condition 2 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.

CIRCULATED SCHEDULE NO. 04/16 – 29 JANUARY 2016

App No.:	PK15/3091/F	Applicant:	Mr J P Fannon
Site:	Highfield Farm Highfield Lane Horton South Gloucestershire BS37 6QU	Date Reg:	23rd July 2015
Proposal:	Change of use of land from agricultural to residential curtilage (Class C3) and erection of domestic outbuilding. (Retrospective)	Parish:	Horton Parish Council
Map Ref:	376721 184566	Ward:	Cotswold Edge
Application	Minor	Target	14th September
Category:		Date:	2015



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PK15/3091/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule due to the receipt of a letter of objection, which is contrary to officers' recommendation.

1. THE PROPOSAL

- 1.1 This application seeks a retrospective planning permission for the change of use of land from agricultural to residential curtilage and the erection of domestic outbuilding. This is one of planning applications to rectify the current uses of the site.
- 1.2 Highfield Farm is a main house and already has a residential annexe within the farm complex. This outbuilding pertains to the annexe and the main house and therefore the building would not be a separate planning unit. The building would be approximately 10.5 metres by 22.8 metres and 5 metres to its ridge.
- 1.3 The site is located outside the settlement boundary of Horton and is situated within the Cotswolds Area of Outstanding Natural Beauty. The site is visible from the adjacent public footpath.
- 1.4 The applicant submitted a supporting statement for this application, which highlights that the building, which is a recycled structure, is used in connection with the applicant's family member, who has special care needs. The building is to house his special care equipment and to keep a sports car.

2. POLICY CONTEXT

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

L1 Landscape
L16 Protecting the Best Agricultural Land
EP2 Flood Risk and Development
T12 Transportation
H3 Residential Development in the Countryside
H4 Development within Existing Residential Curtilages
H5 Conversion and Re-use of Buildings for Residential Purposes

LC12 Recreational Routes

2.3 Supplementary Planning Guidance

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

3. **RELEVANT PLANNING HISTORY**

- 3.1 PK15/3092/CLE Application for a certificate of lawfulness for the existing agricultural building and adjoining yard as a builder's store and builder's yard respectively (sui generis) . Recommended approval.
- 3.2 PK15/3089/CLE Application for a certificate of lawfulness for the existing use of building for a mixed composite use as domestic and commercial storage and a domestic workshop. Pending consideration.
- 3.3 PK15/3084/F Erection of two storey detached residential annexe ancillary to main dwelling (retrospective). Approved 14.09.2015
- 3.4 PK10/0199/F Erection of 1 no. single storey self contained annexe ancillary to main dwelling with associated works. Change of agricultural land to residential curtilage (Resubmission of PK09/5739/F). Approved 13.04.2010
- 3.5 PK09/5739/F Erection of 1 no. single storey self contained annexe ancillary to main dwelling with associated works. (Withdrawn)
- 3.6 N6491/1 Erection of first floor extension to provide bedroom, bathroom and additional accommodation. Approved 22.04.1982
- 3.7 N6491 Erection of single storey side and rear extensions to provide three bedrooms, games room and hall. Approved 24.04.1980
- 3.8 PK14/4699/F Erection of an agricultural storage building. Approved 03.12.2014

4. **CONSULTATION RESPONSES**

- 4.1 Horton Parish Council
No objection
- 4.2 Highway Officer
No objection
- 4.3 Landscape Officer
No objection
- 4.4 Lead Local Flood Authority
No comment.

Other Representations

4.5 Local Residents

One letter of objection has been received and the local resident's comments were summarised as follows:

- We can see the benefit of a play area for the neighbour's special needs, but do question the suitability of the existing building
- The building is considerably oversized for the stated purpose of a play area and a garage for one car
- The proposal is disproportionate both its stated purpose and in the yard with the farm house, a four bedroom annexe, two stables and another garage, overall they are an over development of the site
- Rather than try to hide, we would prefer it was removed and replaced by an appropriately sized, more suitable structure built in sympathetic materials
- Question over any future once a play room is no longer needed, we prefer it wasn't used for commercial or agricultural purposes as it is less than 60 metres from our house
- We cannot see any justification for this expansion
- It will take many years before the planting will be mature enough, we would ask a condition regarding a time scale for the tree and shrub planting to ensure the planting is carried out as soon as practical.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application site is located outside the settlement boundary for Horton but it is located within the complex of Highfield Farm. The proposal seeks a retrospective planning permission for the change of use of the land, which is of 'L' shaped lies between the residential annexe and the outbuilding, which is also part of this application, and to retain the existing outbuilding for domestic uses.

Paragraph 55 of the National Planning Policy Framework promotes sustainable development in rural area, however, the Local Planning Authority should avoid new isolated homes in the countryside unless there are special circumstances. This proposal would not create a new home as such, but would extend the residential curtilage of an existing one. Officers also note that the proposed outbuilding is not particularly small in scale. The applicant has explained that it is required for storage of larger items – a car, as well as specialist equipment.

Saved Policy H3 of the adopted Local Plan is the starting point. It also does not support new residential development outside the existing urban areas and settlement boundaries; however officers can only give a very limited weight to this policy given recent appeal decisions regarding land supply. Policy CS5(e) of the Core Strategy is also adopted, and the policy states that new development will be strictly limited in the open countryside.

This proposal would not create a new dwelling in the countryside, rather extend the curtilage of an existing one. It is therefore less clear in the circumstances

whether the test in paragraph 14 of the NPPF should apply to these circumstances. This states that sustainable development should be permitted unless there are significant and demonstrable harms outweigh those benefits. In this instance it could not be said that a benefit of the proposal would contribute towards housing supply. However, it would provide better storage provision for an existing dwelling. The personal circumstances are noted, but little weight is attributed to this factor.

Officers consider that the use of the building could be strictly limited in line with CS5 if a planning condition is imposed to restrict the use of the proposal to ensure that it would not be used as additional living accommodation, and remains incidental to an existing dwelling. As such this would also accord with the principles of the NPPF.

Policy CS34 of the adopted Core Strategy and Policy L17 seek to protect the best and most versatile agricultural land. Although the building has been erected on site, given that the building is located within the proximity of the other buildings on site and within the farm complex, it is not considered that the proposal would not result in a significant loss of the agricultural land.

Policy CS34 seeks to protect the designated the Cotswolds AONB from inappropriate development.

Given that the land immediately abuts to the approved residential annexe and the outbuilding would not project beyond the residential curtilage of Highfield Farm, officers are satisfied that the proposed change of use would not cause significant adverse impact upon the open countryside, therefore the proposed change of use and the residential outbuilding would be acceptable in principle provided that the building would not prejudice the visual and residential amenity of the locality.

5.2 Ecology

The outbuilding is a reused industrial building and has been erected on site. Although no ecological information has been submitted with the planning application, from the case officer's visit, the building does not appear to offer particular ecological opportunity. The outbuilding is a recycled building, which is made of metal sheeting. Therefore, there is no ecological objection to the proposal.

5.3 Landscaping Impact

The site is on the edge of the Badminton Plateau described in the SG Landscape Character Assessment (Area 1) as "a gently sloping, open, agricultural area evenly scattered with Cotswold stone structures and field boundaries". The cluster of farm and domestic buildings, including neighbours, lies just off the steep edge of the Cotswold escarpment and north of the National Trust Roman camp. To the south, between the farm and the camp is an open field, the SW boundary planted with an assortment of ornamental and native planting which is not currently well established or maintained.

The western and southern elevations of the building in question (painted cream) are visible from the south. The eastern elevation of the building that

faces into the cluster of farm buildings is green in colour and is partially visible from Highfield Lane.

There is a recent planning approval for a barn on the other side of Highfield Lane (PK14/4699/F) and there is concern regarding the incremental spread of visually intrusive farm buildings facilitating this change of use.

The Landscape Officer originally raised concern about the design and appearance including the colour. However, it is considered that the amended landscape assessment and mitigation proposals drawing no. 1185-02 Rev C is acceptable to help mitigate the negative effect of the development, including the removal of the ornamental evergreen species and the replacement of native trees species, which should be extended westwards to ensure screening of the southern elevation of the neighbouring barn, and planting of feathered select standard native trees.

Highfield Lane is a designated recreational route (Policy LC12) from where there are views of the eastern elevation of the building. It is noted that the landscape drawing specifies the existing roadside hedgerow be maintained at 1.6 - 2.0 metres height. However, it is considered that some hedgerow tree planting would be appropriate to help further mitigate any negative effects of the development on the visual amenity of the recreational route.

Officers consider that the proposed landscape scheme is generally acceptable subject to a condition to seek a detailed planting scheme including plant schedule, planting specification notes and minimum 5 year landscape maintenance/management notes, to ensure the scheme establishes and thrives in the short to medium term.

5.4 Design and Appearance

The outbuilding appears to be a recycled industrial building, which has a very low pitched roof with a number of windows and door on the south east elevation. Given that the building is located within the proximity of other agricultural / industrial buildings within the farm complex, it is therefore considered that the outbuilding would not be completely out of character of the area, as such, it would not cause significant adverse impact to warrant a refusal of this application. Nevertheless, your case officer agrees with the Landscape Officer that it would be necessary to impose a condition to ensure the building will be repainted with more appropriate colour.

5.5 Living Conditions / Residential Amenity

Development will not be permitted that has a prejudicial impact on residential amenity. The outbuilding will primarily be used to house primary special care equipment and garaging a sport car, it will not be used as for living accommodation. Given that the outbuilding and the land will only provide additional storage to the occupant, it is considered that the proposal would not have any detrimental impact to the occupants of the annexe and the main dwelling.

The nearest neighbouring dwelling would be Top Farm. As the outbuilding is located within the complex of Highfield Farm and it is not immediately adjacent

to the neighbours' dwelling house, the proposal would not have a significant adverse impact in terms of overlooking upon the neighbouring residents.

5.6 Transport and Parking

This is a retrospective planning application for the change the use of a parcel of land from agricultural to residential curtilage and the retention of the existing domestic outbuilding on it. As this building is not accessed directly from the public highway and it is not proposed to make any amendment to the property's vehicular access, officers consider that the proposal is unlikely to materially alter the traffic patterns associated with this dwelling, and therefore there is no highway or transportation objection to the proposal.

5.7 Other considerations

Officers also have considered whether or not this outbuilding needs to be removed when the building is no longer in use. As your officers consider that the building itself would not cause significant adverse impact upon the landscape character of the locality and there will be planting around the building, it is considered that it would not be necessary or reasonable, in this particular instance, to impose a condition to remove this building.

Nevertheless, given the proximity of the neighbouring residents, it would be necessary to impose a condition to ensure that the building is occupied incidental to the residential use of the main dwelling, Highfield Farm.

6. **CONCLUSION**

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

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

7. **RECOMMENDATION**

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

Contact Officer: Olivia Tresise
Tel. No. 01454 863761

CONDITIONS

1. Within two months of the date of this planning permission, a detailed planting scheme including plant schedule, planting specification in accordance with the approved Landscape Scheme, Drawing No. 1185-02 Rev C, shall be submitted to the Local Planning Authority for written approval. The approved planting scheme shall be

implemented within the first planting season following the approval of the scheme and shall be maintained as such for the following five years.

Reason

In the interests of visual amenity and to accord with Saved Policy L1 and L2 of the South Gloucestershire Local Plan (Adopted) January 2006, Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework March 2012.

2. With two months of the date of this planning permission, a sample of colour of the repainting of the northern, western and southern of the outbuilding, hereby approved, shall be submitted to the Local Planning Authority for a written approval. The outbuilding shall then repainted with the agreed colours within two months of the approval of the colour and shall be maintained as such thereafter.

Reason

In the interests of visual amenity and to accord with Saved Policy L1 and L2 of the South Gloucestershire Local Plan (Adopted) January 2006, Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework March 2012.

3. The proposed building hereby permitted shall not be occupied at any time other than for purposes incidental to the residential use of the dwelling known as Highfield Farm. (For the avoidance of doubt the term incidental indicates the building should not be used as principal accommodation eg bedroom; main living quarters).

Reason

To protect the amenity of the locality and to accord with Policy CS5 and Policy CS34 of South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

CIRCULATED SCHEDULE NO. 04/16 – 29 JANUARY 2016

App No.: PK15/5374/CLP
Site: 32 Trident Close Downend Bristol
 South Gloucestershire BS16 6TS
Proposal: Application for a certificate of
 lawfulness for proposed rear awning,
 insulated render to side elevation, bath
 stone surround to front door and
 amendments to rear dormer window.

Applicant: Mr And Mrs Terry Dando
Date Reg: 18th December 2015

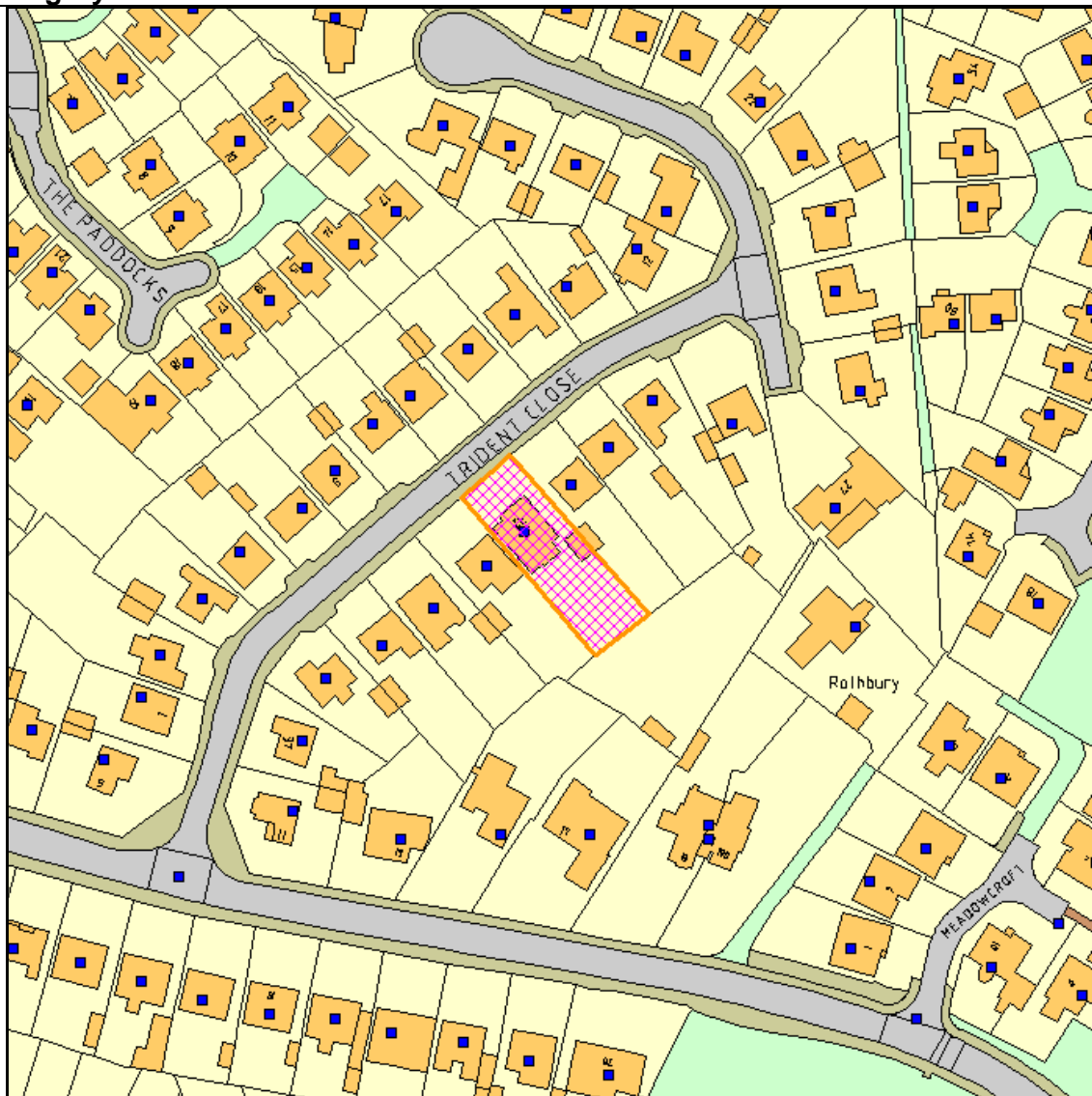
Parish: Emersons Green Town
 Council

Map Ref: 366137 178063

Ward: Emersons Green
Target 9th February 2016

Application
Category:

Date:



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 100023410, 2008. N.T.S. PK15/5374/CLP

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 This application seeks a formal decision as to whether or not the proposed erection of a rear awning, insulated render to the side elevation, bath stone surrounding the front door and amendments to the rear dormer at 32 Trident Close Downend 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.
National Planning Policy Guidance 2014

3. RELEVANT PLANNING HISTORY

- 3.1 PK06/0242/F Approve with Conditions 20/02/2006
Erection of single storey front extension to form extended living room.
- 3.2 PK04/1772/F Approve with Conditions 02/07/2004
To increase the roof height by 1m and to install front and rear dormer windows.
- 3.3 PK04/0394/F Approve with Conditions 08/03/2004
Erection of single storey rear extension and extension to rear conservatory to form additional living accommodation. (Resubmission of PK03/3574/F).
- 3.4 PK03/3574/F Refusal 11/12/2003
Erection of two storey and single storey rear extension to form additional living accommodation.

4. CONSULTATION RESPONSES

- 4.1 Emersons Green Town Council
No objection.

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 15 December 2015 –
Location Plan (P-100)
Site Massing Plan with Description of Proposed Works (P-200)
Photograph Sheet (P-300)
Existing Ground Floor Plan (P-400)
Existing Roof Plan (P-500)
Existing Side East Elevation (P-600)
Existing Rear South Garden Elevation (P-700)
Proposed Ground Floor Plan (P-800)
Proposed Roof Plan (P-900)
Proposed Side East Elevation (P-1000)
Proposed Rear South Garden Elevation (P-1100)

6. ANALYSIS OF PROPOSAL

- 6.1 This application seeks a certificate of lawfulness for a proposed rear awning, insulated render to side elevation, bath stone surround to front door and amendments to rear dormer window at 32 Trident Close Downend.
- 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 (insulated render, bath stone and proposed rear awning) and Class B (dormer window) of the Town and Country Planning (General Permitted Development) (England) Order 2015.
- 6.4 Assessment of Evidence: Insulated Render, Bath Stone surrounding front door and Proposed Rear Awning

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 rear awning 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 rear awning 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 rear awning 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;

The proposal is for a rear awning, which would extend no more than 3 metres beyond the rear wall of the original dwellinghouse, nor does it exceed 4 metres in height.

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

- (i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or
 - (ii) exceed 4 metres in height;
- Not applicable

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

- (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or
- (ii) be within 7 metres of any boundary of the curtilage the dwellinghouse opposite the rear wall of the dwellinghouse

The proposed rear awning would cover only the equivalent of a 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 proposed rear awning would not have eaves, furthermore the proposal 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 proposal does not extend beyond a wall forming a side elevation of the original dwellinghouse, nor does it exceed 4 metres in height or have a width greater than half the width of the original dwellinghouse.

(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 rear awning 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. Thus the material of bath stone can be used to surround the front door and insulated render can be used on the side elevation.

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

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

The existing dwellinghouse utilised the materials of render and brick with double roman roof tiles. The insulated render which would be situated on the side elevation is of a similar appearance. The bath stone around the front door would be of a similar appearance as bath stone is of a cream colour, as is the existing render.

The proposed rear awning would be on a steel structure, as the roof of the rear awning would be flat the need for materials of similar appearance should not apply (National Planning Policy Guidance 2014).

- (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.

- 6.5 The proposed rear awning, insulated render to side elevation and bath stone surround to front door 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.

6.6 Assessment of Evidence: Amendments to rear Dormer Window

Schedule 2 Part 1 Class B allows for the enlargement of a dwellinghouse consisting of an addition or alteration to its roof, subject to meeting the following criteria:

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 permission for use as a dwelling under Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

- (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 plans submitted indicate that the proposed works do not exceed the maximum height 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 principle elevation of the dwellinghouse and fronts a highway;**

There are no alterations to the plain of the roof slope which forms the principle elevation of the dwellinghouse and fronts a highway.

- (d) The cubic content of the resulting roof space would, as a result of the works, 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'

There is an existing rear dormer window, the proposed amendments are to insert new windows into the dormer, thus there is no change in the original roof space.

- (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; or

The proposed dormer window will not include any of the developments noted in e (i) or (ii).

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

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

Development is only permitted by Class B subject to the following conditions:

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 applicant has indicated on the plans that the alteration to the roofline will be externally finished with roof tiles to match the existing. This condition is therefore satisfied.

- (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 site 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, measured along the roof slope from the outside edge or the eaves; and

(ii) 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 proposed development is a hip-to-gable enlargement and joins the original roof, thus the development does not affect (b) (i) or (b) (ii).

(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 installed.

The submitted plan indicates that there is to be no windows being installed in the side elevation of the property. Therefore this condition is satisfied.

6.7 The proposed amendments to the rear dormer is considered to comply with Schedule 2 Part 1 Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 and is therefore permitted development.

6.8 Assessment of Evidence: Roof Lights

Schedule 2 Part 1 Class C allows for any other alteration to the roof of a dwellinghouse subject to meeting the following criteria:

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 (changes of use);

The dwellinghouse was not granted permission for use as a dwelling under Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

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

The proposed roof lights do not protrude more than 0.15 metres from the roofline.

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

The proposed rooflights do not exceed the highest part of the original roofline.

(d) It would consist of or include –

(i) The installation, alteration or replacement of a chimney, flue or soil and vent pipe or

(ii) The installation, alteration or replacement of solar photovoltaics or solar thermal equipment.

The proposed development does not consist of or include any of the items listed above in (d) (i) or (d) (ii).

Development is only permitted by Class C subject to the following conditions:

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

(a) Obscure-glazed; and

(b) 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.

6.9 The proposed roof lights are considered to comply with Schedule 2 Part 1 Class C 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

CIRCULATED SCHEDULE NO. 04/16 – 29 JANUARY 2016

App No.: PK15/5390/F

Applicant: Mr James
CarpenterSite: 4 Highfield Road Chipping Sodbury
South Gloucestershire BS37 6HDDate Reg: 21st December
2015Proposal: Erection of two storey rear extension to
form additional living accommodation.Parish: Sodbury Town
Council

Map Ref: 372354 182070

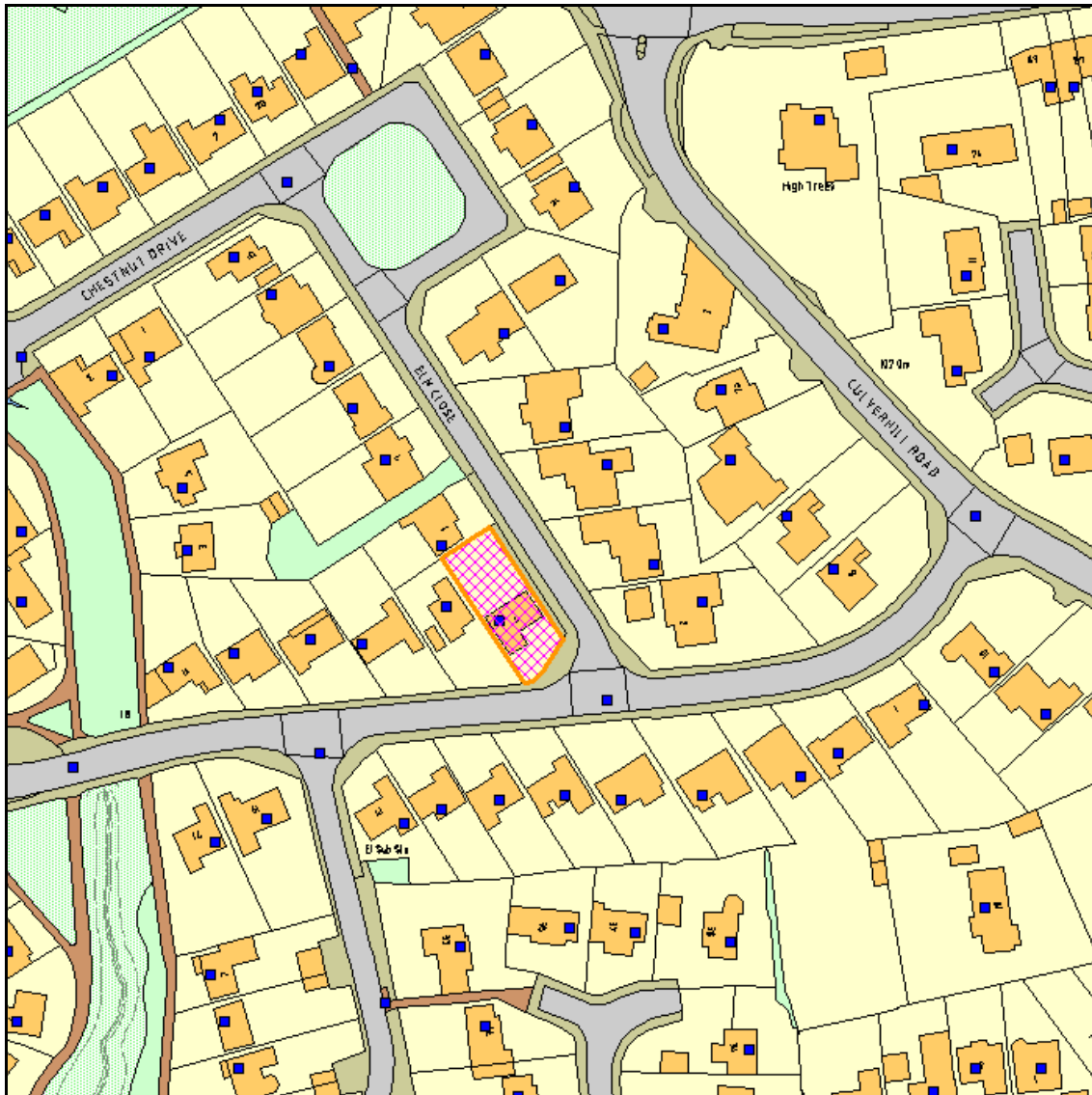
Ward: Chipping Sodbury

Application Householder

Target 10th February

Category:

Date: 2016



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PK15/5390/F

REASON FOR REFERRAL TO THE CIRCULATED SCHEDULE

Six objection comments have been received that are contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 The application is for the erection of a two storey rear extension to form additional living accommodation.
- 1.2 The property is a detached property located within a residential area and established settlement boundary in Chipping Sodbury.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework 2012
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January (saved policies) 2006
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
T8 Parking Standards
T12 Transportation Development Control Policy for New Development

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)
CS1 High Quality Design
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007.
South Gloucestershire Council Residential Parking Standards December 2013

3. RELEVANT PLANNING HISTORY

- 3.1 PRE15/1353- Single two storey extension to the rear of the property.
09.12.2015

4. CONSULTATION RESPONSES

- 4.1 Sodbury Town Council
No objection
- 4.2 Sustainable Transportation
 - The proposal will increase the number of bedrooms from 3 to 5.
 - After the development the existing garage will remain unchanged.
 - The block plan shows two parking spaces available to the front of the property.

- No transport objections provided there are two conditions; 1) the proposed parking to the front is provided prior to commencement of the development and permanently retained thereafter. 2) The existing garage is to be kept for storage of motor vehicles associated with the dwelling only and permanently maintained as such.

Other Representations

4.3 Local Residents

Main points from objection comments received

- The proposed extension is completely out of keeping with the surrounding properties.
- As the development will make the property a five bedroom dwelling this will have implications for parking.
- There is insufficient access along the sides of the property for this oversized development.
- No reference is made to the change in appearance and size to the sides when viewed from Elm Close.
- Devalues surrounding properties- our aspect, flora, fauna and skyline completely obliterated by this extension.
- Windows to the North East elevation look directly into properties to the north east on Elm Close.
- The development could be made into flats which will be detrimental to the value of the surrounding properties.
- Possible the proposal may be used for commercial purposes.
- There will be a lot of disturbance caused by construction and on-street parking is already a problem due to employees of Jelf and Merlin parking around the estate.
- Valley roof is troublesome.

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.

5.2 Design / Visual Amenity

As discussed in the pre-application report (PRE15/1353) the proposed two storey extension comes out to the rear of the building by 4 metres and proposes a pitched roof with a gable end with a slightly lower roof ridge than the existing dwelling. The design of the rear extension has changed from the submitted plans associated with the pre-application report (PRE15/1353) in that the single storey parts of the rear extension have now been replaced with a two storey extension that spans the entirety of the rear elevation. The extension is considered to be of an appropriate standard in design and the materials are considered to be in-keeping with the host dwelling and surrounding area.

Therefore, the extension is not considered to be out of keeping with the character of the main dwelling house and surrounding properties. The extension is of an acceptable size in comparison to the existing dwelling and the site and surroundings. The emerging PSP Plan states that properties with four or more bedrooms should have 70 square metres of private amenity space and the resulting private amenity space after development will be 121 sqm. Therefore, the private amenity space left over for the host dwelling is considered to be sufficient for a five-bedroom property.

5.3 Residential Amenity

The windows to the north east elevation are at single storey level and as the existing boundary brick wall is not proposed to be demolished this will also provide some privacy to the north east elevation. It is unlikely that these windows will result in a significant negative impact in terms of loss of privacy and overlooking as the windows are high level and serve a secondary purpose to the lounge and a kitchen/diner. There has been some discussion with the applicant regarding whether the windows in the north east side elevation should be obscure glazed. However, as the windows are high level, serve a secondary purpose to the lounge and kitchen/diner and as the properties on Elm Close are a sufficient distance away separated by a road and front garden areas, it is not considered that there will be any significant loss of privacy or overlooking for the properties to Elm Close or for no.4 Highfield Road. However, a condition will be issued to ensure that there are no new windows inserted in the north east elevation in order to ensure that there are no future concerns regarding privacy and overlooking. There are no new windows proposed in the south-west elevation of the proposed extension and no windows within the existing side elevation of no.6 Highfield Road. No.6 Highfield Road is also set back from no.4 and so there are not considered to be any significant negative impacts in terms of loss of privacy, loss of light and overlooking. There are openings proposed to the rear elevation, however, this is facing the side elevation of no.1 Elm Close, which does not include any openings. It is considered therefore that the proposal would be acceptable in terms of residential amenity. Hours of working condition will be issued which will minimise any disruption caused within the construction period.

5.4 Transport

The Residential Parking Standards SPD states that five bedroom properties should have three off-street parking spaces available. The Transport Officer has explained that as the existing garage remains unchanged and as there are two parking spaces proposed to the front in the block plan (AL (0)108), there are no objections dependent on two conditions. The first condition requires that the proposed parking to the front is provided prior to commencement of the development retained thereafter. The second condition requires that the existing garage is to be kept available for storage of motor vehicles associated with the dwelling only and permanently maintained as such.

It is clear that the issue of adequate parking is a significant one in terms of the representations received. It is accepted that a condition is necessary in order to achieve the minimum number of off street parking spaces - that is to say 3. However in order to meet the tests for conditions set out in the NPPG it is sufficient to require this prior to first occupation of the extension; and can be

done with one condition requiring the provision three off-street parking spaces within the site at all times.

5.5 Other Issues

The application has not sought to demolish the existing wall on the boundary as part of this proposal. An hours of working condition will be issued in order to minimise any disruption caused during the construction period.

The proposal is unlikely to significantly affect the flora and fauna and skyline as there is no significant vegetation. The objection regarding the devaluation of surrounding properties is not considered to be a planning issue and cannot be analysed within this report. Similarly, the future use of a property also cannot be analysed within this report. The analysis within this report is based on the information received and there is nothing to suggest that the property is to be used for flats or as a commercial business. A separate planning application would have to be submitted if this were to be the case in the future and assessed accordingly. Whilst the extension is a larger household extension, it is not considered to have any significant negative impacts in terms of outlook and visual amenity, and is considered to accord with planning policy.

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 extension is of an appropriate standard in design and is not out of keeping with the main dwelling house and surrounding properties. Furthermore the proposal would not materially harm the amenities of the neighbouring properties by reason of loss of privacy or overbearing impact. Sufficient off-street parking can be provided. As such the proposals accord with Policies H4 and T12 of the South Gloucestershire Local Plan (Adopted) 2006 and Policy CS1 of the South Gloucestershire Local Plan Core Strategy December 2013.
- 6.3 The recommendation to **grant** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

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

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. No windows other than those shown on the plans hereby approved shall be inserted at any time in the proposed north east elevation of the property; neither shall those windows shown (high level) be altered in terms of dimensions.

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 hours of working on site during the period of construction shall be restricted to 08.00 to 18:00 Monday to Friday, 08:00 to 13:00 Saturday and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

In the interests of highway safety and residential amenity and to accord with Policies CS1 and CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policies H4 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006; and the National Planning Policy Framework.

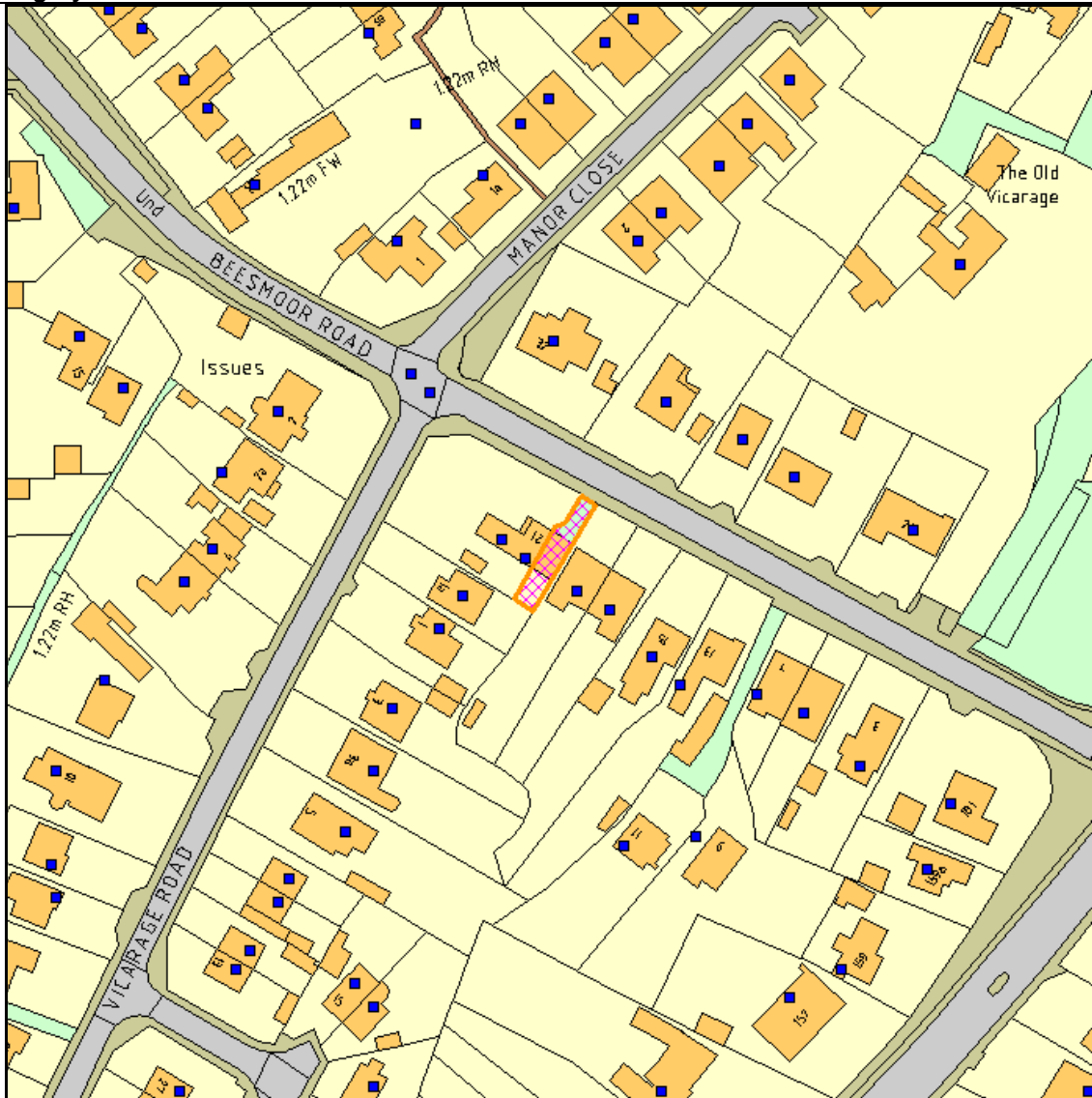
4. Prior to the first occupation of the extension three off-street car parking spaces shall be provided within the residential curtilage of the site and retained as such thereafter. For the avoidance of doubt an off-street parking space should measure 4.8m by 2.4m and a domestic garage should measure 6m by 3m. (NB For the purposes of assessing this application the garage has counted as one space).

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. 04/16 – 29 JANUARY 2016

App No.:	PK15/5444/F	Applicant:	Miss Hannah Kembery Frampton Dapper Dogs
Site:	21 Beesmoor Road Coalpit Heath Bristol South Gloucestershire BS36 2RS	Date Reg:	23rd December 2015
Proposal:	Change of use from Newsagents shop (Class A1) to dog grooming salon (sui generis) as defined in Town and Country (Use Classes) Order 1987 (as amended).	Parish:	Westerleigh Parish Council
Map Ref:	367187 180679	Ward:	Westerleigh
Application Category:	Minor	Target Date:	15th February 2016



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PK15/5444/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant seeks permission to change the use of the building from a newsagents shop (Class A1) to a dog grooming salon (sui generis) without alteration to the external form of the building.
- 1.2 The site is situated on a residential road in Coalpit Heath. The applicant site is attached to a dwellinghouse and is a single storey building with a flat roof.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
National Planning Policy Guidance 2014
Town and Country (Use Classes) Order 1987 (as amended)
- 2.2 Development Plans

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

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
CS4A Presumption in Favour of Sustainable Development
CS8 Improving Accessibility
CS14 Town Centres and Retail
- 2.3 Supplementary Planning Guidance
Design Checklist Supplementary Planning Document (adopted) August 2007
Shopfronts and Advertisements Supplementary Planning Document (adopted) April 2012

3. RELEVANT PLANNING HISTORY

- 3.1 N5810/1 Approve with Conditions 22/04/1982
Erection of storeroom at rear of existing shop.
- 3.2 N5810 Approve with Conditions 02/08/1979
Erection of single storey side extension to provide, shop, lobby and toilet.
- 3.3 N1961 Approve with Conditions 23/04/1976
Erection of 112 houses and 3 shops; construction of estate roads and footpaths (as amended by letter and revised site plans received by the Council on 15th

October, 1975). To be read in conjunction with planning permission Ref. No. P.1186.

4. CONSULTATION RESPONSES

- 4.1 Frampton Cotterell Parish Council
No objection.
- 4.2 Westerleigh Parish Council
No comments received.
- 4.3 Sustainable Transport
No comments received.
- 4.4 Lead Local Flood Authority
No objection.
- 4.5 Highway Structures
No comment.
- 4.6 Strategic Economic Development
No objection.

Other Representations

- 4.7 Local Residents
One letter of objection has been received from a neighbouring resident. The following objections have been raised by neighbours with regards to the proposed change of use from a Newsagents shop (Class A1) to a dog grooming salon (sui generis):
 - Noise – from dogs barking.
 - Parking problems, the main road is busy and vehicles often block driveways; the objector often has problems accessing their property because of this. Furthermore as a result of the parked cars buses and ambulances struggle to get through.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The application seeks permission to change the use of a building in Coalpit Heath from a newsagent shop (Class A1) to a dog grooming salon (sui generis).

The National Planning Policy Framework (2012) sets a presumption in favour of sustainable development. With significant weight given to economic 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.

Policy RT1 of the South Gloucestershire Local Plan (adopted January 2006) allows for development appropriate to a town centre providing that it would not detract from the overall vitality and viability of the area, it would be accessible to public transport users, pedestrians and those with special mobility needs and provided it would not have unacceptable environmental or transportation effects, and would not prejudice residential amenity. The proposal is acceptable in principle but should be determined against the analysis set out below.

5.2 Design

The application relates to a single-storey building on Beesmoor Road, the building is attached to a residential dwellinghouse. The applicant site has a flat roof and utilised the materials of red brick on the principal elevation and pebble dash render on the side elevation. The proposal does not make any changes externally to the building, thus there is no issue or concerns relating to the design of the proposal.

5.3 Residential Amenity

The application seeks approval of the change of use from A1 to Sui Generis at a site in Coalpit Heath. The proposed change will not result in any external changes to the appearance of the building. There are no new windows or extensions proposed to the existing building, as such the proposal would not be overbearing, overshadowing or lead to a loss of privacy for neighbouring dwellings.

Officers note that there are residential properties attached to the building. The proposal could have an impact on neighbouring residents. The dog grooming salon will employ one full time employee. The design and access statement advises that working hours will be strict and on an appointment only basis, with the salon being open Monday to Friday and alternate Saturdays to reduce the impact on traffic and parking; a condition will be added to restrict the working hours in order to protect the amenity of surrounding residents, there is not considered to be any further harm if the applicant was to work every Saturday. A neighbouring resident is concerned about the noise at the site, as the salon will work on an appointment system it is unlikely that there will be a large number of dogs at the salon in one period, as such it is considered there will not be an adverse impact on noise. Thus there are no concerns regarding residential amenity.

5.4 Sustainable Transport

The plan shows the provision of two existing off street parking spaces at the site, these are situated to the front of the building.

The sustainable transport officer for South Gloucestershire Council has no comments to make regarding the proposal, furthermore the highways structure officer has no objection to the proposal. However concerns have been received regarding parking at the site, this is because the main road is busy and vehicles

often block driveways, which can result in vehicles such as ambulances having issues navigating through. The building is currently a newsagents which is likely to have busier periods throughout the day. As the proposed dog grooming salon will work on an appointment basis it is unlikely that there will be a large amount of vehicles visiting the site at any one time, however a condition will be utilised to require the owner to maintain off-street parking.

5.5 Economic Impact

The proposed development will see a newsagent shop (Class A1) change to a dog grooming salon (sui generis) as defined in Town and Country (Use Classes) Order 1987 (as amended). The Economic Development Team at South Gloucestershire Council have no objection to make regarding this application.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 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. The use hereby permitted shall not be open to customers outside the following times 8:30- 18:00 Monday to Friday and 09:30-16:00 Saturdays.

Reason

To protect the amenities of the surrounding area which is in close proximity to nearby dwelling houses.

3. The off-street parking facilities (for all vehicles, including cycles) shown on the plan hereby approved shall be provided before the change of use occurs, 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.

CIRCULATED SCHEDULE NO. 04/16 – 29 JANUARY 2016

App No.: PK15/5498/CLP

Applicant: Mrs L Moore

Site: 88 Church Road Soundwell Bristol
South Gloucestershire BS16 4RG

Date Reg: 30th December 2015

Proposal: Application for a certificate of
lawfulness for the proposed installation
of a rear dormer, a hip to gable roof
alteration and 3no. rooflights

Parish: None

Map Ref: 365261 175132

Ward: Staple Hill

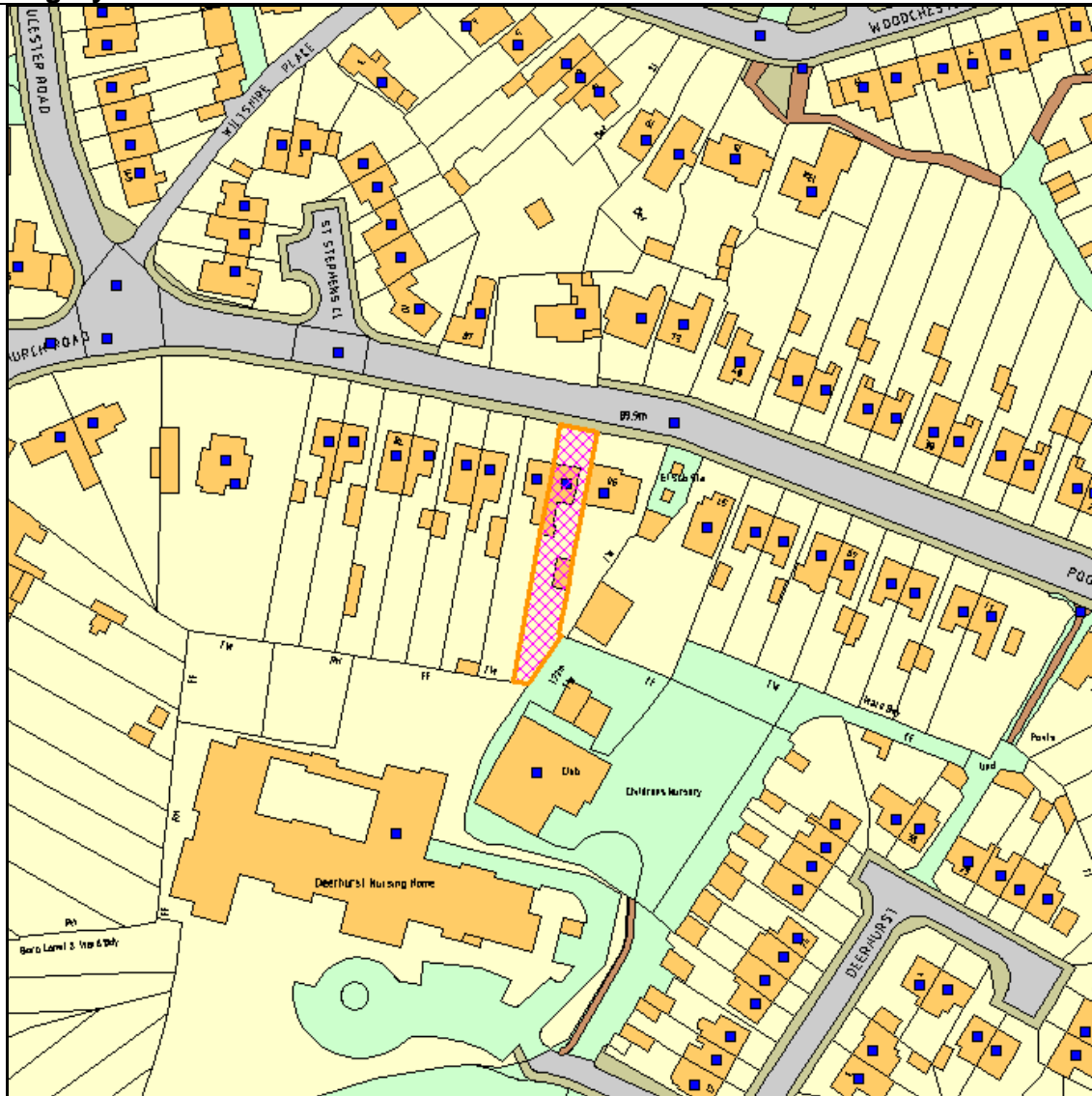
Application

Target

17th February 2016

Category:

Date:



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N.T.S.

PK15/5498/CLP

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed installation of 1no. rear dormer, a hip to gable extension and 3no. rooflights at no. 88 Church Road, Soundwell, 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.
- 1.1 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, Classes B and C.

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

Other Representations

- 4.4 Local Residents
None received

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

- 5.1 Block Plan, Site Location Plan, Existing and Proposed Plans – received on 23/12/2015.

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 1no. rear flat roof dormer window, a hip to gable extension, and the installation of 3no. rooflights. This development would fall under the criteria set out within Schedule 2, Part 1, Classes B and Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015.
- 6.4 Class B of the GPDO is relevant to the installation of the rear dormer and hip to gable enlargement. Class C of the GPDO is pertinent to the installation of roof lights. Accordingly, each of the proposed works will be assessed against the relevant Classes as noted above.
- 6.5 The installation of a dormer and hip to gable roof alteration is acceptable under Class B, subject to the following criteria being met:

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 use of the building as a dwellinghouse was not granted by virtue of Class M, N, P or Q of Part 3 of this Schedule.

- (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 works do not exceed the maximum height 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 proposed dormer extends from the rear roof slope whilst the hip to gable alteration would not project further than the principal roof slope.

- (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 proposed work would result in a volume increase of approximately 42.45 cubic metres.

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

- (i) The construction or provision of a veranda, balcony or raised platform, or**

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

- (ii) The installation, alteration or replacement of a chimney, flue or soil and vent pipe;**

The proposal does not include any alterations to the chimney, or the installation of a flue or soil and vent pipe; 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 plans demonstrate that the materials used to construct the extension will match the existing dwellinghouse.

- (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 a hip-to-gable enlargement, therefore this condition does not apply. The proposed dormer would leave the original eaves of the dwellinghouse unaffected. The edge of the proposed dormer closest to the eaves is set back by more than 0.25 metres from the existing eaves.

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 does not extend beyond the outside face of any external wall of the original dwellinghouse.

(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.

6.6 Class C relates to any other alteration to the roof of the dwellinghouse such as the proposed rooflights, and is considered below:

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 use of the building as a dwellinghouse was not granted by virtue of Class M, N, P or Q of Part 3 of this Schedule.

(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 windows on the front elevation of the roof slope will not protrude more than 150mm from the roofline.

(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 proposal does not include any side elevation windows.

7. RECOMMENDATION

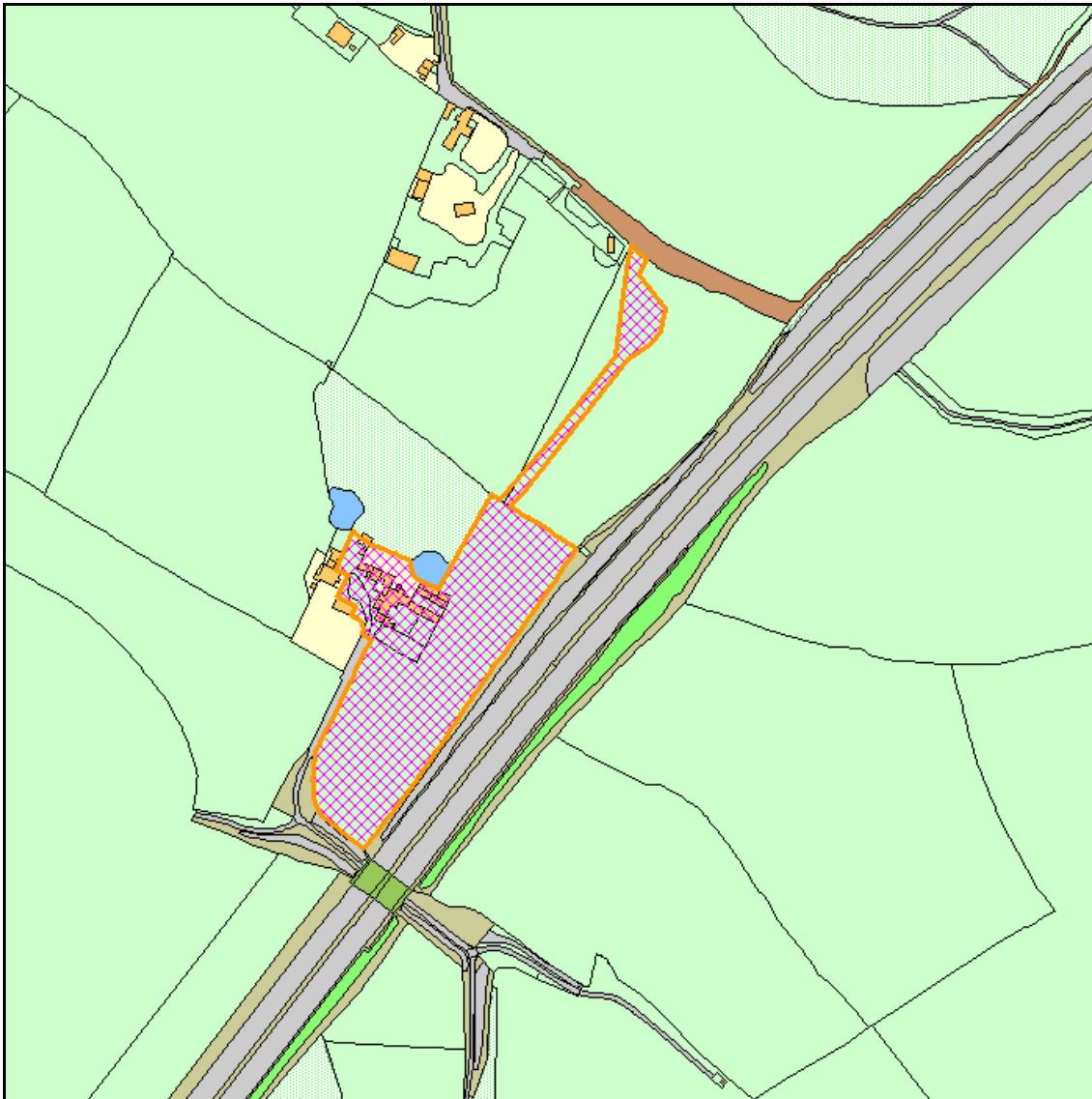
- 7.1 That a certificate of Lawfulness for Proposed Development is **granted** for the following reason:

Evidence has been provided to demonstrate that on the balance of probabilities the proposed extension 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

CIRCULATED SCHEDULE NO. 04/16 – 29 JANUARY 2016

App No.:	PT14/4904/F	Applicant:	Mr John Price
Site:	Barmers Land Farm Woodlands Road Tytherington South Gloucestershire GL12 8UL	Date Reg:	6th January 2015
Proposal:	Conversion of existing barns to provide 4 residential dwellings and construction of acoustic bund and associated planting.	Parish:	Tytherington Parish Council
Map Ref:	366628 189245	Ward:	Ladden Brook
Application Category:	Major	Target Date:	31st March 2015



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N.T.S.**PT14/4904/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application appears on the circulated schedule as comments have been received which are made contrary to the officer recommendation of approval.

1. THE PROPOSAL

- 1.1 Barmersland Farm is located approximately 50 metres due West of the northbound carriageway of the M5 Motorway. The application relates to a large traditional barn associated with Barmersland Farm together with an adjacent open field located between the farm complex and the M5 Motorway. The site is within open countryside but is not located in the Green Belt. The subject barn is a Grade II listed building.
- 1.2 The application seeks planning permission to convert the existing barn building to provide 4 residential dwellings. It is also proposed to construct a noise attenuation bund with associated acoustic fence, substantial landscaping and planting. The proposed bund is intended to provide noise protection from the M5 motorway to benefit the residential conversion. The proposed bund would be up to 5½ metres above the existing ground level and would include a 1.5 metre high acoustic fence and substantial woodland planting. The bund would effectively be 2 metres higher than the M5 motorway carriageway level.
- 1.3 Access to the site for the purpose of the construction of the proposed bund is proposed to use Green Lane and a new access track constructed in the adjacent field to the north and northeast of the development site. Access to Barmersland Farm itself is from Woodlands Road, Tytherington and it is proposed to access the barn using this route for the conversion works.
- 1.5 Planning permission and listed building consent was granted under planning references PT05/0826/F and PT05/0827/LB respectively. These approvals were extended under PT10/1124/EXT and PT10/1197/EXT. However, these permissions are now lapsed. The permissions effectively approved the conversion of two barns associated with Barmersland Farm for residential development. The Planning Permission included the provision of noise attenuation bunds which were configured as two separate bunds wrapping the northern and southern edges of the Barmersland Farmyard. Access for the construction of the previously approved bund was from the Southwest off Tytherington Hill following a track along the eastern edge of Tytherington Quarry.
- 1.6 An associated listed building application has been submitted for consideration of the proposed conversions of the barn buildings (PT15/2890/LB). The report in relation to that application also appears elsewhere on this agenda.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework
Planning Policy Guidance

2.2 Development Plans

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

- L1 Landscape Protection and Enhancement
- L9 Species Protection
- L13 Listed buildings
- H10 Conversion and Re-use of Rural Buildings for Residential Purposes
- EP2 Flood Risk and Development
- EP4 Noise Sensitive Development
- EP6 Contaminated Land
- T7 Cycle Parking
- T12 Transportation Development Control Policy for New Development

South Gloucestershire Minerals and Waste Local Plan (May 2002) (Saved Policies)

- Policy 45 Environmental Bunds

Joint Waste Core Strategy (March 2011)

- Policy 8 Landfill, land-raise, engineering or other operations (Principles)
- Policy 9 Landfilling, land-raising and engineering or other operations (Details)

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

2.3 Supplementary Planning Guidance

- South Gloucestershire Residential Parking Standard SPD (Adopted) December 2013
- South Gloucestershire Design Checklist (Adopted 2007)
- South Gloucestershire Landscape Character Assessment (Adopted 2014) (Local Character Area 17 Rudgeway Ridge and Tytherington Ridge)
- Waste Collection Guidance for New Development SPD (January 2015)

3. RELEVANT PLANNING HISTORY

- 3.1 PT03/0669/LB Refurbishment of existing farmhouse including internal and external works (part retrospective).

Approved on 17th June 2003

- 3.2 PT04/0335/F Conversion of existing barns to form four residential/workshop units.

Refused on 10th March 2004

- 3.3 PT04/0337/LB Conversion of existing barns to form four residential/workshop units.

Refused on 10th March 2004

- 3.4 PT05/0489/F Construction of noise and pollution environmental bund.

Refused on 9th March 2007.

- 3.5 PT05/0826/F Conversion of redundant farm buildings to form four residential/ work units including restoration of adjacent ponds, provision of reed bed foul drainage filtration system & two earth bunds (resubmission of PT04/0335/F).

Approved on 27th June 2007

- 3.6 PT05/0827/LB Conversion of redundant farm buildings to provide four residential / work units (resubmission of PT04/0337/LB).

Approved on 25th June 2007

- 3.7 PT10/1124/EXT Conversion of redundant farm buildings to form 4 no. residential/work units including restoration of adjacent ponds, provision of a reed bed foul drainage filtration system and 2no. earth bunds. (Consent to extend time limit implementation for PT05/0826/F)

Approved on 9th December 2010

- 3.8 PT10/1197/EXT Conversion of redundant farm buildings to form four residential/ work units (consent to extend time limit for PT05/0827/LB).

Approved on 9th December 2010

- 3.9 PT15/2890/LB Internal and external alterations to facilitate conversion of redundant farm buildings to form 4no. dwellings.

Not determined at the time of compiling this report.

4. CONSULTATION RESPONSES

- 4.1 Tytherington Parish/Town Council

The Parish Council support the application provided that the access to the development is not from Woodlands Road

- 4.2 Thornbury Town Council

Make no comment.

- 4.3 Landscape Officer

The proposed development is only acceptable in the interests of safeguarding the future of the listed buildings (at Barmersland Farm) and because of the robust planting proposed. Subject to the use of a condition requiring a detailed planting specification and 10 year maintenance plan. In the event that the access track is to be retained, then the width and surface materials should be

specified and the track should be separated from the hedge to the west by 2 metres and the hedge should be protected during construction.

4.4 Conservation Officer

Barn Conversion

No Objection in principle subject to conditions requiring specific details of insulation, external fixtures and fitting, window design and finishing materials.

Bund

No objection subject to additional planting to screen the visual impact of the acoustic fence.

4.5 Ecology Officer

The application passes the three European Protected Species licensing tests and that consequently there are no ecological constraints to granting planning permission. There is no Objection subject to the inclusion of conditions attached to consent in securing the following;

- i) The development is carried out in accordance with the bat mitigation strategy submitted as part of this planning application (dated September 2015). This should also form the basis of the required Habitat Regulation licence application.
- ii) The development is subject to a Landscape and Ecological Management Plan (LEMP) which should be submitted and agreed prior to the commencement of the development.
- iii) The development is subject to a scheme for the provision of new artificial nesting boxes to benefit House Martin, Swallow and House Sparrow which should be submitted and agreed prior to the commencement of the development.

Informative notes should also be included in respect of the presence of Bats on the site and the potential for breeding birds to be present.

4.6 Highways Officer

Conversion of Barn

The access along Woodlands Road is adequate to cater for the vehicular movements associated with the development of four dwellings. Sufficient parking and turning facilities can be accommodated within the site. No objection.

Bund

The volume of heavy traffic during the construction of the proposed bund is acknowledged and can only be made acceptable on Green Lane with localised widening, reinforcement of the bridleway and a closely managed Construction Management Plan. The construction management plan should provide the following measures;

- i) A pre commencement photographic condition survey of Green Lane from Buckover to the site access.
- ii) Details of procedures for notifying affected residents and businesses of works proposals and dealing with complaints from members of the public.
- iii) Details of a minimum of three passing places 12m long x 3m wide to be constructed along Green Lane.
- iv) Details of surface reinforcement to the public right of way bridleway between the end of the macadam section of Green Lane and the site access.
- v) Temporary traffic management control measures on the access route along Green Lane including safe provision for pedestrian, cycle and equestrian use.
- vi) Construction traffic shall not be permitted to use Green Lane outside of the hours of 09:30 and 16:30 Monday to Friday.
- vii) Measures to control the tracking of mud off-site from vehicles.
- viii) A lorry routing schedule.
- ix) An end of contract photographic condition survey of Green Lane.
- x) Details of remedial works to Green Lane and the bridleway to restore the access route to its original condition.

4.7 Public Rights of Way Team

No Objection subject to a condition requiring the strengthening of the bridleway OTH116 and reinstatement as follows;

- i) compression of loose stone around the HGV tracks to a uniform finish with a camber and no dips, topped with a minimum of 20mm compacted thickness of 10mm to dust
- ii) a grass seed mix.

4.8 Lead Local Flood Authority

No Objection in principle subject to specific detail by condition relating to drainage methods for the bund.

4.9 Highway Structures

Wish to make no comment.

4.10 Environmental Health Officer

No Objection in principle subject to a condition relating to the testing of imported waste materials to control levels of contaminants in respect of the

proposed noise attenuation bund; and appropriate contamination and mitigation in respect of potential contaminants associated with the agricultural barn.

Other Representations

4.11 Local Residents

Two sets of comments have been received raising the following objection and comments;

Indication that there is no specific objection to the proposed noise attenuation bund, however objections are raised to the proposed access from Green Lane for the following reasons;

Green Lane is not suitable for the amount of heavy vehicles indicated in the proposal

Green Lane is a single track road with limited passing points

The use of Green Lane to access the proposed development will conflict with the access to 'Jungle Chums' as there is inadequate parking at Jungle Chums resulting in on street parking

The safety of children and parents using Jungle Chums is of concern as there is likely to be difficulties with heavy vehicles passing parked cars, and potential pedestrian conflict.

An alternative access via the adjacent quarry tracks is suggested.

Concern is raised over the amount of consultation carried out about the application.

5. ANALYSIS OF PROPOSAL

5.1 The proposed development consists of the conversion of an existing traditional stone barn and the creation of a landscape bund to provide noise attenuation for the barn conversion against noise from the M5 Motorway.

5.2 Principle of Development

The proposed development can be separated into two distinct elements as set out below.

5.3 *Barn Conversion*

The site is located in open countryside. Policy CS5 of the South Gloucestershire Local Plan, Core Strategy sets out that new development will be strictly limited in the open countryside. However, Paragraph 55 of the National Planning Policy Framework is supportive of the *re-use of redundant or disused buildings in rural areas, where the development would lead to an enhancement to the immediate setting.*

5.4 Saved Policy H10 of the South Gloucestershire Local Plan is largely consistent with the National Planning Policy Framework. However, the policy (criterion A)

requires that *all reasonable attempts have been made to secure a suitable business re-use or the conversion is part of a scheme for business re-use*. Notwithstanding this requirement, it is of note that paragraph 55 of the National Planning Policy Framework does not carry such a requirement. In this regard, criterion A of saved policy H10 is out-dated by the National Planning Policy Framework and as such very limited weight is attributed to the requirement to secure a business re-use in respect of the conversion of the subject barn building.

- 5.5 It is of further note that the subject building is closely related to the main farm yard and house associated with Barmersland Farm. Also, the access to the building is via a long single track road with tight bends and pinch points (particularly through the M5 under pass situated over the access road). In this regard, it is likely that a business use would not be compatible with the characteristics of the site making the site unattractive for such a use. Subject to detailed assessment as set out further in this report, it is considered that the proposed conversion of the subject barn to residential is acceptable in principle.
- 5.6 *Construction of the Bund*
The applicant has set out that the proposed bund is required specifically to provide noise attenuation to protect the amenity of the proposed residential conversion of the subject barn building. The bund would be constructed within the field due southeast of the Barmersland farm yard and the barn building subject of this application. The proposed bund is approximately 250 metres in length (along its elevation with the M5 Motorway) and 30 metres wide. It would be up to 5½ metres above the existing ground level and would be 2 approximately metres higher than the M5 motorway carriageway level. The creation of the bund would involve approximately 19000 cubic metres of imported material.
- 5.7 Policy 45 of the South Gloucestershire Minerals and Waste Plan is relevant to this proposal. Essentially, the policy sets out that the construction of environmental bunds utilising waste material will only be permitted where the following criteria is met.
- i) The material to be deposited is inert waste,
 - ii) The purpose of the bund is clearly justified with full technical data where appropriate, and;
 - iii) The volume of the waste deposited is the minimum necessary to achieve the purpose and an appropriate land form.
- 5.8 As set out earlier in this report, the purpose of the bund is to provide specific noise attenuation in respect of the proposed barn conversion for residential purposes. The applicant argues that without the bund, the residential conversion is unlikely to be viable and that the provision of the bund would in effect safeguard the future of the listed building (the subject barn). The applicant sets out that the imported material would be made up of inert waste (subsoil and topsoil only).
- 5.9 In this instance, the state of the listed building subject of this application is poor and deteriorating. It is acknowledged that the redundant barn is at risk of

deteriorating further and that the redevelopment of the barn for residential purposes would act to safeguard the future of the building and provide the opportunity for full and sympathetic restoration. Subject to detailed assessment as set out further in this report, it is considered that there is reasonable justification for the construction of the bund in this location and as such is acceptable in principle.

- 5.10 Notwithstanding this, given that the construction of the bund relates directly to the residential conversion of the subject barn, an appropriately worded planning condition would be required in order to ensure that the construction of the bund is not carried out in conjunction with the barn conversion; and not without it.

5.11 Listed Buildings

The barn building subject of this application is a Grade II Listed Building in its own right. Consideration of the impact of the development upon the setting and physical works to the Listed Building are in two distinct parts, namely the impact of the proposed barn, and the conversion works to the building itself. It is noted that planning and listed building approval has been previously granted for a noise attenuation bund and conversion of the subject barn for residential purposes (PT10/1142/EXT and PT10/1197/EXT). In this instance, the development was not implemented as the bund proved to be ineffective for noise attenuation purposes.

5.12 *Construction of the bund.*

This application proposes to construct a large single earth bund running parallel with the M5 Motorway (located approximately 60 metres due east of the barn building). The bund would be located on an existing open field and position between the motorway and the building. The bund is designed so as to have an open field aspect facing the listed building and associated buildings. Heavy planting is to be introduced on the motorway side. A 1.5m high acoustic fence is proposed at the peak of the bund to further improve the noise mitigation whilst retaining the scale and massing of the bund to a minimum.

- 5.13 Officers consider that the introduction of the bund into the landscape at this location is acceptable on the basis that it would include comprehensive planting to mitigate its impact. In general terms, the benefit of the bund is acknowledged in terms of the resulting improvements to the setting of the listed buildings through the effective screening of the motorway and associated embankment. Nonetheless, some concern is raised in respect of the additional 1.5 metre high timber fence as this has the potential to be out of keeping with the open rural character of the area; which informs the setting of the heritage assets. However, this can be adequately addressed through the provision of additional screen planting on the western side of the fence to effectively mitigate its visual impact in views from the heritage asset. It is also noted that the landscaping scheme would also form an intrinsic part of the improvements to the setting of the heritage assets (and in landscape) terms, but without it the bund itself is unlikely to be acceptable in visual terms.

On this basis, an appropriately worded condition should be applied to any planning consent that secures some improvements (associated with the acoustic fence) and that the landscaping is subsequently implemented and

retained in accordance with the agreed details. Subject to this condition, it is considered that the development of the bund would be acceptable in Listed Building terms.

5.14 *Residential conversion of the barn.*

The building is of a considerable size and dominates the farm yard which it relates to. It is made up of a large two story stone structure with substantial timber framed roof. It includes two sets of large timber doors and associated gables forming a cross shape typical of local barn vernacular. The main building includes later additions but are themselves of age and constructed in a traditional manner. These include lean-to elements and ranges of smaller interlinked outbuildings and sheds.

5.15 Whilst it is noted that the barn has been subject of a previous planning permission for conversion to four dwellings, that consent has now lapsed. Notwithstanding the previous approval, officers generally consider that the opportunity to provide positive improvements in respect of the consent should be taken. In that regard, officers have engaged with the applicant to find the most sympathetic method for the residential conversion of the barn building. Initial concerns raised by the Listed Buildings Officer in respect of the impact of the development on the character of the building have been considered carefully by the applicant. In particular, the number of bedrooms in each unit has been reduced, the internal plan forms simplified and opened out, and the site layout improved to give each dwelling a better proportioned plot. Further design changes allow the conversion to take advantage of the internal spaces that characterise the existing barn building by utilising full height spaces, open plan layouts and generously sized rooms; rather than the relatively cramped and overly partitioned arrangement detail in the previous planning permission. Further changes have resulted in the use of a range of single storey buildings enclosing the North-eastern edge of the farm yard as external storage, rather than living accommodation. This change would assist the retention of the modest character and form of those buildings whereas the use of the buildings for living accommodation would be difficult to achieve without compromising their simple, rustic character and appearance.

5.16 Residential curtilages are confined to the yard area associated with the barn buildings and enclosed land immediately adjacent to the Northeast of the barn and associated outbuildings. A small area of land would be enclosed within existing open field to the Southwest of the buildings to benefit proposed residential unit 4. This would be enclosed on two sides by existing walls and hedging, and is proposed to be enclosed by open boarded fencing to the open field elevation. The proposed curtilages have been rationalised through the course of the negotiations relating to this planning application. It is considered that the proposed curtilages are acceptable in listed building terms. However, in landscape terms, the use of the open boarded fences onto open fields needs further consideration and this is considered later in this report.

5.17 Officers consider that the development now proposed is a substantial improvements which better respect the traditional character and interest of the heritage asset. However, officers consider that in order to ensure that the finished development is of a suitably high quality and sensitivity, specific

conditions will be required to secure appropriate materials and workmanship throughout the development. Subject to the imposition of such conditions, officers consider that the development is acceptable and would act to safeguard the heritage asset into the future.

5.18 Landscape Impact

The site is located within the Rudgeway Ridge and Tytherington Ridge landscape area (Local Character Area 17). This landscape is characterised by the high ridge with views out to the East towards Yate and Westerleigh. The introduction of the M5 Motorway and associated embankment has degraded the landscape somewhat in this location, whilst there is very limited views of Tytherington Quarry situation Southwest of the proposal site. However, the area retains a dominant rural/agricultural character.

5.19 *Construction of the Bund.*

It is noted that a previous application (PT05/0489/F) for a bund in this location was refused in 2007. The main area of concern was its size and impact in the landscape; being some 9 metres higher than the level of the M5 motorway. Subsequently, a later application detailing the construction of two smaller bunds to support the residential conversion of the subject barn was approved in 2007. That permission was extended in 2010 (PT05/0826/F and PT10/1142/EXT respectively). In this instance, the approved bunds proved to be ineffective for the purpose of noise attenuation and as such was not implemented.

5.20 This application proposes a single earth bund. The proposed bund is approximately 250 metres in length (along its elevation with the M5 Motorway) and 30 metres wide. It would be up to 5½ metres above the existing ground level and would be 2 approximately metres higher than the M5 motorway carriageway level. A 1.5 metre high acoustic fence is also proposed along the top of the bund to reinforce the acoustic benefit of the bund.

5.21 Officers acknowledge that for the first five years following the construction of the bund, it would be highly visible in views from the M5 motorway and would have a detrimental impact upon the character of the landscape. The bund would also be visible in limited views from the surrounding public rights of way. However, this impact is very localised given that the bund would effectively be constructed in a depression in the landscape in this location. Views from the M5 motorway would be experienced over a very short period of time.

5.22 The application is supported by a comprehensive woodland planting and landscaping scheme in respect of the bund. Officers are satisfied that this is consistent with existing sections of the motorway to both the north and south which have woodland planting on bunds and embankments. Officers are satisfied that within five to ten years this planting will start to effectively screen the fence and the bund; and that the planting would effectively mitigate against the visual impact of the proposed bund.

5.23 Notwithstanding the above, some concern is raised in respect of the lack of screening of the Western side of the acoustic fence. Officers consider that screen planting/hedging should be provided to reduce the impact of the fence

in landscape terms. The Landscape Officer suggests that the planting of standard trees in the bund planting would have an immediate landscape benefit. However, it is noted that the bund would present difficult growing conditions and as such standard trees would be more vulnerable to fail in the short term. It is suggested that the planting of standard trees is supplemented in part by the planting of feathered whips which will establish over a longer period. It is considered that the submitted planting scheme would act to effectively mitigate the visual impact of the bund, a suitably worded condition can be used to secure replacement planting in the event that specimens are lost within five years of being planted. This would act to address the possibility of standard trees being lost in the longer term and ensures that the developer is responsible for replacement. Subject to the condition, the proposed bund is acceptable in landscape terms.

5.24 *Access track for construction of the bund*

It is acknowledged that the applicant has expressed a preference to retain the access track for the construction of the bund once the bund is complete. However, there is no information submitted that would provide any justification for the retention of the access track. The access track would represent a significant intrusion into the landscape in this location and would be unacceptable in landscape terms. It is noted that the track includes a wide section to provide passing, welfare and 'ticket collection' related to the delivery of waste material to the site, which would further compound this impact. It is considered that the provision of the track on a temporary basis would be acceptable on the basis that its eventual removal would act to mitigate its impact. Without reasonable justification for the retention of the track, officers consider that it is appropriate to require that it is removed and the affected land reinstated to its former condition in the event that planning permission is granted in respect of this planning application.

5.25 The Landscape Officer has indicated that the access track should not be within 2 metres of hedges and that appropriate protection is provided for the roots of the hedgerow. In this instance, the majority of the proposed access track is well in excess of 2 metres from the hedge at the Western edge of the field. However, it is proposed to utilise the existing field gates as part of the access, which requires that the access track moves to a position within 2 metres of the hedge at each field gate. In this instance, it is considered that the use of existing field is an appropriate access solution. Officers acknowledge that this would bring the track within 2 metres of the existing hedges, however this is inevitable and preferable to the creation of new accesses in the field boundaries elsewhere, which would itself result in the loss of existing hedging. It is possible to provide appropriate root protection at these pinch points. Whilst no specific information is included with the application, this information (and specific mitigation against unforeseen damage to hedgerows) can be secured by way of appropriately worded condition in the event that the application is approved.

5.26 *Residential conversion of the barn.*

The conversion of the existing barn has been subject of comprehensive negotiation and discussion during the course of this application. Revisions to the proposal have resulted in the rationalisation of the access to the parking

areas from Woodland Road. In particular, the proposed access would now utilise an existing gate and access along-side the Southwest part of the barn complex rather than creating a new drive way through the open field to the immediate south. Whilst there remains a requirement to introduce new residential garden (associated with residential unit 4) this would have considerably less impact than the previously proposed driveway. It is considered that the conversion of the barn would have some limited impact through the introduction of additional curtilage into the open fields adjacent to the barn complex. However, with appropriate landscaping, this impact can be adequately mitigated. The proposal shows that an open boarded fence would enclose the southwest and southeast boundary of the site. It is considered that this should also be screened with hedgerow planting to provide a rural appearance in keeping with nearby field boundaries. Generally, the barn complex is screened from the wider landscape by existing vegetation and natural features. In respect of the building works, the development would not introduce any material additions to existing built form associated with the barn complex. Subject to a condition securing additional landscaping and boundary treatment implementation, the proposed conversion of the barn is acceptable in landscape terms.

5.27 Ecological Impact

The development is subject to potential ecological constraints and in particular could affect Bats, Great Crested Newts and birds such as Swallow, House Martin and House Sparrow which are listed on the RSPB list of birds of Conservation Concern.

- 5.28 A phase 1 Habitat Survey supports this application. The survey shows that the field subject to the bund development consists of improved grassland and as such is of low ecological value. It also shows that the field boundaries (made up of three hedges) are species rich and as such provide habitat of 'principal importance for biological diversity' (Priority Habitat) under Section 41 of the Natural Environment & Rural Communities (NERC) Act 2006. However, the proposal shows that the hedges would not be affected by the creation of the bund and as such the development is unlikely to affect the ecological value of the hedges.

5.29 *Great Crested Newts*

The Phase 1 Habitat survey has concluded the presence of Great Crested Newts is unlikely within the site and as such this species is not likely to be affected by the proposed development.

5.30 *Bats*

The Phase 1 Habitat Survey identified the presence of three species of bats and associated roosts. Accordingly, the application is supported by a series of 'bat emergence surveys' and internal inspections. These confirmed that there are four roosts in the barn and associated complex of buildings.

- 5.31 All bats and their roosts are protected under the Wildlife & Countryside Act 1981 (as amended), the CROW Act 2000 and the Habitats Regulations 2010, which implements European Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora ('The Habitats Directive 1992').

As a European Protected Species (EPS), a licence under Regulations 53/56 of the 2010 Habitat Regulations is required for development to be lawful.

5.32 In this instance the development proposal includes a specific mitigation strategy in respect of the replacement of bat roosting spaces. This mitigation includes a 'self-contained bat loft', purpose built 'bat house' and other supplementary roosting opportunities throughout the barn and associated buildings (crevice roost sites accessed via tile ridges; roosting niches behind bargeboards fitted to the gable end of buildings; and use of the open-fronted car ports for night roosts). The mitigation strategy also includes methods for inspection of the buildings directly ahead of the commencement of the development of the residential barn conversion.

5.33 Officers are satisfied that the mitigation strategy adequately caters for the presence of roosting bats and enables the retention of the habitat specifically at the current location. On this basis, the mitigation satisfies the requirements of the Habitats Regulations 2010 in this regard. Accordingly, provided that the development is carried out in accordance with the mitigation strategy, the proposed development would not act to harm the bats habitat. An appropriately worded condition can be applied to consent such that the mitigation is provided in its entirety. It is also noted that the mitigation would form the basis of a European Protected Species licence under Regulations 53 and 56 of the Habitats Regulations 2010. Without first obtaining this licence the works affecting bats as a protected species would be unlawful.

5.34 *Birds*

Bird species associated with barn buildings such as swallow, house martin and house sparrow are vulnerable to loss of nest sites as a result of barn conversions. In this instance, it is very likely that the barn building in its current state will be used by nesting birds, in particular Swallow. It is acknowledged that these bird species are not afforded specific protection; unless they are breeding. However, paragraph 118 of the National Planning policy Framework encourages opportunities to incorporate biodiversity in and around new development. Accordingly, it is considered that the development of the barn building should incorporate mitigation against the potential loss of nesting sites in the form of new artificial nesting boxes for a variety of species including Swallow, House Martin and House Sparrow. This should be agreed with the Local Planning Authority. This is appropriately the subject of a condition in the event that this application is approved.

5.35 Having regards to the above assessment and subject to the conditions set out above, the proposed development is acceptable in ecological terms.

5.36 Residential Amenity

The site is relatively isolated. The nearest existing dwelling is the farm house located to the west of the subject barn building. It is considered that there is sufficient separation between the farm house and the dwellings proposed as part of the barn conversion to preclude any significant overlooking or loss of privacy between the barn and the farm house. Similarly, it is considered that the layout of the barn conversion and the relationship of the four proposed dwellings to each other is such that there would be no significant overlooking or

privacy issue. It is noted that the occupants of the new dwellings would utilise shared driveway and parking provision. However, given the level of vehicular movements and the layout of the proposed development officers are satisfied that the living conditions of the nearby residents and occupants of the new dwellings would not be unacceptably compromised as a result of vehicular movements within and immediately around the site.

- 5.37 It is acknowledged that the M5 motorway is in close proximity of the proposed new residential dwellings. In this instance, the development includes an environmental bund which is designed to mitigate the intrusion of traffic noise from the M5 motorway. The Environmental health Officer acknowledges that the bund would provide noise protection but notes that there would still be an element of noise affecting the development. However, the Environmental Health Officer does not raise objection in that regard. Similarly, the Environmental Health officer does not stipulate that the development cannot proceed without it. Nonetheless, the applicant argues that the bund is required in order to make the residential conversion economically viable on the basis that without it, the dwellings would be un-sellable as a result of noise intrusion. Officers have considered the imposition of a condition that requires that the bund and acoustic fence is constructed prior to the first occupation of the dwellings. The applicant's argument in respect of the justification of the bund is noted and as such, officers consider that, by implication, the noise attenuation bund is required to make the development acceptable in noise impact terms. On this basis, any approval of this planning permission should be conditioned such that the noise attenuation bund is provided prior to the occupation of the dwellings.
- 5.38 Subject to the imposition of the condition, the proposed development is considered acceptable in residential amenity terms.
- 5.39 Transportation, Highway Safety and Public Rights of Way
It is proposed to access the site from the A38 at Milbury Heath, via Green Lane. It is acknowledged that the previous planning permission (PT10/1142/EXT) utilised a route in relation to the bund off Tytherington Hill and alongside the Eastern side of Tytherington Quarry. However, this route is no longer available to the applicant. For the avoidance of doubt, a route along Woodlands Road is not accessible due to the width and alignment of the highway.
- 5.40 Whilst there is no specific objection to the creation of the bund in the landscape or the conversion of the barn, comments received from local residents raise concern about the proposed route for the construction of the bund. In particular, the concern is directed at the width of the highway and the conflict of existing users and the level of construction traffic associated with the construction of the proposed bund.
- 5.41 The Highway Authority acknowledge that Green Lane is single track with limited passing opportunity; and that Green Lane serves existing business uses (including Jungle Chums) and residential properties. The Highway Authority also acknowledge that there is some existing localised damage to the existing

verges along Green Lane and that the last 60 to 70 metres of the access route would be along a bridle way not currently suitable accommodating heavy traffic.

5.42 It is anticipated by the applicant that the construction phase relating to the bund would take place over 10 weeks and would involve an average of 8 Heavy Goods Vehicle (tipper lorry) movements per hour. Delivery of materials would take place between the hours of 09.30 and 16.30 Monday to Friday. The Highway Authority consider that the anticipated volume of heavy traffic can only be accommodated on Green Lane with the provision of localised widening and specific reinforcement of the bridleway section of Green Lane affected by the proposal. It is also considered that the times of delivery are restricted to between 09.30 and 16.30 to reduce the conflict of construction and commuter traffic at peak times. Officers consider that these measures are subject of an appropriately worded condition requiring that a Construction Environmental Management Plan (CEMP) is provided to and agreed by the Local Planning Authority ahead of the commencement of the construction of the proposed bund. The CEMP would be required to include the following measures specifically;

- i) A pre-commencement and post-completion photographic condition survey of the A38 junction with Cuttsheath Road, the length of Cuttsheath Road to its junction with Green Lane, and the length of Green Lane to the site access. This would inform the scope of require remedial works to the highway following completion of the bund.
- ii) Details of procedures for notifying affected residents and businesses of works proposals and dealing with complaints from members of the public.
- iii) Details of a minimum of three passing places 12m long x 3m wide to be constructed along Green Lane.
- iv) Details of surface reinforcement to the public right of way bridleway between the end of the macadam section of Green Lane and the site access; and its subsequent reinstatement following completion of the bund.
- v) Temporary traffic management control measures on the access route along Green Lane including safe provision for pedestrian, cycle and equestrian use.
- vi) The use of Green Lane by construction traffic restricted to the hours between 09:30 and 16:30 Monday to Friday with no access during Saturday and Sunday or any bank holiday.
- vii) Measures to control the tracking of mud off-site from vehicles.
- viii) A lorry routing schedule which specifically excludes the use of Woodlands Road for us of delivery of waste materials used in the construction of the bund.

- ix) Details of remedial works to Green Lane to restore the access route to its original condition.
- 5.43 The Public Rights of Way Officer raises no objection subject to specific details relating to the reinstatement of the bridle way following the completion of the bund. Officers consider that the above CEMP would adequately address this requirement.
- 5.44 Officers acknowledge that the construction of the bund will involve disruption in the highway and inconvenience and impact on the amenity of local residents along the construction delivery route. Paragraph 32 of the National Planning Policy Framework sets out that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The construction phase is temporary and whilst there would be considerable impact over this period, officers are satisfied that the use of an agreed Construction Environmental Management Plan (CEMP) as set out above would provide adequate and enforceable measures for mitigating the impact to an acceptable level. This requirement can be secured using an appropriately worded condition in the event that the application is approved.
- 5.45 Subject to the provision of the above measures by way of planning condition, officers are satisfied that the construction phase of the bund can be acceptable in terms of highway safety and amenity (including the Public Right of Way/bridleway).
- 5.46 Environmental and Drainage Considerations
The construction of the bund will involve the importation of waste material onto the application site. The applicant sets out that the imported material would be made up of inert waste (subsoil and topsoil only). Whilst the Environmental Health Officer raises no objection in principle, it is noted that there is no specific detail of the method of assessing and managing the waste material. Accordingly, the Environmental Health Officer has requested that a condition is imposed in the event that planning permission is granted to preclude the importation of unsuitable waste material and agreement of appropriate 'acceptance criteria' for containments and the appropriate measures for testing the imported material is obtained from the Local Planning Authority prior to the commencement of the development relating to the bund.
- 5.47 Notwithstanding the above, the nature of the waste to be imported onto the site is covered specifically by Environmental Legislation controlled by the Environment Agency (EA). It is necessary for the developer of the bund to acquire either a Waste Permit, or a Waste Exemption Certificate from the EA which would be assessed by the EA under the appropriate Environmental Legislation. It would be necessary for the developer to demonstrate the nature of the waste proposed to be imported onto the site. On this basis, it is considered that requiring this information by way of planning condition would amount to duplication of other more appropriate legislative measure; and on that basis such a condition is not necessary and would fail to meet the six tests set out in the National Planning Policy Framework.

- 5.48 Notwithstanding the above, the applicant has clearly indicated that the proposed bund would be constructed using inert waste made up of subsoil and top soil. In the event that planning permission is granted, a condition can be attached securing the requirement that the bund is constructed using inert waste as indicated by the applicant and in accordance with Policy 45 of the South Gloucestershire Minerals and Waste Plan.
- 5.49 The subject barn and associated buildings were last used for agricultural purposes. Such uses have the potential to give rise to the presence of contaminants within the buildings. Given that the proposed development involves the conversion of the buildings for residential purposes it is appropriate that investigations are carried out into the nature of the previous uses and nature of contaminants present in the buildings; and, in the event that contaminants are found to be present appropriate mitigation is provided.
- 5.50 The application is not supported by such information. However, this can be secured by way of appropriately worded condition in the event that the application is approved.
- 5.51 The Lead Local Flood Authority (LLFA) confirm that there is no objection in principle subject to the agreement of the methods of providing drainage associated with the bund. Whilst no specific detail is included with the application, officers consider that this requirement can be secured by an appropriately worded condition in the event that application is approved.
- 5.52 The LLFA have also queried the nature of the access road crossing at the brook at the northern boundary of the site and the maintenance responsibility of the ditch on the Southeast side of the proposed bund (along-side the motorway embankment). The provision of a crossing over the brook is likely to require a 'land drainage consent' which must be obtained from the LLFA under appropriate drainage legislation. Similarly, the maintenance of the drainage ditch is the responsibility of the owner of the ditch and this would be enforced by the LLFA under appropriate drainage legislation. On this basis, it is not considered that specific information can be required using a planning condition. However, in the event that the application is approved, an informative can be used to draw attention to the developer regarding these matters.
- 5.53 Subject to the above suggested conditions, the proposed development is considered acceptable in environmental and drainage terms.
- 5.54 Other matters
Local residents have raised concern that the local community has not been properly notified about the planning application. In this instance, residential properties and businesses associated with Green Lane have been notified directly. A number of site notices have also been posted in locations around the site and at the site. This includes a position at the junction of Green Lane and Cuttsheath Road. Both Tytherington Parish Council and Thornbury Town Council have been notified directly regarding the application.

5.55 On this basis, officers are satisfied that a reasonable level of consultation has been carried out and that this is consistent with the South Gloucestershire Statement of Community Involvement.

5.56 The Planning Balance

The proposed barn conversion is considered acceptable and would act to secure the continued use and preservation of the grade II listed building as a heritage asset. However there is a clear connection to the proposed bund in that the environmental quality of the residential conversion is depended on it in order to adequately mitigate against noise pollution from the nearby M5 motorway. The applicant also argues that the financial viability of the barn conversion is dependent on the creation of the bund in order to make the development attractive to buyers.

5.57 It is considered that, in its own right the, construction of an environmental bund and associated acoustic fence in this location would result in a detrimental impact upon the character and visual amenity of the landscape. Policy 45 of the South Gloucestershire Minerals and Waste Plan makes a presumption against the construction of environmental bunds unless it is clearly justified; and in that event, the waste material is inert in nature and the minimum volume of waste to achieve its purpose is used.

5.58 It is considered that the visual impact of the bund and the acoustic fence can be mitigated with the introduction of the planting and landscaping proposed by the applicant; and with some additional planting relating to the screening of the acoustic fence and is given weight in the assessment of this planning application. It is also considered that there is a clear public benefit in that the provision of the bund would facilitate the preservation of a designated heritage asset, and this factor is also given weight in the consideration of this planning application.

5.59 Officers acknowledge that the waste materials proposed to be used would be inert and officers are satisfied that the volume of the proposed bund is proportionate to its purpose. On this basis, officers are satisfied that there is reasonable justification for the construction of the bund in that it would provide the opportunity for the long term preservation of the barn as a designated heritage asset. Officers are also satisfied that adequate mitigation in the form of landscaping and planting will be provided to mitigate the impact of the bund in the surrounding landscape. In respect of all other impacts, officers are satisfied that appropriate mitigation is the subject of planning conditions in the event that the application is approved.

5.60 Having regards to the above assessment, officers are satisfied that on balance the proposed development is acceptable and as such approval is 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 recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

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

Contact Officer: Simon Penketh
Tel. No. 01454 863433

CONDITIONS

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

Reason

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

2. No works shall commence in respect of the implementation of the Noise Attenuation Bund hereby permitted until the residential conversion of the barn as permitted is complete.

Reason

The construction of the Noise Attenuation Bund is only justified in order to provide noise attenuation in respect of the residential use of the barn and the impact of noise from the adjacent M5 Motorway. In the event that the residential conversion of the barn is not implemented, there is no justification for the Noise Attenuation Bund and its construction would otherwise be harmful to the character and visual amenity of the surrounding landscape and would otherwise be contrary to the provisions of Policy CS1 and CS9 of the South Gloucestershire Local Plan, Core Strategy (adopted) December 2013; saved Policy L1 of the South Gloucestershire Local Plan (adopted) January 2006 and saved Policy 45 of the South Gloucestershire Minerals and Waste Plan (adopted) May 2002.

3. The residential units provided by the barn conversion hereby permitted shall not be occupied until the Noise Attenuation Bund has been completed (with the exception of the associated landscaping of the bund) in accordance with drawing number 1146-03 (Bund Sections) (as received by the Local Planning Authority on 16th December 2014).

Reason

In the interests of the residential amenity of the occupants of the development and to accord with Policy CS1 of the South Gloucestershire Local Plan, Core Strategy

(Adopted) December 2013; and saved Policy EP4 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. The developer shall notify the Local Planning Authority when the residential barn conversion hereby permitted has been completed.

Reason

In order to allow effective monitoring of condition 2 of this planning permission.

5. The developer shall notify the Local Planning Authority when the noise attenuation bund hereby permitted has been completed.

Reason

In order to allow effective monitoring of condition 2 and 17 of this planning permission.

6. No development shall commence until samples of the proposed roof tiles, walling stone, and samples of mortar have been submitted to and agreed in writing by the Local Planning Authority. For the avoidance of doubt, roof tiles shall be handmade, second hand natural clay tiles, matching the existing in colour, profile and texture; and verges shall be bedded on natural slate under-cloaks. The walling stone shall be dressed rubble stone sorted to match the original in size, finish and colour, and the mortar shall be traditional lime mortar. Thereafter the development shall proceed in accordance with the agreed details and retained as such.

Reason

In the interests of the visual and historical character of the Grade II Listed Barn and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan, Core Strategy (adopted) December 2013; and saved Policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006. The details are required prior to commencement of the development to prevent the need for future remedial works.

7. No development shall commence until sample panels of the proposed repointing have been provided on site and agreed in writing by the Local Planning Authority. Thereafter the development shall proceed in accordance with the agreed details and retained as such.

Reason

In the interests of the visual and historical character of the Grade II Listed Barn and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan, Core Strategy (adopted) December 2013; and saved Policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006. The details are required prior to commencement of the development to prevent the need for future remedial works.

8. No development shall commence until sample panels of the stonework for the proposed external walls have been erected on site, and agreed in writing by the Local Planning Authority. Thereafter the development shall proceed in accordance with the agreed details and retained as such.

Reason

In the interests of the visual and historical character of the Grade II Listed Barn and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan, Core Strategy (adopted) December 2013; and saved Policy L13 of the South

Gloucestershire Local Plan (Adopted) January 2006. The details are required prior to commencement of the development to prevent the need for future remedial works.

9. No development shall commence until details of the proposed external joinery and fenestration finishes has been submitted to and agreed in writing by the Local Planning Authority. For the avoidance of doubt all external joinery shall be constructed in timber and shall be painted (not stained). Thereafter the development shall proceed in accordance with the agreed details and retained as such.

Reason

In the interests of the visual and historical character of the Grade II Listed Barn and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan, Core Strategy (adopted) December 2013; and saved Policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006. The details are required prior to commencement of the development to prevent the need for future remedial works.

10. The development hereby permitted shall be carried out strictly in accordance with the Bat Mitigation Strategy (Appendix 1 of the (revised) supplementary bat survey dated September 2015 by Clarke Webb Ecology Ltd).

Reason

In the interests of protected species (bats) associated with the site and to accord with Policy CS9 of the South Gloucestershire Local Plan; Core Strategy (adopted) December 2013; and saved Policy L9 of the South Gloucestershire Local Plan (adopted) January 2006.

11. No development shall commence in respect of the noise Attenuation Bund until a Landscape and Ecological Management Strategy has been submitted to and agreed in writing by the Local Planning Authority. For the avoidance of doubt, the plan shall refer to the planting strategy (drawing number 1146-05 as received by the Local Planning Authority on 16th December 2014) and shall include details of all new semi-natural habitat (trees, shrubs, grassland) to be created and a programme for its monitoring and maintenance for a period of 10 years. Thereafter, the development shall proceed in accordance with the agreed details and shall be retained as such.

Reason

In the interests of the ecological value of the site and to accord with Policy CS9 of the South Gloucestershire Local Plan; Core Strategy (adopted) December 2013; and saved Policy L9 of the South Gloucestershire Local Plan (adopted) January 2006. The details are required prior to commencement of the development to prevent the need for future remedial works.

12. No development shall commence until a scheme for the provision of new artificial nesting sites within the application site for the benefit of Swallow, House Martin and House Sparrow (including the location of the artificial nesting sites) has been submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall proceed in accordance with the agreed details and shall be retained as such.

Reason

In the interests of the ecological value of the site and to accord with Policy CS9 of the South Gloucestershire Local Plan; Core Strategy (adopted) December 2013; and saved Policy L9 of the South Gloucestershire Local Plan (adopted) January 2006. The details are required prior to commencement of the development to prevent the need for future remedial works.

13. Notwithstanding the submitted details, no development shall commence in respect of the noise Attenuation Bund until further details demonstrating the method for providing additional screen planting to the Western side of the acoustic fence (as shown on drawing numbered 1146-05 and 1146-03 (as received by the Local Planning Authority on 16th December 2014)) associated with the noise attenuation bund has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall proceed in accordance with the agreed details and retained as such.

Reason

In the interest of the character and visual amenity of the landscape and the setting of the Grade II Listed building and to accord with Policy CS9 of the South Gloucestershire Local Plan, Core Strategy (adopted) December 2013 and saved Policy L1 and L13 of the South Gloucestershire Local Plan (adopted) January 2006.

14. The planting strategy as detailed on drawing number 1146-05 (as received by the Local Planning Authority on 16th December 2014) shall be implemented in the next available planting season following the completion of the Noise Attenuation Bund hereby permitted. Should any of the plant specimens become damaged, diseased or die within the first five years of being planted as part of the planting strategy, those plant specimens shall be replaced with the same specimen and standard in the next available planting season.

Reason

In the interest of the character and visual amenity of the landscape and the setting of the Grade II Listed building and to accord with Policy CS9 of the South Gloucestershire Local Plan, Core Strategy (adopted) December 2013 and saved Policy L1 and L13 of the South Gloucestershire Local Plan (adopted) January 2006.

15. Notwithstanding the submitted details, no development shall commence in respect of the Noise Attenuation Bund until further details demonstrating the method for providing specific root protection at all points where the Noise Attenuation Bund Construction Access pass through existing field gates within and on the Northern boundaries of the site. For the avoidance of doubt, in the event that sections of hedging are removed or die as a result of the creation of the Noise Attenuation Bund Construction Access, the hedging will be replaced with native plant species with the written agreement of the Local Planning Authority.

Reason

In the interest of the character and visual amenity of the landscape and the setting of the Grade II Listed building and to accord with Policy CS9 of the South Gloucestershire Local Plan, Core Strategy (adopted) December 2013 and saved Policy L1 and L13 of the South Gloucestershire Local Plan (adopted) January 2006.

The details are required prior to commencement of the development to prevent the need for future remedial works.

16. Within three months of the completion of the noise Attenuation Bund hereby permitted, the Noise Attenuation Bund Construction Access (temporary access track) from Green Lane as shown on drawing number 1146-01 (as received by the Local Planning Authority on 16th December 2014 shall be completely removed and the land restored to its former condition.

Reason

In the interest of the character and visual amenity of the landscape and the setting of the Grade II Listed building and to accord with Policy CS9 of the South Gloucestershire Local Plan, Core Strategy (adopted) December 2013 and saved Policy L1 and L13 of the South Gloucestershire Local Plan (adopted) January 2006.

17. i) No development shall commence a written report detailing the investigation (to be carried out by a suitably qualified person) in respect of the previous uses of the barn buildings and associated area and contaminants likely to affect the development has been submitted to and agreed in writing by the Local Planning Authority.
- ii) 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 and how any unacceptable risks will be mitigated. A report shall be submitted prior to commencement of the development for the written approval of the Local Planning Authority setting out the findings and what mitigation measures are proposed to address these. Thereafter the development shall proceed in accordance with any agreed mitigation measures
- iii) Prior to occupation, where works have been required to mitigate contaminants (under section ii)) a report verifying that all necessary works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.

Reason

In the interests of the health and safety and residential amenity of the occupants of the development; and to accord with saved Policy EP6 of the South Gloucestershire Local Plan (adopted) January 2006.

18. The Noise Attenuation Bund hereby permitted shall be constructed using only inert waste (sub soil and top soil).

Reason

In order to prevent pollution and in the interest of public health and the environment; and to accord with saved Policy 45 South Gloucestershire Minerals and Waste Local Plan (adopted) May 2002.

19. No development shall commence in respect of the Noise Attenuation Bund until detailed drainage proposals incorporating Sustainable Drainage Systems SUDS and confirmation of hydrological conditions within the site has been submitted to and

agreed in writing by the Local Planning Authority. For the avoidance of doubt the drainage details shall demonstrate the method for providing appropriate 'toe drain' provision and the method for preventing the blockage of the natural flow of water within the site and from the surrounding area. Thereafter, the development shall be carried out in accordance with the approved details and retained as such.

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.

20. No development shall commence in respect of the Noise Attenuation Bund until a Construction Environmental Management Plan (CEMP) has been submitted and approved in writing by the Local Planning Authority. For the avoidance of doubt the CEMP shall include the following measures/details/information
- i) A pre-commencement and post-completion photographic condition survey of the A38 junction with Cuttsheath Road, the length of Cuttsheath Road to its junction with Green Lane, and the length of Green Lane to the site access. This would inform the scope of require remedial works to the highway following completion of the bund.
 - ii) Details of procedures for notifying affected residents and businesses of works proposals and dealing with complaints from members of the public.
 - iii) Details of a minimum of three passing places 12m long x 3m wide to be constructed along Green Lane.
 - iv) Details of surface reinforcement to the public right of way bridleway between the end of the macadam section of Green Lane and the site access; and its subsequent reinstatement following completion of the bund.
 - v) Temporary traffic management control measures on the access route along Green Lane including safe provision for pedestrian, cycle and equestrian use.
 - vi) The use of Green Lane by construction traffic restricted to the hours between 09:30 and 16:30 Monday to Friday with no access during Saturday and Sunday or any bank holiday.
 - vii) Measures to control the tracking of mud off-site from vehicles.
 - viii) A lorry routing schedule which specifically excludes the use of Woodlands Road for use of delivery of waste materials used in the construction of the bund.
 - ix) Details of remedial works to Green Lane to restore the access route to its original condition.

Reason

In the interests of highway safety and amenity and in order to comply with Policy CS8 of the South Gloucestershire Local Plan, Core Strategy (adopted) December 2013 and saved Policy T12 of the South Gloucestershire Local Plan (adopted) January 2006.

21. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, D, E, F, G and H), 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

In the interest of the character, visual amenity and the setting of the Grade II Listed building and to accord with Policy CS9 of the South Gloucestershire Local Plan, Core Strategy (adopted) December 2013 and saved Policy L1 and L13 of the South Gloucestershire Local Plan (adopted) January 2006.

22. The development hereby permitted shall be implemented strictly in accordance with the following plans and any additional information required by the conditions set out above.

Drawing number 1146-01 (Site Location and Access)

Drawing number 1146-02 (Grading Proposals)

Drawing number 1146-03 (Bund Sections)

Drawing Number 1146-04 (Protection and Works Proposals)

Drawing Number 1146-05 (Planting Strategy)

as received by the Local Planning Authority on 16th December 2014)

Drawings numbered 7940131(A),

Drawings numbered 794-132(A),

Drawings numbered 794-140(A),

Drawings numbered 794-141(A)

Drawings numbered 794-146(A)

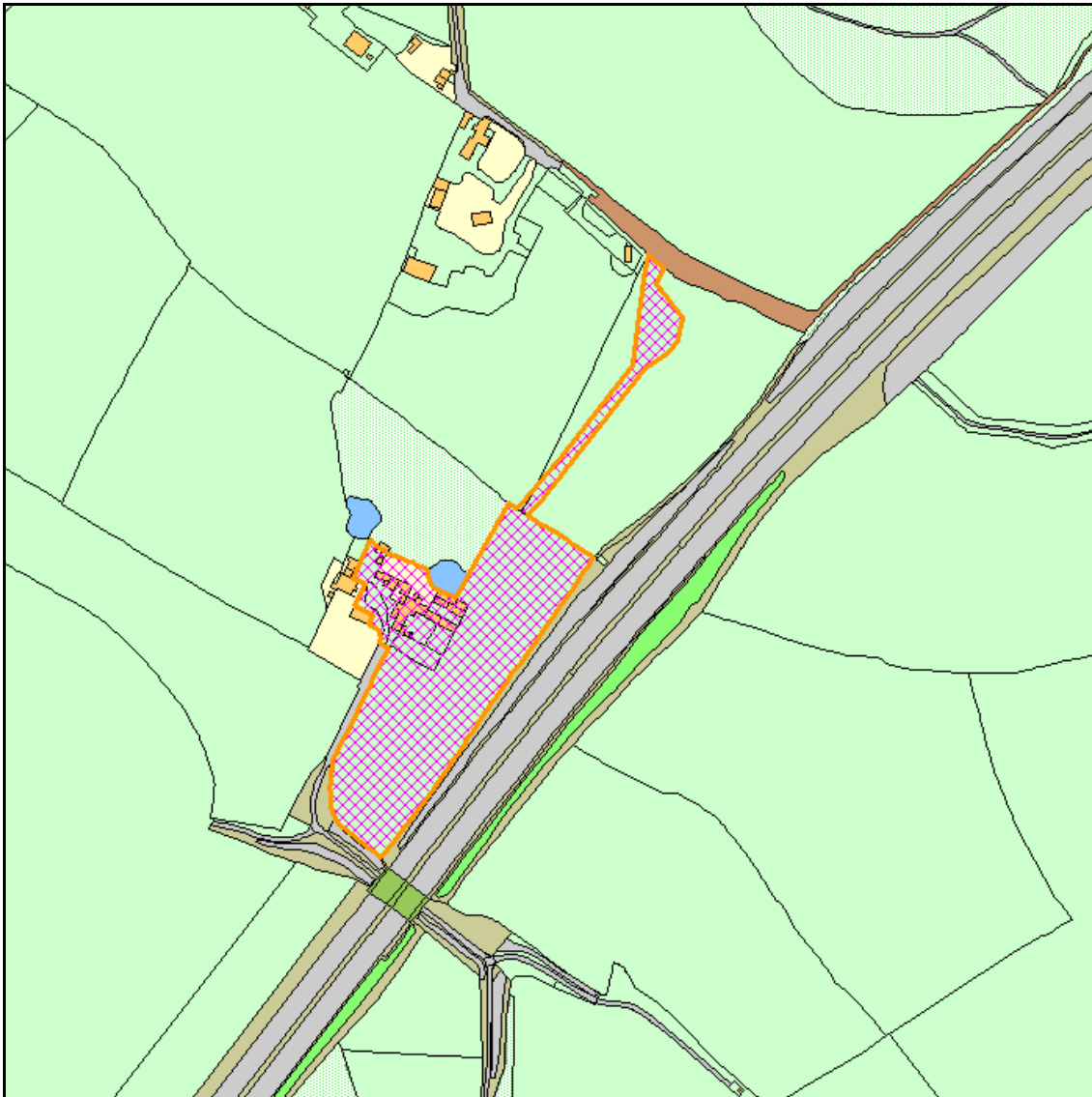
as received on 25th November 2015

Reason

For the avoidance of doubt.

CIRCULATED SCHEDULE NO. 04/16 – 29 JANUARY 2016

App No.:	PT15/2890/LB	Applicant:	Mr John Price
Site:	Barmers Land Farm Woodlands Road Tytherington South Gloucestershire GL12 8UL	Date Reg:	7th July 2015
Proposal:	Internal and external alterations to facilitate conversion of redundant farm buildings to form 4no. dwellings.	Parish:	Tytherington Parish Council
Map Ref:	366628 189245	Ward:	Ladden Brook
Application Category:	Minor	Target Date:	31st August 2015



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N.T.S.

PT15/2890/LB

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application appears on the circulated schedule as comments have been received which are made contrary to the officer recommendation of approval.

1. THE PROPOSAL

- 1.1 Barmersland Farm is located approximately 50 metres due West of the northbound carriageway of the M5 Motorway. The application relates to a large traditional barn associated with Barmersland Farm. The site is within open countryside but is not located in the Green Belt. The subject barn is a Grade II listed building.
- 1.2 The application seeks Listed building Consent to convert the existing barn building to provide 4 residential dwellings.
- 1.3 Access to Barmersland Farm itself is from Woodlands Road, Tytherington and it is proposed to access the barn using this route for the conversion works.
- 1.4 Listed building consent was granted under references PT05/0827/LB. This approval was extended PT10/1197/EXT. However, the consent has now lapsed. The consent effectively granted listed building consent for works associated with the conversion of two barns associated with Barmersland Farm for residential development.
- 1.5 An associated planning application has been submitted for consideration of the proposed conversions of the barn buildings and associated bund development (PT14/4904/F). The report in relation to that application also appears elsewhere on this agenda.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework
Planning Policy Guidance
- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies)
L13 Listed buildings
H10 Conversion and Re-use of Rural Buildings for Residential Purposes

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
CS9 Managing the Environment and Heritage

3. RELEVANT PLANNING HISTORY

- 3.1 PT03/0669/LB Refurbishment of existing farmhouse including internal and external works (part retrospective).

Approved on 17th June 2003

- 3.2 PT04/0335/F Conversion of existing barns to form four residential/workshop units.

Refused on 10th March 2004

- 3.3 PT04/0337/LB Conversion of existing barns to form four residential/workshop units.

Refused on 10th March 2004

- 3.4 PT05/0489/F Construction of noise and pollution environmental bund.

Refused on 9th March 2007.

- 3.5 PT05/0826/F Conversion of redundant farm buildings to form four residential/ work units including restoration of adjacent ponds, provision of reed bed foul drainage filtration system & two earth bunds (resubmission of PT04/0335/F).

Approved on 27th June 2007

- 3.6 PT05/0827/LB Conversion of redundant farm buildings to provide four residential / work units (resubmission of PT04/0337/LB).

Approved on 25th June 2007

- 3.7 PT10/1124/EXT Conversion of redundant farm buildings to form 4 no. residential/work units including restoration of adjacent ponds, provision of a reed bed foul drainage filtration system and 2no. earth bunds. (Consent to extend time limit implementation for PT05/0826/F)

Approved on 9th December 2010

- 3.8 PT10/1197/EXT Conversion of redundant farm buildings to form four residential/ work units (consent to extend time limit for PT05/0827/LB).

Approved on 9th December 2010

- 3.9 PT14/4904/F Conversion of existing barns to provide 4 residential dwellings and construction of acoustic bund and associated planting.

Not determined at the time of compiling this report.

4. CONSULTATION RESPONSES

- 4.1 Tytherington Parish/Town Council
No Comment has been received

- 4.2 Thornbury Town Council

- 4.3 No Comment has been received
Conservation Officer

Barn Conversion

No Objection in principle subject to conditions requiring specific details of insulation, external fixtures and fitting, window design and finishing materials.

- 4.4 Ecology Officer

The application passes the three European Protected Species licensing tests and that consequently there are no ecological constraints to granting planning permission. There is no Objection subject to the inclusion of conditions attached to consent in securing the following;

- i) The development is carried out in accordance with the bat mitigation strategy submitted as part of this planning application (dated September 2015). This should also form the basis of the required Habitat Regulation licence application.

Other Representations

- 4.5 Local Residents

One email is received raising concern relating to the access for the construction of the noise attenuation bund associated with the proposed development. It does not raise specific objection to the conversion of the barns for residential purposes; or in a listed building context. The issue raised have been considered under planning application PT14/4904/F.

- 4.6 Society for the Protection of Ancient Buildings (SPAB)

Raise concerns regarding the impact upon the structural elements of the buildings and the proposed method of finishing and repair; and lack of detailed information in the submission. Concern is also raised regarding the size of rooms.

SPAB suggest that the application is withdrawn to allow further consideration of the design and method of the development.

5. ANALYSIS OF PROPOSAL

- 5.1 The application relates specifically to works to an existing barn which is a Grade II listed building.

- 5.2 Principle of Development

This is an application for listed building consent. As such, the only consideration is what impact the proposed development would have on the special historic or architectural features of the property.

- 5.3 Assessment of Impact on the Heritage Asset

Considerable discussion has taken place between officers and the applicant in relation to the proposed conversion of this building for residential purposes. Whilst the comments from the Society for the Protection of Ancient Buildings (SPAB) are noted, these discussions have resulted in a positive conclusion and

a proposal which is now acceptable in Listed building terms as considered below. In particular, this proposal has provided the opportunity to greatly improve the development in comparison with the previous consent, which has now expired.

- 5.4 The building is of a considerable size and dominates the farm yard which it relates to. It is made up of a large two story stone structure with substantial timber framed roof. It includes two sets of large timber doors and associated gables forming a cross shape typical of local barn vernacular. The main building includes later additions but are themselves of age and constructed in a traditional manner. These include lean-to elements and ranges of smaller interlinked outbuildings and sheds.
- 5.5 Initial concerns raised by the Listed Buildings Officer in respect of the impact of the development on the character of the building have been considered carefully by the applicant. In particular, the number of bedrooms in each unit has been reduced, the internal plan forms simplified and opened out, and the site layout improved to give each dwelling a better proportioned plot. Further design changes allow the conversion to take advantage of the internal spaces that characterise the existing barn building by utilising full height spaces, open plan layouts and generously sized rooms; rather than the relatively cramped and overly partitioned arrangement detail in the previous planning permission. Other changes have resulted in the use of a range of single storey buildings enclosing the North-eastern edge of the farm yard as external storage, rather than living accommodation. This change would assist the retention of the modest character and form of those buildings whereas the use of the buildings for living accommodation would be difficult to achieve without compromising their simple, rustic character and appearance.
- 5.6 In this instance, officers consider that the revised proposals provide a sympathetic and appropriate conversion for residential use and that the works would not act to undermine the historical character of the heritage asset.
- 5.7 Furthermore, at this time, the building is in poor condition and at risk of deteriorating considerably. The conversion would facilitate the safeguarding of the heritage asset for the long term future. The proposed conversion is therefore considered acceptable in Listed building terms.
- 5.8 Ecology
The proposed works would directly impact upon potential habitat for Bats which are a protected species. The Phase 1 Habitat Survey identified the presence of three species of bats and associated roosts. Accordingly, the application is supported by a series of 'bat emergence surveys' and internal inspections. These confirmed that there are four roosts in the barn and associated complex of buildings.
- 5.9 All bats and their roosts are protected under the Wildlife & Countryside Act 1981 (as amended), the CROW Act 2000 and the Habitats Regulations 2010, which implements European Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora ('The Habitats Directive 1992').

As a European Protected Species (EPS), a licence under Regulations 53/56 of the 2010 Habitat Regulations is required for development to be lawful.

5.10 In this instance the development proposal includes a specific mitigation strategy in respect of the replacement of bat roosting spaces. This mitigation includes a 'self-contained bat loft', purpose built 'bat house' and other supplementary roosting opportunities throughout the barn and associated buildings (crevice roost sites accessed via tile ridges; roosting niches behind bargeboards fitted to the gable end of buildings; and use of the open-fronted car ports for night roosts). The mitigation strategy also includes methods for inspection of the buildings directly ahead of the commencement of the development of the residential barn conversion.

5.11 Officers are satisfied that the mitigation strategy adequately caters for the presence of roosting bats and enables the retention of the habitat specifically at the current location. On this basis, the mitigation satisfies the requirements of the Habitats Regulations 2010 in this regard. Accordingly, provided that the development is carried out in accordance with the mitigation strategy, the proposed development would not act to harm the bats habitat. An appropriately worded condition can be applied to consent such that the mitigation is provided in its entirety. It is also noted that the mitigation would form the basis of a European Protected Species licence under Regulations 53 and 56 of the Habitats Regulations 2010. Without first obtaining this licence the works affecting bats as a protected species would be unlawful.

6. RECOMMENDATION

6.1 That Listed Building Consent is Granted subject to the conditions set out below:

Contact Officer: Simon Penketh
Tel. No. 01454 863433

CONDITIONS

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

Reason

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

2. Prior to the commencement of the works hereby approved, a detailed specification and schedule of repairs, including all proposed structural works, timber repairs, replacement of historic fabric and the installation of insulation (in respect of which approval is expressly reserved) shall be submitted to and agreed in writing by the Local Planning Authority the Council for approval. Thereafter the development shall proceed in accordance with the agreed details.

Reason

In the interests of the visual and historical character of the Grade II Listed Barn and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan, Core Strategy (adopted) December 2013; and saved Policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006. The details are required prior to commencement of the development to prevent the need for future remedial works.

3. Notwithstanding the submitted details, prior to the commencement of the works hereby approved, large scale details of the following shall be submitted to and agreed in writing by the Local Planning Authority.
 - a) Flues, vents, external pipework and extracts.
 - b) Internal balustrades.
 - c) Eaves, verges and ridges (including raised bay of Unit 3).
 - d) All windows (including ventilation slits) and external doors.
 - e) All external screens.
 - f) Roof lights and patent glazing systems.
 - g) Rainwater goods and method of fixing.
 - h) External fencing

Thereafter the development shall proceed in accordance with the agreed details and retained as such.

Reason

In the interests of the visual and historical character of the Grade II Listed Barn and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan, Core Strategy (adopted) December 2013; and saved Policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006. The details are required prior to commencement of the development to prevent the need for future remedial works.

4. Prior to the commencement of the works hereby approved, full details of proposed Mechanical and electrical systems including external electrical fittings including lights, meter boxes and security alarms, shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall proceed in accordance with the agreed details and shall be retained as such.

Reason

In the interests of the visual and historical character of the Grade II Listed Barn and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan, Core Strategy (adopted) December 2013; and saved Policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006. The details are required prior to commencement of the development to prevent the need for future remedial works.

5. Prior to the commencement of the works hereby approved, large scale details of the internal joinery including doors, doorcases, stairs, panelling and skirtings shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall proceed in accordance with the agreed details and shall be retained as such.

Reason

In the interests of the visual and historical character of the Grade II Listed Barn and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan, Core Strategy (adopted) December 2013; and saved Policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006. The details are required prior to commencement of the development to prevent the need for future remedial works.

6. Prior to the commencement of the works hereby approved full details of the proposed floor construction (including the limecrete floor slab), floor finishes and the proposed ceiling and internal wall finishes shall be submitted to and agreed in writing by the Local Planning Authority. For the avoidance of doubt, plaster finishes to historic walls and ceilings shall be traditional lime hair plaster and floors shall be natural stone or timber floors laid over the approved limecrete floor slab. Thereafter, the development shall proceed in accordance with the agreed details and shall be retained as such.

Reason

In the interests of the visual and historical character of the Grade II Listed Barn and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan, Core Strategy (adopted) December 2013; and saved Policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006. The details are required prior to commencement of the development to prevent the need for future remedial works.

7. No development shall commence until samples of the proposed roof tiles, walling stone, and samples of mortar have been submitted to and agreed in writing by the Local Planning Authority. For the avoidance of doubt, roof tiles shall be handmade, second hand natural clay tiles, matching the existing in colour, profile and texture; and verges shall be bedded on natural slate under-cloaks. The walling stone shall be dressed rubble stone sorted to match the original in size, finish and colour, and the mortar shall be traditional lime mortar. Thereafter the development shall proceed in accordance with the agreed details and retained as such.

Reason

In the interests of the visual and historical character of the Grade II Listed Barn and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan, Core Strategy (adopted) December 2013; and saved Policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006. The details are required prior to commencement of the development to prevent the need for future remedial works.

8. No development shall commence until sample panels of the proposed repointing have been provided on site and agreed in writing by the Local Planning Authority. Thereafter the development shall proceed in accordance with the agreed details and retained as such.

Reason

In the interests of the visual and historical character of the Grade II Listed Barn and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan, Core Strategy (adopted) December 2013; and saved Policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006. The details are required prior to commencement of the development to prevent the need for future remedial works.

9. No development shall commence until sample panels of the stonework for the proposed external walls have been erected on site, and agreed in writing by the Local Planning Authority. Thereafter the development shall proceed in accordance with the agreed details and retained as such.

Reason

In the interests of the visual and historical character of the Grade II Listed Barn and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan, Core Strategy (adopted) December 2013; and saved Policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006. The details are required prior to commencement of the development to prevent the need for future remedial works.

10. No development shall commence until details of the proposed external joinery and fenestration finishes has been submitted to and agreed in writing by the Local Planning Authority. For the avoidance of doubt all external joinery shall be constructed in timber and shall be painted (not stained). Thereafter the development shall proceed in accordance with the agreed details and retained as such.

Reason

In the interests of the visual and historical character of the Grade II Listed Barn and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan, Core Strategy (adopted) December 2013; and saved Policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006. The details are required prior to commencement of the development to prevent the need for future remedial works.

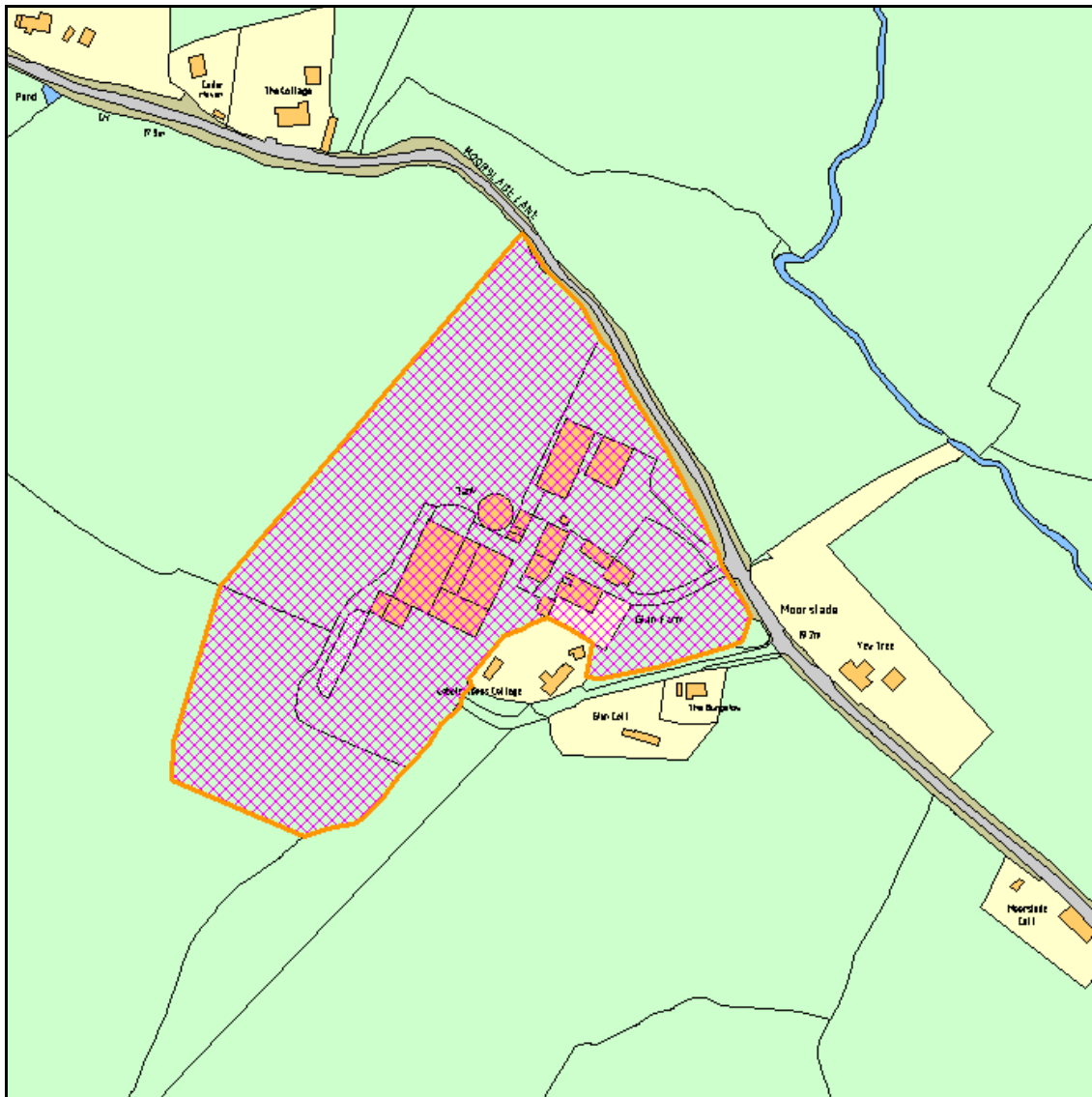
11. The development hereby permitted shall be carried out strictly in accordance with the Bat Mitigation Strategy (Appendix 1 of the (revised) supplementary bat survey dated September 2015 by Clarke Webb Ecology Ltd).

Reason

In the interests of protected species (bats) associated with the site and to accord with Policy CS9 of the South Gloucestershire Local Plan; Core Strategy (adopted) December 2013; and saved Policy L9 of the South Gloucestershire Local Plan (adopted) January 2006.

CIRCULATED SCHEDULE NO. 04/16 – 29 JANUARY 2016

App No.:	PT15/2374/F	Applicant:	Mr Richard Isaac
Site:	Glen Farm Moorslade Lane Falfield South Gloucestershire GL12 8DJ	Date Reg:	25th June 2015
Proposal:	Erection of extension to existing farm building to form Milking Facilities, construction of a Slurry Lagoon and erection of agricultural building for use as Feed/Cubicle Building with associated works.	Parish:	Falfield Parish Council
Map Ref:	367727 194197	Ward:	Charfield
Application Category:	Major	Target Date:	22nd September 2015



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 100023410, 2008. N.T.S. PT15/2374/F

REASONS FOR REFERRING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application relates to Glen Farm, which is an intensively farmed agricultural holding located to the west of the M5 motorway and A38, north-west of the village of Falfield and south-east of Lower Stone. Vehicular access to the farm is off Moorslade Lane. The farm comprises 350 acres of owned and rented land with sheds, farm house and other buildings.
- 1.2 The applicant and his family have run and managed the land and buildings' as a dairy farm since 1960. The farm currently milks 175 cows, although the majority of the feed is grown on the farm in the form of grass, maize and whole crop wheat silage. The proposed development is required to support the proposed increase in cow numbers to 300, which would secure the future viability of the farm.
- 1.3 There are three phases to the proposed development, these being as follows:
Phase 1 - An extension (by 3 bays) at north-eastern end of the existing milking parlour.
Phase 2 -A further extension to the north-west of the resultant building to add cubicles and a feed area.
Phase 3 - Construction of a slurry lagoon (approx.. volume 4,500 cu.m.) to the south-west of the farm complex.
- 1.4 The application is supported by the following documents:

Flood Risk Assessment
Ecological Appraisal
Landscape Proposals
Slurry Management Plan

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
National Planning Practice Guidance 2014
- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)
L1 - Landscape Protection and Enhancement
L9 - Species Protection
EP2 - Flood Risk and Development
T12 - Transportation Development Control Policy for New Development
EP8 - Safety Hazards
E9 - Agricultural Development

South Gloucestershire Local Plan Core Strategy (Adopted) 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

CS34 - Rural Areas

2.3 Supplementary Planning Guidance

The South Gloucestershire Landscape Character Assessment (Adopted) Nov. 2014 – Area 7 Falfield Vale

2.4 Emerging Plans

Proposed Submission : Policies, Sites and Places Plan (March) 2015

PSP1 - Local Distinctiveness

PSP2 - Landscape

PSP9 - Residential Amenity

PSP12 - Development Related Transport Impact Management

PSP20 - Wider Biodiversity

PSP21 - Flood Risk, Surface Water and Watercourse Management

PSP22 - Environmental Pollution and Impacts

PSP30 - Agricultural Development

3. RELEVANT PLANNING HISTORY

3.1 N3397 - Erection of overhead lines on wooden poles.
Deemed consent 25 May 1977

3.2 N3397/1 - Erection of tower silo 80feet in height.
Approved 6th Dec. 1979

3.3 N3397/2 - Erection of farm implements store.
Approved 3 March 1983

3.4 P98/2448/P - Erection of Dutch Barn
PNA approval 5th Oct. 1998

4. CONSULTATION RESPONSES

4.1 Falfield Parish Council

Falfield Parish Council has the following concerns/comments to make regarding the application:

- the location of the new slurry lagoon is at some distance from the new agricultural building.
- the slurry lagoon is a lot larger than the present provision so can South Gloucestershire Council check that the lagoon size proposed is suitable for the herd numbers quoted and not excessively large.
- that South Gloucestershire Council's environmental department check that the proposed slurry lagoon is located at sufficient distance from neighbouring

dwelling and in an appropriate position with regard to the prevailing winds to protect their amenity with regards to smells etc.

- the new slurry lagoon will be visible from the other dwellings as raised banks will be introduced around it with a 1.3 m high safety fence.
- the new building will be higher than the existing one, thus it will have increased visibility in the surrounding area.
- there is no information about how the site will be landscaped to improve visual amenity of surrounding residents except for the 2.5m landscaping bund, which would offer some screening to the site.
- there is no information about the effect on air quality the additional slurry lagoon will have for neighbouring dwellings.
- it is unknown whether the new slurry lagoon will result in an increase in flies, that will affect the surrounding dwellings.

4.2 Other Consultees

The Environment Agency

No objections, subject to the proposal complying with the SSAFO regulations and the inclusion of the following informative in any grant of planning consent:

'The slurry storage lagoon and associated structures, must be designed and constructed in accordance with: The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) Regulations 2010. Referred to as the 'SSAFO regs.'

Landscape Officer

If approval is granted prior to a landscape scheme being approved then a landscape condition is recommended.

Ecology

There are no ecological constraints to granting planning permission subject to a condition relating to compliance with the draft landscape planting proposals.

Avon Wildlife Trust

No response

The Ramblers Association

No response

PROW

The application is unlikely to affect the nearby public footpaths.

Open Spaces Society

No response

Environmental Protection

I am not generally opposed to development on this site but feel that the Planning Authority needs more information to be in a position to make a considered decision on this application.

A slurry management report was subsequently submitted.

Transportation D.C

No objections

Wessex Water

No response

Highway Structures

No comment

Avon Fire and Rescue

No response

Police Community Safety Officer

No response

Arts and Development

No comment

Lead Local Flood Authority

No objection subject to an informative relating to ditch culverting.

Other Representations

4.3 Local Residents

2no. letters/e.mails of objection were received from the occupants of Cobblestone Cottage and The Cottage, Moorslade Lane. The concerns raised are summarised as follows:

- Increased disturbance – noise from tractors.
- The proposal would not sit well within the current topography.
- Increased smells and flies.
- The slurry storage facility proposed would be excessive if the existing storage facility is retained.
- Agree with comments of the Parish Council.
- The slurry lagoon should not be moved closer to the new sheds.
- Adverse visual impact of increased height of new barns.
- A cross-section of the slurry lagoon should be submitted.
- The proposed fence on top of the embankment will make the lagoon more visible.
- The slurry lagoon should be re-located nearer the new sheds.
- There are no details of proposed landscaping.
- Are the existing silage pits being extended?
- Construction traffic should be restricted to the main farm entrance.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The agricultural development proposed falls to be determined under saved policy E9 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006; the

criteria attached to policy E9 are discussed below. Also of relevance is Local Plan Policy L1 which seeks to conserve and enhance the character, distinctiveness, quality and amenity of the landscape in general. Policy T12 relates to highway issues and Policy L9 relates to protected species; Policy EP8 does not permit development that could cause an unacceptable safety hazard. Regarding The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013, Policy CS1 seeks to secure high quality designs and site planning for new development; Policy CS34 seeks to protect the character of rural areas from inappropriate development.

- 5.2 The NPPF supports the creation of a prosperous rural economy and states at Para. 28 bullet point 1 that local and neighbourhood plans should:

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

Bullet point 2 also promotes the development and diversification of agriculture.

At para.18 the NPPF states that *‘The government is committed to securing economic growth in order to create jobs and prosperity...’* and at para. 19; *‘The government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.’* Indeed the support of sustainable economic development is one of the 12 core planning principles listed within the NPPF para.17.

As such the proposal is supported by the NPPF.

- 5.3 Local Plan Policy E9 permits proposals for the erection of agricultural buildings provided that:

- A. They are sited on land which is in use for agricultural purposes and there are no existing suitable underused buildings available; and**
- B. Adequate provision is made for access and manoeuvring of machinery and livestock to avoid the perpetuation, intensification or creation of a traffic hazard; and**
- C. Development would not have unacceptable environmental effects; and**
- D. The proposal would not prejudice the amenities of people residing in the area.**

These criteria are discussed below.

- 5.4 Design and Landscape Issues

The proposed buildings and slurry lagoon would be sited on existing farmland, which has a long established use as a dairy farm, although crops are grown on

the farm for the purposes of feeding the herd. Given the need to increase the herd (currently 175 cows) to 300 cows, the existing facilities are insufficient for the increased numbers.

- 5.5 The proposed Phase 1 extension would have a foot-print of 18m x 13.5m with eaves at 4.850m and a roof ridge at 6.1m, which would be 1.1m above the building to which it would be attached. The building would be constructed of concrete block with box profile sheeting above in dark blue/grey to match the existing building; the roof slopes would be covered with grey corrugated cement fibre sheeting and incorporate roof lights.
- 5.6 The proposed Phase 2 extension would have a foot-print of 28m x 12.5m with eaves at 3.5m and the ridges of the double gable arrangement set at 5.7m. and 5.4 m. The building would be constructed of concrete pre-cast panel walls with timber space board cladding above to match the existing buildings; the roof slopes would be covered with grey corrugated cement fibre sheeting and incorporate roof lights.
- 5.7 Officers consider these buildings to be appropriately scaled and designed for their intended purpose. They have been sited in the north-western part of the farm complex where existing buildings would to some extent screen them in views from the south and south-east. The buildings would not be read within the landscape as isolated structures but more as part of the existing farm complex.
- 5.8 In response to queries from the Council's Landscape Architect and local residents, a basic landscape scheme has been submitted. Whilst a 50m section of hedgerow would be lost to facilitate the erection of the feed/cubicle building, there would be no loss of trees. To mitigate for the loss of the section of hedgerow, an L shaped screen bund approximately 70m long to the north-west and 30m long on the north-east wing, 10m wide and 2.5m high, would be constructed to the north and west of the building. The bund material would be dug out at the location of the proposed buildings.
- 5.9 This bund would be planted with a mix of trees and shrubs, which would be complemented with further planting to include additional oak trees along the Moorslade Lane roadside hedgerow.
- 5.10 A revised plan has been submitted showing the proposed Slurry Lagoon re-located some 35m further north and correspondingly closer to the existing farm complex. Spot heights in relation to the 100.00 TBM datum point located near the Silage Clamp, are shown on the revised Site Plan. This demonstrates the intention to cut and fill the lagoon area, to minimise the amount of excavation. The lagoon has been designed to sit into the slope, which reduces the height of the lagoon. The bank would be 4.5m above ground at the lower (southern) end of the slope and only 1m above ground at the higher (northern) end. The proposed siting has also been chosen because for 10 months of the year the lagoon would be screened to the east by the large 5m high, maize silage clamp located on the southern edge of the farm yard.

- 5.11 The slurry lagoon itself would measure 42m x 42m shelving inwards to an area measuring 27m x 27m that would be 3.0m deep. For security purposes and to comply with Local Plan Policy EP8, the lagoon would be enclosed by a 1.3m high security fence suspended on 2.8m high poles with barbed wire above and below. Once the lagoon has been installed, the banks would be rounded and grassed over. Additionally, a native species hedge would be planted around it.
- 5.12 The proposed slurry lagoon would be landscaped into the slope of the field that is adjacent to the main farm yard. The lagoon would be earth banked using the clay subsoil as a membrane, with an approximate volume of 4,500 cu.m. There would be an access track around the lagoon to allow tractors and tankers room to manoeuvre when emptying the lagoon.
- 5.13 The lagoon would be filled via an underground pipe, which would carry the slurry that is pumped from a reception pit within the farm yard (see Site Plan). The location of the lagoon is in part therefore determined by this. The volume of the lagoon would be capable of holding 5 months worth of slurry, which accords with good codes of agricultural practice.
- 5.14 Concerns have been raised by both the Parish Council and local residents as to the scale of the proposed slurry lagoon and whether or not it is excessive for its intended purpose. Details of the existing and proposed slurry facilities are provided within the submitted Slurry Management Plan.
- 5.15 In short, raw muck is currently scraped into a reception pit along with muck from the collecting yard and pumped into an open topped tower for storage. The current storage facility, whilst adequate for the current set-up is far from ideal. The farm is limited by the capacity of the tower, which has to be emptied on average 5 times a year. For slurry to be used effectively as an organic fertilizer, the timings of application are very important, the growing crop needs the nutrient at the right time and via the correct application method. At present this is compromised by the tower capacity, which once full must be emptied. If slurry is applied at the wrong time of year, when the ground is wet, then the growing crop is unlikely to be able to take up the nutrient and the nutrient gets carried away in either surface or ground water to enter a water course which could have adverse environmental affects.
- 5.16 The proposed development would see the cow numbers increase to 300 which means that the quantity of slurry would almost double. The size of the slurry pit is therefore considered to be appropriate for the numbers of cows proposed and in order to allow the most efficient use of the slurry.
- 5.17 Having regard to the above, officers are satisfied that the applicant has taken into consideration the need to blend the proposals into the existing landscape as best as is practically possible to do so. Any harm can be adequately mitigated by a comprehensive scheme of landscaping that can be secured by condition. There are therefore no landscape or design objections.
- 5.18 Transportation Issues
The farm benefits from an existing access off Moorslade Lane and has extensive yard areas around the existing buildings. There does not appear to

be any requirement to utilise the nearby lane leading to Cobblestone Cottage etc. to the south. The proposed new buildings and slurry lagoon would be used in conjunction with an existing farm business. The increase in cow numbers is however likely to result in some changes to the vehicular activities associated with the site e.g. an increase in daily milk collections by road tanker; officers do not however consider that this is likely to be significant. There are therefore no transportation objections to the proposal.

5.19 Environmental Issues and Impact on Residential Amenity

The nearest residential properties are located immediately to the south of the farm most notably Cobblestones Cottage, Glen Cottage and The Bungalow, although other residential dwellings lie on the opposite side of Moorslade Lane to the east and further north, south of Lower Stone.

5.20 A number of concerns have been raised about the impact of the proposal on the residential amenity of local residents (see para. 4.3 above). The main concerns relate to loss of outlook, increased noise and disturbance and concerns about flies and odour.

5.21 In response to the concerns, the slurry lagoon has now been re-located further away from the nearest residential dwellings where it would be better screened behind the silage clamp, which itself would not be increased in size. The nearest residential property i.e. Cobblestones Cottage would now be approximately 140m from the proposed Slurry Lagoon which is almost twice the distance from the existing slurry storage tower. The existing slurry tower would also be retained but not for slurry storage; it would be used as a dirty water store. The existing tower is not considered to be prominent within the landscape and would be less so if the proposed new buildings and landscaping is implemented. Details of a proposed landscaping scheme have now been submitted. On balance, officers are satisfied that these particular concerns have now been adequately addressed.

5.22 Moving to the other issues, officers are mindful that the application relates to a long established dairy farm, in a countryside location, where some associated noise, disturbance, odours and flies are only to be expected. Nevertheless, the proposal has the potential to intensify the impact of these matters. In response, the applicant has commissioned a Slurry Management Plan, prepared by The Farm Consultancy Group. The plan explains in detail how slurry is currently managed on the site and how it is proposed to manage the slurry in future and the justification for doing so. This to some extent has already been referred to in the preceding paragraphs of this report.

5.23 Movement of Slurry

Once scraped from the yards and buildings into a central collection chamber, the slurry would be pumped via an underground pipe into the slurry lagoon for storage. These activities would all be contained within the existing farm complex where they have less impact.

5.24 The slurry would only be removed from the lagoon for application to the land. There are two methods of slurry application, umbilical spreading and tanker spreading.

- 5.25 Umbilical spreading is done using specialist equipment and allows the slurry to be supplied to the spreader via a long “umbilical pipe” which can be up to 1 mile in length. This eliminates the need for tractors and tankers to continuously drive to and from the lagoon. Umbilical spreading reduces the disturbance of the lagoon and reduces any mess being dragged out onto roads and tracks.
- 5.26 For further afield, tankers with a “trailing shoe” are used to spread the slurry. The new yard and track system would allow tractors to enter and leave, via the farm drive and travel around the rear of the buildings to access the slurry. This route would have less impact on the nearest dwellings.
- 5.27 Odour Control
It is acknowledged that cattle slurry does have an odour but this can be reduced by good slurry management. It is necessary for the slurry to be left in an anaerobic state to encourage the breakdown of the organic matter however the odour will become stronger if the slurry is continually moved. To reduce the amount of time the lagoon is disturbed, the lagoon would be left untouched whenever possible, which would help a crust to form on top of the slurry thus trapping in odour. The lagoon would only be disturbed when slurry is removed for application to the land. The optimum time for doing this is when the crops are growing i.e. from February to September. The slurry is spread very thinly and only on certain fields at a time. Although the slurry that is spread would have some odour, this would be confined to a handful of fields at a time, not the whole farm in one go.
- 5.28 In addition to the management practices described above, the applicant would also reduce odours by the use of “slurry bugs” a bacteria that promotes the breakdown of solids and significantly reduces odour production. Slurry bugs are non-toxic.
- 5.29 Fly Control
Whilst it is common to find flies around muck, this is often confused with flies around livestock. Flies are far more attracted to livestock than to muck. In the proposed development the livestock would be housed in buildings with adequate ventilation, which would discourage flies. The current farm set-up, with its open yard on the eastern side, is much more likely to encourage flies. The open yard has little ventilation so heats up and creates an ideal area for flies. The proposed slurry lagoon is unlikely to attract flies as it would be in a large open space that is open to the prevailing wind, which would not allow flies to settle on the lagoon.
- 5.30 Whilst there would be more slurry, there would be far less need to disturb it throughout the year. Officers are therefore satisfied that the proposal, although catering for an increased number of cows, would result in a better managed system regarding noise breakout, fly and odour management, that in turn would improve the efficiency and viability of the farm.
A condition could be imposed to require the slurry lagoon to be operated in full accordance with the submitted Slurry Management Plan.

- 5.31 Other Environmental Considerations including Drainage and Flood Risk
The Environment Agency has raised no objection to the proposal and in any event the proposal must comply with The Water Resources (Control of Pollution)(Silage, Slurry and Agricultural Fuel Oil) (England) Regulations 2010 referred to as SSAFO regulations, which is legislation lying outside the auspices of the Planning Act.
- 5.32 The site is in an area at low risk of flooding (Flood Zone 1) and a Flood Risk Assessment has been submitted to officer satisfaction. Furthermore the site has not at any time been undermined for coal. No objections are raised regarding drainage.
- 5.33 Whilst there would inevitably be some disturbance for neighbouring occupiers during the development phase, this would be on a temporary basis only and the hours of working during construction could be adequately controlled by condition.
- 5.34 Subject to the aforementioned conditions, officers consider that on balance, the concerns raised have now been adequately addressed and there are no objections in relation to environmental issues and impact on residential amenity.
- 5.35 Ecology
An Ecological Appraisal by Wild Service Ecological Consultancy dated Sept. 2015 has been submitted to officer satisfaction. The site has no statutory or non-statutory ecological designations and there are no ecological constraints to granting planning permission. Subject to a condition to secure the landscape proposals and an informative relating to nesting birds, there are no objections on ecological grounds.

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 developments are considered to be appropriately scaled and designed for their intended purpose. Every effort has been made to minimise the visual impact and impact on residential amenity. Any remaining harm would be outweighed by the economic benefits to the farming enterprise and the more efficient use of the slurry produced.
- 6.3 The recommendation to grant planning permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

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

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CONDITIONS

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

Reason

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Location Plan received 1st June 2015.

Existing Covered Yard and Site Plan Drawing No. R1/15/01 Rev A received 11th Jan 2016

Proposed Extension to Farm Building to form Milking Facility Phase 1 Drawing No. R1/15/02 received 1st June 2015.

Proposed Extension to Farm Building to form Feed Cubicle Area Phase 2 Drawing No. R1/15/03 received 1st June 2015.

Proposed Extension to Farm Building to form Feed Cubicle Area Phase 2 Drawing No. R1/15/04 received 1st June 2015.

Proposed Slurry Lagoon Drawing No. R1/15/05 received 1st June 2015.

Reason

To ensure that the development is carried out in accordance with the approved details.

3. All slurry created on the farm shall be managed in full accordance with the submitted Slurry Management Plan by The Farm Consultancy Group (Jan. 2016).

Reason

In the interests of efficient slurry management and to protect the environment and residential amenities of nearby residential occupiers to accord with Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 and Policies EP8 and E9 of The South Gloucestershire Local Plan (Adopted) 6th Jan. 2006 and the provisions of the NPPF.

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

Reason

To minimise disturbance to neighbouring properties and to accord with Policy E9 of The South Gloucestershire Local Plan (Adopted) 6th Jan. 2006 and the provisions of the NPPF.

5. Prior to the commencement of the development hereby approved, a scheme of landscaping, which shall include details of relevant existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; proposed bunding, screen planting (and times of planting) plus a 5-year maintenance schedule, boundary treatments and areas of hardsurfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

Reason

Having regard to the rural character and setting of the site; to ensure the satisfactory appearance of the development and to protect the landscape character in general; to accord with Policies L1 and E9 of the South Gloucestershire Local Plan (Adopted) January 2006, Policies CS1 and CS34 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec. 2013 and the provisions of the NPPF. This is a prior to commencement condition to ensure that those trees/hedgerows to be retained are adequately protected for the whole duration of the development.

CIRCULATED SCHEDULE NO. 04/16 – 29 JANUARY 2016

App No.: PT15/3796/F

Applicant: Mr Terry Tovey

Site: 93 Gloucester Road North Filton Bristol
South Gloucestershire BS34 7PT

Date Reg: 3rd September 2015

Proposal: Change of use from Class C3 (dwelling) to sui generis (house in multiple occupation) as defined in the Town and Country Planning Act (Use Classes) as amended

Parish: Filton Town Council

Map Ref: 360049 178812

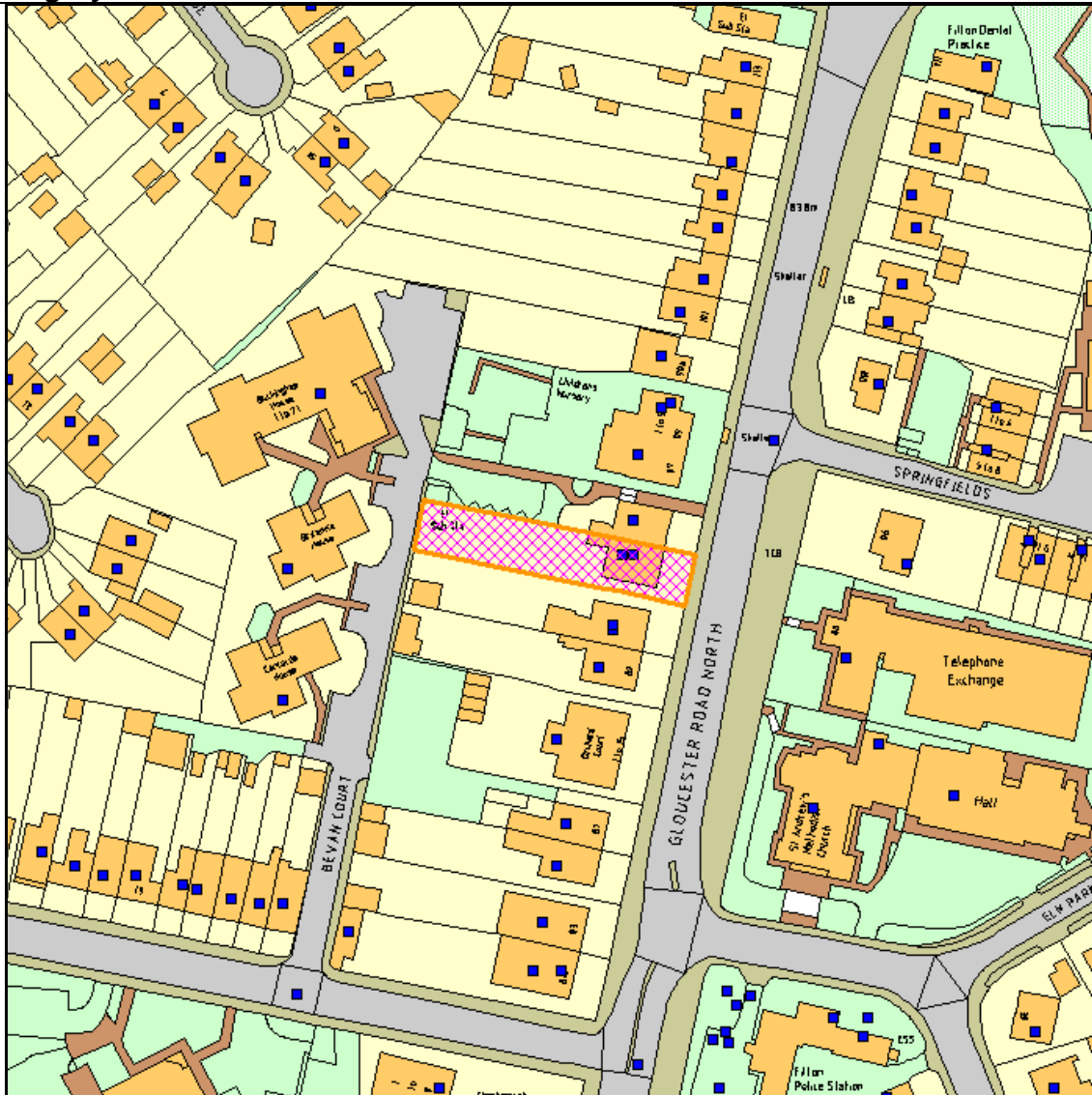
Ward: Filton

Application Minor

Target 27th October 2015

Category:

Date:



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N.T.S.

PT15/3796/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is referred because Filton Town Council queried the number of residents to bathroom/WC ratio.

1. THE PROPOSAL

- 1.1 This application seeks planning permission to change a dwelling to a large House in Multiple Occupation (LHMO). The development is not listed as Class use C4 (house in multiple occupation) as this only relates to 'small shared houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom.' In this case the house is proposed to be occupied by more than six (up to 12) unrelated individuals in a setup of ten individual rooms and one No. one bedroom flat.
- 1.2 The plans show that access to the building is to the side of the property and a one bedroom flat with a lounge/kitchen and its own WC/shower room is located to the front of the ground floor with the shared accommodation for the other letting rooms being located on the rear. The ten bedrooms are then located over the first and second floors with two of the bedrooms having their own shower room/WC and there being two other bathrooms shown for the others to share on the first and second floors. As such this is a sui-generis use (a use which does not fall into any class in The Town and Country Planning (Use Classes) Order 1987 (as amended)). The property would also need to be licenced by Private Sector Housing which is further control of the premises to ensure that there are sufficient amenities for the future inhabitants.

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)
H5 Residential conversions, houses in multiple occupation and reuse of buildings for residential purposes.
T7 Cycle parking
T12 Transportation Development Control Policy for New Development
L1 Landscape

South Gloucestershire Local Plan Core Strategy adopted Dec 2013
CS1 High Quality Design
CS5 Location of Development
CS17 Housing Diversity
CS25 Communities of the North Fringe
- 2.3 Supplementary Planning Guidance
Residential Parking Standards Supplementary Planning Document- adopted Dec 2013

3. **RELEVANT PLANNING HISTORY**

- 3.1 PT14/2387/F Change of use from Guest House (Class C1) and part residential to wholly residential single dwelling (Class C3) as defined in Town and Country Planning (Use Classes) Order 1987 (as amended). Approve with Conditions 31.07.2014
- 3.2 P95/1570 Installation of replacement dormer windows in front and rear elevation approved 06/06/1995 (this work was carried out to the 11 bedroomed Guesthouse)
- 3.3 P84/1940 Change of use of premises to dwelling and guest house. Approved 08.08.1984

4. **CONSULTATION RESPONSES**

- 4.1 Filton Town Council
Query number of residents to bathroom/WC ratio. Otherwise no objection.
- 4.2 Other Consultees
- 4.3 Sustainable transport
The proposed parking layout as it stands would mean that car parking area at the rear of the building would prohibit vehicles from entering and leaving a forward gear, and as such would be objected to. The reason for this is that the Motor Bike parking area and space 7 obstruct the ability for the vehicles parked in space 1 – 6 from either getting in or out of their spaces. I would therefore recommend that the motor bike parking and space 7 are removed to enable the other spaces to be used.

I note that there are (also) 2 car parking spaces at the front of the building, and whilst these are welcomed the layout is constrained in terms of vehicles turning right off the highway into these spaces, instead I would recommend that the area out the front become informal visitor parking.

No details of the waste and recycling facilities have been provided, these would need to comply with the Council's Waste SPD which can be found on the SGC website.

Of particular note is identifying the location of the waste and recycling facilities on site and that they comply with the standards within the SPD.

It is noted that cycle parking is to be provided via a suitably worded condition and that some of it is proposed in the basement, whilst this in principle is not objected to, required with any discharge of condition application are details of the accessibility of the cycle storage and to ensure that each bedroom within the HMO and one for the flat is covered.

Subject to the above then there is no transportation objection to this proposal.

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4.4 Lead Local Flood Authority

No comment

4.5 Highway Structures

No comment

Other Representations

4.6 Local Residents

None

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The NPPF sets a presumption in favour of sustainable development. This means that development proposals that accord with the development plan should be approved and where relevant policies are absent, silent or out-of-date, permission should be granted unless – any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies within the NPPF taken as a whole. This site is located within the urban area of Filton and located directly on a major road/ bus route, close to local shops and schooling. As such the location is sustainable and the presumption in favour of development stands to be tested further in relation to the policies of the local plan.

5.2 The authorised use of the site is a C3 dwellinghouse having only recently changed from C1 Guesthouse. A change of use to C1 building for residential purposes is dealt with under policy H5 of the Local plan which indicates that permission will be permitted provided that they:-

A. would not prejudice the character of the surrounding area; and

B. Would not prejudice the amenities of the nearby occupiers; and

C. would identify an acceptable level of off-street parking; and

D. would provide adequate amenity space.

E. ...the property is located within the existing urban areas and the boundaries of settlements, as defined on the proposals map.

5.3 With respect to criterion E the site is located within the established urban area and in respect of D the existing rear garden area of some 150m² is proposed to be retained with the application. The garden area which is proposed to run with the HMO is considered to be ample for the needs of the property and could accommodate a range of storage facilities for cycle and bins. Matters of visual and residential amenity, and transportation are considered below.

5.4 Transportation

Each parking provision for a HMO has to be taken individually given the lack of definitive policy in this regard. This particular site was a guest house up until a year or so ago when it changed with planning permission to a dwellinghouse. This application seeks to take the building back to a multi-occupancy scenario and the agent has advised based on their experience of business type which is that of 'smart shared accommodation for professional people' that that they

would expect in this location, close to large employers and on excellent bus routes, that there would be 50% car use, 20% Cycles and 10%. The existing hard surfacing is not proposed to be altered and can provide six independently accessed spaces at the rear. A space can easily be accessed at the front of the property too, making 7 spaces. Whilst the applicant details other spaces these hinder the accessibility of the other spaces and as such the site is considered capable of providing seven spaces. This is considered sufficient to meets the needs of the sui generis use at this location although to encourage bike use and in accordance with policy T7 of the Local Plan one secure cycle parking space per bedroom is also required. There is a secure area under the building and ample garden space in which to accommodate the eleven bikes. Details of this can be secured by an appropriately worded condition which would also show bin locations.

5.5 Bin storage

The bins are currently stored at the back of the house on the partially walled terrace which is located just by the kitchen door. These bins then need to be wheeled around to the front of the site on bin collection day. This scenario is acceptable visually and is also understood to suit the applicant but is not demonstrated on a plan. Details of this can be secured by an appropriately worded condition which would also detail parking spaces such that they do not clash.

5.6 Character of area

The site is located in the urban area of Filton close to the district centres and fronts directly onto Gloucester Road North. The site is one of a number of large houses on this side of the road which are in use for uses other than simple C3 dwelling houses, generally converted to flats or used as other residential uses. The change of use therefore of the building to a large house in multiple occupation would not cause harm to the character of the busy urban area nor to the visual amenities of the site. It will add to the mix of housing types in the vicinity. Moreover as there is no change to the external appearance of the building there would be no visual change to the appearance of the area either.

5.7 Residential amenity

This proposed residential site is located between a house converted to flats and a guesthouse. At the rear, beyond the retained garden area, are more flats accessed from Bevan Close. The use remains residential in character and the same number of bedrooms are proposed as existed following the works permitted to the guesthouse in 1995. Similarly the parking areas remain the same. As such it is not anticipated that the change of use proposed would cause a material harm to the residential amenity of the neighbouring occupiers.

5.8 Other issues

It is noted that the Town Council is concerned that there may be a lack of bathroom/WC provision. This is not a matter for consideration here but would be a material consideration under the Housing Act and if insufficient WC's can be established at the property then Public Sector Housing Team will deal with the matter when considering the licence.

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: Karen Hayes
Tel. No. 01454 863472

CONDITIONS

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

Reason

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

2. Prior to the first occupation of the building detailed plans showing the provision of car parking spaces for 7 cars, 11 secure undercover cycle parking spaces and bin storage/collection facilities in accordance with the standards set out in the Residential Parking Standards Supplementary Planning Document (Adopted) December 2013 and the Waste Collection (guidance for new developments) Supplementary Planning Document Adopted January 2015 shall be submitted to the Local Planning Authority for approval. Thereafter, the development shall proceed in accordance with the agreed scheme, with the car parking, cycle storage and bin storage/collection facilities provided prior to the first occupation of the building; and thereafter retained for that purpose.

Reason

To ensure the satisfactory provision and juxtaposition of car parking, cycle storage and bin storage/collection 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 and Waste Collection (guidance for new developments) Supplementary Planning Document Adopted January 2015.

Reason

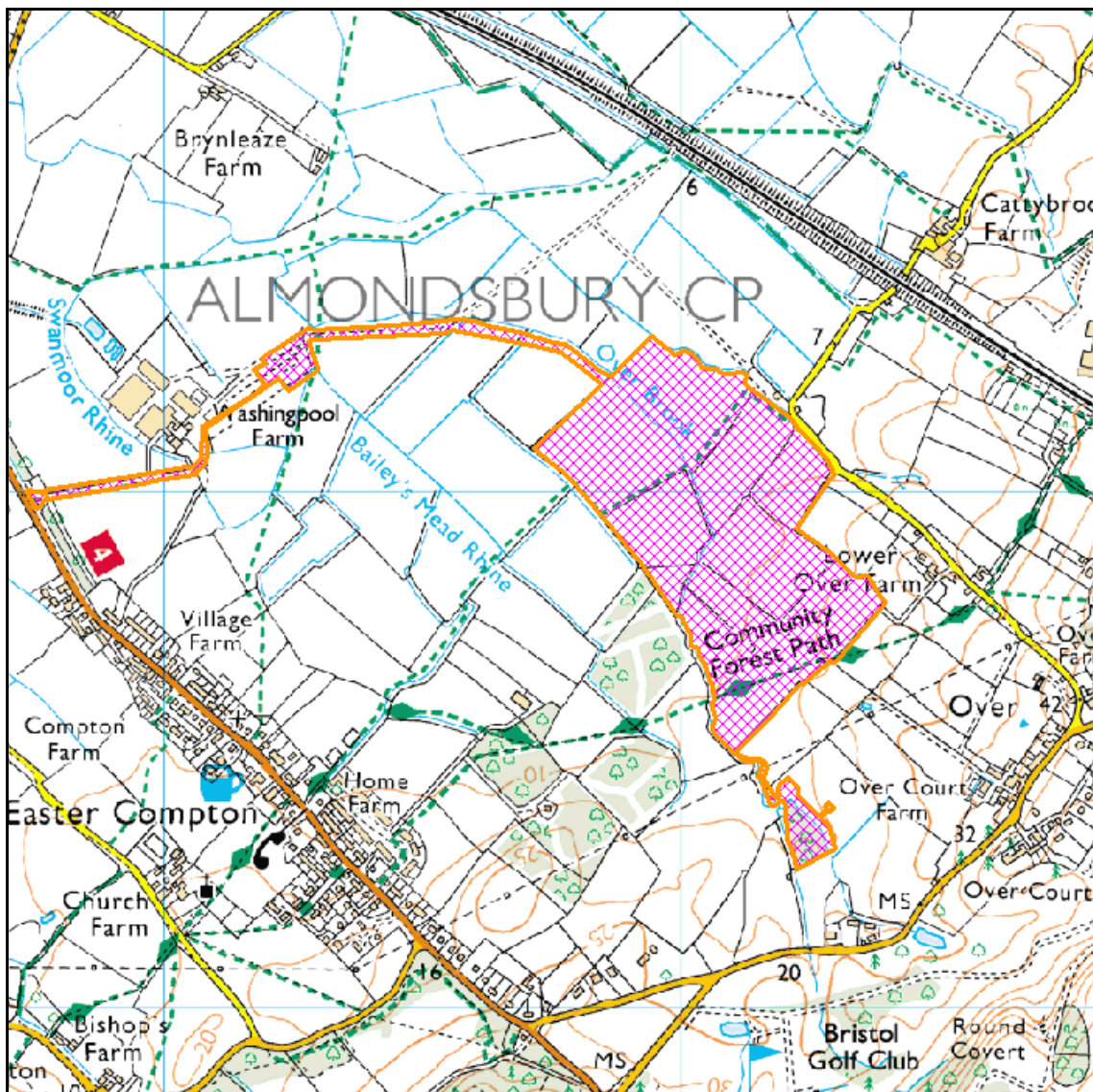
To encourage means of transportation other than the private car, to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

3. This decision relates only to the plans identified below:
Site location and Floor Plans received 1/9/2015
Block plan received 23/9/2015.

For the avoidance of doubt.

CIRCULATED SCHEDULE NO. 04/16 – 29 JANUARY 2016

App No.:	PT15/4853/RVC	Applicant:	The Wave And Mojo Active Ltd
Site:	Land At Over Court Farm Over Lane Almondsbury South Gloucestershire BS32 4DE	Date Reg:	12th November 2015
Proposal:	Variation of condition 38 attached to planning permission PT15/3532/RVC to amend drawings and documents	Parish:	Almondsbury Parish Council
Map Ref:	357035 183173	Ward:	Almondsbury
Application Category:	Major	Target Date:	9th February 2016



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100023410, 2008.

N.T.S.

PT15/4853/RVC

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule due to the receipt of letters of objection from residents

1. THE PROPOSAL

- 1.1 The application is submitted under s73 of the Town and Country Planning Act to vary condition 38, which is a list of approved drawings and documents, attached to PT15/3532/RVC to allow a number of amendments to the approved scheme. During the course of the application, the description has been updated as planning permission PT15/3532/RVC was recently granted to allow Ropes and Tunnels Course to be implemented prior to the construction of the surfing lake and associated development.
- 1.2 A schedule of amendments and the corresponding drawings has been included in the submitted information, which details all the changes made. The submitted proposal shows there are a number of changes and the full list of amendment can be viewed from the council website. The key changes are to:
- reshape the lake and reduce the size of the lake
 - omit the pier structure, which is located at the centre of the lake
 - use new wave technology, namely SurfLoch , which will be a motor room, which has a green roof and is set into the sloping landscape
 - relocate paths in the landscape
 - utilise the excavated earth from the lake to ram earth wrapping wall and to form a green wall that encloses the arrival space
 - move the Clubhouse to the south into the site and to re-orient the Clubhouse, also re-arrange the Internal layout of the Clubhouse
 - move the camping block to the east of Over Brook
 - erect timber framed barrelling over the entrance of the Clubhouse
- 1.3 The site is located within the open countryside and outside the settlement boundary of Over, Easton Compton and Almondsbury. The site is situated within the Bristol/Bath Green Belt, and part of the site is within Flood Zone 3. In addition, 3 public footpaths run across the application site, but not the surfing lake itself. The application site lies within the North Avon (South Gloucestershire) Levels an area of potentially national archaeological significance.

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

- CS2 Green Infrastructure
- CS3 Renewable and Low Carbon Energy
- CS4A Presumption in favour of sustainable development
- CS5 Location of Development
- CS7 Strategic Transport Infrastructure
- CS8 Improving Accessibility
- CS9 Managing the Environment and Heritage
- CS23 Community Infrastructure and cultural activity
- CS24 Green Infrastructure, Sport and Recreation Standards
- CS34 Rural Areas

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

- L1 Landscape Protection and Enhancement
- L9 Species Protection
- L11 Archaeology
- L13 Listed Buildings
- L16 Protecting the Best Agricultural Land
- EP2 Flood Risk and Development
- T7 Cycle Parking
- T8 Parking Standards
- T12 Transportation Development Control Policy For New Development
- E11 Tourism
- LC5 Proposals for Outdoor Sports and Recreation Outside Existing Urban Area and Defined Settlement Boundaries
- LC12 Recreational Routes

2.3 Supplementary Planning Guidance
Development in Green Belt SPD

3. RELEVANT PLANNING HISTORY

The Wave and the Withy Bed

- 3.1 PT16/009/SCR Variation of Condition 38 attached to planning permission PT15/3532/RVC to amend drawings and documents. Screening Opinion for PT15/4853/RVC. EIA is not required 28th January 2016.
- 3.2 PT15/3532/RVC Variation of conditions 3, 6, 8, 14, 18, 27, 28, 29, 30, 31, 32, 33, 40, 41 and 43 attached to PT13/4756/F to allow the development and use of the 'Ropes and Tunnels Course' phase (Partially Retrospective) prior to the development of the larger scheme. Approved 24.11.2015
- 3.3 PT13/4756/F Construction of surfing lake with associated landscaping, ancillary buildings, campsite, ropes and tunnels course, parking and access (sui generis use class). Approved 22.07.2014
- 3.4 PT13/028/SCR Provision of surfing and swimming lake with associated access, landscaping and infrastructure. EIA is not required 19 September 2013

Mojo Active

- 3.5 PT14/1136/RVC Variation of condition 3 and removal of condition 4 attached to planning permission PT11/3174/F to allow the outdoor fitness facility to be utilised from 0800 to 2200 within April to September inclusive and 0800 to 1800 within October to March inclusive and no restriction on persons using the facility at any one time. Approved and expired on 24 November 2015.
- 3.6 PT14/1128/F Change of use of land from agriculture to agriculture and footpath links from existing assault course to Withy Bed ropes course (sui generis). (Retrospective). Approved 24.11.2014
- 3.7 PT11/3174/F Change of use of agricultural land to outdoor fitness facility (Class D2) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) and the erection of associated assault course timber structures. Approved 13.01.2012

Condition 3: The outdoor fitness facility hereby shall not be utilised before 6.30pm on weekdays (excluding Bank Holidays)

Condition 4: The outdoor fitness facility hereby approved shall be used by no more than 20 persons at any one time.

4. CONSULTATION RESPONSES

- 4.1 Pilning and Severn Beach Parish Council
Olveston Parish Council
Aust Parish Council
Almondsbury Parish Council
No response from the above Parish Councils

4.2 Other Consultees

The following Council services and interested parties have been consulted and their comments will be reported in the full planning report accordingly.

Statutory Consultees (external)

<u>Sport England</u>	Maintains its support to the proposal.
<u>Environment Agency</u>	Agreed to the proposed amendment
<u>Highway England</u>	No objection to the previous approved application as it is not relevant as there is no common boundary between the planning site and the Strategic Road Network.

Council Services (internal)

<u>Sustainable Transport:</u>	No objection as the changes as a result of the change in technology do not impact upon
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the previous transportation assessment undertaken on this proposal.

Highway Drainage: No objection to the principle of the development.

Environmental Protection Team: Condition 20 will deal with any noise from any plant or machinery and any changes in the type of wave equipment to be used.

Economic Development: Support this application.

Arboricultural Officer No objection

Conservation Officer: No objection

Landscape officer: No objection to the proposed landscaping management plan.

Ecology Officer: No objection subject to the original conditions attached to this application.

Urban Designer: No comment.

Public Rights of Way Officer: The comment to the previous application are still relevant. In summary, we would not wish to see the footpaths enclosed from their present open nature or, if they are, there should be a maintenance schedule to retain a minimum width of 3 metres, Stiles should be replaced with gates and no alterations to the surfaces should be carried out without approval and no additional barriers can be placed across the footpaths.

Other Representations

4.3 Local Residents

24 letters of objections and 2 letters of support from local residents and their concerns are summarised as follows:

- Noise produced by the SurfLoch technology
- Concerns over the siting of the main entrance through Washingpool Farm, which means that all traffic attracted to the site will pass through Easter Common village
- Traffic survey needs to be carried out again for current traffic
- The area is already subject to noise and traffic pollution due to the mojo active, and the changes will only worsen the situation
- The applicant attempts to stealthily remove the very conditions imposed by the SGC

- This will divorce the mojo active activity part of the wave application from the Wave itself
- The traffic survey is hardly objective and the speed watch team survey shows the percentage of traffic breaching the speed limit
- Ineffective sustainable travel solutions as coach and group access B4055 detrimental to village life
- Changes to camping profile unclear and extended from original application
- The road is already busy and increasing the traffic flow will make crossing the road to visit friends in the village treacherous, no crossing or traffic calming
- Additional traffic
- Original planning concept was ill conceived and should have never been granted, it is within the Green Belt

Support Comments:

- Fantastic idea
- Create jobs for local people
- Bring business to the region
- Something for youngsters to do
- Wholly support the application in every way

5. **ANALYSIS OF PROPOSAL**

5.1 **Principle of Development**

The proposal is to vary the conditions under section 73 of the Town and Country Planning Act 1990 (as amended) in order to make amendments to the approved scheme. The primary objective of the proposal is to reshape the surfing lake and the surrounding landscaping incorporating the different wave technology. In deciding this application, the Council should primarily confine their scope to the conditions that the subject of this application; it is not a complete re-consideration of the principle of the scheme, and the original consent will still stand.

In assessing this application, it is also necessary to assess whether the conditions would satisfy the requirements of planning conditions as set out in the NPPF. Paragraph 206 of the NPPF requires all planning condition to pass six tests - that conditions should be

- i. Necessary to make the development;
- ii. Relevant to planning and;
- iii. To the development to be permitted;
- iv. Enforceable;
- v. Precise and;
- vi. Reasonable in all other respects.

Therefore the issue to be considered is whether or not the proposed variations to the conditions would meet the above tests. Secondly it is necessary to consider if any further conditions need to be attached to any new consent.

Should this application be approved it would have the effect of a granted a further planning permission subject to revised conditions and additional conditions if necessary. In any event the original permission remains in tact.

- 5.2 Policy LC5 of the South Gloucestershire Local Plan (Adopted) December 2013 allows for proposals for the development, expansion or improvement of outdoor sports and recreation (including water related recreation, motorised and noisy sports and golf facilities) outside the existing urban area and the boundaries of settlements.

As the principle of the erection of surfing lake with associated works has been established by the previous planning permission PT13/4756/F, the main consideration of this application is whether or not the proposed variation of conditions would cause an unacceptable impact upon the character and diversity of the landscape, existing public recreational routes, nature environmental and wildlife habitat, public highway safety, and the amenity of the nearby residents; that is to say the impact and mitigation from the proposed detailed changes.

5.3 Green Belt policies

National Planning Policy Framework clearly states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Green Belt serves five purposes:

- To check the unrestricted sprawl of large built-up areas
- To prevent neighbouring towns merging into one another
- To assist in safeguarding the countryside from encroachment
- To preserve the setting and special character of historic towns, and
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The proposal is to make a number of amendments to the approved scheme and it is considered that the proposed changes would not result in material adverse impact upon the openness of the Green Belt and would not involve the further change of use of the land. Given that the planning permission has been granted for the proposal, and there is no change to the National Planning Policy Framework and the adopted Core Strategy and Local Plan in terms of green belt policy, it is considered that there is no objection to the principle of the development.

5.4 Design and Visual Amenity Issues

Policy CS1 of the South Gloucestershire Local Plan: Core Strategy seeks to achieve good design in all new development.

The proposal would change slightly the shape of the lake, re-landscape the surrounding area, omit the pier structure, and there would be a timber framed barrelling entrance portal. In addition, the camping block will be relocated to the

east side of Over Brook and the block plan of the camping block remains unchanged. It is considered that the proposed amendment would have a reduced impact upon the visual amenity of the area, therefore, officers support the proposed amendments provided that the equipment are installed in accordance with the approved plans.

5.5 Transportation

Policies LC5 and T12 of the South Gloucestershire Local Plan (Adopted) 2006 indicate that new development will be permitted provided that the new development would not prejudice the public highway safety.

Policy CS1 of the adopted Core Strategy also requires that development enables people to gain access safely and conveniently having regard to the needs of all road users with reference to pedestrians, cyclists, children, and the disabled / older people.

The Highway Officer and your case officer have considered the submitted details and are satisfied that the changes as a result of the change in technology do not impact upon the previous transportation assessment undertaken on this proposal, and therefore there is no transportation objection to the proposed changes.

5.6 Landscaping issues

Policy L1 of the South Gloucestershire Local Plan Adopted January 2006 seeks to protect and where possible enhance the quality of the landscape.

The lake has been reduced in size, whilst retaining the 3 surfing zones for beginners, intermediates and expert use. The key amendment has been the removal of the central pier structure and the introduction of new wave technology at the southern end of the lake, set into the landscape. A number of amendments have also occurred to tie in with the new club house location, i.e. shared surface approach and a new green wall to link the clubhouse with the entrance area, which now also includes an attenuation pond and a new orchard. A footpath and viewing platforms have been introduced along the edges of the lake.

The changes to the masterplan are confined to the central areas of the site, leaving all site boundaries unchanged, this in turn limits any immediate changes to the landscape impact and remains as assessed previously. The reduction in the footprint of the lake reduces the landscape and visual impact of the development and combined with the removal of the central pier, originally running through the centre of the lake, is a positive improvement to the overall scheme. Officers consider that these amendments would allow the development to assimilate better into the sloping landscape and reduce the landscaping visual impact

The water level of the lake however has increased in height from 8.0m to 8.65m AOD, reducing the extent of earthworks required and to better integrate into the existing site levels. It is assessed that there will be a slight increase in visual impact of the club house, due to the required finish floor levels to tie into the revised height of the lake edge, however as the building is relocated further

south, away from the nearest footpath, it is considered that this visual impact would be insignificant. In addition, in light of the generally improved site layout and amendments to the lake design and wave technology, officers support the overall revised scheme from the landscaping and visual amenity perspective.

5.7 Public Rights of Way

There are three public footpaths, i.e. OAY61, OAY58 and OAY63, crossing within the site and the proposed amendments would not involve any changes to the existing public footpaths, officers therefore have no objection to the proposal subject to original relevant condition is imposed.

5.8 Residential Amenity

Officers acknowledge that local residents raise concerns over the adverse impact upon the amenity of the locality.

The proposal is to vary condition 38 to the existing planning permission PT15/4853/RVC to amend the approved scheme. It is considered that proposed changes relating to the shape of the lake itself and surrounding landscaping would not cause a detrimental impact upon the residential amenity of the nearby residents when compared to the approved scheme.

Officers acknowledged that the proposal would allow a larger swimming area to one side of the lake, nevertheless, the applicant confirmed that the proposal would not result in an increase in the number of people using the lake, and the new technology would not result in a material difference in term of noise pollution perspective. Moreover, the original conditions relating to the noise level, booking system, opening hours, would still apply. Officers therefore consider that the proposed amendments are acceptable.

5.9 Natural Environmental issues

Policy CS9 of the adopted Core Strategy seeks to protect the environmental resources, including air and water, in South Gloucestershire. The following statutory bodies have been consulted and their comments are as follows:

The proposal is to vary the conditions of existing planning permission and no objections have been received from the Environment Agency and the Lower Severn Drainage Board.

Regarding the impact upon the air quality, the applicant has confirmed that the proposal will not change the significance of the predicted impacts during either the construction or operational phases, therefore the previous assessment remains valid. Therefore there is no adverse impact upon the natural environment, there is no objection to the proposed revised plans.

5.10 Ecology environment

The Council Ecology Officer is satisfied with the submitted details and raised no objection subject to the original conditions being imposed.

5.11 Waste Management

The proposed amendments would not result in material difference in terms of the waste management perspective, therefore it is considered that there is no objection to the proposal subject to the original conditions are imposed.

5.12 Historic and Archaeological Interests

Policies L11 and L13 of the adopted Local Plan and Policy CS9 of the adopted Core Strategy seek to protect the archaeological and historic interests including their setting.

The proposed amendments would not significantly change the location of the lake and other associated buildings and structures, therefore there is no historic or archaeological objection to the proposal subject to the original conditions are imposed.

5.13 Conclusion

This application seeks to amend the approved drawings in order to utilise the new wave technology. Officers are satisfied that the original conditions would adequately safeguard the residential amenity and the nature environment. It is therefore considered that there is no planning objection to proposed amendments.

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

7. RECOMMENDATION

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

Contact Officer: Olivia Tresise
Tel. No. 01454 863761

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the 22nd July 2014.

Reason

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

2. Prior to the commencement of any further stages other than Phase 1 shown on Drawing No. 855-phase 01 dated July 2015 a detailed phasing scheme with key development targets shall be submitted to and approved in writing by the Local Planning Authority. The approved document shall be known as the 'Phasing Plan' (and is referred to the subsequent conditions on this notice). The targets shall include as a minimum those for site preparation including the deposit of the top soil, the construction compound (if any), the creation of the landscape gardens, the delivery of building materials, construction of the car parking, construction of the lake, construction of the life guard hut, construction of buildings, installation of lining, filling of the lake, testing of the operation, and date for the opening of the business. In addition the plan shall include details of the proposed timings of the filling of the lake so as to avoid water pressure impact on the locality. The development shall be carried out in accordance with the approved phasing scheme.

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 LC5 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Prior to the commencement of the Further Phases development shown on Drawing No. 855-phase 01 dated July 2015 and agreed in the 'Phasing Plan' under condition 2, details of the construction compound including any temporary buildings, structures and outside storage, shall be submitted to and approved in writing by the Local Planning Authority. The works of construction compound shall be carried out in accordance with the approved details unless otherwise agreed in writing with the local planning authority.

The Construction Environmental Management Plan (dated October 2015) for Phase 1, shall be implemented in accordance with the approved details.

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 LC5 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. Prior to the commencement of the Further Phases development shown on Drawing No. 855-phase 01 dated July 2015 and agreed in the 'Phasing Plan' under condition 2, samples of the materials to be used for the construction of the lake, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter retained as such. And:

Prior to the commencement of the Further Phases development shown on Drawing No. 855-phase 01 dated July 2015 and agreed in the 'Phasing Plan' under condition 2, sample panels of the materials to be used for the construction of the external surfaces of the buildings and structures, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter retained as such.

Reason

To protect the character and appearance of the locality and in accordance with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

5. Prior to the commencement of the Further Phases development shown on Drawing No. 855-phase 01 dated July 2015 and agreed in the 'Phasing Plan' under condition 2, a plan indicating the positions, design, materials and type of boundary treatments to be erected within that phase shall be submitted to the Local Planning Authority for approval. The boundary treatment shall be fully completed for each phase before the commencement of the operation of any use within that phase. Development shall be carried out in accordance with the approved details and thereafter retained as such.

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 LC5 of the South Gloucestershire Local Plan (Adopted) January 2006

6. The developer shall appoint an archaeological contractor not less than three weeks before the commencement of development; and a detailed of archaeological watching brief shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any ground disturbance on site, and shall afford him or other archaeologist nominated by the Local Planning Authority access at all reasonable times in order to observe the excavations and record archaeological remains uncovered during the work.

The works shall include the following items:

- (a) Open area excavation covering the features identified from the evaluation, with contingency for further expansion as necessary;
- (b) Further programme of evaluation trenches in areas not targeted by the initial field evaluation within the extents of the development site;
- (c) Provision for excavation of these areas if necessary;
- (d) Subsequent watching brief during construction;
- (e) Full post-excavation assessment and analysis of the archaeology recovered;
- (f) Publication of the findings

No construction of any kind can commence until the results of this fieldwork (up to point c above) have been completed and a report has been submitted to the council and a programme for post-excavation and publication has been approved in writing.

This work is to be carried out in accordance with the approved watching brief.

Reasons

- a. This is a pre-commencement condition in order to avoid any irreversible damage to the historic interests of the site.
- b. 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 saved Policy L11 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. Prior to the commencement of the Phase 1 and Further Phases development shown on Drawing No. 855-phase 01 dated July 2015 and agreed in the 'Phasing Plan' under condition 2, 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 development shall proceed in accordance with the agreed details and thereafter be retained as such.

Reasons

- a. This is a pre-commencement condition in order to any unnecessary remedial action in the future.
 - b. 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).
8. Notwithstanding the submitted details, no floodlighting or uplighters shall be installed within the site including Phase 1 Development (Ropes and Tunnels Course) and the Further Phases development shown on Drawing No. 855-phase 01 dated July 2015.

Prior to the commencement of the Further Phases development shown on Drawing No. 855-phase 01 dated July 2015 and agreed in the 'Phasing Plan' under condition 2, details of any external illuminations including the length and the level of the illumination shall be submitted to and approved in writing by the Local Planning Authority. All external lighting shall comply with the relevant British Standards and ILP's guidance. The development shall proceed in accordance with the agreed details and thereafter be retained as such.

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 LC5 of the South Gloucestershire Local Plan (Adopted) January 2006.

9. Prior to the commencement of the Further Phases development shown on Drawing No. 855-phase 01 dated July 2015 and agreed in the 'Phasing Plan' under condition 2, details of protection for both banks of any watercourse within the site shall be submitted to and approved in writing by the Local Planning Authority. Prior to the commencement of the development an 8 (eight) metres wide strip of land shall be left clear of any building or obstruction along both banks of any watercourse within the site to ensure the stability of the bank or banks may not be endangered thereby, and for maintenance purposes. The development shall proceed in accordance with the agreed details and thereafter be retained as such.

The development for Phase 1 shall be carried out in accordance with the supporting letter dated 22 October 2015.

Reason

To protect the watercourse and in accordance with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

10. Prior to the commencement of the Phase 1 and Further Phases development shown on Drawing No. 855-phase 01 dated July 2015 and agreed in the 'Phasing Plan' under condition 2, details of proposed surface and sub-surface water drainage systems and proposed points of discharge shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the agreed details and thereafter be retained as such.

Reason

To protect the watercourse and in accordance with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

11. No local land drainage ditch within the site shall be filled in or culverted.

Reason

To protect the watercourse and in accordance with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

12. Prior to the commencement of the Further Phases development shown on Drawing No. 855-phase 01 dated July 2015 and agreed in the 'Phasing Plan' under condition 2, details of any proposed rhine crossing, access bridge, or culvert within the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the agreed details and thereafter be retained as such. For Phase 1 development, there shall be no rhine crossing, access bridge or culvert crossing the adjacent fields into the woodland.

Reason

To protect the watercourse and in accordance with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

13. Notwithstanding the submitted details, prior to the commencement of the Further Phases development shown on Drawing No. 855-phase 01 dated July 2015 and agreed in the 'Phasing Plan' under condition 2, full details of both hard and soft 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 proposed finished levels or contours; means of enclosure including the fencing to the public rights of way; hard surfacing materials including car park surfacing; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, and signs); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines indicating lines, manhole); soft landscape works shall include the protection of trees within the hedgerows, 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 landscape character of the locality and in accordance with Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policies CS1 and

CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

14. Notwithstanding the submitted details, Prior to the commencement of the Further Phases development shown on Drawing No. 855-phase 01 dated July 2015 and agreed in the 'Phasing Plan' under condition 2, relating to the lake itself the construction details showing the lake edging shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the agreed details and thereafter be retained as such.

Reason

To protect the landscape character of the locality and in accordance with Policies CS1 and 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.

15. Prior to the commencement of the Further Phases development shown on Drawing No. 855-phase 01 dated July 2015 and agreed in the 'Phasing Plan' under condition 2, a schedule of landscape maintenance for that phase for a minimum period of 5 years shall be submitted to the Local Planning Authority for approval. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

Reason

To protect the landscape character of the locality and in accordance with Policies CS1 and 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.

16. Notwithstanding the submitted details, Prior to the commencement of the Further Phases development shown on Drawing No. 855-phase 01 dated July 2015 and agreed in the 'Phasing Plan' under condition 2, details of the construction method of the footpath that transects the RPA of T28 shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the agreed details and thereafter be retained as such.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the tree, and to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

17. Prior to the commencement of the Further Phases development shown on Drawing No. 855-phase 01 dated July 2015 and agreed in the 'Phasing Plan' under condition 2, an ecological management plan for the site including a timetable for the implementation for the scheme and for the monitoring of the impact of the development on ecological features shall be submitted to and approved in writing by the Local Planning Authority. The development and the requirements of the management plan, shall subsequently be commenced prior to the commencement of the operation and carried out in accordance with the approved details.

For Phase 1 development, the submitted Ecological Management Plan Phase 1 (Ropes and Tunnels Course) dated October 2015 shall be implemented accordingly.

Reason

In the interest of ecology and wildlife habitats of the site and in accordance with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

18. Prior to the commencement of the Further Phases development shown on Drawing No. 855-phase 01 dated July 2015 and agreed in the 'Phasing Plan' under condition 2, a Construction and Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP should detail how measures will be taken to ensure there is minimum adverse impact to the local amenity from activities giving rise to noise, vibration and dust emissions including deliveries to the site, construction works and the operation of the use. It shall include details of identified receptors, baseline conditions, preparation of the site, monitoring to be undertaken, details of the method of vehicle wheel washing for construction hours, details of the method of accessing the site for construction purposes, the method of removal of spoil and any necessary road closures including timescale's the closures, communication in case of complaints and mitigation measures to be employed. It is expected that reference will be had to British Standard 5228-1:2009 Code of Practice for noise and vibration control on construction and open sites. The development shall proceed in accordance with the agreed details.

For Phase 1 Development, the Construction and Environmental Management Plan Phase 1 (Ropes and Tunnels Course) dated October 2015 shall be implemented accordingly.

Reason

In the interests of the residential amenity of the neighbouring occupiers, and in accordance with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

19. Prior to the commencement of the Further Phases development shown on Drawing No. 855-phase 01 dated July 2015 and agreed in the 'Phasing Plan' under condition 2, details of an air quality assessment for any proposed energy plant shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the agreed details and thereafter be retained as such.

Reason

In the interest of residential amenity of the neighbouring occupiers and in accordance with Policy CS9 of the South Gloucestershire Local Plan; Core Strategy (Adopted December 2013).

20. All fixed plant shall be designed in compliance with BS 4142 to ensure rating levels are at least 5db below existing background levels measuring at Washingpool Farm, Ingleside, Overleaze Farm, The Lyndhurst and Wheat Hill Farm.

Reason

In the interest of residential amenity of the neighbouring occupiers and in accordance with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

21. Prior to the commencement of the Further Phases development shown on Drawing No. 855-phase 01 dated July 2015 and agreed in the 'Phasing Plan' under condition 2, a Waste Management Audit shall be submitted to and approved by the Local Planning Authority in writing. The Waste Management Audit shall include details of:
- (a) The volume and nature of the waste which will be generated through the demolition and/or excavation process.
 - (b) The volume of that waste which will be utilised within the site in establishing pre-construction levels, landscaping features, noise attenuation mounds etc.
 - (c) Proposals for recycling/recovering materials of value from the waste not used in schemes identified in (b), including as appropriate proposals for the production of secondary aggregates on the site using mobile screen plant.
 - (d) The volume of additional fill material which may be required to achieve, for example, permitted ground contours or the surcharging of land prior to construction.
 - (e) The probable destination of that waste which needs to be removed from the site and the steps that have been taken to identify a productive use for it as an alternative to landfill.

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

Reason

In accordance with Policy 37 of the South Gloucestershire Minerals and Waste Local Plan (Adopted) 2002, and Policy 1 of the West of England Joint Waste Core Strategy (Adopted) March 2011.

22. Prior to the commencement of the Further Phases development shown on Drawing No. 855-phase 01 dated July 2015 and agreed in the 'Phasing Plan' under condition 2, details of the surface of footpath OAY61, maintenance of footpath OAY63, and details of the replacement of stile ends of footpath OAY58 shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the commencement of the use hereby permitted.

Reason

To safeguard the public footpaths and in accordance with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and saved Policy LC12 of the South Gloucestershire Local Plan (Adopted) January 2006.

23. The hours of working on site during the period of construction shall be restricted to 08.30am to 18.00pm Mondays to Fridays, and 08.30am to 13.00pm Saturdays, and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan (Adopted December 2013) and saved Policy LC5 of the South Gloucestershire Local Plan (Adopted) January 2006.

24. Any tree/scrub clearance shall be carried out outside of the bird nesting season (between March to August) unless the appropriate survey are carried out by a qualified ecologist to demonstrate that clearance can be undertaken during this time as agreed in writing with the Local Planning Authority.

Reason

In the interest of wildlife habitat and in accordance with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and saved Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

25. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated December 2013 produced by Hydrock and the following mitigation measures detailed within the FRA:
- (a) Limiting the surface water run-off generated by the 1:100 year critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
 - (b) Identification and provision of safe route(s) into and out of the site to an appropriate safe haven.
 - (c) Finished floor levels of all built development (cafe, shop, and clubhouse) to be set no lower than 7.76 m above Ordnance Datum (AOD) (300mm above the 1:200 year level including an allowance for climate change).

Reason

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to ensure safe access and egress from and to the site, and in accordance with National Planning Policy Framework and Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

26. The proposed tree protection works indicated in sections 2 and 3 in the Barrell Tree Consultancy Report shall be strictly carried out.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the tree, and to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

27. Prior to the first use of the Further Phases development shown on Drawing No. 855-phase 01 dated July 2015 and agreed in the 'Phasing Plan' under condition 2, the parking, manoeuvring and service areas in Washingpool Farm shall be completed in all respects with the approved plans and retained as such thereafter.

For Phase 1 Development, the submitted Technical Note Reference OCT02/TN/03/Iss3 and Car parking arrangement plan OCT02/T06 Revision A shall be

implemented and retained as such until and unless different parking arrangements are agreed in writing in relation to subsequent Phases under this condition.

Reason

To ensure satisfactory parking, turning and servicing areas are provided in the interests of safety and in accordance with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2015 and saved Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

28. Prior to first use of the Further Phases development shown on Drawing No. 855-phase 1 dated July 2015, a scheme of directional signage for the remaining scheme for the surfing lake and associated activities to be served from the B4055 shall be submitted to and agreed in writing by the Local Planning Authority, and thereafter implemented in accordance with the approved scheme and thereafter be retained as such.

For Phase 1 Development, the submitted Technical Note Reference OCT02/TN/03/Iss3 and Signage Plan Drawing Reference: OCT02/T01 shall be implemented prior to the first use of the Phase 1 hereby permitted, and retained as such until and unless a different signage scheme is agreed in writing in relation to subsequent Phases under this condition.

Reason

In the interests of both highway safety and congestion by providing clear directions for visitors in accordance with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and saved Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

29. Prior to first use of the Further Phases development shown on Drawing No. 855-phase 01 dated July 2015, an agreed booking system for the use of 'The Wave' and associated facilities shall be submitted to and agreed with the Local Planning Authority, and thereafter implemented in accordance with approved scheme.

For Phase 1 Development, the submitted Technical Note Reference OCT02/TN/03/Iss3 and the booking system for the High Ropes and Tunnel Course shall be implemented and retained as such thereafter prior to the first use of the Phase 1 hereby permitted.

Reason

To reduce congestion and manage vehicle movements in accordance with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2015 and saved Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

30. Prior to the relevant first use of Phase 1 Development (Ropes and Tunnels Course) and Further Phases development shown on Drawing No. 855-phase 01 dated July 2015, an updated Travel Plan including monitoring measures shall be submitted to and approved in writing by the Local Planning Authority; for the avoidance of doubt the Travel Plan should follow the lines of the submitted Framework Travel Plan, with the exception that within 3 months of opening a travel survey of both staff and visitors is

undertaken which will provide the initial base data for future iterations of the Travel Plan. The development shall proceed in accordance with the agreed details.

Prior to the first use of Phase 1 - the 'High Ropes and Tunnels Course' Development, the submitted Travel Plan, Reference OCB02/01/lss3 dated October 2015 shall be implemented in accordance with the approved details.

Reason

In the interests of highway safety by reducing congestion and in accordance with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and saved Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

31. Prior to the commencement of the Further Phases development shown on Drawing No. 855-phase 01 dated July 2015 hereby permitted, a detailed Waste Management Plan in accordance with the 3R principle, i.e. Reduce, recycle and re-use for the operation of business shall be submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with the approved details.

The development for Phase 1 shall be carried out in accordance with the supporting letter dated 22 October 2015.

Reason

To protect the residential amenity of the neighbouring occupiers and in the interests of the environment and to accord with Policies CS9 and CS14 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and saved Policy LC5 of the South Gloucestershire Local Plan (Adopted) January 2006.

32. Prior to the commencement of the first operational use of Further Phases development shown on Drawing No. 855-phase 01 dated July 2015, details of Flood Warning and Evacuation Plan for future occupants shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the agreed details and thereafter be retained as such.

For Phase 1 Development, the submitted Community Flood Plan dated October 2015 shall be implemented in accordance with the approved details.

Reason

- (a) To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- (b) To ensure safe access and egress from and to the site.
- (c) To reduce the risk of flooding to the proposed development and future occupants, and in accordance with National Planning Policy Framework and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

33. Prior to the commencement of the Further Phases development shown on Drawing No. 855-phase 01 dated July 2015 and agreed in the 'Phasing Plan' under condition 2, details of operational management plan for the surfing lake, campsite and all ancillary

outdoor activities shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the agreed details.

Reason

To safeguard the visual and residential amenity of the area and in accordance with Policies CS1 and CS9 of the South Gloucestershire (Adopted December 2013).

34. No outside storage of material/goods/waste or plant shall take place within the site including the Phase 1 Development (Ropes and Tunnels Course) and the Further Phases development shown on Drawing No.855-phase 01 dated July 2015.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and saved Policy LC5 of the South Gloucestershire Local Plan (Adopted) January 2006.

35. The proposed surfing lake and climbing and 'Ropes and tunnel courses hereby approved shall not be open for use by members of public outside the hours of 08.00 to 18.00 Mondays to Saturdays and 08.00 to 17.00 Sundays and Public Holidays.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and saved Policy LC5 of the South Gloucestershire Local Plan (Adopted) January 2006.

36. No amplified or other music system or tannoy shall be used within the site including the Phase 1 Development (Ropes and Tunnels Course) and the Further Phases development shown on Drawing No.855-phase 01 dated July 2015.

Reason

In the interest of residential amenity of the neighbouring occupiers and in accordance with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and saved Policy LC5 of the South Gloucestershire Local Plan (Adopted) January 2006.

37. The campsite shall only be occupied by no more than 25 tents at any one time. For the avoidance of doubt, no caravans shall be parked within the camping area. No caravans and tents shall be used outside the camping area.

Reason

To safeguard the visual and residential amenity of the area and in accordance with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and saved Policy E11 of the South Gloucestershire Local Plan (Adopted) January 2006.

38. Development shall be strictly carried out in accordance with the following drawings and documents:
- a. Phase 1 diagram, Drawing No. 855-01, dated July 2015

- b. Mojo Active Outdoor Activity Centre (Full Travel Plan), OCB02/01/Iss3 dated October 2015
- c. Technical Note Reference: OCT02/TN/03/Iss3 dated 13 October 2015
- d. Construction and Environmental Management Plan Phase 1 (Ropes and Tunnels Course) of PT13/4756//F dated October 2015
- e. Community Flood Plan dated October 2015
- f. Ecological Management Plan Phase 1 (Ropes and Tunnels Course) of PT13/4756/F dated October 2015
- g. Site location plan, Drawing No. 855-00, received on 23 December 2013
- h. Topographic Survey, Drawing No. HC13011D-D001 Rev A, received on 23 December 2013
- i. Gate house with car parking layout, Drawing No. 855-107, received on 23 December 2013
- j. Lake Structure, Drawing No. 855-103A, received on 29 April 2014
- k. Vegetation retained and removal, Drawing No. 13702_L01_04 Rev C, received 23 May 2014
- l. Proposed High Ropes Arrangement, Rev C 17/12/13
- m. Proposed elevations and plan for the Storage Cabin

The following documents submitted on 10 November 2015

- n. MasterPlan showing the revised landscape, 13702_L01_01 J
- o. Landscape MasterPlan 2 of 2, 13702_L01_02 Rev H
- p. Vegetation to be retained and removed, 13702_L01_03 Rev D
- q. Hardworks Layout Plan, 13702_01_05 Rev B
- r. Landscape Sections A-E Drawing No. 13702_L01_10, Rev A
- s. Landscape Sections F-J Drawing No. 13702_L01_11, Rev A
- t. Seeding Plan, 13702_L01_12 Rev B
- u. Planting Plan, 13702_L01_14 Rev A
- v. Key Plan, 855-S73-050
- w. Illustrative MasterPlan 855-S73-100
- x. Masterplan Details, 855-S73-101
- y. Lake _ Building Layout, 855-S73-102
- z. The Clubhouse, 855-S73-104
- aa..Clubhouse _ Camping Block Elevations, 855-S73-105
- ab. Clubhouse _ Camping Block Elevations, 855-S73-106

Reason

In the interests of proper planning and to ensure that the development is carried out in accordance with the approved plans in order to comply with the policies in the adopted South Gloucestershire Local Plan: Core Strategy (2013); and the saved policies of the adopted South Gloucestershire Local Plan (2006).

- 39. Prior to the first use of the Phase 1 Development (Ropes and Tunnels Course), the proposed cycle parking detailed in the submitted Technical Note Reference OCT02/TN/03/Iss 3 dated 13 October 2015 shall be implemented and retained as such thereafter.

Prior to the first occupation of the development at the Further Phases development shown on Drawing No. 855-01 phase 1 details of the cycle parking for the Further phases shall be submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with the approved details and thereafter retained as such.

Reason

To encourage means of transportation other than the private car, to accord with Policy CS8 of the South Gloucestershire Local Plan: Adopted January 2006 and saved Policies T7 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

40. Prior to the first use of the Further Phases development shown on Drawing No. 855-phase01 dated July 2015 hereby approved, the operator shall establish a residents / community liaison group for the local community.

Reason

In the interests of the safety and security of users of the site and local residents and in accordance with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

41. The proposed structures, buildings and campsite, including the cafe, clubhouse (and associated facilities), gatehouse, storage building and lifeguard hut shall be used strictly ancillary to the use of the surfing lake hereby permitted and for no other purposes.

Reason

To safeguard the visual and residential amenity and public highway safety, to accord with Policies CS1 and LC5 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and saved Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

42. Prior to the commencement of the 'Further phases development shown on Drawing No. 855-phase 01 dated July 2015, details of the security fence and any necessary access gates for Public Rights of Way crossing the site shall be submitted to and approved in writing by the Local Planning. The development shall be carried out in accordance with the approved details and thereafter retained as such.

Reason

In the interests of the visual amenity of the site and the surrounding locality; and in the interests of the amenity of the local Public Rights of Way network and to comply with policy CS1, CS8 of the South Gloucestershire Core Strategy Local Plan (adopted) December 2013 and saved policy LC12 of the South Gloucestershire Local Plan (adopted) January 2006.

43. The Emergency Entrance from Badger Lane as shown on plan number 855-100 (as received on 23rd December 2013) shall be used only for emergency access to the development hereby approved and shall not be used for general access purposes

Reason

In the interests of highway safety and amenity and to accord with Policy CS1 of the South Gloucestershire Core Strategy Local Plan (Adopted) December 2013 and saved policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 04/16 – 29 JANUARY 2016

App No.: PT15/5094/ADV
Site: 5 High Street Thornbury Bristol South
Gloucestershire BS35 2AE

Applicant: Lloyds Banking Group
Date Reg: 26th November 2015

Proposal: Display of 1no. non-illuminated fascia sign and keyline lighting on front elevation

Parish: Thornbury Town Council

Map Ref: 363700 190139
Application Minor
Category:

Ward: Thornbury North
Target Date: 20th January 2016



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

One objection comment has been received from Thornbury Town Council that is contrary to the Officer's recommendation.

1. PROPOSAL AND SITE DESCRIPTION

- 1.1 The application seeks advertisement consent for the display of 1 no. non-illuminated fascia sign on the front elevation of 5 High Street, Thornbury.
- 1.2 The site is located within the Thornbury Conservation Area, although the building is not listed. The building is a classically designed nineteenth century three-storey building with a full width shopfront on the ground floor and canted bays at first floor.
- 1.3 Due to the illuminated nature of the proposed signage, objections were received from the Conservation Officer and Thornbury Town Council. The applicant was invited to amend the proposed signage to remove the illumination and reposition the hanging sign. Amendments were received on the 6th January 2016 which addressed the issues regarding illumination, but the Conservation Officer and Thornbury Town Council objected to the revised plans on grounds that the lettering was still too bulky. On 19th January 2016 further amendments were received which show the removal of the illumination and the keyline lighting and the projection of the letter decreased to 15mm.

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 (Adopted) January 2006
L12 Conservation Areas
L13 Listed Buildings

South Gloucestershire Core Strategy (Adopted) December 2013
CS1 High Quality Design
CS8 Improving Accessibility
CS9 Environment and Heritage
- 2.3 Supplementary Planning Guidance
Shopfronts and Advertisements SPD (Adopted April 2012)
Thornbury Conservation Area Advice Note (Approved 29th March 2004)

3. RELEVANT PLANNING HISTORY

- 3.1 P92/2294- Installation of new bank frontage and cash machine. Approval Full Planning 01.11.1992.

- 3.2 P92/2304/C- Works of demolition to facilitate installation of new shop front and cash machine. Conservation Area Consent 01.11.1992.
- 3.3 P96/1564- Erection of Satellite dish. Approval Full Planning 09.09.1996.
- 3.4 P98/2394/A- Display of non-illuminated fascia and projecting signs. Advert Approval 03.11.1998.
- 3.5 PT04/1556/F- Alterations to existing entrance to provide disabled access. Approve with Conditions 11.06.2004
- 3.6 PT07/0098/ADV- Display of 1no. non illuminated fascia sign and 1no. illuminated projecting sign. Approval 16.02.2007
- 3.7 PT13/0296/ADV- Display of 1 no. internally illuminated text band, 1 no. internally illuminated projector, 2 no. internally illuminated heritage window light strips, 1 no. non illuminated applied vinyl, 1 no. non illuminated aluminium name plate, and 1no. non illuminated vinyl overlay. Refusal 26.03.2013
- 3.8 PT13/1517/ADV- Display of 1no. non illuminated hanging sign, 1 no. window vinyl, 1 no. wall mounted sign and 1 no. vinyl on letterbox.(Re submission of PT13/0296/ADV). Approve with Conditions 01.07.2013.
- 3.9 *Additional planning history is available but due to its age, it is not considered to be relevant.*

4. CONSULTATION RESPONSES

4.1 Thornbury Town Council

Comments received from the first proposal (Plan no. 105094):

- The large corporate sign, keyline lighting and internally illuminated lettering has a negative impact on the Conservation Area.

Comments received from the second proposal (Plan no. 105094 Rev B):

- Whilst the proposal removes the lighting, it does nothing to address the scale of the design which remains out-of-keeping with the Conservation Area.

Comments received from the third proposal (Plan no. 105094 Rev C):

- Objection as 105094 Revision C still shows the addition of keyline lighting.

4.2 Sustainable Transport

- As the signs are to be placed in a normal location for a shop unit of this type and away from the public highway there are no comments.

4.3 The Listed Building and Conservation Officer

Comments received from the first proposal (Plan no. 105094):

- It is not necessary to illuminate these signs where there is sufficient street lighting.

- The internal illumination, LED light strip and bulky size, fitting of the lettering would have an adverse impact on the character of the Conservation Area.
- Recommend refusal.

Comments received from the second proposal (Plan no. 105094 Rev B):

- The omission of the internal illumination and external lighting strip is welcomed but the individual lettering is still too bulky and large for the size for the fascia.
- The depth of the letters should be reduced accordingly to minimise their box-like appearance and to make them sit more flush against the fascia.

Comments received from the third proposal (Plan no. 105094 Rev C)

- The omission of the internal illumination and external lighting strip and the decrease in projection from 60mm to 15mm of the individual lettering are welcomed. There are no further objections to the proposal.

Other Representations

4.4 Local Residents

No comments received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The NPPF specifically states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment and should be subject to control only in the interests of visual amenity and public safety, taking account of cumulative impact. Accordingly advertisements will be assessed with regard to visual amenity, cumulative impact, and public safety.

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, and a saved policy L12 of the adopted Local Plan will only permit development within a conservation area where it would preserve or enhance the character or appearance of the conservation area.

5.2 Visual Amenity

The original application (Plan no. 105094) relates to the installation of one internally illuminated fascia sign and keyline lighting to the front elevation of no.5 High Street, Thornbury. The signs will replace the existing non-illuminated lettering to the front elevation. The signage is in a prominent location on the High Street and there are a number of listed buildings in close proximity.

The Conservation Officer and Thornbury Town Council objected to the first proposal as proposed signage as the lettering would project 80mm from the face of the fascia, making them deeper than the architrave itself and so making them appear very bulky in comparison. The Shopfronts and Advertisements

SPD advises that a well-designed and carefully lit window display in a well-lit street should not need additional illumination. Illuminated fascias and projecting signs would not normally be acceptable in historic areas or on historic buildings. It is also explained that illumination should be appropriate to the context and general character of the street as well as being discreetly sited on the building itself.

A second proposal (Plan no. 105094 Rev B) was received which omitted the internal illumination and the keyline lighting, which were welcomed by the Conservation Officer and Thornbury Town Council. However, there was still an issue with the projection of the individual lettering. The projection was reduced to 60mm but this was still considered to add to the bulky appearance of the signage and create a negative impact on the Conservation Area.

A third proposal was submitted (Plan no. 105094 Rev C) which decreased the projection of the individual lettering from 60mm to 15mm. The combined removal of the illuminated lettering, keyline lighting and the reduction in the projection of the lettering to 15mm were welcomed by the Conservation Officer and the Revision C is considered to be in-keeping with the Conservation Area and respectful of the setting of the surrounding listed buildings. An objection comment was received from Thornbury Town Council which explained that the keyline lighting was to be kept within proposal (plan no. 105094 Rev C). However, this has not been included within the revised plan no. 105094 Rev C and so this proposal is considered to be acceptable.

5.3 Public Safety

The advertisements are not considered to have an impact on the safety of pedestrians using the pavement alongside it and would not be detrimental to the safety of motorists as the signage would be set back from the highway. As such there are no objections on the grounds of highway or pedestrian safety

5.4 Residential Amenity

As the sign will be replacing the existing sign and as the signage is set back from the existing highway and of a relatively modest size, there are no concerns in terms of residential amenity.

6. CONCLUSION

6.1 In accordance with Section 220 of the Town and Country Planning Act 1990 and Regulation 4 of the Advertisement Regulations 1992, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise

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

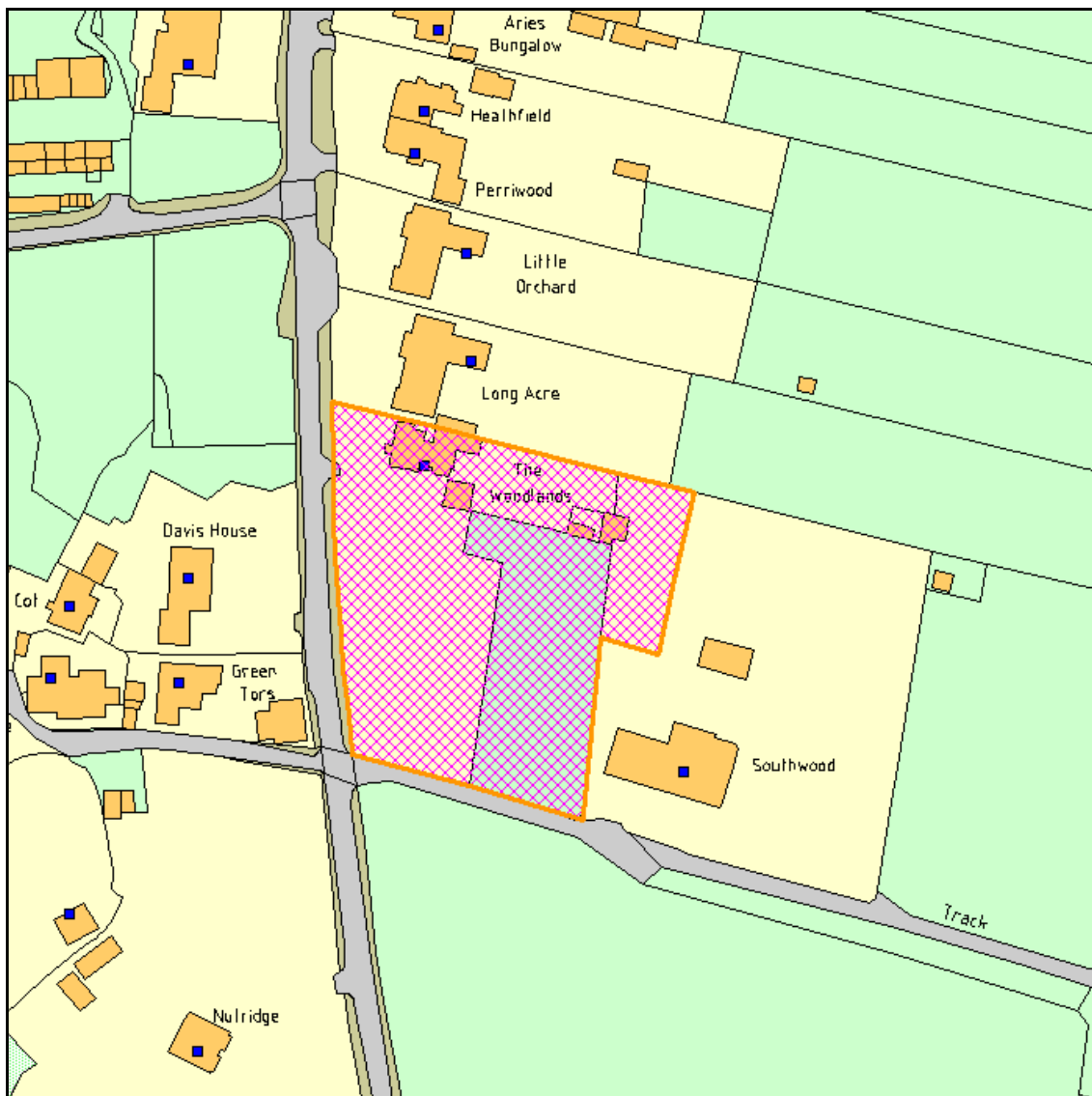
7. RECOMMENDATION

- 7.1 It is recommended that advertisement consent be **APPROVED** subject to the standard conditions for advertisement consents.

Contact Officer: Chloe Buckingham
Tel. No. 01454 867967

CIRCULATED SCHEDULE NO. 04/16 – 29 JANUARY 2016

App No.:	PT15/5279/CLP	Applicant:	Mr Keith Brock
Site:	The Woodlands Ram Hill Coalpit Heath South Gloucestershire BS36 2UF	Date Reg:	17th December 2015
Proposal:	Certificate of lawfulness for 2no. proposed outbuildings to provide a garden store and home office, gym and bar/playroom	Parish:	Westerleigh Parish Council
Map Ref:	367835 179793	Ward:	Westerleigh
Application Category:	Certificate of Lawfulness	Target Date:	9th February 2016



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PT15/5279/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 proposed erection of two outbuildings at The Woodlands, Ram Hill, Coalpit Heath would be lawful. This is based on the assertion that the proposal falls within the permitted development rights normally afforded to householders under the Town and Country Planning (General Permitted Development) (England) Order 2015

2. POLICY CONTEXT

2.1 National Guidance

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

3. RELEVANT PLANNING HISTORY

- 3.1 PT14/3442/F Approve with Conditions 14.04.2015
Demolition of existing house and outbuildings and erection of 1no replacement dwelling with associated access drive and landscaping.
- 3.2 PT14/4274/CLE Approve with Conditions 27.03.2015
Certificate of lawfulness for the existing use of land shown on the submitted plan as a residential garden (Use Class C3)
- 3.3 PT15/2955/TRE Approve with Conditions 25.08.2015
Works to various trees as stated in the submitted schedule of works covered by SGTPO 27/14 dated 4th November 2014

4. CONSULTATION RESPONSES

- 4.1 Westerleigh Parish Council
No comment

- 4.2 Ward Councillors
No comment

Other Representations

- 4.3 Local Residents
No comments received

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Site Location (PL01); Proposed Site Plan (PL04 Rev C); Cross Section (PL05 Rev A); Floorplan of proposed outbuildings (SK03 Rev B).

- 5.2 The applicant also refers to a number of planning appeal decisions and case law.

6. **EVALUATION**

- 6.1 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 decision is based on the facts presented. The submission is not a planning application and thus the Development Plan is not of relevance to the determination of this application. If the evidence submitted demonstrates that the proposed development is lawful, on the balance of probabilities, the Local Planning Authority must grant a certificate confirming this.
- 6.2 It is asserted that the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class E of the GPDO 2015. This allows for the provision within the curtilage of the dwelling house of:- any building or enclosure...for a purpose incidental to the enjoyment of the dwellinghouse. It is considered the interpretation of this phrase in relation to the circumstances at the site is the key consideration in the evidence. The applicant contends (and relies on some specific cases) that on the balance of probabilities the 2 outbuildings would fall within that definition and the other relevant criteria, and as such not require planning permission. If however, the balance of the evidence fails to show that it falls within permitted development rights this then the development would need planning permission.

The Local Planning authority accept that the proposal does fall within a residential curtilage (as established by a previous Certificate of Lawfulness). It is further accepted that the Part 1 permitted development rights are in tact.

The case law and appeals indicate that in considering whether a specific building is incidental to the enjoyment of the dwelling house it is a matter of fact and degree. That is to say there is no absolute definition. However, just because the other criteria within Class E are met would not be sufficient to demonstrate that a building was indeed incidental. This is especially important where a very expansive residential curtilage is in evidence as is the case here. It is necessary for the LPA to consider the nature and scale of the hobby or subordinate use being carried out and then to judge whether as a matter of fact and degree a further use has been added to the existing dwellinghouse use. An activity carried out by the occupier of the dwellinghouse is not automatically incidental to the enjoyment of the dwelling house – it has to be incidental to the enjoyment of the dwellinghouse, as opposed to the enjoyment of the occupier.

Analysis to determine whether the two proposed out-buildings can be described as being incidental to the enjoyment of the dwellinghouse.

The first proposed outbuilding is 5.5 metres by 13.7 metres with a maximum height of 2.7 metres. The use of this outbuilding is identified as a gymnasium, bar/games room, laundry and ground source heat pump room in plan SK03 Rev B.

However, there is confusion regarding the use as Plans PL04 Rev C and PL05 Rev A explain that the use of this building is to be a summer room and gym. The second proposed outbuilding is 8 metres by 8.7 metres with a maximum height of 2.5 metres and the use of this outbuilding is identified as a home office and garden store.

Officers consider that the intended uses of the two outbuildings could reasonably be defined as falling within the definition of 'a purpose incidental to the enjoyment of the dwellinghouse'. However, it is the scale and siting of the buildings that would suggest otherwise.

The combined floorspace of the two outbuildings is 152 sqm, which is greater than the footprint of the existing bungalow, being 136 sqm. Whilst the residential curtilage of the site is large compared to the modestly sized bungalow. Furthermore the siting two detached outbuildings from the main dwelling would also be less characteristic of buildings that will remain incidental to the host dwelling. The gym and bar/games room is approximately 24 metres away and the office/garden store approximately 34 metres away from the host dwelling

In *Emin v Secretary of State for the Environment and Mid-Sussex County Council*, QBD, 1989, 58 P&CR there were two schemes for buildings in the curtilage of a dwellinghouse. The first was to accommodate a utility room and garden/games room. The second was for archery, billiards and pottery. In the judgement Sir Graham Eyre QC refers to the need to address *"the nature of the activities to be carried on in the proposed building to ensure that they are incidental or conducive to the very condition of living in the dwellinghouse."* He explains that the scale of those activities is an important matter and *"in that context the physical sizes of buildings could be a relevant consideration in that they might represent some indicia as to the nature and scale of the activities."* *"When a matter is looked at as a whole, size may be an important consideration but not by itself conclusive."* Whilst it is a matter primarily for the occupier to determine what incidental purposes they propose to enjoy, an objective test of reasonableness should be applied having regard to the circumstances of a particular case. Whether a building is required for a purpose associated with the enjoyment of the dwellinghouse *"cannot rely on the unrestrained whim of he who dwells there."* It was considered that the test to be applied is whether the use of the proposed buildings, when considered in the context of the planning unit, are intended to be, and will remain, incidental or subordinate to the main use of the property as a dwellinghouse.

It is considered that this would support the concern in relation to the scale of the proposals here. Even though the proposed uses of the two out-buildings might of themselves be classed as being incidental in a more modest building, the test to be applied is whether the use of the proposed buildings, when considered in the context of the planning unit, is intended to be or would remain incidental or subordinate to the main use of the property as a dwellinghouse. Due to the scale of the combined individual activities, the large size of the proposed out-buildings and as they are situated relatively far away from the main dwellinghouse (24 and 34 metres), it is considered that the outbuildings

would not remain incidental or subordinate to the main use of the property. Emin confirms that the scale of the proposal is a relevant consideration in determining this.

This is further supported by an appeal decision at 167 Hempstead Road, Kent (APP/A2280/X/12/2174843) where an Inspector declined to issue a lawful development certificate for an outbuilding, finding that it would go beyond a purpose incidental to the enjoyment of a dwelling. The single-storey outbuilding was proposed to have a footprint of 64 sqm and comprise three rooms consisting of a store for gardening equipment, a room to be used as a children's play area and a workshop. The Council expressed concern about the layout and the potential for the outbuilding to be used for business purposes. The Inspector was not convinced that such large areas were necessary for workshop and storage purposes and took the view that they went beyond what would be reasonably necessary for a domestic and hobby workshop or for the storage of material and equipment associated with household and garden maintenance.

It is noted that in this case although a "home office" is described on the plans the scale of the development would be to go further than is objectively reasonable for an incidental use. It is of a scale to amount to a use in its own right, and would be connected with the business operations of the applicant.

At Eight Acre, Harpenden (APP/B1930/X/07/2061614) the Inspector allowed an appeal and granted an LDC for an outbuilding to contain a swimming pool, a room for snooker, gym and play area and a bbq area. The building's footprint of 397 square metres would be more than four times larger than the host dwelling. The Inspector found that the proposed uses were typical, every day pursuits. He considered that the building would not be disproportionate to what was required to house the proposed uses. Whilst this case shows that the size of the outbuilding was four times larger than the host dwelling the proposed uses meant that the size was considered necessary.

However, in contrast to that case the uses proposed within the two outbuildings at The Woodlands are considered to be disproportionately larger than what is required to house the proposed uses. It is also noted that a swimming pool would of necessity imply a certain scale of building, and a swimming pool has not been proposed here. The reasoning submitted to explain the need of the office as the applicant works from home from time to time and his partner deals with all private matters, does not explain why the proposed office should be of such a scale. Cumulatively each aspect of the buildings are disproportionately larger than might be reasonably provided for within a much more modest building. The scale is at a degree that has gone beyond that which may be considered incidental to the enjoyment of the modest dwellinghouse.

The appeal concerning Coniston, Rickmansworth (APP/P1940/X/12/2188122) showed the inability of the appellant to demonstrate why one of the existing four outbuildings could be adapted to provide incidental use.

In this case it was found that the existing building could not be reused for any of the proposed ancillary uses. In this case it is not found that the proposed uses require such a large space and could easily be accommodated within a more modestly sized building. The circumstances of the appeal do not have a significant amount in common with those of this case.

Another appeal is also mentioned within the supporting statement, being that of Longford Lane, Gloucester (APP/U1620/X/11/2160151). This explained that the Inspector held that the floorspace of the uses proposed within the outbuilding (gym, Jacuzzi, garage, workshop) were of a size that one would expect to find in a domestic setting and that the activities fell into the category of uses incidental to the enjoyment of the dwellinghouse. Again the circumstances of that case are not considered to be directly applicable to the circumstances of this proposal. It is not disputed that the uses might be incidental if contained within a more modest structure relative to the dwellinghouse – it is the scale of the building, and therefore the extent of the uses that undermines this.

An appeal decision at 253 Shinfield Road, Reading (APP/X0360/X/08/2064662) explains that a Certificate of Lawfulness was sought for an incidental outbuilding comprising a snooker/gym room, WC and shower and a double garage. The Inspector noted that the resulting building, measuring 184 sqm would double the amount of accommodation in the existing dwelling. A games room and garage would normally be considered to be incidental but in this case the building exceeded what which would be reasonably required to serve the leisure purposes required.

In conclusion, based on the reasoning above, it is considered that due to the cumulative scale of uses, the disproportionate size of the outbuildings in relation to their proposed use and positioning of the two out-buildings, the out-buildings cannot be described as incidental to the main dwelling. On the balance of the evidence therefore the proposal would not fall within the remit of Class E given that it is not accepted that they would be incidental to the enjoyment of the dwellinghouse.

The remainder of the report is primarily in the interest of fullness of information in order to show that had the proposed outbuildings considered to be incidental to the enjoyment of the host dwelling, both buildings would otherwise have fallen within the remaining criteria of Part 1 Class E of the Town and Country Planning (General Permitted Development) Order 2015.

6.4 The proposed erection of two incidental outbuildings.

E.1 (a) The total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwelling house) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwelling house);

The application property is shown to be set within a large plot. Notwithstanding this, it is noted that the proposed outbuilding in addition to the existing extensions and outbuildings on the area of land serving the dwellinghouse

would not exceed 50% of the total area of the curtilage. The application therefore meets this criterion.

(b) 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 dwelling house;

In establishing the 'principal elevation' the Government's Permitted Development for Householders Technical Guidance (2013) states the following:

In most cases, the principal elevation will be that part of the house which fronts the main highway serving the house (the main highway will be the one that sets the postcode for the house concerned). It will usually contain the main architectural features such as main bay windows or a porch serving the main entrance to the house. Usually but not exclusively the principal elevation will be what is understood to be the front of the house.

It is considered that the elevation facing Ram Hill is, for the purpose of the GDPO, the 'principal elevation'. The outbuildings would not be forward of this elevation and as such the application meets this criterion.

(c) The building would have more than one storey;

The proposed buildings would be single storey.

(d) The height of the building, enclosure or container would exceed-

- (i) 4 Metres in the case of a building with a dual dual-pitched roof,**
- (ii) 2.5 metres in the case of a building or enclosure or container within 2 metres of the boundary of the curtilage of the dwelling house, or**
- (iii) 3 metres in any other case;**

The home office/garden store would be situated 4 metres from the boundary of the curtilage and would have a dual pitched roof that is approximately 2.7 metres in height. The gym and bar/games room would be situated approximately 9 metres from the boundary of the curtilage and would have a flat roof that is approximately 2.5 metres in height.

(e) The height to eaves of the building would exceed 2.5 metres;

The eaves height of the proposed building would be 2.5 metres.

(f) The building, enclosure, pool or container would be situated within the curtilage of a listed building;

The dwelling is not a listed building.

(g) It would include the construction or provision of a veranda, balcony or raised platform;

The written proposal does not outline the use of any raised platform. However, drawing no. SK03 shows that there does propose to be some sort of connected area around the two buildings. It is important to highlight that in order to be considered to be permitted development, any raised platform should not have a height greater than 0.3 metres.

(h) It relates to a dwelling or microwave antenna; or

The proposal is for two new detached buildings, not an existing dwelling, and does not contain a microwave antenna.

(i) The capacity of the container would exceed 3,500 litres.

Not applicable.

E.2 In the case of any land within the curtilage of the dwelling house which is within-

(a) A World Heritage Site,

(b) A National Park,

(c) An Area of Outstanding Natural Beauty, or

(d) The Broads,

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 dwelling house would exceed 10 square metres.

The application site is not located within any of the above.

E.3 In the case of any land within the curtilage of the dwelling house which is article 1(5) 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 dwelling house and the boundary of the curtilage of the dwelling house.

The application site is not located on article 1(5) land.

7. RECOMMENDATION

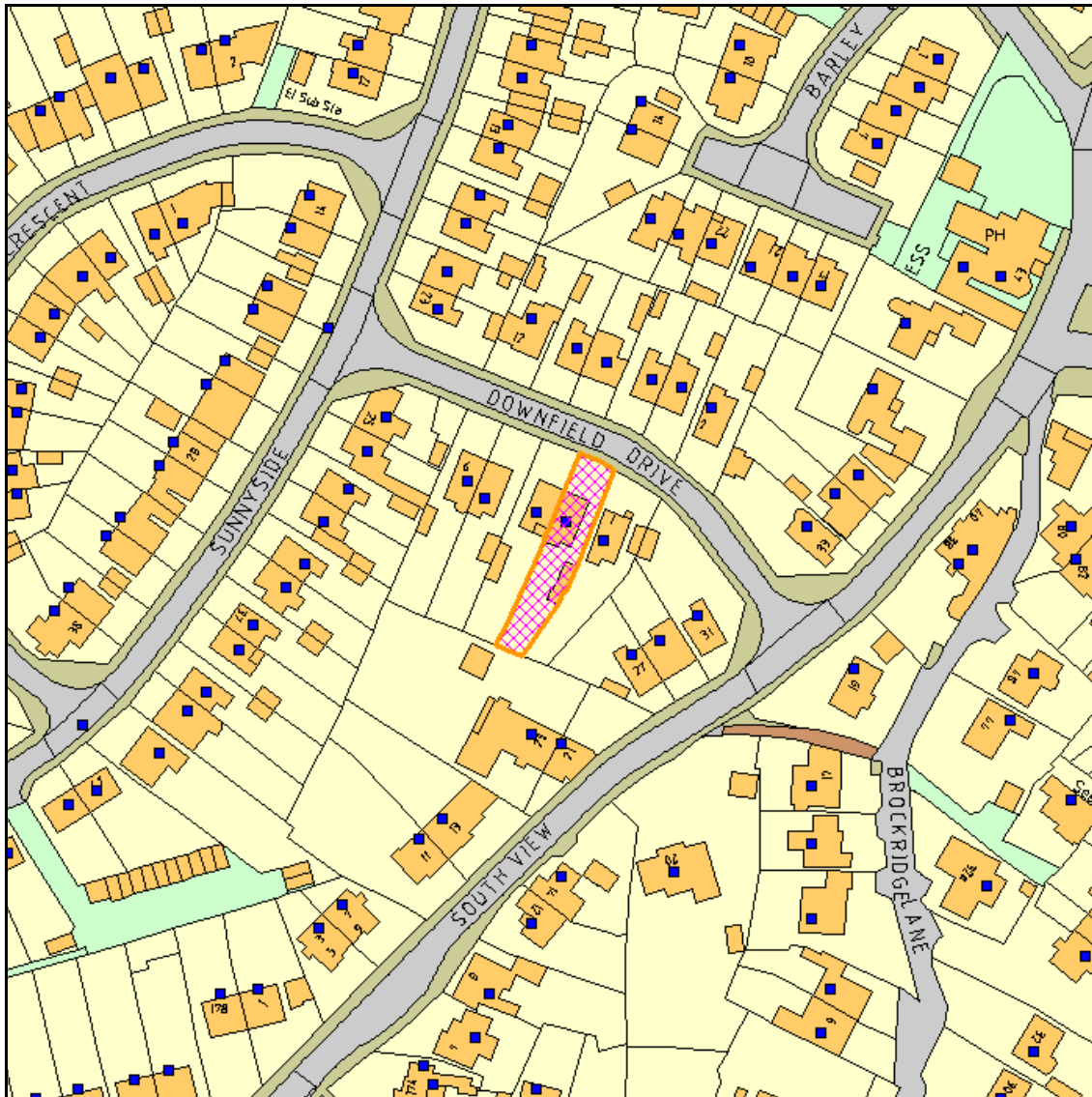
7.1 That a Certificate of Lawfulness for Proposed Development is REFUSED for the following reason:

It is concluded that on the balance of probabilities the proposed development could not reasonably be described as for purposes incidental to the enjoyment of the dwellinghouse (The Woodlands) due to their scale. The likely uses in relation to the modest size of the dwellinghouse would go beyond that which may be considered incidental. Accordingly, the development would not constitute permitted development within Part 1 Class E of the Town and Country Planning (General Permitted Development) Order 2015.

Contact Officer: Chloe Buckingham
Tel. No. 01454 867967

CIRCULATED SCHEDULE NO. 04/16 – 29 JANUARY 2016

App No.:	PT15/5421/CLP	Applicant:	Mr M Stedman
Site:	3 Downfield Drive Frampton Cotterell South Gloucestershire BS36 2EQ	Date Reg:	22nd December 2015
Proposal:	Certificate of lawfulness for the proposed installation of rear dormer with Juliet balcony	Parish:	Frampton Cotterell Parish Council
Map Ref:	366958 181508	Ward:	Frampton Cotterell
Application	Certificate of Lawfulness	Target	12th February
Category:		Date:	2016



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PT15/5421/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 proposed erection of a rear dormer with Juliet balcony at 3 Downfield Drive, Frampton Cotterell 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.

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. CONSULTATION RESPONSES

3.1 Frampton Cotterell Parish Council

No Objection

3.2 Other Consultees

No Comments Received

Other Representations

3.3 Local Residents

No Comment Received

4. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 4.1 Application Form; Plans, Section and Elevations as Proposed; Site Plan.

5. ANALYSIS OF PROPOSAL

5.1 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.

5.2 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 G of the GPDO (2015).

5.3 The proposed development consists of the installation of a dormer and Juliet balcony to the rear of the property. This development would be within Schedule 2, Part 1 Class B and G of the GPDO (2015), which allows additions etc to the roof of a dwellinghouse and installation and alterations of a chimney, flue or soil and vent pipe, provided it meets the criteria detailed below:

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 proposal would not exceed the height of 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 proposal will be situated to the rear elevation and does not front 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 proposal would result in an additional volume of approximately 24.5 cubic metres.

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

For the purposes of permitted development a Juliet balcony (which does not have a platform) would not be considered a balcony.

- (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 materials used will be of a similar appearance.

- (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 proposal would be greater than 0.2 metres from the outside edge of the eaves of the original roof and does not protrude beyond the outside face of any external wall of the original dwellinghouse.

- (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.**

Not applicable

G.1 Development is not permitted by Class G 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) **the height of the chimney, flue or soil and vent pipe would exceed the highest part of the roof by 1 metre or more; or**

The chimney, flue or soil and vent pipe would not exceed the highest part of the roof by 1 metre or more

- (c) **in the case of a dwellinghouse on article 2(3) land, the chimney flue or soil and vent pipe would be installed on a wall or roof slope which –**

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

Not Applicable.

6. RECOMMENDATION

- 6.1 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 extension falls within the permitted rights afforded to householders under Schedule 2; Part 1, Classes B and G of the Town and Country Planning General Permitted Development Order 2015.

Contact Officer: Hanni Osman
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