

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. 01/20

Date to Members: 03/01/2020

Member's Deadline: 09/01/2020 (5.00pm)

The reports listed over the page form the 'Circulated Schedule' a procedure agreed by Council in July 2018. Under the arrangement certain reports are circulated on a weekly basis. The reports assess the application, considers representations which have been received, and make a recommendation regarding the proposal.

Having considered the reports, those applications that Councillors feel should be referred to the relevant Planning Committee must be notified to the Strategic Planning section by email within five working days of the publication of the schedule (by 5pm) in line with the procedure set out below. If there has been no valid 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, it is recommended that Members speak to an officer about the issue, to explore whether any problems can perhaps be resolved without the need for referral to a Committee.

PLEASE NOTE: The circulated schedule process is only open to elected Members of South Gloucestershire Council.

NOTES FOR COUNCILLORS

– formal arrangements for referral to committee

If any Member requires any of the proposals listed in the Schedule to be considered by the appropriate planning committee then a referral should:

- a) Be made in writing using the attached form by emailing MemberReferral@southglos.gov.uk identifying the application reference and site location
- b) 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 end of the following Thursday (see cover page for the date)
- c) The request in writing must be made in writing by at least two or more Members, not being Members of the same ward
- d) In addition, the request in writing must have the written support of at least one of the Development Management Committee Chair and Spokes Members
- e) The referral should include the reasons for the referral why it would not be appropriate to permit the proposal to be determined under the delegated arrangements; the issue the proposal raises in relation to the relevant policy context and the balanced consideration that has been given to the extra costs and delay to the referral
- f) Indicate whether you have discussed the application(s) with the Case Officer and/or Development Manager
- g) Indicate whether you have discussed the application(s) with ward Member(s) if the site is outside of your ward

The Circulated Schedule will always contain the following applications unless the application is required to be determined by Committee:

- 1) Any application submitted by, or jointly, or on behalf of the Council.
- 2) Any application submitted by or any matter directly affecting or involving any

Member of the Council and any application(s), submitted by an Officer of the Council working in the Strategic Planning area (specifically the Policy and Specialist Advice, Development Management, Strategic Major Sites and Planning Enforcement, Validation & Registration and Planning Technical Support teams) or any Member or Officer of the Council acting as a planning agent.

- 3) Any application requiring a new planning agreement.
- 4) Any applications requiring a modification of an existing planning agreement where in the opinion of the Director, there would be a detriment to the public benefits secured.

5) Any application where the proposed decision of the Director would, in his opinion, be contrary to the policies of the Council as expressed in the Development Plan and/or any emerging plan and require referral to the Secretary of State following approval in principle by the Council for the purposes of development control decision making.

6) Any applications, except those listed below a-f where three or more representations contrary to the Officers recommendation are received within the notification period other than from officers of the Council acting in their professional capacity.

7) Any applications, except those list below a-f where a representation is received within the notification period which is contrary to the officers recommendation from the Parish or Town Council within whose boundary the proposal lies wholly or in part.

8) Any applications, except those listed below a-f where a representation is received within the notification period which is contrary to the officer's recommendation from any Member of South Gloucestershire Council.

Applications that will not appear of the Circulated Schedule procedure as a result of representations received:

a. All applications, where approval is deemed to be granted upon the expiry of a defined period

b. All applications to be determined the lawfulness of a proposed or existing use of a site

c. All applications for non-material amendments

d. All applications to discharge planning conditions

e. All applications solely required because of the removal of Permitted Development Rights or Article 4 direction

f. Any footpath stopping up or diversion required to implement an approved scheme

Additional guidance for Members

Always make your referral request by email to MemberReferral@southglos.gov.uk (not individual email addresses), where referrals can be picked up quickly by the Technical Support Team.

When emailing your circulated referral request, please ensure you attach the written confirmation from the Supporting Member(s) and Supporting Chair or Spokes

Please note a copy of your referral e mail will appear on the website.

Before referring an application always contact the case officer or Development 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.

A template for referral is set out below:

Referral from Circulated Schedule to Development Management Committee

1. Application reference number:
2. Site Location:
3. Reasons for referral:

The referral should include the reasons for the referral indicating why it would not be appropriate to permit the proposal to be determined under the delegated arrangements; the issues the proposal raises in relation to the relevant policy context and the balanced consideration that has been given to the extra costs and delay of the referral

4. If the site is outside your ward have you contacted the ward Member(s) to inform them of the referral?

5. Have you discussed the referral with the case officer or Development Manager?

a) Referring Member:

b) Details of Supporting Member(s) (cannot be same ward as Referring Member)

c) Details of Supporting Chair or Spokes Member of the Development Management Committee

Do you consider this is an application of strategic importance such that you would request the Director to consider using his discretion to refer the matter to the Strategic Sites Delivery Committee? If so please set out your reasons:

Date:

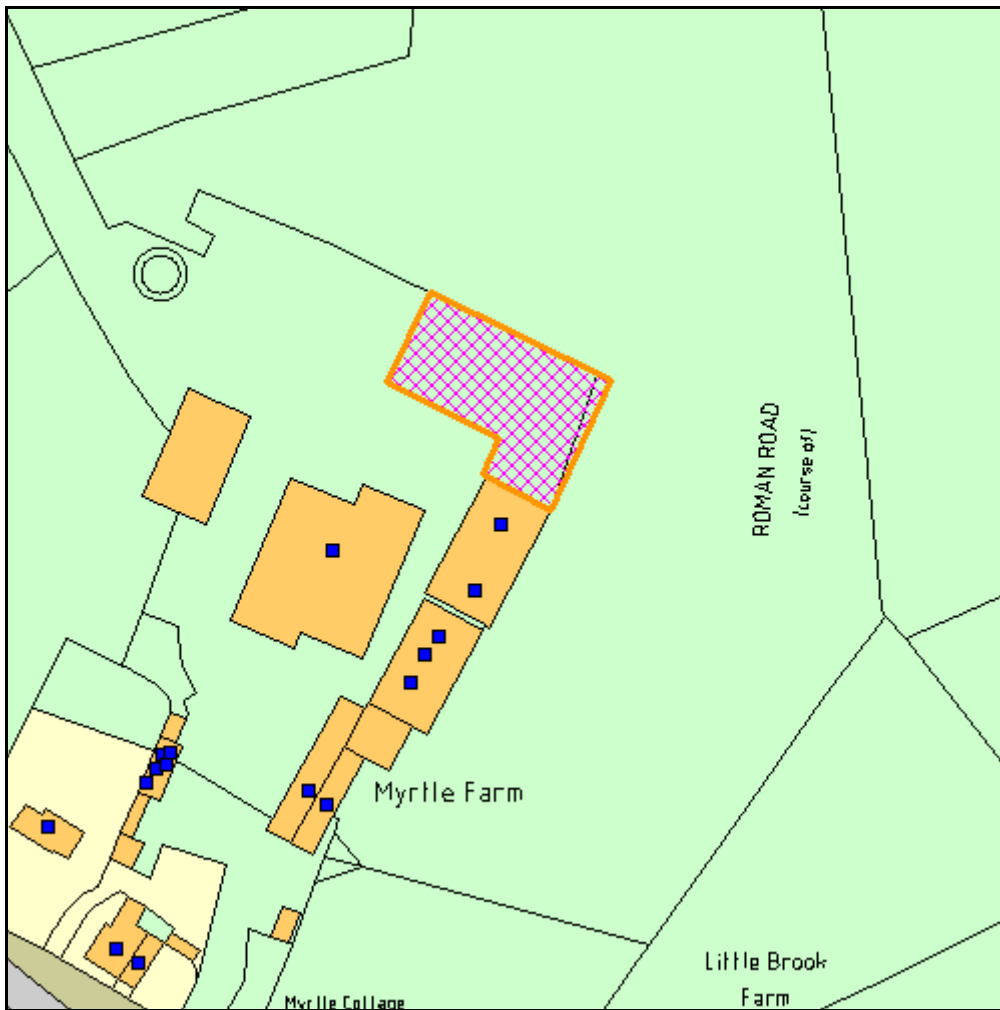
To be emailed to MemberReferral@southglos.gov.uk

CIRCULATED SCHEDULE - 03 January 2020

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	P19/3779/F	Approve with Conditions	Myrtle Farm Siston Hill Siston South Gloucestershire BS30 5LU	Boyd Valley	Siston Parish Council

CIRCULATED SCHEDULE NO. 01/20 – 03 JANUARY 2020

App No.:	P19/3779/F	Applicant:	Mr Mark Williams
Site:	Myrtle Farm Siston Hill Siston Bristol South Gloucestershire BS30 5LU	Date Reg:	1st May 2019
Proposal:	Erection of storage and distribution building (class B8) and associated works.	Parish:	Siston Parish Council
Map Ref:	367384 174371	Ward:	Boyd Valley
Application Category:	Minor	Target Date:	24th June 2019



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 100023410, 2008. **N.T.S.** **P19/3779/F**

South Gloucestershire Councillors have five working days from date of publication to consider whether items appearing on the Circulated Schedule should be referred to the Development Management or Strategic Sites Delivery Committees for determination.

1. THE PROPOSAL

- 1.1 The application seeks permission for the erection of a storage and distribution building (class B8) and associated works. Myrtle Farm itself is a commercial premises, containing other similar units and associated yard areas for storage and parking
- 1.2 The site is located outside of any settlement boundary and is within the designated Green Belt. The proposed building would be located toward the north eastern part of the existing site, behind existing similar buildings.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework
National Planning Policy Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy

CS1 High Quality Design
CS5 Location of Development
CS8 Improving Accessibility
CS34 Rural Areas

South Gloucestershire Policies, Sites and Places Plan

PSP2 Landscape
PSP7 Green Belt
PSP11 Transport
PSP38 Green Belts

2.3 Supplementary Planning Guidance

South Gloucestershire Council Green Belts SPD

3. RELEVANT PLANNING HISTORY

- 3.1 K1887/3 – Change of use of land and buildings to B1 and B2 industrial units, parking and demolition of buildings. Approved 15th May 1996
- 3.2 PK12/2494/CLE – Certificate of Lawfulness for use of land and buildings and associated building operations for storage and distribution use class B8. Approved 14th September 2012.
- 3.3 PK13/3332/F – Erection of storage building (Class B8). Approved 14th February 2014.

3.4 PK16/5564/F – Alterations to raise roofline of building no.1. Approved 16th January 2017.

3.5 PK17/1123/F – Alteration to raise height of building no 2 and alterations to roofline. Approved 27th April 2017.

4. CONSULTATION RESPONSES

4.1 Siston Parish Council

Members are opposed to any such further increase in the built development and the consequential increase in both heavy and other forms of vehicular movement, at this open countryside green field location

4.2 Other Consultees

Environmental Protection

No objections in principle, recommend consideration of hours of operation

Sustainable Transportation

We note this planning application seeks to erect a new building at Myrtle Farm which is situated on Siston Hill, Siston. This will be used for storage and distribution purposes (Class B8). As our review suggests that this building is of a relatively significant size, this is a matter of some concern.

Therefore, after due consideration of the scale of this development proposal, we believe that it is particularly important to ensure that safe access to this facility for all types of vehicle is provided without jeopardising the operation of the existing highway.

To this end, we would wish to see this application of this development supported a Transport Statement including, but not necessarily limited to, the following information:

- a. An indication of the number of employees present at this site and assessment of their access to the site by all modes of transport and all types of vehicle.
 - b. A forecast of the number of goods vehicular movements associated with the site before and after this change of use. This must include an indication of their potential routeing.
 - c. An assessment of the potential impact, if any, on the local highway network.
 - d. Detail of any changes to the off-site highway required by these proposals.
- As this information has not been submitted with the application, we would request that it is made available as soon as possible so that we can reach a conclusion about the acceptability of this development.

Lead Local Flood Authority

No objection

Highway Structures

If the application includes a structure that will support the highway or support the land above a highway. No construction is to be carried out without first

providing the Highway Structures team with documents in accordance with BD2/12 of the Design Manual for Roads and Bridges that will allow formal Technical Approval of the proposals to be carried out. The applicant will be required to pay the fees associated with the review of the submission whether they are accepted or rejected.

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

Landscape

No objections but recommends existing tree belts to be strengthened.

Commons Stewardship Officer

This development is adjacent registered common Goose Green which forms part of the larger G/CL29 Siston Commons. Goose Green is privately owned but managed and protected by a Scheme of Management and Byelaws held by South Gloucestershire Council.

Since this application appears not to affect the current track across the common, I have no objection to this development. If any changes are proposed to the existing track way at a later stage in this application I object until the below comments are satisfied.

Should any changes be necessary to the current track, such as re-surfacing, widening for example, permission must be sought from the land owner first and communication with the Council should be opened up to ensure any proposed changes comply with the Commons Act 2006.

Developers should note that at no time is the common to be used for the storage of any associated building materials, spoil, supplies or skips.

The Coal Authority

No objection subject to a condition securing the site investigations.

Other Representations

4.3 Local Residents

One letter has been received as follows:

'We would like to strongly object to this planning application.

We are the closest neighbours to this proposed industrial building with our agricultural land coming within 50 yards and our house about 150 yards away. We have lived here for nearly 30 years. Enough is enough. There has been a steady encroachment of this "storage and distribution" business onto agricultural land over the last few years from what was an agricultural holding. The boundary of what was that holding has been moved into the field over the last few years, both to the North-East and to the South-East, which can be clearly seen on the serial plans which have been attached to the various planning applications over the last few years. This is Green Belt land and the boundary of an existing business cannot be just redefined by moving it outwards every few years.

Worse than this is the way in which has been done. There was a prior notification of intention to erect an agricultural building in 2013 - PK13/1364/PNA on the field next to the business and the decision was that it didn't need notification because it was an agricultural building. This was closely followed the same year by an application to erect a storage building PK13/3332/F. If one looks at the two applications, the agricultural building is in the field, outside the boundary of the business. The plan of the storage building is within the boundary and well separated from the agricultural building.

What has actually happened, if one looks at the reality and the aerial photos and the plans in the current application is that three very large adjoining buildings were built, with the extra one, without planning permission, between the storage building and the "agricultural" one. The business boundary has been moved outside the agricultural building. To add insult to injury, on the current application plan, the agricultural building, (put up with no planning permission, as agricultural) has been labelled as a storage and distribution building. I couldn't see any application for change of use. Work has indeed already started on moving the boundary earth bank outward again and a number of the screening trees, mentioned on a previous applications have been cut down and burnt. The new proposed building looks as if it will be in the footprint of the business on the current plan, but not on previous plans as the current plan has an extended boundary.

We are concerned that this development encroaches further onto a green belt field and continues a past pattern of creeping surreptitiously outward in an attempt to bypass proper planning scrutiny.'

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The NPPF indicates a presumption in favour of sustainable development in the interests of wider economic, environmental and social provisions, except where it may compromise key sustainable development principles set out in national planning policy or where any adverse impacts would significantly and demonstrably outweigh the benefits, subject to detailed development control consideration. The policies of the National Planning Policy Framework are material considerations in the consideration of planning decisions. The commercial use of the Myrtle Farm site and its associated buildings and infrastructure already exists at this location and the principle of the use for the site is therefore established. This was established through PK12/2494/CLE. This consent established the boundary extent over which the operations were at that point lawful. Officers have noted discrepancies in the red line boundary with this proposal and that consent. In this respect the comments above are also noted. A revised and reduced red line boundary plan has been submitted illustrating the building the subject of this application and a small area of yard to which it opens up in front, and which also accurately reflects the consent for the remainder of storage and distribution (B8) use of the site approved under the CLE application, within the blue line. The proposals under this application are for the erection of storage and distribution building (class B8) and associated works. It is acknowledged from this that the building would be half within this

prescribed area, immediately adjacent to existing buildings, and part of it and a small area of yard to the front of it, outside of this area. The application would essentially represent a change of use of this small area of land. In this respect PSP28 (Rural Areas) acknowledges that proposals for business development outside of the defined urban area and settlement boundaries will be acceptable under certain criteria. In the case of new buildings or uses this may be acceptable where the proposed building relates well to existing groups of buildings, makes efficient use of land in relation to its location, layout accessibility and surroundings and is of a scale consistent with its function, use and rural location. The proposals are well linked to the existing group of buildings that make up the yard and are of a consistent scale with this. The access is existing and the location of the proposals is considered to be efficient in terms of its location and integration on the corner of the existing yard. In this instance therefore the proposal is considered to comply with PSP38. Any other existing or previous activity or building beyond that already existing and approved would be subject to separate consideration and potential enforcement investigations.

5.2 The sites itself and surrounding land is also covered by the Green Belt. There are further restrictions and considerations regarding development that may be considered acceptable in the Green Belt. The appropriateness or otherwise of the building in Green Belt terms is a key consideration in terms of its acceptability.

5.3 Green Belt

One of the main principles of Green Belt policy is to protect the openness of Green Belt land. This is reflected in national guidance and local supplementary guidance. In terms of the Green Belt the NPPF, provides a list of potential exception developments, that may not be considered as inappropriate in the Green Belt. Amongst these exceptions is limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. It is apparent that the Myrtle Farm site is previously developed and is also in continuing B8 use as identified in PK12/2494/CLE. Part of the proposed building is within this area of the site. This part of the building therefore is on identified and approved operational land within the confines of the yard and forms a small part of the overall facility which contains existing buildings and associated infrastructure. In this respect therefore it is considered that the proposals, given their location, scale and design and in context with the existing site and surroundings, would not impact upon the openness of the Green Belt and would be acceptable in terms of their Green Belt context.

5.4 The remainder of the building appears to be just outside of the area previously identified in the CLE application. It is noted however that the area in question was identified as part of the Myrtle Farm B8 site in the 2016 and 2017 application cited in the planning history section above. Notwithstanding this the area is also hardstanding/external storage and the area does appear to integrate with the wider yard. This corner of the yard appears to form a natural boundary to the site which is pronounced by the area of hardstanding existing

and the surrounding vegetation immediately around it. The proposals could reasonably be considered limited infilling being amongst other buildings within an existing yard and being part of a building within that identified yard, providing it does not have a greater impact than the existing development or cause substantial harm upon the openness of the Green Belt. In this instance, given the location, behind existing buildings with the yard and forming part of a building that would be within the yard and the scale and design of the proposal, it is not considered that the proposals would have a greater impact or cause substantial harm to the Green Belt at this location and can therefore be appropriate and acceptable. On the basis of the above considerations relevant to the circumstances of this site only, this does not form a precedent for further building or encroachment into the Green Belt outside of the confines of the identified site, and each application should be assessed on its own individual merits.

5.5 Visual Amenity

It is considered that given the location, nature and scale of the proposals in context with the rest of the site, the fact that the proposals are associated with the existing commercial yard, that they would not have a material impact upon visual amenity or raise any local landscape issues. Bolstering and extension of the hedgerows to match existing areas is proposed and can be secured through condition. Materials and design would be acceptable.

5.6 Local Amenity

The site is an existing commercial yard in B8 use. This building would add an additional covered area to existing operations that is otherwise essentially open yard area. It is stated that hours of operation would be standard at 08.00 to 18.00 Monday to Friday and 08.00- 13,00 on Saturdays. The wider use of the site as a whole is not subject to hours of operations conditions and it would not be considered necessary, reasonable or beneficial to condition this smaller building and area of the site. The use of the site is already established and it is not considered that the addition of such an extension would give rise to any material amenity impact in their own right, particularly given the location of the proposals and the nature of the site.

5.7 Transportation

The comments above are noted. The applicants have subsequently provided further information on the building itself, and the site as a whole. There are stated as being approximately 20 employees at the site. The proposals are likely to result in an additional employee to the overall site. The current daily number of goods vehicles arriving and leaving the site is stated as approximately 10. It is anticipated that the proposed development will add a daily maximum of two vehicles to the site. The building itself would be approximately 15m wide and 26 metres long and located in a corner of the existing site away from the frontage and highway. Access and egress to the site would be as existing and controlled by any surrounding weight limits and speed limits, which it would be a legal highways matter to enforce. No changes are proposed to the access or any off-site highways layout. The site is an existing commercial premises with existing access and sufficient existing hardstanding, turning and parking opportunities within it. It is, on the basis of the above information and considerations not considered that the proposed

development would materially affect the travel demand pattern associated with this site or give rise to material or significant highways implications arising from the proposed development over the existing site.

6. CONCLUSION

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

7. RECOMMENDATION

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

Contact Officer: Simon Ford
Tel. No. 01454 863714

CONDITIONS

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

Reason

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

2. Prior to the commencement of development hereby approved a scheme of intrusive site investigations, which is adequate to properly assess the ground conditions and the potential risks posed to the development by past shallow coal mining activity, shall be undertaken and a report of the findings arising from the intrusive site investigations and a scheme of proposed remedial works shall be submitted to the Local Planning Authority for written approval. The scheme shall thereafter be implemented in accordance with the approved details.

Reason

The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.

3. All planting shall be carried out in accordance with the approved details in the next available planting season following completion of the development hereby approved.

Reason

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