

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: 37/23

Date to Members: 15/09/2023

Member's Deadline: 21/09/2023 (5.00pm)

The reports listed over the page form the 'Circulated Schedule' a procedure agreed by Council in July 2020. 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. You may also wish to refer to the guidance given in the Members' Planning Code of Good Practice in the Council's constitution, which sets out the criteria the Chair of the Committee, in consultation with the Spokes will use to consider any referral requests.

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 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 You may wish to consider the guidance given in the Members' Planning Code of Good Practice in the Council's constitution, which sets out the criteria the Chair of the Committee, in consultation with the Spokes will use to consider any referral requests.

If would be helpful if you could indicate if you:-

- Have discussed the application(s) with the Case Officer and/or Development Manager
- Have discussed the application(s) with ward Member(s) if the site is outside of your ward
- Consider the site would benefit from a visit by the committee, setting out the reasons

Valid referral requests will be considered by the Committee Chair, in consultation with the Spokes, against the criteria given in the Members' Planning Code of Good Practice in the Council's constitution and you will be notified of the Chair's decision. Applications which are not referral, or where the referral request is not agreed by the Chair, will be determined by officers under delegated powers

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.

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?

6. Do you feel a site visit is required or can issues be addressed by other means e.g. further information in the report, additional presentation material, video etc.

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

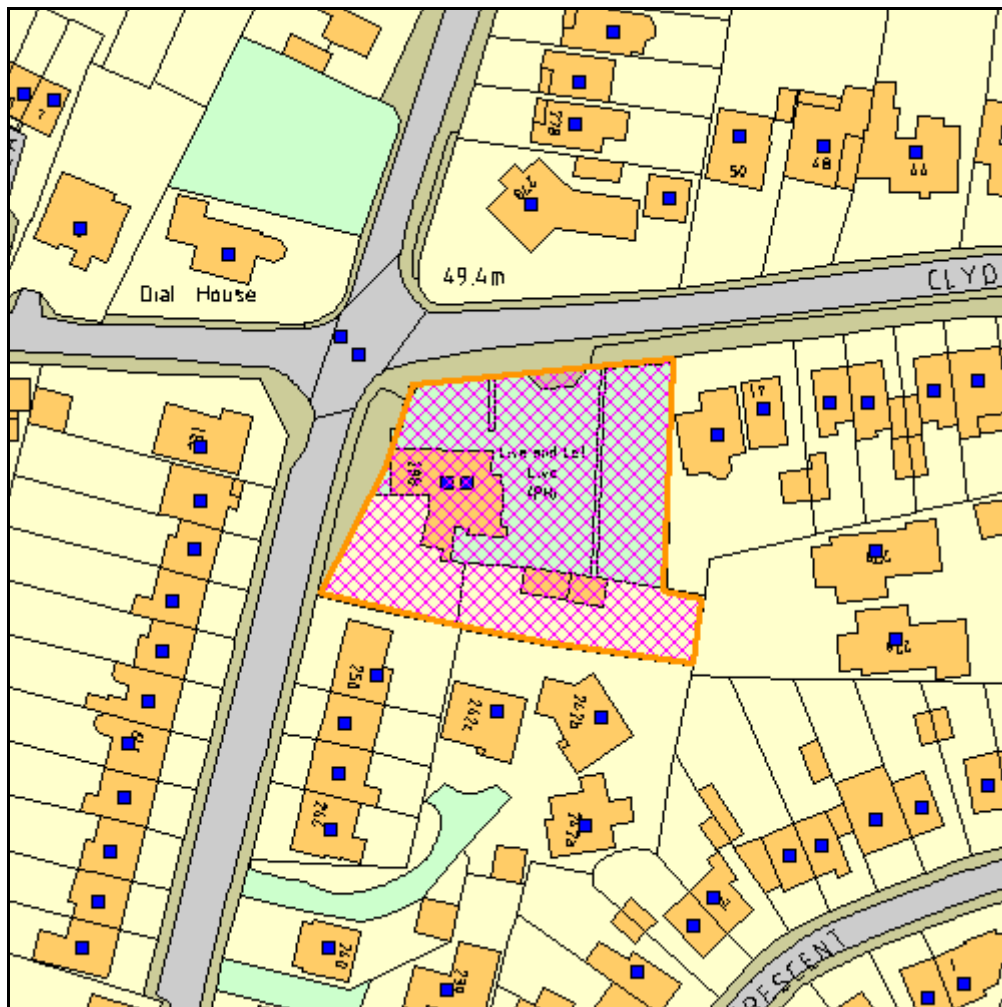
CIRCULATED SCHEDULE 15 September 2023

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ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	P21/08109/F	Approve with Conditions	Live And Let Live Public House Clyde Road Frampton Cotterell South Gloucestershire BS36 2EF	Frampton Cotterell	Frampton Cotterell Parish Council
2	P23/00220/F	Approve with Conditions	Buildings At 41 High Street Chipping Sodbury South Gloucestershire BS37 6BA	Chipping Sodbury And Cotswold Edge	Sodbury Town Council
3	P23/01074/F	Refusal	Agricultural Barn Rushmead Lane Marshfield South Gloucestershire SN14 8JF	Boyd Valley	Marshfield Parish Council
4	P23/02144/HH	Approve with Conditions	Honey Barn Lodge Road Wick South Gloucestershire BS30 5TU	Boyd Valley	Wick And Abson Parish Council
5	P23/02186/F	Approve with Conditions	Land At Church Lane Wickwar South Gloucestershire GL12 8JZ	Chipping Sodbury And Cotswold Edge	Wickwar Parish Council

CIRCULATED SCHEDULE NO. 37/23 -15th September 2023

App No.:	P21/08109/F	Applicant:	Westcoast Convenience Ltd
Site:	Live And Let Live Public House Clyde Road Frampton Cotterell South Gloucestershire BS36 2EF	Date Reg:	10th January 2022
Proposal:	Conversion of Public House (Sui Generis) to 1no. dwelling house (Use Class C3), construction of retail store (Use Class E) with 3.no flats above and 1no. new detached dwellinghouse (Use Class C3) with access, parking and associated works.	Parish:	Frampton Cotterell Parish Council
Map Ref:	366792 181654	Ward:	Frampton Cotterell
Application Category:	Minor	Target Date:	30th June 2023



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N.T.S.

P21/08109/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.

REASON FOR REFERRING TO THE CIRCULATED SCHEDULE

This application is referred to the circulated schedule due to objections received from the Parish Council and local residents which are contrary to the Officer's recommendation.

1 THE PROPOSAL

- 1.1 The application seeks full planning permission for the conversion of a public house (sui generis) to 1no. dwelling (Class C3), construction of a retail store (Class E) with 3no. flats above and 1no. new detached dwellinghouse (Class C3) with access, parking and associated works.
- 1.2 The application site relates to the Live and Let Live Public House, Clyde Road, Frampton Cotterell. The site is located within the defined rural settlement of Frampton Cotterell and the pub itself is a locally listed building.
- 1.3 Amendments were made during the course of the application, including:
 - Conversion of the pub into 1no dwelling rather than 2no. dwellings.
 - Retention of the existing orientation of the pub building.
 - Retention of the stone wall to front of the site.
 - Proposed two storey dwelling reduced in size to chalet bungalow.
 - Addition of amenity space/balcony for proposed flats.
- 1.4 A retail impact assessment was also carried out at the request of the case officer during the course of the application. This is discussed further with the report.

2 POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework (NPPF)
National Planning Policy Guidance (NPPG)
National Design Guide

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

CS1 High Quality Design
CS2 Green infrastructure
CS4a Presumption in Favour of Sustainable Development
CS5 Location of Development

CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS13 Non-safeguarded Economic Development Sites
CS14 Town Centres and Retail
CS15 Distribution of Housing
CS16 Housing Density
CS17 Housing Diversity
CS23 Community Infrastructure and Cultural Activities
CS34 Rural Areas

South Gloucestershire Local Plan Policies, Sites and Places Plan (Adopted)
November 2017

PSP1 Local Distinctiveness
PSP2 Landscape
PSP3 Trees and Woodland
PSP8 Residential Amenity
PSP11 Transport Impact Management
PSP16 Parking Standards
PSP17 Heritage Assets and the Historic Environment
PSP19 Wider Biodiversity
PSP20 Flood Risk, Surface Water and Watercourse Management
PSP21 Environmental Pollution and Impacts
PSP31 Town Centre Uses
PSP32 Local Centres, Parades and Facilities
PSP34 Public Houses
PSP38 Development within Existing Residential Curtilages
PSP43 Private Amenity Standards

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007
Residential Parking Standards SPD (Adopted) 2013
Waste Collection SPD (Adopted) 2015 (Updated 2017)
Householder Design Guide SPD (adopted) March 2021

3 RELEVANT PLANNING HISTORY

3.1 None relevant.

4 CONSULTATION RESPONSES

4.1 **Frampton Cotterell Parish Council**

No objection in principle. However, object to this set of proposals on the following grounds:

- Not established how a new convenience store would impact the viability of current retail units and services within the area.

- The provision of retail car parking spaces is inadequate. No staff parking. Will increase roadside parking.
- Existing problems on Park Lane and Clyde Road caused by roadside parking. Creates choke points for traffic, restricts visibility (for pedestrians and vehicle users) as well as impeding pedestrians (particularly ones with young children or mobility problems).
- A school crossing point operates at the tactile pavement to the south of the Clyde Road-Park Lane junction and immediately to the north of the proposed residential access.
- Park lane is regularly targeted for speeding monitoring as it has a history of perilous speeding.
- Concerned about the cumulative impact a sizeable store convenience store would have in such close proximity to neighbouring residential properties. This includes, but is not limited to, impact of noise disturbances from the store (including during early or late deliveries), loss of light and the overbearingness of the mixed use building.

4.2 **Westerleigh Parish Council**

No objection in principle to the development of the site and welcomes the proposed housing. However, has a number of concerns as a whole:

- Proposed parking for the store appears inadequate.
- Arrangements for deliveries to the store appear inadequate.
- School crossing point outside this site. Intensifying usage of the site will clash with this route.
- Impact of the retail unit on other local shops will be negative.

4.3 **Conservation Officer**

Comments dated 03/08/2022:

Changes to the locally listed building are welcomed, and the significance and contribution of this structure to the character and distinctiveness of the locality will be preserved, subject to conditions. However, the proposed new store and bungalow, parking and boundary treatments will fail to preserve the setting of the locally listed building.

The proposal is therefore contrary to PSP1 and PSP17 which will trigger paragraph 203 of the NPPF. A balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. In terms of scale of impact, the development would result in a significant modification of the setting of a non-designated heritage asset of low significance, which based on the established framework would equate to 'slight adverse' significance of effect to a locally listed building.

4.4 **Transportation**

The applicant has submitted a Transport Statement which sets out what they believe is the impact of the additional vehicle movements in the peak hours and

throughout the day. I am satisfied that their assessment is appropriate and produces similar levels of traffic to my assessment. Although there are additional vehicle trips the majority of these are as a result of the small retail unit and not in the network peak hours. The scale of the retail shop is generally only used for top-up shopping rather than weekly shops, the majority of trips associated with this would therefore already occur at alternative shops, **No objection**, subject to a condition for EV charging points.

4.5 **Lead Local Flood Authority**

No objection.

4.6 **Urban Design Officer**

comments dated 20/07/2022:

Issues relating to local distinctiveness, landscaping and private amenity space.

4.7 **Tree Officer**

Applicant required to submit an arb method statement for works within the RPA.

4.8 **Ecology**

Comments dated 28/07/2022:

No objection, subject to conditions.

4.9 **Crime Prevention Design Advisor**

Objection: recessed entrance to flats; parking area at rear would not be provided with lighting; no detail of cycle storage; no indication of CCTV use; access to rear yard area from north car parking area; ATM condition suggested.

Other Representations

4.10 **Local residents**

Objection comments were received from 76no residents, summarised as follows:

Transport/Highways

- School crossing very near
- Massive congestion on Park Lane.
- Co-op will bring too much traffic to the road.
- Inadequate parking
- Inadequate turning space within the cars to enter and exit at the same time
- No space for lorries to deliver stock.
- Increase in on-street parking will make it hard for local residents to exit driveways.
- Speed limits should be reduced significantly.

- Current car park size should be preserved.
- Traffic report not realistic.
- Already difficult for traffic at junction of Clyde Rd and Park Ln.
- Often cars parked directly after turn into Clyde Rd from Park Lane.

Retail/loss of pub

- small shops/post office will not survive
- Outrage the pub is not remaining for all to enjoy.
- No need for another convenience store in the area.

Landscape and ecology

- In an area of natural beauty, where walkers, wildlife enthusiasts and others enjoy the road as a walkway to the Frome Valley river.
- Lot of activity from frogs and lizards on the boundary with the site.

Residential Amenity

- Store overlooks garden
- Difficult to manage trees due to proximity of the store
- Noise impact from refrigeration plant.

Support comments were received from 20 residents, summarised as follows:

- new local shop will be convenient for local residents.
- Will provide a shop that many more people can walk to.
- Existing shops not very central.
- Will prevent unnecessary driving further afield.
- Co-op very supportive of local community in raising funds for good causes.
- Convenient for elderly and those without transport.
- More housing and more jobs a 'no brainer'.
- Fewer cars on the road as people could walk to the shop.
- Pleased the pub building is being preserved and renovated.
- Much needed service for those with accessibility needs.
- Good use of space.
- Site not being overdeveloped.
- Change of use is a must to restore the amenity of the site.
- Will transform a derelict plot into a sympathetic development of mixed retail and residential use.
- Will be an asset to the locality.

General comments received from 6 residents, summarised as follows:

- question regarding revised plans.
- Ensure tree variety does not disappear.
- Expected all new developments to incorporate provision of PV and other low carbon technologies.
- Would like parking to be restricted to 30mins.

5 **ANALYSIS OF PROPOSAL**

5.1 **Principle of Development**

Policy CS5 of the Core Strategy outlines the locations at which development is considered to be appropriate; new development is directed towards existing urban areas and defined rural settlements. The site is located within the defined settlement of Frampton Cotterell.

The proposed residential elements of the scheme are considered acceptable in principle, though the proposal also includes the conversion of an existing public house and the erection of a new convenience store. The principle of these elements will be addressed separately below.

5.2 **Loss of Public House**

The existing pub is not considered an 'Asset of Community Value', a nomination to become such an asset was rejected in 2015 as not enough substantive evidence of community use was provided that would justify listing it as an Asset of Community Value. That said, in accordance with Policy CS23 of the Core Strategy, the public house is still considered a community facility. The policy states existing community infrastructure should be retained, unless it can be demonstrated that: the use has ceased and there is no longer a demand; or the facility is no longer fit for purpose; and suitable alternative provision is available within easy walking distance to the required standard.

5.3 Policy PSP34 supports the retention of public houses. However, development proposals for the change of use, redevelopment, and/or demolition of a Public House will be acceptable where:

- 1) The proposal(s) do not constitute the loss of, or would compromise the viability, of a service of particular value to the local community; or
- 2) It can be demonstrated that use as a Public House is no longer viable; and
- 3) The proposed alternative use will not detrimentally affect the vitality of the area and the character of the street scene; and
- 4) Significant external heritage assets features are retained.

5.4 Policy PSP34 goes on to say that it is aimed at guarding against the loss of public houses, except where it is not capable of being viably operated, or marketing demonstrates that continuation as a public house is unrealistic. To determine if a pub is no longer viable, the following evidence is required:

- i. In all locations outside of designated Primary Shopping Areas, that the public house has been vacant for a continuous period of at least two years; and
 - ii. It has been continuously marketed for the duration of the vacancy, through appropriate marketing outlets, e.g. not marketing avenues focussed on residential or non-public house use.
- 5.5 To justify the loss of the pub, a viability study and marketing report have been submitted. The viability report concludes that after a review of the historic trade, and in light of the Covid-19 pandemic, in the short term the property is unviable. The property is reliant on 'local regulars' and without a food offering, the business will fall to its nearby pub competitors. There are currently 2 other pubs within 0.5miles of the application site; the Globe which offers a large garden with play area, real ales and traditional pub food; and also The Rising Sun which also provides lunch and evening meals.
- 5.6 The viability study also undertakes a hypothetical profit and loss account for a free-of-tie model and concludes that the level of return against the capital costs required to achieve this return, would not be viable long term.
- 5.7 The pub requires substantial investment, in the region of £575,000 to improve the condition of the property. The report acknowledges that many pubs have operated at low levels of sales and profitability, however, the significant capital required to be invested would still result in very low profit levels or negative returns, and investors/operators may obtain better returns elsewhere without the attached risk. There may also be difficulties in obtaining a commercial mortgage due to the risks involved.
- 5.8 Overall, the viability report states the business appears not to be capable of delivering a reasonable annual profit and would not attract operators looking to buy or rent the property at a commercially viable level. It is their opinion that the pub is not commercially viable now and in the long term.
- 5.9 In addition, a marketing report has been submitted. The pub has been vacant since November 2019, Savills were instructed to market the property from 26th January 2021. The property was advertised on third party websites such as Rightmove Commercial and EG Property Link, Savills own website and was included on Savills monthly Licensed Leisure Property List which is emailed to over 7000 pub operators/applicants monthly. It is understood that Fleurets previously marketed the leasehold interest from February 2016 to January 2021.
- 5.10 The report confirms that there were a total of 47 enquiries, with the majority not taken any further than the initial request for information. No offers were received from funded pub operators, restaurant users or any users looking for a social or community facility. 12 offers were received, all from developers.

- 5.11 Some concern was highlighted by the case officer in regard to the appropriateness of the marketing by Savills. The advertisement (Appendix 1.0 of the Marketing report) reads as a 'development opportunity' and again within the bullets points states 'Residential development opportunity (STP)'. In response to this, further marketing information was provided by Savills (July 2022) to clarify their approach. They state that although promoting the property as a 'development opportunity' the pub was marketed extensively to pub companies and pub operators. Savills Licenced Leisure team are specialists in selling pubs across the UK and act for a number of major pub operators. The property was distributed to Savills marketing list as well as listed on their property list. Of the applicants registered with Savills, approximately 50% are interested in buying/leasing pubs. This is considered to represent a wide-reaching approach with a substantial number of potential pub operators targeted. The advert clearly stated it was an 'attractive public house' in an 'affluent village location' which had an existing alcohol licence. Therefore, despite the wording of parts of the advert, it is accepted by the case officer that on balance every opportunity was given for potential pub operators to come forward with a proposal.
- 5.12 Furthermore, the previous marketing undertaken by Fleurets resulted in 4 proposals from prospective publicans to lease the property. It is understood that significant rent periods/capital contributions were requested as part of the proposals to reflect the condition of the property. As previously stated, the viability report shows significant refurbishment works would be required. The rental offers did not make letting a viable option in terms of a return in investment, as such the offers were rejected. A viable tenant was not found during a period of approximately 5 years.
- 5.13 Given the pub has been unoccupied since November 2019, and no viable operators have emerged, it is accepted that the pub is no longer viable, satisfying Policy PSP34, criteria 2. It is therefore important to assess criteria 3 and 4, as set out above.
- 5.14 The public house is proposed to be converted into a single, 4-bedroom dwelling. Following requested amendments, the orientation of the pub would be retained. The overall design for the public house maintains the primacy of the front elevation and a much simpler and appropriate arrangement for the secondary south elevation. Some replacement windows are proposed and removal of existing rear extensions. These amendments to the public house are welcomed. The proposed works to convert the public house would preserve the character and distinctiveness of the building and therefore would not detrimentally affect the vitality of the area or character of the streetscene, nor would it remove any significant external features of the non-designated heritage asset. As such, the proposed pub conversion satisfies criteria 3 and 4. The conversion of the public house is therefore acceptable in principle.

5.15 **Convenience store**

The application site is located at an important crossroads near to the centre of the large residential area of Frampton Cotterell. There is an existing Nisa outlet which accommodates a Post office on Woodend Road, a small cluster of shops including Premier convenience store and a pharmacy on Lower Stone Close. There is also a petrol station on the corner of Church Road and Bristol Road which includes a small Costcutter outlet. Further afield there is a Tesco Express in Winterbourne and a Sainsburys Local on Badminton Road. Yate Town Centre is approximately 3.5 miles to the northeast and Emersons Green approximately 4 miles to the south. Large supermarkets can be found in Yate and Emersons Green.

- 5.16 Concerns has been raised by the operators of the local convenience stores in regard to the impact on the future viability of their businesses should the proposed convenience store be approved. To address this, the applicant has submitted a Retail Planning statement, including an impact assessment (Alder King, November 2022). The Council has also sought an independent analysis (DPDS Consulting, March 2023) on the impact of the proposed store on existing retail businesses. The following assessment addresses the acceptability in-principle of the proposed store.
- 5.17 Policy CS14 of the Core Strategy defines the retail hierarchy which directs main town centre uses to town and district centres. Development of main town centre uses within local centres and parades will be acceptable where they are of a scale and size appropriate to the location. In accordance with the hierarchy, the proposal would be considered an 'out of centre' development. Of relevance to this application is that Yate and Emersons Green are defined as Town Centres, and Cribbs Causeway Mall and Retail Park are defined as Out of Centre. Lower Sone Close, Church Road and Woodend Road in Frampton Cotterell are identified as local centres and parades.
- 5.18 The sequential test is a key test in determining planning applications for town centre uses in out of centre locations which are not in accordance with the development plan. The other key test is the impact on the town centre vitality and viability.
- 5.19 The key retail policies to consider are PSP31 and PSP32 of the Policies, Sites and Places Plan. Policy PSP31 states that large scale retail development will be acceptable in primary shopping areas and small-scale retail development will be acceptable outside of the primary shopping areas. The policy states that small scale retail is considered to be development below 350m² (internal floor space). The proposal has a gross floor space of 350m² and a net sales floor space of 228m² and is therefore considered to be 'small-scale'.
- 5.20 Paragraph 6 of the policy sets out the sequential test and indicates that *out of centre proposals will only be acceptable where:*

i) no centre or edge of centre sites are available; and

ii) the proposal(s) would be in a location readily accessible on foot, cycle and by public transport; and

iii) alternative formats for the proposed uses have been considered

- 5.21 However, under policy PSP32, *development of small-scale retail and other main town centre uses are acceptable in local centres and parades and elsewhere in the district*. Paragraph 7.70 of PSP32 states that the sequential test will apply for larger A1 retail proposals (above 350m²). The conclusion must therefore be that the sequential test does not apply for small-scale retail proposals. This is consistent with their acceptability '*elsewhere in the district*'.
- 5.22 As such, the required by policy PSP31 for investment to be in town centres or district centres does not apply and the sequential test does not apply in this instance.
- 5.23 **Retail Impact**
Policy PSP32 relates to local centres and parades but also applies to small scale retail developments elsewhere in the district. It allows for small -scale development '*elsewhere in the district*' provided it is small-scale, of a scale that is appropriate to the location and would not cause harm to any centre or parade, as well as meeting other criteria. It is therefore important to consider the harm to the parades and shops identified in paragraph 5.15 of this report.
- 5.24 Objections received refer to there being no need for the proposed convenience store in the area, however there is generally no requirement to demonstrate a need for a proposed retail development.
- 5.25 Retail impact assessments have been carried out by Alder King (AK) on behalf of the applicant and also DPDS consulting on behalf of the Council. The retail assessments are deemed to be appropriately proportionate to the scale of the proposal. The focus of the assessment is on the impact on defined centres as it is difficult to assess the impact on individual stores because individual circumstances can play a role.
- 5.26 **The Impact on the Vitality and Viability of Identified Centres**

Catchment Area, Population and Expenditure

The primary catchment area (PCA) according to the AK report includes the built-up areas of Frampton Cotterell and Coalpit Heath but excludes Winterbourne and the more rural areas to the west of Bristol Road. This is considered to be a reasonable catchment area for a proposed convenience store of this size and scale.

- 5.27 The population is stated as 9533 in 2022 which is compatible with the estimated population of the Parish as 7161 in the 2021 census, taking into account the built-up area to the east of A432 which is not within the Parish.
- 5.28 AK have used a UK average convenience goods spending figure of £2717 (2020 prices) per head rather than the more widely used, locally estimated figures. However, there is significant variation in consumer spending between local areas. The South Gloucestershire Town Centre and Retail Study indicates that the Frampton Cotterell/Winterbourne area was one of the higher spending zones per head on convenience goods. Although this study is dated now, the variations in expenditure tend to reflect the social and economic circumstances of residents in the area and therefore usually remain comparatively stable over time.
- 5.29 The catchment area is estimated by AK to generate £26m spending on convenience goods (population x expenditure per head). The council's independent analysis accept that this is a reasonable working basis but one that is likely to underestimate the locally available expenditure. Only about one third of the £26m may be available for local convenience stores- approximately £9m.
- 5.30 AK have estimated that the likely turnover of the proposed convenience store would be £1.9m, it has been assumed that 10% of this turnover would be from beyond the primary catchment area. However, given the location of the store where there is limited passing traffic, 5% seems to be a more reasonable estimate, though the effect on the turnover from the PCA would be small in any case. Therefore, the turnover figure of £1.9m is deemed a reasonable estimate.
- 5.31 The turnover of the existing Nisa (Woodend Road), Premier (Lower Stone Close), Costcutter (Bristol Road) and Sainsburys Local (Badminton Road) have been considered. The turnover figures as provided by AK have been calculated from the company average sales densities where available (Mintel) but the floor spaces were not given. The council's independent analysis checked these figures using floorspace estimates. From this it was concluded that AK's estimates of turnover for Premier and Costcutter were likely underestimated. It was considered a sales density of £5500/m² more reasonable for these stores, suggesting a turnover of £0.9m for Premier and £0.6m for Costcutter. Turnover for Nisa was calculated at £1.4m and £4.1m for Sainsburys.
- 5.32 As stated above, it is estimated that approximately one-third of convenience expenditure takes place as top-up shopping, representing a turnover potential of roughly £9m in the catchment area. AK estimate the combined 'benchmark' turnover of the existing shops at £6.4m, therefore it can be only be assumed that either the local shops are trading at a higher level than the calculation or there is expenditure 'leaking' to the larger shops and centres. In reality, both will be true.

5.33 Trade draw from the existing shops to the proposed store has also been considered. The figures provided by AK exceed the estimated turnover of the proposal, and are therefore clearly incorrect. The Council's independent analysis concludes that the following trade draw estimates are more likely:

	Trade Draw	Trade Diversion
Stores outside the catchment area	30%	£0.57m
Sainsburys Local	30%	£0.57m
Costcutter	10%	£0.19m
Nisa	15%	£0.29m
Premier	10%	£0.19m
Winterbourne Stores	5%	£0.1m
Total	100%	£1.91m

5.34 As a result, the proposed store would have a 32% impact on the turnover of Costcutter, 21% on Nisa and Premier and 14% on Sainsburys Local. It must be noted that these impact figures will overstate the impact if, as is suggested above, the benchmark turnover of the stores in the catchment area underestimate the stores' actual turnover. Alternately, the trade draw from stores outside the catchment area would be higher and the trade diversion from these stores less. Taking this into account, stores can, and do, withstand impacts of this scale because, while unit costs go up, making profitability more difficult, other costs, such as stock replacement, are reduced. However, it is acknowledged that the impact of trade diversion on independent stores is difficult to judge as not much is known of their circumstances. For example, in terms of ownership, rents, leases, and personal circumstances. It is unusual for shops to close soon after additional competition has arrived. DPDS have stated that where this has happened, it has been where the existing store and proposal are in sight of each other or very near, which does not apply in this case.

5.35 Shop closures are usually a result of multiple reasons. While it is accepted that the closure of an existing shop cannot be ruled out in the long term, it is difficult to justify that this would be the direct result of the proposed convenience store, should it be approved. It is accepted that the impacts on individual shops has limitations as they are based on judgement and lack of evidence. However, it is the best available means of assessing such an impact.

5.36 Another approach is to consider whether there is sufficient expenditure in the local catchment area to support both the existing and proposed stores. It is estimated that the potential expenditure for local top-up shopping is £9m. The 'benchmark' turnover for the existing shops is estimated at £6.4m by AK and 7m by DPDS. The Sainsburys local would attract a substantial amount of passing trade, estimated at about £1.4m. This leaves about £5.6m of the stores

turnover derived from the catchment area. Adding the full amount of the proposals turnover, it would increase the catchment areas turnover capacity to £7.5m. This suggests that there would still be sufficient local expenditure to support the existing shops and the proposed store.

5.37 For the reasons set out above, it is not thought that the proposed convenience store would result in any significantly adverse impact on Frampton Cotterell local centre or in the closure of any shops in the catchment area. As such, the proposal is deemed to comply with Policy PSP32.

5.38 **Design and Heritage Impact**

Pub Conversion

The Live and Let Live public house is locally listed meaning it is a building that has been identified by the council as making an significant contribution to the character and distinctiveness of the area. The building is two storeys in height with a 1.5 storey addition of the west side of the building. The walls are rendered, and a stone coped parapet hides a clay double roman tile roof with coped gables. Three large brick stacks sit on the ridge, two on the gables, and one between bays. All windows in the main building are currently 20th century, 6 over 6, timber sliding sashes with horns, the smaller addition having a mix of casements.

5.39 The building retains some resemblance to its former appearance, but it has been altered, with a new porch, buttress and replacement windows, whilst the addition to the west has been truncated. It still, however, makes a positive contribution to the character and distinctiveness of the local area. The building has historically occupied a very open, corner position.

5.40 During the course of the application, the number of dwellings proposed within the pub has been reduced from 2 to 1. By creating a single dwelling, it has allowed the front garden, facing Clyde Road to remain open on this prominent corner plot and an enclosed rear garden for private use at the rear. Furthermore, the internal arrangement is far less intensive allowing internal features to be retained. The overall design would maintain the prominence of the front elevation (north) while forming a much simpler and more appropriate arrangement on the rear elevation (south). Provided appropriately worded conditions are included to ensure acceptable material sand windows/doors, the appearance of the pub is acceptable.

5.41 The council's conservation officer has identified that the proposed mixed-use building, to be sited to the side of the existing pub, would result in a building that is visually dominant over the pub due to its scale and massing. In terms of the scale of impact, the development would result in a significant modification of the setting of a non-designated heritage asset of low significance which would equate to a 'slight adverse' significance of effect to the locally listed building.

5.42 Paragraph 203 of the NPPF states that *'the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'* While it is accepted that the currently open corner plot would be less so following the erection of the proposed mixed-use building and bungalow, due to amendments in the design, when approaching Clyde Road at the crossroad, a certain amount of openness would be retained to the frontage of the site with the front garden and proposed car parking areas. It is acknowledged that the proposed mixed-use building would be taller, wider and deeper than the existing pub, however the mixed-use building would infill a gap between the pub and dwellings currently used mainly as a car park for the pub. It would not look noticeably out of place within the context of the streetscene. Furthermore, the pub building would be retained and includes much needed improvements to the building are given some weight. The site has been neglected for number of years and on balance, the scale of harm to the non-designated heritage asset would not be so significant as to warrant a refusal in this instance.

5.43 **Mixed-Use Building**

As stated above the mixed-use building would be sited in the space between the existing pub (to the west) and existing dwelling (to the east), continuing the building line of the pub and set back slightly from the neighbouring dwelling. It would include retail space with active ground floor shop frontage and 3no. 2-bedroom dwellings at first floor level. The submitted street elevation plan shows the proposed building would sit comfortably between the two existing buildings and while it would be slightly taller and wider than each of the neighbouring buildings, given its retail use we would not expect it to replicate the adjacent dwellings in terms of scale/massing.

5.44 Moreover, Clyde Road and the wider area consists of a number of differing architectural styles. The proposal would consist of a hipped roof design with a central gable and 1st floor balcony on the principal elevation. The proposed elevations show that the upper floor would be a rendered finish above a band course of stone. Stone is a noticeably positive feature of the character of Frampton Cotterell so this element is welcomed. Render is acceptable to tie in with the neighbouring pub. Provided the proposed materials are agreed by condition to ensure a high quality finish, there is no objection to the appearance of the mixed-use building. Considering the context of the site, the overall design would not harm the character or appearance of the area.

5.45 **Bungalow**

The proposed chalet style bungalow would be located at the rear of the mixed-use building, accessed via a new access point from Park Lane. There is existing backland development consisting of 3no. detached bungalows on land to the immediate south of where the proposal would be sited; as such

introducing a bungalow in this location is deemed acceptable given it would be read within this context.

5.46 The appearance of the bungalow would be relatively modern with a gable end design and large glazed feature serving the master bedroom in the roof space. The walls would be rendered above reconstituted stone; Cedral cladding would surround the glazed feature and on the side dormer. Overall, given the differing styles within the area, the proposed bungalow would not cause any significant harm to the character or appearance of the area. A condition for materials to be agreed will be included on any decision.

5.47 **Residential Amenity**

Policy PSP8 states that development proposals will be acceptable provided they do not create unacceptable living conditions or have an unacceptable impact on the residential amenity of nearby occupiers. Impacts include loss of privacy, overbearing impact, loss of light, noise and odours. Objections have been received in regard to overlooking into neighbouring gardens from the proposed flats and noise from proposed refrigeration units.

5.48 Given the pub is an existing building there would be no significant impacts to neighbouring occupiers following conversion into a single dwelling. The proposed bungalow would also have no significant impacts on neighbouring occupiers due to its siting and scale.

5.49 The main element of the proposal to consider here is the impact of the proposed mixed use building on neighbouring properties, especially the adjacent dwelling to the immediate east. While the scale of the proposed building is relatively large, it is clear that the impact on the neighbour has been carefully considered during the design process. The two storey element of the building is stepped at the rear in an attempt to avoid any unacceptable overbearing or loss of light impact to the neighbour. The Proposed Site Plan shows there would be an unobstructed view from the first floor window within an angle of 45 degrees. In accordance with the adopted Technical Advice Note: Assessing Residential Amenity, this would allow for satisfactory levels of natural light and outlook for the neighbour. Furthermore, there would be a gap to the boundary and the neighbouring property is angled slightly away from the proposed building, lessening the impact further. In terms of overlooking, it is accepted that the windows at first floor level serving the proposed flats would result in a degree of overlooking into the neighbouring gardens, however a degree of overlooking is not uncommon and is to be expected in a built-up residential areas such as this. Any windows facing directly towards the neighbouring garden would be obscure glazed. Overall, the proposed mixed-use building would not cause such significant harm to the amenity of neighbouring occupiers as to warrant refusal, in terms of overbearing impact, loss of privacy or loss of light.

- 5.50 Policy PSP43 sets out the requirements for private amenity space. The proposed new dwellings (converted pub and bungalow) would both be afforded reasonably sized gardens to the rear of the properties which would be appropriately private, would maximise sunlight and would be useable. The proposed flats would each benefit from a private balcony, approximately 8.6m² in size, and a communal garden area at the rear. As such, the proposed amenity space afforded to the residential properties is deemed to be in accordance with PSP43..
- 5.51 Noise has also been raised as a possibly harmful impact. However, the existing use of the site must be taken into consideration. Generally speaking, it would be expected that the noise from a public house would exceed that of a dwelling and convenience store. Nevertheless, to support the application a Noise Impact Assessment has been submitted (NSL Noise Solutions) to address the impact of a gas cooler and AC Units. The store facades within the gas cooler plant area will be fitted with an absorbent acoustic lining to minimise the effects of reflected sound. The AC units will be housed in acoustic enclosures. To control structure-borne noise and vibration, all plant and associated pipework shall be supported using appropriately rated spring anti-vibration mounts/hangers. The refrigeration plant will operate at all times but will typically run at a reduced duty at night. The AC units will operate only during the daytime period, while the store is open.
- 5.52 Within the report, an assessment of the impact of the proposed gas cooler and AC units on the nearest noise sensitive receptors has been undertaken. The nearest identified receptors were noted as the window of the flats above, approximately 4m from the gas cooler; a residential window, 5m from the gas cooler and 30m from the AC Units (screened by store building); residential house south of the site is 5m from the AC units and 25m from the gas cooler (screened by store building). Other receptors assessed include a window for the flats above on south elevation and east elevation, and a residential house northeast of the site. The noise level predictions within the report demonstrate that cumulative noise emissions from the proposed plant will comply with the proposed limits at the nearest noise sensitive properties and as such the noise levels would not be unacceptable. To ensure acceptable noise levels from the proposed plant, the submitted noise report will be secured by condition.
- 5.53 In addition, to protect the amenities of neighbours a condition will be included to limit the opening hours of the convenience store to 07:00-23:00. This is considered reasonable for a business of this nature. Deliveries shall also be limited to between the hours of 9:00 and 19:00 Mondays to Saturdays. On Sunday and Bank Holidays, deliveries shall only be taken at or dispatched from the site between 09:00 and 17:00. Methods to mitigate noise from deliveries shall also be required as part of a Delivery Management Plan, to be agreed with the Council. The above is deemed adequate in successfully mitigating any potentially unacceptable impact on the neighbouring occupiers.

5.54 **Landscape and Ecology**

An ecological Impact Assessment and Reptile and Create Crested Newt Survey Report have been submitted as part of the application.

5.55 No bats were observed emerging and there is low quality foraging habitat on site. There is one pond within 500m of the site which could not be accessed, however the site is isolated and in an urban area, therefore it is unlikely Great Crested Newts will be present, however due to terrestrial habitat being present prior to site clearance their presence cannot be ruled out. Suitable mitigation has been suggested within the submitted reports, therefore subject to a condition there is no objection in regards to ecology.

5.56 In terms of landscaping amendments have been made to retain the existing stone boundary wall which runs around the corner and front of the site. Stone boundary walls are an important feature within Frampton Cotterell, so this alteration is a welcome addition which will help retain the character of the site and surrounding area. Little detail has been provided in regard to proposed planting, although 5 replacement trees are proposed to appropriately mitigate for the loss of 5 existing trees. Similarly, no detail of hard surface finishes has been provided. As such, a condition will be included for all landscaping details to be agreed in writing by the council.

5.57 Furthermore, the existing trees to be retained shall be protected in accordance with the submitted Arboricultural Impact Assessment and Tree Protection Plan (Treework Environmental Practice, June 2022)

5.58 **Transportation**

The majority of concerns that have been raised by local residents relate to highway safety and inadequate parking for the proposed convenience store.

5.59 A number of concerns reference the school crossing which takes place at the tactile crossing points at the junction of Clyde Road and Park Lane. It must be noted that the vehicle access proposed for the convenience store is an existing access for the pub car park. Therefore, in terms of highway safety, the impact is deemed to be neutral. The new access nearest the crossing point would serve a single dwelling (the converted pub) and therefore the number of journeys to and from this access would be minimal, therefore highly unlikely to cause any severe highway safety impact. The new access on Park Lane is an acceptable distance from the crossing points as not to result in any significant impact.

5.60 It is accepted that the proposal would overall create additional vehicle movements in the peak hours when compared to the existing use. However, the applicant has provided a Transport Statement to support the application which has been accepted as an appropriate assessment by the council. The small scale of the retail unit would generally be used for 'top-up' shopping rather than large weekly shops, these journeys would already be occurring to

other larger stores further afield. The time spend at the proposed shop would therefore be limited. Furthermore, as this would be acting as a local convenience store for the surrounding catchment area, and its central location within Frampton Cotterell, it is thought that most trips to the store would be undertaken by foot.

- 5.61 The proposed store would benefit from a car park to the front of the site accommodating 11 spaces. Signs limiting parking to 30mins would be present to ensure good availability for customers at all times. This level of parking is considered to be adequate for a convenience store of this scale and nature. Furthermore, at times when on-street parking associated with the store would be required, it would only be for a very limited time. There would also be cycle parking facility comprising four Sheffield stands at the northeast corner of the building. As such, the proposed parking arrangements for the store are not thought to result in any severe impact on the road network, nor would it severely impact highway safety. Paragraph 11 of the NPPF states that 'development should only be prevented on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.
- 5.62 In terms of residential parking, two off-street spaces would be provided for the converted pub building to the front and an additional 8 spaces would be located at the rear serving the 2-bed flats, bungalow and any residential visitors. This level of parking provision is compliant with the requirement of Policy PSP16 and is therefore acceptable.
- 5.63 A construction management plan will be required by condition to ensure disruption to local residents is minimised during the construction phase.
- 5.64 **Equalities**
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.
- 5.65 With regards to the above this planning application is considered to have a positive impact on equality as would allow for people with mobility issues and the elderly to access provisions without the need to travel further afield.

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

7 **RECOMMENDATION**

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

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 erection of the mixed-use building above slab level, details of all external facing materials to be used in the erection of the mixed-use building hereby approved, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed 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.

3. Prior to the removal of any existing windows and doors at the former public house building, details of any replacement windows/doors and joinery associated with the public house conversion hereby approved, shall be submitted to and approved in writing by the Local Planning Authority.

The design and details shall be accompanied by elevations and section drawings to a minimum scale of 1:5. Development shall be carried out in accordance with the agreed details.

Reason

To ensure a satisfactory standard of external appearance to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and to ensure the works serve to preserve the architectural and historic interest of the locally listed building, in accordance with policy CS9 of the South Gloucestershire

Local Plan: Core Strategy (Adopted) December 2013; Policy PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and national guidance set out at the NPPF.

4. All external facing materials to be used in the conversion of the public house hereby approved, shall match those of the existing building.

Reason

To ensure a satisfactory standard of external appearance to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and to ensure the works serve to preserve the architectural and historic interest of the locally listed building, in accordance with policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and national guidance set out at the NPPF.

5. Prior to the erection of the bungalow above slab level, details of all external facing materials to be used in the erection of the bungalow hereby approved, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed 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.

6. Prior to first occupation of the development hereby approved, full details of both hard and soft landscaping works shall be submitted and approved in writing by the Local Planning Authority and these works shall be carried out as approved. The details shall include a detailed planting plan, specifying the location, species, stock size, planting centres and quantities of all proposed tree and structure planting; including tree pit detail. Hard landscape work shall include details of all proposed boundary and hard landscape surface treatments, including proposed levels and any soil retention/retaining walls that may be required, together with supporting schedule of proposed manufacturer of hard landscape materials.

The hard landscaping works shall be implemented in accordance with the agreed details, prior to the first occupation of the dwellings hereby approved. The agreed planting shall be implemented no later than the first planting season following first occupation of either the public house conversion or bungalow respectively. The implemented works shall be satisfactorily maintained thereafter.

Reason

To protect the character and appearance of the area, and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP2 and PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and, the National Planning Policy Framework.

7. The development shall be carried out in accordance with the approved Arboricultural Impact Assessment and Arboricultural Method Statement compiled by Treework Environmental Practice, June 2022.

Reason

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

8. Prior to the first occupation of the dwellings hereby approved, the proposed car parking facilities for each dwelling are to be completed in accordance with the approved plans and retained as such thereafter.

Reason

In the interests of highway safety, and to accord with Policies PSP11 and PSP16 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

9. Prior to the first opening of the retail unit hereby approved, the proposed 11no. car parking spaces for the retail unit are to be completed in accordance with the approved plans and retained as such thereafter

Reason

In the interests of highway safety, and to accord with Policies PSP11 and PSP16 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

10. Prior to first occupation of the development hereby approved, details of the proposed cycle stores and refuse stores shall be submitted to and approved in writing by the Council. They shall be implemented as approved prior to first occupation and be maintained as such thereafter.

Reason

To ensure a satisfactory standard of external appearance and to promote sustainable forms of transport, in accordance with and Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; PSP1, PSP2, PSP11 and PSP17 of the Policies, Sites and Places Plan (Adopted) November 2017; and the National Planning Policy Framework.

11. The development shall proceed in strict accordance with the Mitigation Measures provided in the Ecological Impact Assessment (Acer Ecology, October 2021) and a Reptile and Great Crested Newt Survey Report (Acer Ecology, June 2022). The reptile hibernaculum shall be implemented as approved prior to the first occupation of the development and shall thereafter be retained.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of conserving the local biodiversity, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the National Planning Policy Framework.

12. Prior to the commencement of the retail unit hereby approved, a detailed Delivery Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include the following information:
- the location of unloading
 - the hours of delivery and unloading
 - the frequency and size of delivery vehicles
 - methods to mitigate noise and disturbance to nearby residents.

Works shall be carried out in accordance with the agreed plan.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policies CS1 and CS14 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy PSP8 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

13. No deliveries shall take place at or dispatched from the site outside the hours of 9:00 and 19:00 Mondays to Saturdays. On Sunday and Bank Holidays, deliveries shall only be taken at or dispatched from the site between 09:00 and 17:00.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policies CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy PSP8 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

14. The retail unit hereby approved shall not be open for business outside the hours of 07:00 - 23:00 Mondays to Sundays.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policies CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy PSP8 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

15. Prior to the commencement of works, a site-specific Construction Management Plan (CEMP), shall be agreed in writing with the Local Planning Authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan shall include, but not be limited to:

- Processes for keeping local residents informed of works being carried out and dealing with complaints.
- All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours: 07 30 Hours and 18 00 Hours on Mondays to Fridays and 08 00 and 13 00 Hours on Saturdays and; at no time on Sundays and Bank Holidays.

- Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
- Measures to control the migration of mud from the site by vehicles during construction.
- Mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 Noise and Vibration
- Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works. Piling will not be undertaken.
- Procedures for emergency deviation of the agreed working hours.
- Control measures for dust and other air-borne pollutants;
- Measures for controlling the use of site lighting whether required for safe working or for security purposes.
- Locations for the storage of all plant, machinery and materials including oils and chemicals to be used in connection with the construction of the development.
- The control and removal of spoil and wastes.
- Access arrangements for construction vehicles.
- Measures to control the tracking of mud off-site from vehicles.
- Measures to control dust from the demolition and construction works approved.
- Adequate provision of fuel oil storage, landing, delivery and use, and how any spillage can be dealt with and contained.
- Adequate provision for the delivery and storage of materials.
- Adequate provision for contractor and visitor parking.
- Contact details of the main contractor.
- Pedestrian, cyclist and horse rider protection.
- Proposed temporary traffic restrictions.
- Arrangements for turning facilities on site for vehicles.

- Membership details for the Considerate Constructor Scheme or similar regime and site induction of the workforce highlighting pollution prevention and awareness.

The Construction Management Plan as approved by the Council shall be fully complied with at all times. The development shall be implemented in accordance with the approved plan.

Reason

To ensure that the construction of the development does not bring about adverse impacts in terms of ecology, highway safety and the amenities of the area and to accord with policies CS1, CS2, CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013; and policies PSP8, PSP10, PSP11, PSP19, PSP21 of the South Gloucestershire Local Plan Policies Sites and Places Plan (adopted) November 2017. This is a pre-commencement condition to avoid any adverse impacts.

16. The works hereby approved shall be carried out in accordance with the Plant Noise Impact Assessment (NSL Noise Solutions Ltd, 8th September 2021)

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policies CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy PSP8 and PSP21 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan(Adopted) November 2017.

17. The development hereby permitted shall take place in accordance with the following plans:

Received by the Council on 10th January 2022:

EXISTING ELEVATIONS
EXISTING FLOOR PLANS
EXISTING SITE LOCATION & BLOCK PLAN

Received by the Council on 7th July 2022:

PROPOSED PUB CONVERSION (21-102-07 REV B)
PROPOSED BUNGALOW (21-102-08 REV C)
PROPOSED SITE PLAN (FIRST FLOOR) (21-102-09 REV A)

Received by the Council on 16th February 2023:

MIXED USE BUILDING- FLOOR PLANS (21-102-05 REV D)
MIXED USE BUILDING- PROPOSED ELEVATIONS AND STREETVIEW (21-102-06 REV D)
PROPOSED SITE PLAN (21-102-04 REV G)

Reason

To define the terms and extent of the permission.

Case Officer: James Reynolds
Authorising Officer: Marie Bath

CIRCULATED SCHEDULE NO. 37/23 -15th September 2023

App No.:	P23/00220/F	Applicant:	Jack Russell Ltd.
Site:	Buildings At 41 High Street Chipping Sodbury South Gloucestershire BS37 6BA	Date Reg:	24th January 2023
Proposal:	Erection of infill extension to facilitate change of use of buildings to 8no. dwellings as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) with associated landscaping and works.	Parish:	Sodbury Town Council
Map Ref:	372750 182258	Ward:	Chipping Sodbury And Cotswold Edge
Application Category:	Minor	Target Date:	22nd September 2023



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 100023410, 2008. N.T.S. P23/00220/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.

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application appears on the Circulated Schedule because a response has been received from the Town Council which could reasonably be construed as being contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 Planning permission is sought for the erection of an infill extension to facilitate a change of use of buildings to 8no. dwellings (class C3) with associated landscaping and other works.
- 1.2 The application site, 'Russel Mews' comprises an unlisted mid terrace building with associated rear building range to the North, that fronts Chipping Sodbury High Street. The site is situated within the Yate and Chipping Sodbury settlement boundary and falls within the Chipping Sodbury Conservation Area. The site is also within the Chipping Sodbury town centre boundary and primary shopping area, and the building forms part of the primary shopping frontage. The site can be considered to fall within the setting of the grade I listed St John the Baptist Church to the rear of the site.
- 1.3 Pre-application advice was provided under PRE22/0317. Within the pre-app, concerns were raised regarding the loss of the active ground floor use that fronts the High Street, and it was highlighted that information would be required regarding the loss of the office accommodation to the rear of the building range. In this respect, the active ground floor use has been retained. Amenity concerns were also raised regarding the units to the front, and some heritage concerns. Both of these matters can be summarised as resulting from there being too many units proposed (9no.). In that respect, the number of units has been reduced to 8no. Page 29 and 30 of the submitted DAS provide a helpful summary of the key points raised in the pre-app, and current the design response. Overall, the current application can be regarded as having responded positively to the pre-application advice provided.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework 2023
National Planning Practice Guidance
Planning (Listed Buildings and Conservation Areas) Act 1990

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS11	Distribution of Economic Development Land
CS13	Non-Safeguarded Economic Development Sites
CS14	Town Centres and Retailing
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS18	Affordable Housing
CS30	Yate and Chipping Sodbury

South Gloucestershire Local Plan Policies Sites and Places Plan Adopted November 2017

PSP1	Local Distinctiveness
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water, and Watercourse Management
PSP31	Town Centre Uses
PSP33	Shopping Frontages
PSP39	Residential Conversions, Subdivision, and HMOs
PSP43	Private Amenity Space Standards

- 2.3 Supplementary Planning Guidance
 Design Checklist SPD (Adopted) August 2007
 Residential Parking Standard SPD (Adopted) December 2013
 Affordable Housing and ExtraCare SPD (Adopted) May 2014
 CIL and S106 SPD (Adopted) March 2015
 Waste Collection SPD (Adopted) January 2015 (updated March 2017)

3. RELEVANT PLANNING HISTORY

- 3.1 PK18/2487/F (approved 28/08/2018):
 Change of Use from art gallery (Class A1) to bar/restaurant (Class A4) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).
- 3.2 P94/2691 (withdrawn 22/12/1994):
 Chang of use to art gallery.
- 3.3 P91/2148 (approved 11/09/1991):
 Change of use of social club to restaurant and wine bar
- 3.4 Other history is available that is neither recent nor relevant.

4. CONSULTATION RESPONSES

- 4.1 Sodbury Town Council

No objection but concerns are raised regarding the limited amount of parking and potential problems with access in and out of the development.

4.2 Transport
No objection. Conditions recommended.

4.3 Highway Structures
No comments have been received.

4.4 Drainage (LLFA)
Drainage layout required.

Updated comments: no objection.

4.5 Conservation Officer
No heritage objection but comments made regarding certain aspects of the proposals and detailed design. If minded to approve, condition relating to detailed design of vents, flues, etc. should be applied.

Updated comments: Additional/revised plans address concerns relating to draining the roof on the churchyard side. No. of rooflights has been reduced which is an improvement. Traditional conservations style rooflights should be conditioned. Cast aluminium heritage rainwater goods advised. As before, details should be secured by condition.

4.6 Archaeology Officer
Archaeological watching brief condition recommended.

4.7 Ecology Officer
Further information is required pre-determination.

Updated comments: no further information is required. Conditions recommended.

4.8 Children and Young People
No comments have been received.

4.9 Housing Enabling
No objection.

4.10 Historic England
No comment.

4.11 Local Residents
No comments have been received.

5. ANALYSIS OF PROPOSAL

5.1 Planning permission is sought for the erection of an infill extension to facilitate a change of use of buildings to 8no. dwellings (class C3) with associated landscaping and other works.

Principle of Development

- 5.2 The proposals relate to the creation of 8no. dwellings through change of use and new built development, and the corresponding loss of non-residential uses within the building range.
- 5.3 CS5 sets out the Council's spatial strategy, which directs new development to the urban fringes of Bristol and to settlement boundaries as designated by the policies map. The site falls within the Yate and Chipping Sodbury settlement boundary and is accordingly in a location where development is supported in principle within the spatial strategy. The creation of 8no. dwellings is therefore acceptable in principle having regard to the spatial strategy. However, this is not the only issue of principle to consider. 41 High Street comprises vacant space, office space, and a unit to the front on the High Street in use as a wine bar (last occupied by Brooks Bar). Some of the space on the first floor is used as an art studio by the current owner.

Bar/Restaurant

- 5.4 The bar/restaurant is to the front of the premises and occupies the ground floor with associated back of house area and has a cellar beneath. The site is within the town centre, primary shopping area and is on the primary shopping frontage. Policies relating to town centre development including CS14 seek to protect and enhance the vitality and viability of existing centres in recognition of their retail, service and social functions. Point 3 of CS14 sets out that the Council will safeguard the retail character and function of centres by resisting developments that detract from their vitality and viability and protecting against the loss of retail units. PSP33 sets out assessment criteria for changes of use on primary frontages, which generally aim to retain the positive impact that units on the primary frontage have in terms of vitality and viability. PSP33 sets a presumption against the loss of active ground floor uses.
- 5.5 As advised at pre-app stage, the existing bar/restaurant has been retained within the current proposals in full (including cellar and associated back of house area). Accordingly, the development would retain the active ground floor use to the front and thus would sustain the vitality, viability and character of the frontage at this point. The development would therefore not contradict the objectives and requirements of CS14 or PSP33. For the avoidance of doubt, it should be conditioned to ensure that the bar/restaurant continues to operate in accordance with its extant planning permission.

Offices

- 5.6 There are three areas of office accommodation within the building range. To the ground floor is an office in the rear part of the Eastern range (01 – 57sqm). There is then a second office above the ground floor office 01 (3 – 80sqm), and a further office to the front of the range, above the wine bar/restaurant (2 – 117sqm). The ground floor office 01 has been occupied by the Jack Russel Gallery. Office 3 above is vacant and was last occupied prior to Covid-19

(2019) and office 2 is occupied by a single tenant currently whose lease is due to expire later in 2023.

- 5.7 The loss of offices is not objectionable from a town centre impact point of view (CS14/PSP33). This is because they are not part of the active frontage and are seldom considered an active ground floor use in any case. However, consideration is required in respect of CS13. This policy seeks to protect non-safeguarded economic development sites in urban areas and settlements. CS13 instructs that all reasonable attempts should be made to find a suitable economic development re-use. If this cannot be achieved, CS13 sets a sequential preference for a mixed-use scheme in the first instance and then a residential only scheme.
- 5.8 It is submitted that given their age, location, access/parking and condition, that all of the offices within the building are graded as 'C'. These elements are outlined below (as presented by the applicant).

Age

The buildings are old, pre-dating the 17th century and as a burgage plot, were originally built to provide living accommodation and farm buildings for housing and rearing livestock. Over the years, the buildings have had several uses often facilitated with additions and alterations.

Location

Whilst located close to the High Street which is beneficial in a local context, Chipping Sodbury is considered less desirable as an area for office accommodation within Bristol and South Gloucestershire. This is partly due to transport connections and proximity to some of the larger commercial areas.

Access and Parking

Access via public transport is reasonable but limited. Parking is also limited on site and there are no accessible spaces for any of the offices. This is acknowledged to be offset by the parking available on the High Street.

Condition

Given the age of the building and numerous additions over the years, the building is not entirely suited to prime office space. This is due in part to the lower standard of internal finish and the cellular nature of these spaces which restrict opportunities for open plan use. In addition, the current technology and servicing is out of date when compared to newer grade A and B office spaces.

- 5.9 Office quality is based on a grading system of A-C, which features heavily in commercial property parlance. Grade C offices are generally older buildings with out-of-date services, located in less desirable areas with limited transportation links.¹ The offices are located within a central location within

¹ <https://primeofficespace.co.uk/latest/difference-between-office-grades/>

- Chipping Sodbury. However, it is accepted that the age of the building lends itself towards being graded C in terms of the office accommodation, which is compounded by the dated layout and dated services within the buildings. Having inspected the site as part of the pre-app, your officer does not disagree with this conclusion in relation to the host building. Access and parking is not considered prohibitive to the use of the buildings as offices given the level of parking on the High Street. However, it is accepted that office space with dedicated parking is likely to be more desirable.
- 5.10 Of the four office/studio spaces, two have been vacated in the past 5 years with no success in re-letting to new tenants. The studio's last paying tenant is stated to have vacated c.5 years ago and, following failed attempts to re-let the space, was eventually used by the applicant for storage in connection with their gallery in office 1. Office 3 (first floor rear – 80sqm) was last vacated by paying tenants in the run up to Covid 19 and has not been re-occupied since by paying tenants. Office 1 (ground floor rear) has been used by the applicant. Office 2 (first floor, front, 117sqm) is let to a single paying tenant. However, the lease for this will lapse in Q4 of 2023. Upon visiting the site previously, the case officer noted that office 2 was in use. However, offices 1 and 3 were either clearly vacant or used by the applicant in connection with their art (the applicant is understood to be a professional artist). The studio was clearly not used as an office.
- 5.11 It is submitted by the applicant that there is a downturn in office rentals with a corresponding increase in availability of office space. Of the office space being taken up, the lions share is grade A (the highest quality), with many businesses looking for prime office spaces that provide higher specifications and sustainability credentials. Information provided suggests that weaker demand for grade B and C office is seen at a local level, with high vacancy rates for B and C office space in the Bristol area.
- 5.12 Clearly, offices 1 and 3 have been vacant for an extended period and there appears to be limited success in re-letting them. It is reasonable to conclude that the age of the building and the services available within mean that to make them more attractive, a high degree of investment would be needed to bring them up to expected standards. Even then, demand for office space is lower, and the increase in home/hybrid working cannot be ignored as a factor. Office 2 is in use; however, this will only be for a limited period going forward with the lease expiring towards the end of 2023. Moreover, office 2 at 117sqm represents an overall very small contribution to office space in South Gloucestershire outside the safeguarded economic development areas. Given the above and the clear challenges presented with the historic nature of the building in the context of office use, officers accept that the loss is justified under the terms of CS13.
- 5.13 CS13 sets out a preference for a mixed-use scheme to be considered first. In that context, the ground floor commercial use to the front would be retained. This means that the building as a whole would retain some employment uses and the scheme broadly accords with CS13's preference for mixed use before residential only.

5.14 Further to the above, the development is found to be acceptable in principle, in terms of locational strategy and loss of the non-safeguarded economic development use.

5.15 Design and Heritage

The proposed development would be within the Sodbury conservation area and the development would take place within the setting of nearby listed building(s), including the grade I listed St John the Baptist Church to the North. Policy CS9 and PSP17 are both supportive of proposals that seek to preserve and where appropriate, enhance or better reveal the significance of designated heritage assets. Section 72(1) of the LBCA Act 1990 sets out that in exercising planning functions, a local planning authority shall pay special attention to the desirability of preserving or enhancing the character and appearance of the conservation area. Section 66(1) of the LBCA Act 1990 asserts that in considering whether to grant planning permission for development that affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting. The NPPF sets out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Policy CS1 is the Council's principal design policy. CS1 requires development to demonstrate the highest standards of design and site planning by demonstrating that siting, form, scale, height, massing, detailing colour and materials are informed by respect and enhance the character, distinctiveness and amenity of both the site and its context.

5.16 The host building(s) sit to the North of the High Street, and comprise a high-street fronting part of the building which forms part of the main High Street Frontage. The building then extends to the rear of the plot as a two-storey rear range, which is a burgage plot characteristic of Chipping Sodbury High Street. Towards the rear, a lower-level vacant attached outbuilding extends West, and there is then a 1.5 storey mono-pitch outbuilding that runs along the Western boundary to adjoin the rear of 39 High Street's outbuilding.

5.17 No.41 High Street has not, to date, been identified as a locally or nationally designated heritage asset, but it is a building that makes a positive contribution to the character and appearance of the conservation area as a result of its architectural and historic interest. Although the front elevation of the building is a Victorian composition in the Tudor Revival style, the survey imagery reveals elements of the building as being of much earlier origins, with the remnants of a 16th/early 17th century wind-braced roof over the rear wing. This roof structure appears intact although it has been modified with later Victorian tie beams, presumably introduced when the yard-facing elevation was repositioned and rebuilt on a new line. The High Street frontage is generally intact, with the timber-framed, jettied gable sitting on stone corbels over the carriage entrance which leads to the rear courtyard and ancillary outbuildings. To the right of the carriage entrance is the Victorian frontage of the former Bell Inn, an establishment which, according to records in Gloucester Archives, may date from at least the mid-17th century and may, therefore, be contemporary with the wind-braced roof structure over the rear wing. Whilst the building is not

listed nor does it appear on the local list as alluded to above, it is the opinion of officers that the building can be considered a 'non-designated heritage asset'. In terms of policy concerning non-designated heritage assets, the NPPF instructs that the effect of an application on the significance of a non-designated heritage asset should be taken into account when determining an application, and this is reflected in PSP17 which requires development affecting non designated heritage assets to ensure they are preserved or enhanced, having regard to their significance.

- 5.18 It is proposed to convert the existing building range (save for the ground floor bar/restaurant) from office/studio (and vacant space) to residential. This includes operational works to infill the gap between the outbuilding in the NW corner of the rear courtyard area. Rooflights would also be inserted, predominantly to the rear of the building range, and modern dormer sections would be added to the rear North and West outbuildings to allow the formation of appropriate headroom and to provide light/outlook (contemporary styled Corten steel dormers). An existing non-historic two storey flat roofed addition to the side elevation of the current studio (existing elevations 01 – elevation 4 existing) would be removed. The roof to the rear of the high street fronting building would see the insertion of a modern roof extension to provide the bedroom to unit 7, which would have glazing that wraps around from West to North.
- 5.19 The historic structures have been subject to modern alteration such as infilling of openings, replacement windows/doors, flat roof additions etc, but their historic character and origins remain discernible and legible, and this contributes to an understanding and appreciation of the former use of the site and its outbuildings. A key feature as seen from the courtyard is the tower of St John's Church which rises up prominently over the roof of the low northern unit. Although it's a fortuitous rather than intentionally designed view of the church tower, the visual relationship of the low, ancillary outbuildings set against the base of the tower is a strong feature of the yard and adds to the historic character of the site.
- 5.20 The application follows a pre-application enquiry and there have been a number of changes to the initial proposal which have sought to address heritage comments. The external stone staircase is being retained, openings are largely respected or re-opened where they have been blocked, the ancillary outbuildings are less intensively altered as part of their residential conversion and the historic roof structure of the rear wing is respected and retained in-situ. There is no alteration of the High Street frontage so the contribution that this primary building makes to the character and appearance of the conservation area is not affected by the proposal.
- 5.21 The change in use to residential would not result in any material change in character that would have an impact on the conservation area, particularly as the active frontage on the High Street is retained. The removal of less sightly non-historic additions such as the external first floor enclosed access is also welcomed. The infill extension to the rear (unit 3 and 4) did present some initial concern from the Conservation Officer relating to possible overdevelopment as the area would appear somewhat busy with the dormers and the introduction of

the infill extension. However, it was also acknowledged that this would not result in any harm to the character and appearance of the conservation area as the location is quite recessive within the site. Whilst the case officer notes these points, it is not considered that the design presented is unacceptable and the case officer is accordingly not convinced that there would be sufficient justification to push for the removal of a further unit (the number of units already having been reduced from the number proposed at pre-app stage). The dormers themselves are suitably scaled and present an interesting modern addition to the building range, whilst respecting the historic character which retains its primacy.

- 5.22 The addition to the roof to create unit 7 is perhaps the most apparent and most striking part of the scheme, presenting an unapologetically modern addition to the historic roof to the rear of the high street fronting building. Views of this element are however are largely contained within the courtyard, and it will not be seen from the High Street. Distant views may potentially be had from the carpark to the north should the churchyard tree cover be removed but, even then, it will be seen against the roofs of the High Street frontages so it will not impact on the significance or setting of the Church. This component would be seen as modern addition however, is of a suitable scale so as to preserve the historic character of the host, representing a complementary addition as opposed to something that competes with the host building. Details of this part and the other dormers would however need to be secured by condition which should form part of the details required post-consent, should it be granted.
- 5.23 There was initially some concern relating to the number of roof lights, particularly where the building backs onto the Churchyard to the North. A query was also raised about how the new continuous roof along the Northern boundary with the Churchyard would be drained. In response, the number of roof lights has been reduced where possible which results in a less cluttered appearance. It has also been clarified that the new roof guttering rainwater pipe would be directed through an existing opening on the North (churchyard) elevation which is to be blocked up using matching stonework. The rainwater pipe would on the other side of the wall terminate in the bike store and connect to the existing drainage arrangements. Whilst unorthodox, the Conservation officer has no objections to this and the case officer is minded to agree. Cast aluminium heritage guttering and downpipes should be used, particularly on the lower maintenance areas such as the churchyard elevations. In terms of roof lights, a conservation style rather than standard Velux would be required to respect the character and appearance of the building and this (along with the rainwater goods) can be dealt with by suitably worded condition, should permission be granted.
- 5.24 In summary, the proposals will reuse a large, non-designated heritage asset within the High Street and the scheme is generally acceptable from a heritage perspective. Due to the enclosed courtyard nature of the development, with the changes mainly viewed from the private access/courtyard, the impact of the scheme on the character and appearance of the conservation area will be neutral. Likewise, the development would not affect the significance of St John's Church to the north despite the dormers to Unit 3 being seen in the fortuitous rather than intentionally designed view of the tower. In respect of the

non-designated heritage itself, the scheme proposes a number of enhancements and will secure the viability of the buildings within the site, some of which are unoccupied and in deteriorating condition. Whilst there is some residual concern about the 1.5 storey infill extension (unit 3 and 4), the initial queries relating to the practicalities as to how this roof would be drained have been resolved and the number of roof lights has been reduced in line with the advice provided. It is acknowledged that this residual concern, whilst present, is not such that a heritage objection would be reasonable, as set out by the Conservation Officer. Accordingly, as the development would not result in any harm to the conservation area of the setting of the grade I listed church, the Council has fulfilled its statutory obligations under the LBaCA Act 1990. Moreover, the scheme complies with PSP17 and CS9 in that respect and also in respect of impacts on the building as a non-designated heritage asset.

5.25 Given that the scheme is acceptable in heritage terms and in line with the above consideration, it follows that the scheme is acceptable in terms of design in accordance with CS1/PSP1. Should permission be granted and to ensure the scheme preserves the designated and non-designated heritage assets, matters of detail would need to be secured by condition which would include all external vents/flues/extracts, roof lights, dormers, window/door details and external facing/roofing material and external hard surface treatments (such as paving). It would also be prudent to secure details of the soft landscaping, for the same reason. Finally, permitted development rights for residential alterations should be removed, to ensure that any future additions do not undermine the character of the host building or conservation area.

5.26 Archaeology

Ground disturbance will be limited. However, there will still be works to the rear to facilitate the extension and to install services to the buildings (utilities). Given that the development is within the core of the historic settlement, archaeology may survive and so it would be prudent to monitor this during works. This can be achieved by means of a suitably worded condition to secure an archaeological watching brief, which should be applied in the event permission is granted.

5.27 Residential Amenity

PSP8 permits development where it does not prejudice the residential amenity of both occupiers of the development and of neighbouring dwellings through the creation of unacceptable impacts. Such unacceptable impacts include loss of privacy, overlooking, loss of light, loss of outlook and overbearing/dominant impacts.

5.28 In terms of neighbouring occupiers, the infill extension to the rear of the site would not directly abut any residential neighbours such that there would be any physical amenity issues (such as overbearing, overshadowing). No additional openings are proposed facing outwards, save for roof lights, none of which would be located such that they result in any unacceptable overlooking of residential premises. Additional glazing within the courtyard includes dormers to the rear, which would only allow overlooking into the courtyard. The roof extension to unit 7 would provide views to the West towards 39 High Street and

North into the development. 39 High Street is not residential and so there are no overlooking concerns.

- 5.29 Turning to future occupants, the proposed dwellings are generally 1 bed 2 person (units 2-8) and unit 1 is 2 bed 3 person. Each unit broadly accords with the Nationally Described Space Standards (NDSS). Several of the units are split level (arranged over two floors), whilst unit 6 and 8 to the front are arranged across one floor. Generally, all habitable rooms offer an acceptable level of light and outlook, when taking account of the historic nature of the building and the site context. This has been achieved in part by reducing the number of units as advised at pre-app stage, which has resulted in a less cramped layout and better outlook afforded to the units. Unit 7 towards the front poses some residual concern in terms of the outlook/light afforded to the living area windows which face West towards no.39. However, there is a smaller window facing North on unit 7 which provides light and outlook to the living area and the bedroom is on the 2nd floor within the roof extension, which would provide excellent light and outlook. As such, this residual concern is not considered to be to any extent that would justify a refusal on amenity grounds.
- 5.30 In terms of intervisibility (in reference to the courtyard), there would be some overlooking between units. However, this is a product of the fact the scheme is an historic building conversion, and any future residents would be aware of the characteristic before deciding to take up residence. Given the above, a pragmatic approach is required in respect of the usual separation distances between facing windows (20 metres), and there are no objections in this regard.
- 5.31 The location is in a town centre and so future residents would experience some increase levels of noise. However, it is not unusual to find residential dwellings on the High Street above the frontage units and within the burgage plots. As the situation would not be materially different to the existing situation on the High Street and in the Town Centre, there are no concerns in terms of noise and disturbance impacts on future residents and any conversion would need to accord with the building regulations in terms of sound transmission. This is noted especially in terms of the horizontal separation between the front units and the retained bar/restaurant.
- 5.32 Turning to private amenity space, PSP43 requires 1 bed flats to provide 5sqm private amenity space and 2 bed flats should provide 5sqm plus private shared communal space. In this respect, none of the flats are able to provide amenity space. This is because adding balconies would present a design issue given the historic nature of the building. Sub dividing the courtyard area would also present a layout issue and much of the space is required to provide parking and turning space.
- 5.33 The courtyard and access would provide landscaping and would provide space to place clothes airers if desired by occupants when the need arises. However, it must be acknowledged that there is no real dedicated amenity space, which counts against the scheme. However, a pragmatic approach is required, given the site context and the type of development concerning an historic building conversion. The flats are generally 1 bed, with one 2 bed unit. The size of the

units lends themselves less to being occupied by, for example, families with children. It is not uncommon to find flats and maisonettes in town or urban centre locations without dedicated private amenity space, particularly where the flats or maisonettes are formed through conversion as opposed to new build. The units would have access to internal courtyard space (communal) which provides some day-to-day function, and occupants would also have access to nearby public open space (e.g., Grace Close Green, an 11-minute walk away). Taking a balanced and pragmatic approach, the conversion of the vacant parts of the building, providing a sustainable future for the non-designated heritage asset within the conservation area and the nature of the units created in a town centre location are such that, in this instance, the lack of dedicated private amenity space is not objectionable.

5.34 Transportation

PSP11 expects development to be located within suitable distances from key services and facilities and provide appropriate, safe and convenient access by all mode trips. CS8 expects new development to provide car parking and access that is well integrated and situated so it supports the street scene and does not compromise active travel, public transport infrastructure and highway safety. PSP16 and the Councils Residential Parking Standards SPD sets out parking requirements based on the number of bedrooms within a dwelling.

5.35 The application site is within the Yate/Chipping Sodbury settlement boundary. The site being within a settlement boundary means it is considered suitably sustainable in terms of its location. In context, the site is located just off the High Street, which provides several services and facilities, and the site is a short walk from nearby supermarket and bus stops on the High Street which provide good public transport access.

5.36 The application has been submitted with a transport statement (ADL Traffic & Highways). This is on the basis that less parking is to be provided than would be advocated by PSP16. When considered against PSP16, the provision of 8no. 1 and 2 bed flats presents an overall requirement of 8no. spaces (1 space per flat). At least 1no. visitor space would also be required. As it is proposed, 2no. spaces would be provided. PSP16, it should be noted, allows for a departure from the standards where conclusive factual evidence can be provided to justify this. In this case, consideration is needed as to the existing uses of the building, and the site context.

5.37 The submitted statement demonstrates that the existing commercial use would generate a greater parking demand than the proposed mixture of residential and the retained bar/restaurant use. Parking demand for residential use would be greater in the evenings and on Sundays. However, this is when businesses are more likely to be closed, which frees up on street parking (should occupants drive). The existing uses (less the bar/restaurant, which remains the same) could generate a demand for 8-9 spaces based on the old local plan parking standards. The proposed flats on the other hand, notwithstanding PSP16's standards, could generate a demand for between 5 and 6 spaces according to the census data for flats in Chipping Sodbury. There are currently 3 parking spaces on site, which would be reduced to 2, should permission be granted. The retained spaces would still mean that there is an overall lower

- demand for on street parking compared to the existing commercial uses. It is therefore accepted that a lower parking provision than what PSP16 advocates can be supported in this instance.
- 5.38 Cycle parking would be provided within the development to provide the required storage for 8 cycles. Moreover, the 2no. spaces would be provided with electric vehicle charging points. Waste collection would be from the High Street, which the highways officer does not raise any objections to. Overall, the level of parking is acceptable in this instance given the site context, and should permission be granted, conditions should be applied to ensure provision of parking prior to occupation. It is noted that EVCP's should be secured by condition as suggested by the highways officer. However, this is covered by building regulations and so in accordance with the approach being taken by inspectors recently, such a condition would not be necessary.
- 5.39 Concern is noted regarding the access. The existing access leads from the High Street under the first floor of the building (via an under-croft access). The access runs between 41 High Street and no.39 High Street, and no.39 has right of access over the first two-thirds of the access. The parking spaces would be provided to the rear/North (outside the easement area for no.39) with space to turn so that egress is possible in a forward gear onto the High Street. The vehicle access across the pavement on High Street is an existing access used by the existing premises, which has a greater parking demand and so the development would not notably increase the use of the access beyond the existing situation. The safety of the access has also not been raised as a concern by the highways officer. Pedestrians would also access the flats via the under-croft access. However, given the relative low speeds of vehicles using the two parking spaces within the site, there is no concern regarding vehicle/pedestrian conflict. The access arrangements are therefore acceptable and there is no concern in the context of PSP11 or CS8.
- 5.40 Ecology
The site is not subject to any specific ecological designation. However by reason of age and type of building, there could be potential for protected species. As such, a preliminary roost assessment has been submitted and a bat survey report has also been submitted (Abricon, January 2023 and August 2023 respectively).
- 5.41 The preliminary roost assessment found that the buildings have moderate suitability for roosting bats. Further surveys for bats have been undertaken in the form of emergence surveys accompanied with infra-red cameras in May & June 2023. Building 5 recorded bats emerging and a further emergence survey was undertaken to classify the roost. No other bat roosts were identified within the buildings. Building 5 is confirmed as a day roost for common pipistrelle bats (Max. 4 bats). A Natural England bat mitigation licence will be required prior to works commencing on the building. Outline Bat Mitigation Has been provided in Appendix C, which includes timings of works, toolbox talk, supervision of works, and replacement bat roost.
- 5.42 Nesting birds have been identified using the buildings. These were identified as likely pigeon nests. Works have been recommended to be undertaken the

nesting bird season although it is recognised that feral pigeon can nest all year round with the peak season being March – July. The report also recommends that a nesting bird check is undertaken prior to works commencing. Enhancements for birds have been included and are welcomed.

5.43 Having reviewed the submitted information, the Council's planning ecologist raises no objections. However, should permission be granted, conditions will be required to ensure works proceed in accordance with the mitigation measures provided and to secure details of external lighting.

5.44 Drainage

Initially queries were raised regarding surface water dispersal, which has been clarified that the existing surface water dispersal will be utilised, which is into the foul sewer per and existing agreement with Wessex. This has been reviewed by the LLFA who have no objections to this.

Impact on Equalities

5.45 The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

5.46 With regards to the above this planning application is considered to have a neutral impact on equality.

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: Core Strategy (Adopted) December 2013 and the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

7.1 It is recommended that permission is **GRANTED** subject to the following conditions:

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

Reason

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

3. Prior the commencement of the relevant works, the detailed design (and location, where appropriate) of the following items shall be submitted to the local planning authority for approval in writing.

- a) All external vents, flues and extracts
- b) Rooflights
- c) dormer, window and door details
- d) new rainwater goods
- e) External utility equipment (meter boxes and external pipe runs)

Details shall include specifications and large-scale details. Works shall proceed in strict accordance with the agreed details.

Reason

To ensure a satisfactory standard of external appearance and to preserve the character and appearance of the conservation area, setting of the listed Church and to preserve the character of the host building as a non-designated heritage asset in accordance with CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; PSP17 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017; and the provisions of the NPPF.

4. Prior to commencement of the relevant works, details of all external facing, roofing and external hard surface material shall be submitted to the local planning authority for approval in writing. Works shall proceed in strict accordance with the agreed details.

Reason

To ensure a satisfactory standard of external appearance and to preserve the character and appearance of the conservation area, setting of the listed Church and to preserve the character of the host building as a non-designated heritage asset in

accordance with CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; PSP17 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017; and the provisions of the NPPF.

5. Prior to occupation of any dwelling, details of all planting and soft landscaping shall be submitted to the local planning authority for approval in writing. Details shall include location, species, quantity and stick size of all planting. The approved planting shall be implemented in the first available planting season following first occupation of any dwelling.

Reason

To ensure a satisfactory standard of external appearance and to preserve the character and appearance of the conservation area, setting of the listed Church and to preserve the character of the host building as a non-designated heritage asset in accordance with CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; PSP17 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017; and the provisions of the NPPF.

6. The development shall proceed in strict accordance with the Mitigation and enhancement Measures provided in the Preliminary Roost Assessment report (Abricon, January 2023) and Bat Survey Report (Abricon, August 2023) including obtaining a Natural England Bat Mitigation Licence.

Reason

To ensure that works do not harm protected species or other biodiversity and to accord with PSP19 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017.

7. Prior to installation, details of all proposed external lighting are to be submitted to the local authority for approval and is to include the location and specification of all external lighting fixtures. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the agreed details.

Reason

To ensure that external lighting does not harm protected species and other biodiversity and to accord with PSP19 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017

8. No dwelling shall be occupied until the car parking, access, cycle parking and waste storage/servicing facilities have been provided in accordance with the submitted details.

Reason

To ensure the agreed parking is provided, in the interest of highway safety and to accord with PSP11 and PSP16 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017 and CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

9. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and

re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, C, 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

To allow the LPA to retain control of future additions in order to ensure a satisfactory standard of external appearance, to preserve the character and appearance of the conservation area, setting of the listed Church and to preserve the character of the host building as a non-designated heritage asset in accordance with CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; PSP17 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017; and the provisions of the NPPF.

10. The bar/restaurant to be retained shall continue to operate in accordance with the terms of planning permission PK18/2487/F, or any subsequent variation thereto.

Reason

For the avoidance of doubt.

11. Development shall be implemented in accordance with the following plans:

(00)010 - proposed block plan
(00)099 C - floor plan B01
(00)300 C - proposed sections 01
(00)301 C - proposed sections 01
(01)001 C - site plans
(01)099 C - existing floor plan B01
(01)100 C - existing floor plan L00
(01)101 C - existing floor plan L01
(01)102 C - existing roof plan
(01)200 C - existing elevations 01
(01)300 C - existing sections 01
(01)301 C - existing sections 01
(12)099 C - floor plan B01
(12)100 C - fabric removal plan level 000
(12)101 C - fabric removal floor plan level 01
(12)201 C - fabric removal - elevations 02
(12)300 C - fabric removal sections 01
(12)301 C - fabric removal sections 02
As received 23rd January 2023

(52)100 - drainage layout
As received 3rd April 2023

(00)100 D - proposed floor plan L00
(00)101 D - proposed floor plan L01
(12)102 C - fabric removal roof plan
(00)102 D - proposed floor plan L02
(00)103 D - proposed roof plan

(12)200 C - fabric removal elevations 01
(00)200 C - proposed elevations 01
(01)201 D - existing elevations 02
(00)201 D - proposed elevations 02
As received 5th September 2023

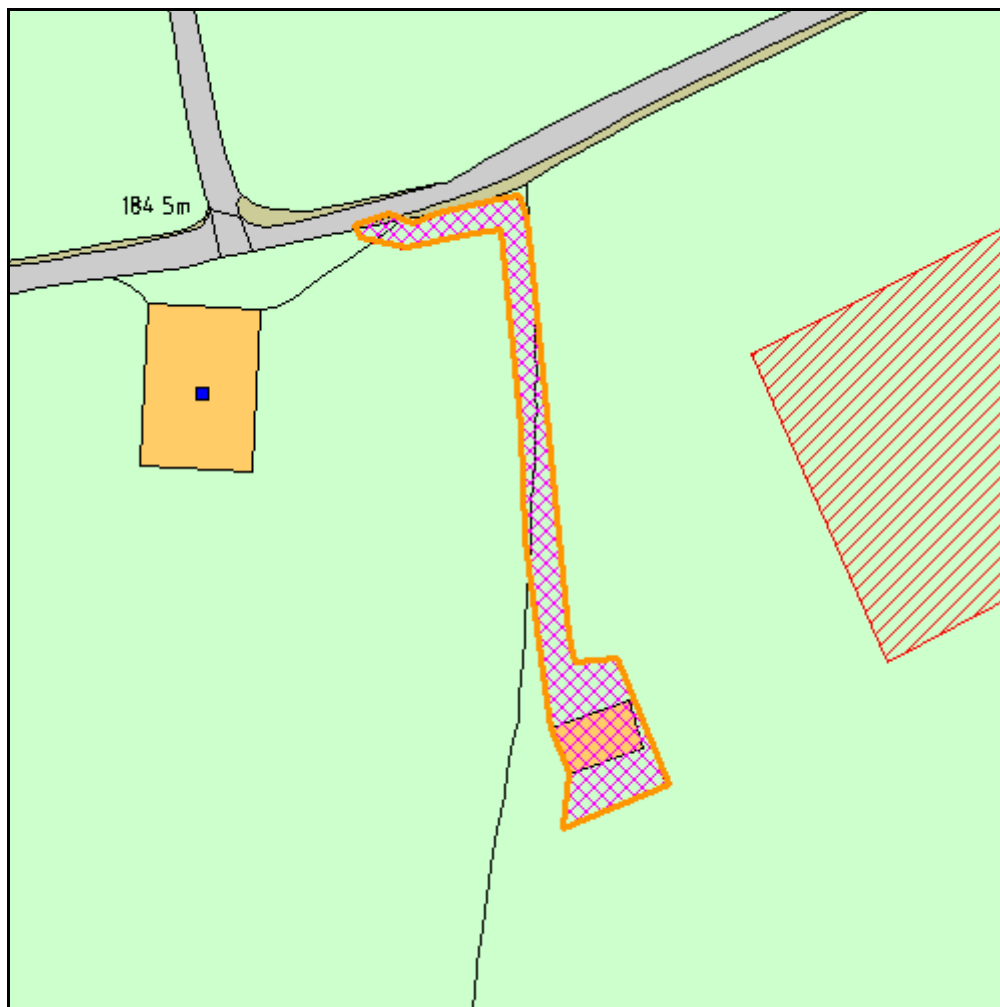
Reason

To define the exact terms of the permission.

Case Officer: Alex Hemming
Authorising Officer: Marie Bath

CIRCULATED SCHEDULE NO. 37/23 -15th September 2023

App No.:	P23/01074/F	Applicant:	Mr Tiley
Site:	Agricultural Barn Rushmead Lane Marshfield South Gloucestershire SN14 8JF	Date Reg:	30th March 2023
Proposal:	Change of Use of building from agricultural to 1 no. dwelling (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) with external alterations and associated works.	Parish:	Marshfield Parish Council
Map Ref:	377470 174758	Ward:	Boyd Valley
Application Category:	Minor	Target Date:	24th May 2023



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100023410, 2008.

N.T.S.

P23/01074/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.

REASON FOR REFERRING TO THE CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule following the receipt of a representation from Marshfield Parish Council supporting the proposal, contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 Full planning permission is sought for the change of use of a building from agricultural to 1 no. dwelling (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) with external alterations and associated works.
- 1.2 The application site is a parcel of agricultural land comprising a steel portal framed barn and its associated holdings, at the address known as the Agricultural Barn at Rushmead Lane within the area of Marshfield.
- 1.3 The application site is outside of the defined settlement boundary, within the Cotswold Area of Outstanding Natural Beauty and is located in a rural area of open countryside.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework
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 Policies Sites and Places Plan Adopted November 2017

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP19	Wider Biodiversity

PSP20	Flood Risk, Surface Water, and Watercourse Management
PSP37	Internal Space Standards
PSP40	Residential Development in the Countryside
PSP43	Private Amenity Space Standards

- 2.3 Supplementary Planning Guidance
 Design Checklist SPD (Adopted) August 2007
 Traditional Rural Buildings (Barn Conversions) SPD (Adopted) March 2021
 Residential Parking Standard SPD (Adopted) December 2013
 Landscape Character Assessment SPD (Adopted) November 2014
 CIL and S106 SPD (Adopted) March 2015
 Waste Collection SPD (Adopted) January 2015 (updated March 2017)

3. **RELEVANT PLANNING HISTORY**

- 3.1 No relevant planning history.

4. **CONSULTATION RESPONSES**

- 4.1 Marshfield Parish Council
 Marshfield Parish Council strongly supports this planning application.

- 4.2 Sustainable Transport
 We note that the planning application seeks to convert the existing agricultural building into one residential unit with access off Rushmead Lane, Marshfield. Having examined the information provided by the applicant, it appears that this location is not near any significant facilities, hence, we do not believe that this development complies with the locational requirements of Policy PSP11 of the adopted South Gloucestershire Local Plan: Policies, Sites and Places document. However, as this new dwelling will only produce a relatively small number of additional vehicular movements per day, we believe that it cannot be considered to be create any severe or unacceptable impacts on the local highway network. As a result, we have no highways or transportation objection in principle to this proposal.

The access point to the site provides good visibility and it is considered acceptable. In respect to parking for the new development and by reference to the submitted plans, there is adequate space for up to 3 vehicles on site with sufficient space for vehicles to turn allowing those vehicles to enter and exit the site entrance in a forward gear. Cycle store is also shown on the submitted plan.

If the Council is minded approving this application, then, the following condition is recommended. Prior to occupation of the property, provide off-street car parking, cycle store and turning area on site and subsequently maintain these satisfactory thereafter.

- 4.3 Landscape Officer
Comments 04/04/2023:
 Landscape issues:

The barn lies in open countryside where existing residential development is sparse. Unlike The Piggery and farm buildings lying further west, it is noticeably set back from the lane frontage.

A relatively long new access track will be required, which will cross the route of footpath LMA/7; defer to further comment from the PROW Officer.

The laying out of the new garden and parking area will change and impact on the rural character of the large field within which the barn lies with the potential to add detracting domesticating elements.

The accompanying planning statement, Section 9 states that the intent is to plant a native hedge around the perimeter of the new dwellings curtilage. Despite being a full application, and the site lying within the CNL, no detailed landscape plan has been submitted to support the application.

Visual issues:

There are wide open views from the lane and footpath and across the wider CNL towards the application barn.

Comments 02/08/2023:

Further comment is given below in respect of additional information submitted July 2023.

Revised Block Plan (submitted July 2023) shows the introduction of significant mitigation planting comprising an orchard area to the south of the barn, woodland copse to the east of the access track and hedgerow planting between the west side of the track and public footpath. The proposed fencing is appropriate to its location. A simple landscape and visual appraisal report (June 2023) has been submitted to support the application. The site photographs (e.g., PV 1 to 3), and supporting descriptions, illustrate the isolated position of the barn within the landscape.

The proposed mitigation planting has been designed to integrate the new dwelling into its surroundings and address landscape and visual concerns previously raised. It is considered that this mitigation will create a positive planted feature within the landscape, which will partly off-set the 'remote' location of the barn.

Defer to the Case Officer opinion in terms of the planning balance. If planning permission is granted, recommend that the following is addressed by condition: Detailed planting plan specifying the location, species, stock size, planting centres and quantities of all proposed tree and structure planting (to be implemented in the first season following completion of construction works).

4.4 Lead Local Flood Authority

Comments 20 April 2023:

The application form states that the proposed method of foul sewage disposal is via connection to a 'Package Treatment Plant'. We therefore query the proposed outfall for the treated effluent from the package treatment plant and require clarity and confirmation on this matter before we may comment further.

Full Planning Application involving a new sewage Package Treatment Plant: No public foul sewers are readily available. A Package Treatment plant is specified but its location must be shown. The method of irrigation for the

effluent overflow must be indicated. A percolation test for discharge to a soakaway is necessary. The applicant must consult the Environment Agency for the need to obtain an 'Environmental Permit' and produce a copy if required. Building Regulation approval must also be obtained.

Note: Package Treatment Plants must be located 10 metres away from any watercourse and structures including the public highway.

Reason: To ensure a satisfactory means of drainage and pollution control in order to comply with South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 Policy PSP21; and South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 Policy CS9.

New discharges of treated effluent from a 'Sewage Package Treatment Plant' are not allowed to discharge to a soakaway (designed for draining rainwater), for discharging effluent to the ground. Such irrigation must utilise a drainage field in accordance with the 'General Binding Rules' - <https://www.gov.uk/guidance/general-binding-rules-small-sewage-discharge-to-the-ground>

Comments 09/08/2023:

Comment as previous dated 20/04/2023.

4.5 Public Rights of Way

Comments 10/05/2023:

The plans do not acknowledge the definitive location of public footpath LMA/7/10 which, as shown in the plans below, leaves Rushmead Lane, passing through a hedge, crossing two relatively modern field boundaries, all in an almost due south direction. Neither do the plans show the alternative route which is currently walked. The alternative currently walked route is accessed by a kissing gate located approximately 10m west of the definitive path entrance to the original sized field (field boundaries have been added in recent years). The proposed plans do not show fencing to the eastern side of the drive but it appears that if the definitive route of the public footpath were reinstalled four boundary crossing points could result where currently only one is recorded. Additionally, footpath users would need to traverse a domestic drive which tends to suit neither user nor owner.

Whilst the definitive footpath is not blocked by the domestic curtilage (excluding the track) of the barn conversion insufficient information is provided to establish the impact of the domestic use and additional boundary treatment on the use and enjoyment of the right of way in the long term. A diversion of the footpath using the least possible number of gates could be a solution to this situation if the applicant owns additional land on either side of the barn. Should the application be permitted it would therefore be subject to the following limitations with particular emphasis on making sure the footpath is kept clear, safe and accessible for pedestrians during works at all times. Please add these as an informative to the decision notice

The developer should also be aware of limitations regarding public rights of way if the development is to proceed.

Comments 1708/2023

The amended plan and the Landscape and Visual Appraisal received do not accurately reflect the definitive route of public footpath LCA/7. They do indicate a footpath along a currently used alternative route which, would be crossed by the new drive but could be suitable as a formal diversion.

Conclusion: The proposed development will exacerbate obstruction of the definitive route of the footpath and as such, unless proposed hedgerows, copse and existing obstructions are removed from the definitive route, a diversion order should now be sought and confirmed prior to works along the public footpath commencing. A diversion will necessarily require the consent of any owner or ownership of land over which the diverted public highway (footpath) will pass. It is not clear if this is in the same ownership. Should the application be permitted in its current form the limitations below should be attached as an informative to the decision notice.

Limitations:

The developer must also be aware of the following limitations regarding public rights of way and development:-

1) No change to the surface of the right of way can be approved without consultation with the Council. The developer should be aware of his/her obligations not to interfere with the public right of way either whilst development is in progress or once it has been completed; such interference may well constitute a criminal offence. In particular, the developer must ensure that:

- a) There is no diminution in the width of the right of way available for use by members of the public.*
- b) No building materials are stored on the right of way.*
- c) No damage or substantial alteration, either temporary or permanent, is caused to the surface of the right of way. This includes no new gradients to be introduced and no steps are to be provided without prior discussion and approval of PROW Officers.*
- d) Vehicle movements are arranged so as not to unreasonably interfere with the public's use of the way.*
- e) No additional barriers (e.g. gates) are placed across the right of way, of either a temporary or permanent nature.*
- f) No wildlife fencing or other ecological protection features associated with wildlife mitigation measures are placed across the right of way or allowed to interfere with the right of way.*
- g) The safety of members of the public using the right of way is ensured at all times.*

2) Any variation to the above will require the prior consent of the Public Rights of Way department. If the development will permanently affect the right of way, then the developer must apply for a diversion of the route under the TCPA 1990 as part of the planning application. No development should take place over the route of the path prior to the confirmation of a TCPA path diversion order. The route of a PROW is not stopped up until the coming into operation of a public path order. A Public path order may not be confirmed if a development is substantially complete.

3) If the development will temporarily affect the right of way then the developer must apply for a temporary closure of the route (preferably providing a suitable alternative route). South Gloucestershire Council will take such action as may

be necessary, including direct enforcement action and prosecution, to ensure that members of the public are not inconvenienced in their use of the way both during and after development work has taken place.

4) Please note however that the Definitive Map is a minimum record of public rights of way and does not preclude the possibility that public rights of way exist which have not been recorded, and of which we are not aware. There is also a possibility that higher rights than those recorded may exist over routes shown as public footpaths and bridleways.

4.6 Residents

1no. letter of objection has been received, as summarised below:

- Serious reservations with the water supply feeding this new barn conversion, although aware this is not a planning issue the supply is privately owned (not Bristol Water) and in summer 2021 we lost water supply completely affecting no 1, 2 and 3 Castle Cottages in Rushmead Lane causing much distress and health concerns to all residents.
- No objections to this barn conversion going forward but the farmer continually adding water troughs and with a new residential development this water supply will not cope and our water supply will cease.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The National Planning Policy Framework (NPPF) places great emphasis on sustainable growth, including boosting housing supply and building through windfall development. The NPPF indicates a presumption in favour of sustainable development except where adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the framework which indicate development should be restricted. Paragraph 78 of the NPPF goes on to confirm that, in rural areas and in order to promote sustainable development, housing should be located where it will enhance or maintain the vitality of rural communities but that new homes in the countryside should be avoided.

5.2 Providing sustainable development is the core objective of the NPPF and, in accordance with this objective, Policy PSP11 requires residential development to be located on safe, usable walking and, or cycling routes, which are an appropriate distance to key services and facilities. PSP11 further confirms that where some key services are not accessible by walking and cycling, proposals should be located on safe, usable walking routes that are an appropriate distance to a local bus stop which is served by a public transport service, connecting to a destination which is able to offer these key services and amenities.

5.3 The NPPF re-emphasises that the development of isolated homes in the countryside should be avoided unless one or more of the following circumstances apply:

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;*

- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;*
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;*
- d) the development would involve the subdivision of an existing residential building; or*
- e) the design is of exceptional quality, in that it: - is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.*

- 5.4 Policy PSP40 supports this and goes on to clarify that the residential conversion and reuse of existing buildings outside of settlement boundaries will only be acceptable, where the building is of permanent and substantial construction, it would not adversely affect the operation of a rural business or working farm, that any extension as part of the conversion is not disproportionate to the existing building and, if the building is disused, the proposal would lead to an enhancement of its immediate setting. A full structural survey has been submitted to support this application and will be discussed in greater detail further within this assessment.
- 5.5 Following the appeal decisions for PT18/6450/O and P21/03344/F, it can be demonstrated that the Council does have a 5YLS, however the Settlement Boundaries are out of date and the Council does not have a plan led approach to housing development which accounts for the wider housing market area. The provision of 1no. dwelling towards the 5YLS, given that the locational policies are out of date is, therefore given modest weight.
- 5.6 Of relevance to this proposal is that the site is located within in a rural area, outside of the designated settlement boundary, but there is also an acknowledgement that the relevant locational policies are out of date. Paragraph 11 d) of the NPPF upholds that, where there are no relevant development plan policies, or the policies which are most important for determination of the application are out of date, permission should be granted unless demonstrable that any adverse impacts for doing so would significantly outweigh the benefits when assessed against the policies in the framework as a whole.
- 5.7 Whilst acknowledged that Rushmead Lane does present some rural housing, this is not indicative of the site being in a sustainable location, nor are these properties considered to be within close proximity to this application site. The site and positioning of the barn is considered remote, isolated and sparse, contrary to where new development should be directed.
- 5.8 The site itself is also quite a distance outside of the nearest settlement boundary, where it starts from Tormarton Road (in excess of approx. 1.2 miles), where there are necessary day-to-day services and amenities such as food shop, local school and GP surgery. Distance to such services have been set out below, in comparison to the recommended distances set out under PSP11:

Key Services/Facilities	Distance (approx.)	Appropriate walking/cycling distances
Retail/shops, including supermarkets and smaller convenience stores	1930 metres	1200 metres
Local health services/pharmacy	2250 metres	800 metres
Community centres	2250 metres	800 metres
Post office	1930 metres	800 metres
Public house	2100 metres	800 metres
Primary school	1.7 miles	2 miles
Secondary school	7 miles	3 miles
Bus stop	1200 metres	400 metres – 800 metres

- 5.9 Moreover, the walking/cycling route is not considered safe, nor appropriate due to the location of the site down a single track unfinished road, where there is no continuous footway or street lighting. Walking or cycling such a route is considered unsafe and hazardous, particularly when considering day-to-day activities such as taking children to school or carrying shopping and would also involve crossing the busy A420 over to Marshfield itself.
- 5.10 The principle of development for the scheme therefore raises concern with regards to its isolated siting in what is found to be an unsustainable location, and where reliance on private vehicle would be substantiated. A dwelling in this location also confirms that this is not an established residential area due to the sparse siting of surrounding neighbouring residential properties, therefore a new dwelling would lack integration and coherence within this particular setting. This therefore justifies a reason for refusal in the first instance.
- 5.11 Design, Visual Amenity & Landscape
Policy CS1 of the Core Strategy states that development proposals will only be permitted where the highest possible standards of design and site planning are achieved. Although acknowledged that the Council's settlement boundaries and locational policies are out of date, great emphasis remains on providing high quality development in the most appropriate locations, mitigating harm to visual amenity and the overall character and appearance of the area.
- 5.12 Paragraph 176 of the NPPF also states that great weight should be attached to conserving and enhancing the landscape and scenic beauty in Areas of Outstanding Natural Beauty. This is backed up by policy PSP2 and CS34 of the development plan, with considerable emphasis on demonstrating that the character, setting and natural beauty of the AONB would not be adversely impacted by a proposed development. Where proposals would result in such harm, it must be sufficiently demonstrated that the benefits would outweigh the harm and that any effect to the landscape is mitigated through the form of the development and the provision of landscape enhancements, where reasonable.

- 5.13 Given the rural nature and sensitivity of the site within the AONB and open countryside, a landscape and visual appraisal has been submitted to support the scheme. The proposal initially raised concerns with the case officer and the Council's landscape officer, particularly with regards to the introduction of a domestic element in the open countryside where residential development is sparse and buildings are scattered. The proposed mitigation measures and enhancements set out within the appraisal have therefore been taken into account when considering the overall impact of the development on the open countryside and AONB.
- 5.14 The barn itself is setback some 87m from Rushmead Lane, exacerbating concerns regarding the remote and isolated appearance of the structure. Such a distance from the roadside would have a substantially detrimental impact to the openness and visual amenity of the countryside, resulting in harm to the sensitivity of the AONB. It is also reasonable to take into account the impact of the proposal from the perspective of the domestic and residential inferences that comes alongside a conversion to a residential dwelling, such as the presence of residential paraphernalia including garden furniture, bins, washing line etc. This has a cumulative impact to the surrounding landscape, as well as the conversion itself. It is clear due to the nature of the proposal as a conversion and the fixed position of the barn that these concerns cannot be overcome, reiterating that the proposal would fail to enhance its immediate setting.
- 5.15 Therefore, whilst the landscape officer concedes that the proposed mitigation planting and hedging would be an improvement and would partly off-set the remote location of the barn, a balancing exercise must be carried out to determine the full cumulative extent of the harm. In this instance, there is considerable and demonstrable evidence to conclude that the harm caused by the proposal would not outweigh its benefits, thus conflicting with the policies set out within the development plan and the provisions of the NPPF.
- 5.16 Of further relevance is the Traditional Rural Buildings (Barn Conversions) SPD, which was adopted in March 2021. The SPD makes reference to the conversion of modern prefabricated agricultural buildings and their impact to the wider character of the area. It is confirmed that these types of buildings are visually intrusive and detract from the wider rural landscape due to their scale, form and materials therefore, once the agricultural use ceases, the building should be removed, and the land restored. In the interests of the rural landscape and aesthetic, any application to convert these structures to residential accommodation should therefore be avoided as this results in the building becoming permanent and retained in perpetuity. The proposal is therefore also in conflict with this supplementary guidance.
- 5.17 To support this application, a structural survey has also been submitted. The existing barn is a detached steel portal frame with pitched roof and is enclosed on 3no. sides, with the north elevation fully open. The roof is constructed of shallow profiled cement sheeting and roof bracing is present on the eastern gable. However, the report comments that further analysis should be undertaken to confirm its capacity for any increased loading. The plans show

that the conversion would include the provision of a lightweight composite roof, which likely takes into account this recommendation.

- 5.18 There are also a number of comments raised regarding the lightweight nature of the roof and structure, particularly if additional weight is to be added and that adjustments would need to be made if the current arrangement cannot be justified. It was also confirmed that foundations will need to be checked for adequacy and that a new ground floor slab would need to consider necessary damp roof membranes, insulation and finishes. Therefore, although there are various comments within this survey which examine the stability of the structure if it were to be converted, the report concludes that it would be capable of conversion. It'd therefore be unreasonable to hold a structural objection on that basis.
- 5.19 In addition, throughout the course of the application process, several previously approved proposals have been put forward as precedent to support this application. In particular, planning reference PK17/0360/F was approved in 2017 for the conversion of an existing barn to form 2no. dwellings with access and associated works further along Rushmead Lane. This barn is more of a traditional stone construction and is set much closer to the roadside, surrounded by a greater level of built form, presenting a different context to that of the barn subject to this application. This approval is also not considered current or reflective of local and national planning policy, due to its granting of permission over 5 years ago. Other approved schemes put forward were also in other areas of the district, as well as within neighbouring districts to this authority. Likewise, all applications must be determined on their own merit which, in this case, is a key consideration given the sparse and rural nature of existing built form in and around this location.
- 5.20 Overall, there is a clear justification that the proposal would result in harm to the character, appearance and setting of the sensitive nature of the open countryside and AONB through the introduction of an incongruous and discordant residential element in a rural and agricultural setting. In light of this, as per footnote 7 of the NPPF, the tilted balance does not apply. As such, this harm would demonstrably outweigh the benefits of the proposal, contrary to the provisions of the framework. A design, visual amenity and landscape objection is therefore raised and is found to be a justified reason for refusing the application.
- 5.21 Residential Amenity
PSP8 permits development where it does not prejudice the residential amenity of both occupiers of the development and of neighbouring dwellings through the creation of unacceptable impacts. Such unacceptable impacts include loss of privacy, overlooking, loss of light, loss of outlook and overbearing/dominant impacts. Similarly, policy PSP43 reinstates the requirement for the provision of sufficient private amenity space standards and that private and communal external amenity space should be; functional, safe, accessible, of sufficient size and should take into account the context of the development and, including the character of the surrounding area.

- 5.22 The proposed dwelling would not result in a harmful impact to the amenity of any surrounding neighbours due to the distances between the proposed converted barn and any residential neighbours. The proposal would also provide adequate and functional private amenity space future occupiers in the form of a rear garden/orchard, in line with the space standards set out within PSP43 of the development plan.
- 5.23 Similarly, the dwelling is proposing 3no. bedrooms which meet the nationally described space standards for 2no. double bedrooms and 1no. single bedroom. As such, the proposal complies with the requirements of PSP8 and PSP43 of the development plan.
- 5.24 Drainage
The proposed method of foul sewerage is through a connection to a package treatment plan, located outside of the defined red line site location plan. The Council's drainage team have queried the proposed outfall of treated effluent from the treatment plant and have requested clarity on the matter before withdrawing reservations.
- 5.25 On account of the above, it cannot be satisfactorily determined that this method of foul sewerage is appropriate, nor can it be confirmed that the details of this method are acceptable. Nevertheless, this is an issue which can be resolved by means of an appropriately worded condition attached to any grant of permission, likely as a request for a drainage plan to be submitted and approved in writing by the Council, prior to commencement of any works. It therefore does not form a justified reason for refusal.
- 5.26 Public Right of Way
There is an existing public right of way which runs through Rushmead Lane, passing through a nearby hedge across the boundary of two nearby fields in a southern direction. There is an alternative route which can be walked, accessed via a kissing gate located 10m west of the definitive site path entrance to the original field.
- 5.27 Concerns were initially raised by the public rights of way officer with regards to a lack of information on the submitted plans, but it is clarified that the definitive footpath would not be blocked by the domestic curtilage, if the proposal were to proceed. Therefore, a lack of information withholds the public rights of way officer formally withdrawing their concerns however, this is a matter that could be satisfactorily handled by virtue of an appropriately worded condition/informative to any grant of permission and does therefore not warrant an additional reason for refusal.
- 5.28 Access, Parking & Waste Collection
Visibility at the site is relatively open, considering the remote and isolated nature of the site itself. The block plan confirms that 3no. off-street parking spaces would be provided in the form of a driveway and track area. It is clear that through the provision of hardstanding and a suitable access track, that appropriate levels of parking can be provided for a 3no. bedroom dwelling. A secure cycle store has also been proposed, alongside a bin store.

- 5.29 Whilst the proposal raises no significant concern from an access and parking perspective, consideration has also been given to the ease and access of waste collection. Guidance within the Waste Collection SPD stipulates the maximum distances between storage and collection points in relation to the host dwelling. In this instance, the bin store would be sited approx. 80m from the roadside, thus contradicting this guidance.
- 5.30 Due consideration has also been given to the length of the distance taken and whether this would be adequately lit and whether it is justifiable to permit an occupier to travel this distance whilst pulling bins out to the roadside. It is clear that the path from the dwelling would not be significantly lit, would not be an ideal walking route, particularly during the dark and bad weather, and would exceed the recommended guidance within the SPD, as well appear contrary to Policy CS1 which states, that proposals should ensure sufficient provision for sorting and storing refuse and recyclables. This further warrants a reason for refusal.
- 5.31 On that basis, the proposal would accord with PSP16 of the development plan in terms of off-street parking arrangements, but there is a contradiction with regards to waste collection and the distance travelled from the proposed dwelling, which cannot be overcome due to the fixed position of the barn itself. A reason for refusal is therefore also justified on that basis.
- 5.32 Consideration of likely impact on Equalities
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services. With regards to the above this planning application is considered to have a neutral impact on equality.

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 **REFUSE** permission has been taken having regard to the policies and proposals in the development plan set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 It is recommended that permission is **REFUSED**

1. The proposed development is situated in a location whereby the occupiers will largely be dependent on the use of a private car and where safe access to key services and amenities by other means is limited by distance and nature of the route. The proposal is therefore in an unsustainable location, contrary to Policies CS5 and CS8 of the South Gloucestershire Local Plan Core Strategy 2013, PSP11 of the South Gloucestershire Local Plan Policy Sites and Places Plan 2017 and the provisions of the National Planning Policy Framework 2023.
2. The proposed development, by reason of its design and use, would introduce a domestic feature into an area of open countryside. This would be exacerbated by the introduction of a residential conversion and associated domestic paraphernalia. There would be no enhancement to the landscape as a result of the proposal and it would cause harm to the visual amenity and intrinsic beauty of the landscape within the Cotswold Area of Outstanding Natural Beauty. This is contrary to Policy CS1 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP1, PSP2 and PSP40 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; the guidance within the Traditional Rural Buildings (Barn Conversions) SPD (Adopted) March 202, and the provision of the National Planning Policy Framework 2023.
3. The proposed development would result in inadequate and unsafe means of transporting refuse and recycling for waste collection, at a distance of 80m from the property to the roadside. This path would be unlit and would result in an unsatisfactory and hazardous arrangement, particularly during hours of darkness or bad weather. The proposal is therefore contrary to Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the Waste Collection SPD (Adopted) September 2019.

Case Officer: Lucie Rozsos
Authorising Officer: Marie Bath

CIRCULATED SCHEDULE NO. 37/23 -15th September 2023

App No.:	P23/02144/HH	Applicant:	Mr A Lee
Site:	Honey Barn Lodge Road Wick South Gloucestershire BS30 5TU	Date Reg:	19th July 2023
Proposal:	Demolish existing garage and erection of 1no. detached garage.	Parish:	Wick And Abson Parish Council
Map Ref:	369772 174366	Ward:	Boyd Valley
Application Category:	Householder	Target Date:	25th September 2023



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 100023410, 2008. **N.T.S.** **P23/02144/HH**

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.

Reason for Referral to Circulated Schedule

This planning application appears on the Circulated Schedule due to the receipt of an objection from Wick and Abson Parish Council contrary to the officer's recommendation.

1. THE PROPOSAL

- 1.1 This application seeks full planning permission for the erection of 1No. detached garage, as detailed on the application form and illustrated on the accompanying drawings.
- 1.2 The existing garage will be demolished and this proposed detached garage will be sited over the footprint of the existing garage towards the front of the main dwellinghouse.
- 1.3 The application site further benefits from a gated entrance from Lodge Road and features a very large entrance/drive area to the property. The site can be found within a very generous residential curtilage and amenity space of the host dwellinghouse Honey Barn.
- 1.4 The existing detached dwellinghouse is mainly a large single storey property, with one small two storey element set back from view and is outside any settlement boundary. The dwellinghouse does not reflect the approved plans under P86/2338. The site is also located within the open countryside, and is washed over by the Bristol/Bath Green Belt.
- 1.5 Upon visiting the site, officers noted the surrounding context of this application site. The main dwellinghouse of Honey Barn is set in very idyllic location, and on the whole is a very secluded property, which is heavily bordered by existing mature dense vegetation of shrubs and trees, which provide very substantial and significant natural screening to the adjacent properties of Silver Birch Barn and Abson Edith Farm. An existing low stone wall and fencing also forms part of the boundary with Abson Edith Farm, adding to the already well established mature vegetation.
- 1.6 As part of the initial assessment of this application, and following discussions with the agent and applicant, a revised design has been submitted in where the 3No dormer windows have been omitted and replaced with rooflights and the overall length of the detached garage has been reduced. As such, the below report now reflects this design.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework July 2021
National Planning Policy Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017

PSP1	Local Distinctiveness
PSP7	Development in the Green Belt
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP38	Development within Existing Residential Curtilages
PSP40	Residential Development in the Countryside
PSP41	Rural Workers Dwellings
PSP43	Private Amenity Space Standards

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007
Residential Parking Standards SPS (Adopted) 2013
Household Design Guide SPD (Adopted) 2021
Development in the Green Belt (Adopted) 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PRE16/0237. Enquiry into the validity of the previous Certificate of Lawfulness. 03.03.2016.
- 3.2 PK09/5909/CLP. Application for Certificate of Lawfulness for the proposed erection of first floor extension. Approved. 14.01.2010. *This application relates to the property previously being known as 'Upton Barn'.*
- 3.3 P86/2338. Conversion of existing outbuildings to form dwelling. Approved. 22.10.1986.

4. CONSULTATION RESPONSES

4.1 Wick and Abson Parish Council

1No letter of Objection Comments received -

- *Concerns that the proposal is overdevelopment within the greenbelt; and*
- *Concerns that the proposed structure is not a direct replacement for the existing building.*

Siston Parish Council

No Comments received.

4.2 Other Consultees

Other Representations

4.3 Local Residents

5No letters of Objection comments received –

- *Concern that the proposal will create overshadowing and overlooking impacts upon adjacent surrounding properties;*
- *Concerns of loss of privacy upon adjacent neighbouring properties;*
- *Concerns raised that the proposal is over-development of the application site and that it is uncharacteristic of the immediate area;*
- *Concerns the proposal will create a loss of natural light to neighbouring adjacent properties;*
- *Concerns raised that the proposed detached garage is oversized and too tall in height;*
- *Concerns that the proposed garage is not proportionate to its setting;*
- *Concerns that the proposal is a permanent structure and that it is to replace a temporary structure;*
- *Concerns that the proposal will create visual impacts upon the Bristol/Bath Green Belt and its openness;*
- *Concern that the proposal will impact upon the existing surrounding mature vegetation and local wildlife;*
- *Concerns that the proposal will impact upon the existing boundary wall and hedgerow;*
- *Concerns that the proposal is for living accommodation and not garaging; and*
- *The existing building is flimsy in construction and can be easily demolished. The builder was aware of the possible enforcement of a covenant made by a previous owner of Abson Edith Farm that the land, covering the area on which the existing garage is built, is to remain forever clear.*

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Policy PSP38 of the PSP Plan (November 2017) allows the principle of development within residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety. It states that new dwellings and extensions within existing residential curtilages are acceptable in principle but should respect the overall design and character of the street and surrounding area. They should not prejudice the amenities of neighbours, or that of highway safety and the parking provision should be of an acceptable level for any new and existing buildings. The adequate provision of private amenity space should also not be sacrificed for any new development that forms part of a settlement pattern that also contributes to local character.

5.2 Policy 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.
- 5.3 As the site is outside of any settlement boundary and within the open countryside, PSP40 is also relevant to this proposal. PSP40 sets out that within the open countryside, proposals including any alterations or extensions will be acceptable where they do not have a harmful effect on the character of the countryside, or the amenities of the surrounding area.
- 5.4 Green Belt
CS5 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013 states that proposals for development in the Green Belt must comply with the provisions in the National Planning Policy Framework July 2021. The objective is to protect the openness of the Green Belt.
- 5.5 Under National Planning Policy Framework July 2021, proposals affecting the Green Belt are regarded as inappropriate. However, there are exceptions to this policy in that the extension or alteration of a building provided that it does not result in disproportionate addition over and above the size of the original building. PSP7 of the Policies, Sites and Places Plan also states that inappropriate development can be harmful to the Green Belt and that it would not be acceptable unless very special circumstances can be demonstrated and that they clearly outweigh the harm to the Green Belt, and any other harm.
- 5.6 PPS7 also states that additions proposed that exceed a 30% volume increase, will still be carefully assessed, paying particular regard to whether the proposal would appear out of scale and proportion to the host dwellinghouse. Further guidance goes on to state that additions over 50% of the original volume are most likely be considered disproportionate.
- 5.7 Objection comments have been received from Wick and Abson Parish Council that the proposed garage is overdevelopment within the Green Belt. Although officers note that the proposed detached garage would provide an approximate 28% volume increase to the original garage, it is noted that this proposed detached garage would significantly increase the bulk and massing of the existing garage. However, this is simply in its nature to increase the scale to accommodate its proposed use; the housing of 2No vehicles and storage space.
- 5.8 Furthermore, officers note that as the existing garage is to be demolished and this proposed garage would be a replacement and sited in the same location as the existing garage, this proposed garage would be sufficiently surrounded and enclosed by existing dense mature vegetation and trees which are to be retained in situ. Therefore, although this detached garage would represent a slight addition over and above the original garage, the proposal is not considered to have an unacceptable impact on the openness of the Green Belt and is considered appropriate.

- 5.9 Design and Visual Amenity
Policy CS1 of the Core Strategy and policy PSP38 of the Policies, Sites and Places Plan seek to ensure that development proposals are of the highest possible standards of design.
- 5.10 This detached garage will now extend to an approximate depth of 6.6 meters and maximum length of 11.5 meters, and will accommodate garaging with a workshop to the ground floor and storage space to the loft space. It will feature a gable end pitched roof with a total of 6No rooflights. The rooflights to the rear (south-east) elevation will be of obscure glazing. Overall it will extend to an overall approximate height of 5.4 metres to the ridge and 2.3 meters to the eaves from ground level.
- 5.11 Although the proposed size, scale, form and height of this garage will be slightly increased to the existing garage, officers observe that in the existing context, that this proposed garage will continue to respect the existing proportions and characteristics of the host dwellinghouse and is of the highest possible standard of design. Therefore, and by reason of the above, the proposal does meet the requirements of policy PSP38, CS1 and the Household Design Guide SPD.
- 5.12 Residential Amenity
Policy PSP38 of the Policies, Sites and Places Plan explains that development will be permitted provided that it would not detrimentally impact the residential amenities of nearby occupiers and would not prejudice the retention of adequate private amenity space. Policy PSP8 specifically relates to impacts on residential amenity and outlines that unacceptable impacts could result from (but are not restricted to); loss of privacy and overlooking; overbearing and dominant impact; loss of light; noise or disturbance; and odours, fumes or vibration.
- 5.13 The impact on residential amenity has been assessed in terms of the adjacent neighbouring properties. In terms of overlooking, the proposal will feature 3No rooflights to each roof plane. 3No rooflights to the roof plane to the front north-west elevation will face into the private amenity space of the host dwellinghouse and face towards the adjacent property of Silver Birch Barn. Although these rooflights may potentially overlook onto this adjacent property and create a loss of privacy, a distance of almost 14.0 meters would be between these buildings. Although it is noted that there may be some impacts to neighbouring properties, they are not sufficient to warrant a refusal.
- 5.14 3No rooflights are also proposed to the rear roof plane, the southeast elevation. These rooflights are proposed to be fixed and obscured glazed due to the close proximity of the proposed detached garage to the existing boundary and the adjacent property of Abson Edith Farm.
- 5.15 Overall, it is concluded that as there would be no significant or detrimental impacts on the character of the area, and as the garage is proposed well set back within the existing residential curtilage of the host dwellinghouse, that given the scale and location the garage, it should not result in an unacceptable

impacts on the residential amenity of neighbouring occupiers and is deemed to comply with policies PSP8, PSP38 and the Householder Design Guide SPD.

5.16 Transport

Policy PSP16 of the Policies, Sites and Places Plan sets out the Councils parking standards. Although this proposal seeks to demolish the existing detached garage and replace it with a new larger version, the host dwellinghouse benefits from a large driveway/parking area which will be retained.

5.17 As sufficient off-street parking is provided to conform to the Councils minimum dimensional requirements, as set out in the adopted Residential Parking Standards SPD and Policy PSP16 of the adopted South Gloucestershire Local Plan: Polices, Sites and Places document the application is acceptable in transportation terms.

5.18 Private Amenity Space

The host dwelling currently benefits from an amount of existing private amenity space. PSP43 sets out standards which are based on the number of bedrooms at a property. No concern is raised on the level of amenity space being retained.

5.19 Other Matters

Objection comments have been made by neighbouring consultees in respect of various issues that are not considered to relate to design, visual and residential amenity impacts. Although these comments are understood and noted accordingly, they do not have a material consideration on this planning application.

5.20 Consideration of likely impact on Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

5.21 With regards to the above this planning application it is considered to have a neutral impact on equality.

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

7. **RECOMMENDATION**

7.1 That the application be **GRANTED** subject to the conditions detailed on the decision notice.

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/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below:

2209-1 Rev D Location and Site Plan (Date received 07/08/23)

2209-2 Rev D Existing and Proposed Plans and Elevations (Date received 07/08/23)

Reason

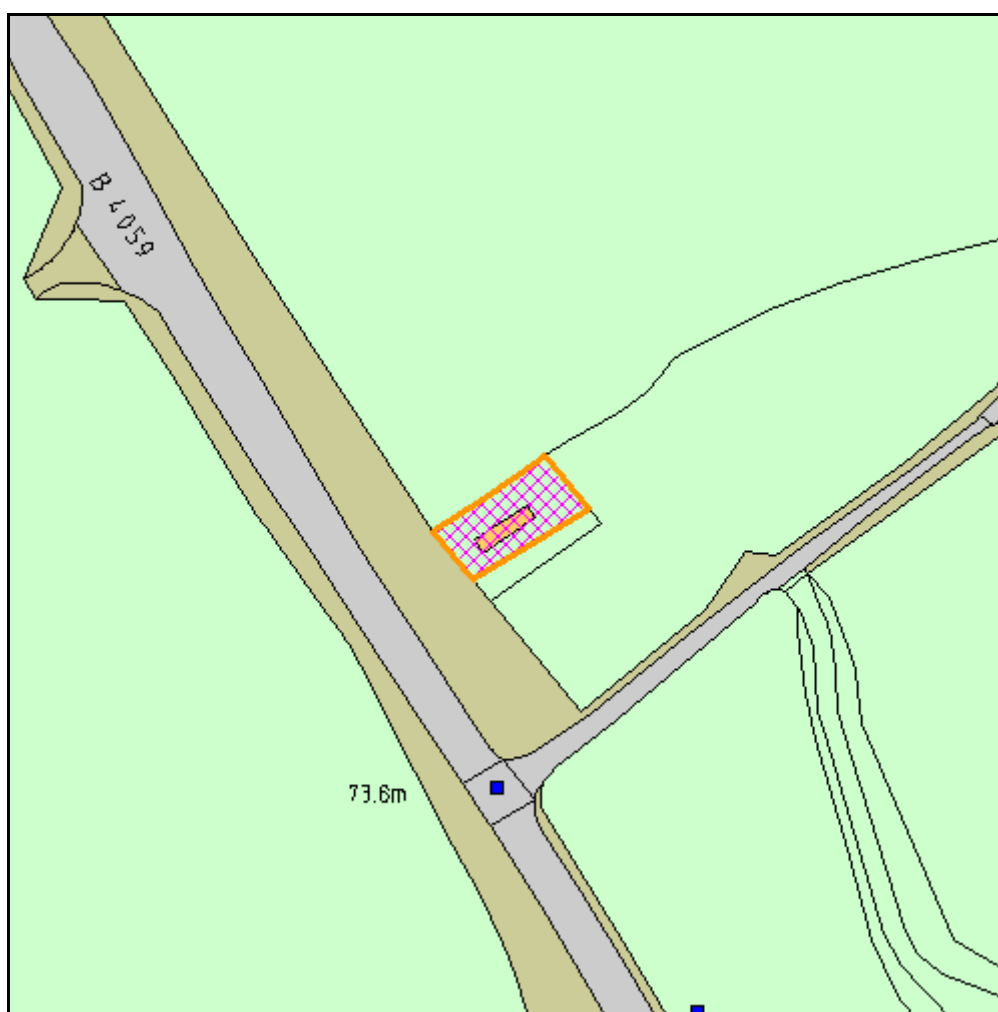
To define the terms and extent of the permission.

Case Officer: Helen Turner

Authorising Officer: Marie Bath

CIRCULATED SCHEDULE NO. 37/23 -15th September 2023

App No.:	P23/02186/F	Applicant:	Mr Andrew Herbert
Site:	Land At Church Lane Wickwar South Gloucestershire GL12 8JZ	Date Reg:	24th July 2023
Proposal:	Erection of a single storey extension to form enlarged agricultural building.	Parish:	Wickwar Parish Council
Map Ref:	372298 188668	Ward:	Chipping Sodbury And Cotswold Edge
Application Category:	Minor	Target Date:	15th September 2023



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100023410, 2008.

N.T.S.

P23/02186/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.

REASON FOR APPEARING ON CIRCULATED SCHEDULE

This application appears on the Council's Circulated Schedule procedure following an objection from the Parish Council and 3no. objections from local residents contrary of the officer recommendation detailed below.

1. THE PROPOSAL

- 1.1 This application seeks full planning permission for the erection of a single storey extension to form enlarged agricultural building.
- 1.2 The application site relates to a small parcel of land to the east of The Downs and north of Church Lane, which forms the boundary of the Wickwar Conservation Area. The site is located outside of any settlement boundary and is not covered by any restrictive designations.

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 (Adopted December 2013)

CS1	High Quality Design
CS5	Location of Development
CS34	Rural Areas

South Gloucestershire Local Plan: Policies, Sites, and Places Plan (Adopted November 2017)

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees
PSP8	Residential Amenity
PSP19	Wider Biodiversity
PSP29	Agricultural Development

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

3. RELEVANT PLANNING HISTORY

- 3.1 **P21/03141/F.** Demolition and rebuild of 1no. agricultural building with associated works. **Approve with Conditions.** 20/08/2021.
- 3.2 **P19/0981/O.** Demolition of the existing building and erection of 1 No. detached dwelling (Outline) with all matters reserved. **Refusal.** 18/03/2019.

4. CONSULTATION RESPONSES

4.1 Highway Structures

No comment.

4.2 Lead Local Flood Authority

No objection.

4.3 Sustainable Transport – Transportation DC

No objection.

4.4 The Ecology Officer Natural & Built Environment Team

No objection, subject to the imposition of informative.

4.5 Wickwar Parish Council

Concerns about the size of the agricultural building in comparison to the size of the plot as a whole and its capacity for the number of animals. There would also be a loss of the visual amenity as a result of the larger building impacting the landscape.

4.6 Local Residents

3no. comments of objection have been received from local residents. The following points and concerns have been raised.

- Barn is totally disproportionate for any animals or arable grown on it
- Plot far too small for such a big structure
- Unnecessary
- Clearly planning to then convert into house
- Totally gaming the planning process
- Last application was only 2 years ago
- Destruction of rural wild life habitat
- Overdevelopment
- Damage to environment
- Not in keeping with the countryside
- Ruins visual amenity
- Increased use is nuisance to Church lane users
- More frequent access onto Downs Road is very dangerous as fast traffic unsighted coming over hill into Village

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy PSP29 of the Policies, Sites and Places Plan outlines that development proposal(s) for agricultural development outside the defined urban areas and settlement boundaries will be acceptable providing that in the case of new buildings, there are no existing underused buildings reasonably available and the proposal is reasonably necessary for the purposes of its use and is clearly designed for that purpose. In this instance the proposed extension would be attached to an approved agricultural building (ref. P21/03141/F). A case has been put forward that due to the success of the rearing of rare breed sheep, a

need for additional space for lambing and other works has been found necessary. The principle of development exists and is accepted.

5.2 Design, Landscape and Visual Impact

Policy CS1 of the Core Strategy seeks to ensure that development proposals are of the highest possible standards and design. This means that developments should have appropriate: siting, form, scale, height, massing, detailing, colour and materials which are informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context. Policy CS34 and PSP2 seek to protect rural areas.

5.3 The proposed extension would be an extrusion of the existing barn with a projection of (approx.) 5.6 metres from the north-east elevation. The development would retain the barns distinctly agricultural aesthetic due to the form and use of materials. Due to this, the proposed alterations would not result in unreasonable harm to the character or appearance of the site and thus complies with policy CS1.

5.4 Residential Amenity

Policy PSP8 of the Policies, Sites and Places Plan relates specifically to residential amenity in which it states development proposals are acceptable, provided that they do not create unacceptable living conditions or result in unacceptable impacts on the residential amenities of occupiers of the development or of neighbouring properties. These are outlined as follows (but not restricted to): loss of privacy and overlooking; overbearing and dominant impact; loss of light; noise or disturbance; and, odours, fumes or vibrations.

5.5 The proposed development is not located near to any residential properties. No objections are therefore raised in relation to policy PSP8.

5.6 Transport

Given that the extension would be used for lambing in conjunction with the existing activities at this barn and associated field, the development would not generate any additional travel demand nor alter existing access. Due to this, officers raise no transport objection to the scheme.

5.7 Ecology

The council's ecology team have reviewed the submitted documents and raise no objection, subject the imposition of relevant informative regarding nesting birds and bats to ensure the protection of habitats.

5.8 Other Matters

It is noted that the permission for the existing building had a number of restrictive conditions. The original application had a red line drawn more closely around the proposed building, and as such the extension now under consideration would in part be outside of the original red line. As such, these conditions would not automatically apply to any further permission given. It is considered reasonable to repeat the relevant conditions, so they apply to the building as a whole.

5.9 Officers acknowledge comments from local residents regarding concern for potential of conversion of barn to a dwelling. However, these comments have been given no planning weight as an application needs to be determined on the facts presented, not supposition about future uses or intentions. Nevertheless, it is of relevance to add as noted above, the barns original permission was permitted subject to restrictive conditions, one of which relates to the removal of the building should its agricultural purposes cease.

5.10 Consideration of likely impact on Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act, the public sector equality duty came into force. Among other things, those subject to the equality duty must have due regard to: eliminate unlawful discrimination; harassment and victimisation; advance equality of opportunity; and, foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

With regards to the above, this planning application is considered to have a neutral impact on equality.

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

7. RECOMMENDATION

7.1 That the application be **APPROVED** subject to conditions.

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/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below (received 21st July 2023):

Application Form
Design and Access Statement
Location Plan
Existing (4298/P1) Rev A
Proposed (4298/P2) Rev A
Existing and Proposed Site Block Plan (4298/P3) Rev A

Reason

To define the terms and extent of the permission.

3. Should the requirement or use of the approved barn for agricultural purposes cease, the building must be removed from the land, and the ground must, so far as practicable, be restored to its natural condition before the development took place unless otherwise approved by the local authority.

Reason

To protect the character and appearance of the area to accord with Policies CS1, CS5, CS34, PSP1 and PSP2 of the Adopted South Gloucestershire Local Development Plan Documents and the National Planning Policy Framework.

4. No external lighting is to be erected, unless details including location and specification, are submitted to and approved by the local authority prior to commencement.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of wider biodiversity, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and Policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted (2017) and the National Planning Policy Framework. With further regard to the species protected under the Conservation of Habitats & Species Regulations 2017 ('European Protected Species) and Wildlife & Countryside Act 1981 (as amended).

Case Officer: Chloe Summerill
Authorising Officer: Marie Bath