



**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. 09/17

Date to Members: 03/03/2017

Member's Deadline: 09/03/2017 (5.00pm)

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

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

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

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

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

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

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

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

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

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

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

GUIDANCE FOR 'REFERRING' APPLICATIONS

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

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

CIRCULATED SCHEDULE 03 March 2017

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ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK16/6306/F	Approve with Conditions	Home Farm Cattle Byre Catchpot Lane Dodington South Gloucestershire BS37 6SP	Westerleigh	Dodington Parish Council
2	PK16/6307/LB	Approve with Conditions	Home Farm Cattle Byre Catchpot Lane Dodington South Gloucestershire BS37 6SP	Westerleigh	Dodington Parish Council
3	PK16/6500/F	Approve with Conditions	Cycle And Footbridge Crossing The A4174 Between The Emersons Green East Gateway Development And Existing Retail	Emersons	Emersons Green Town Council
4	PK16/6646/RV	Approve with Conditions	2A Woodstock Road Kingswood South Gloucestershire BS15 9UB	Woodstock	None
5	PK16/6728/F	Approve with Conditions	Foxgloves 12A Westerleigh Road Pucklechurch South Gloucestershire BS16 9RB	Boyd Valley	Pucklechurch Parish Council
6	PK16/6871/F	Approve with Conditions	Anchor Made Forever 307 New Cheltenham Road Kingswood South Gloucestershire BS15 4RD	Kings Chase	None
7	PK17/0092/F	Refusal	Barn At Ashleaze New House Farm Little Sodbury South Gloucestershire BS37 6PN	Cotswold Edge	Little Sodbury Parish Council
8	PK17/0226/CLP	Approve with Conditions	154 Couzens Close Chipping Sodbury South Gloucestershire BS37 6BU	Chipping	Sodbury Town Council
9	PT16/3680/F	Approve with Conditions	Land At Bristol Road Frampton Cotterell South Gloucestershire BS36 2AW	Frampton Cotterell	Frampton Cotterell Parish Council
10	PT16/6479/F	Approve with Conditions	155 Meadow Way Bradley Stoke South Gloucestershire BS32 8BP	Bradley Stoke South	Bradley Stoke Town Council
11	PT17/0097/F	Refusal	Rear Of 20 Filton Road Hambrook South Gloucestershire BS16 1QL	Winterbourne	Winterbourne Parish Council
12	PT17/0126/F	Approve with Conditions	69A Park Lane Frampton Cotterell South Gloucestershire	Frampton Cotterell	Frampton Cotterell Parish Council
13	PT17/0140/ADV	Approve with Conditions	Land South Of Wotton Road Charfield Wotton Under Edge South Gloucestershire GL12 8SR	Charfield	Charfield Parish Council
14	PT17/0169/CLE	Approve	18 Gayner Road Filton South Gloucestershire BS7 0SW	Filton	Filton Town Council

CIRCULATED SCHEDULE NO. 09/17 – 03 MARCH 2017

App No.:	PK16/6306/F	Applicant:	J and D Dyson
Site:	Home Farm Cattle Byre Catchpot Lane Dodington South Gloucestershire BS37 6SP	Date Reg:	30th November 2016
Proposal:	Conversion of existing barn to form 1no. dwelling with associated works.	Parish:	Dodington Parish Council
Map Ref:	374971 180058	Ward:	Westerleigh
Application Category:	Minor	Target Date:	20th January 2017



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 100023410, 2008. N.T.S. PK16/6306/F

REASON FOR SUBMISSION TO THE CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the conversion of an existing barn to form 1no. residential dwelling with associated external alterations. The host site is Home Farm, Cattle Byre located off Catchpot Lane within Dodington. The application site is curtilage listed, within the Cotswolds Area of Outstanding Natural Beauty (AONB) and the Bristol/Bath Green Belt.
- 1.2 Further to this, the site is adjacent to Home Farm a grade II listed building. The Dodington House historic garden, which is registered under the Historic Buildings and Ancient Monuments Act 1953 within the Register of Historic Parks and Gardens by Historic England, lies to the west of the application site. Historic England's records demonstrate that the application site is some distance from the boundary of the historic garden, due to this distance and intervening features, the proposal is unlikely to impact on the setting of this historic garden, as such Historic England have not been consulted.
- 1.3 The linear building is a small single storey barn with a hip-ends and fronting gables over existing doors. Although described as a barn, the building subject to this application is more stable-like in appearance. Nonetheless, the last use of the barn is considered to be agriculture.
- 1.4 As well as this application for planning permission, there is also an application for listed building consent, this application is pending determination (planning ref. PK16/6307/LB), and as such will be determined alongside this application for planning permission.

2. POLICY CONTEXT

2.1 National Guidance

NPPF	National Planning Policy Framework
PPG	Planning Practice Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS3	Renewable and Low Carbon Energy Generation
CS4a	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS34	Rural Areas

South Gloucestershire Local Plan Adopted January 2006 Saved Policies

L1	Landscape Protection and Enhancement
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L2	Cotswolds Area of Outstanding Natural Beauty (AONB)
L9	Species Protection
L10	Historic Parks and Gardens
L13	Listed Buildings
T12	Transport Development Control Policy for New Development
T7	Cycle Parking
H3	Residential Development in the Countryside
H10	Conversion and Re-use of Rural Buildings for Residential Purposes

South Gloucestershire Local Plan: Proposed Submission: Policies, Site and Places Plan, June 2016

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodlands
PSP7	Development in the Green Belt
PSP8	Residential Amenity
PSP11	Development Related Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP19	Wider Biodiversity
PSP37	Internal Space and Accessibility Standards for Dwellings
PSP43	Private Amenity Space Standards

The Proposed Submission Draft Policies Sites and Places Plan (PSP plan) is a further document that will eventually form part of the South Gloucestershire Local Plan. The PSP plan will set out new planning policies for South Gloucestershire. Submission and Examination of this took place in February of 2017, and adoption is expected within the summer of 2017. Accordingly, with regard to the assessment of this planning application limited weight is attached to the policies within the PSP plan at this time – weight grows as the plan progresses.

- 2.3 Supplementary Planning Guidance
 Design Checklist SPD (Adopted) 2007
 Development in the Green Belt SPD (Adopted) June 2007
 Residential Parking Standards SPD (Adopted) December 2013
 Waste Collection: Guidance for New Development SPD (Adopted) January 2015
 Community Infrastructure Levy and Section 106 Planning Obligations Guide (Adopted) March 2015

3. RELEVANT PLANNING HISTORY

- 3.1 PK16/6307/LB Pending Determination
 Internal and external alterations to facilitate conversion of existing barn to a dwelling.

4. CONSULTATION RESPONSES

- 4.1 Dodington Parish Council
 The Parish states they were in favour of the development.

4.2 Sustainable Transport

No objection, although concerns were raised with regard to:

- the isolated location of the development – the limited number of trips generated eased such concerns;
- at least one car parking space should be provide – it appears that a car could turn within the site, although not as easily as is usually desired;
- the access' visibility is substandard, given the wall itself and the limited number of trips generated significant conflict within the highway is unlikely.

4.3 Lead Local Flood Authority

No objection.

4.4 Ecology

No objection subject to a number of conditions.

4.5 Conservation and Listed Building Officer

No objection subject to a number of conditions.

4.6 Tree Officer

No objections.

4.7 Highway Structures

No objection, however, two informative notes were suggested. In the case of planning approval, such notes will be attached to the decision notice.

Other Representations

4.8 Local Residents

One letter was submitted with regard to this development, the comments neither objected or supported the development and are summarised below:

- query regarding the duration of the building works and disruption expected;
- concerns with regard to the traffic in the area, especially associated with the estate;
- concerns as the speed limit on Catchpot Lane is still 70mph – a car pull-out from the space outside the front of the barn would be directly opposite our front door (Long Byre, Catchpot Lane).

5. ANALYSIS OF PROPOSAL

5.1 This application seeks planning permission to convert an existing barn into a residential unit. The application site is within the green belt and AONB, the subject building and site is also grade II listed.

5.2 Principle of Development – Five Year Housing Land Supply

The Council cannot demonstrate a five year housing land supply, meaning paragraph 49 of the NPPF is engaged. Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development.

- The paragraph goes on to suggest that if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites then their relevant policies for the supply of housing should not be considered up-to-date.
- 5.3 Regardless of this, the starting point for any decision-taker is the adopted development plan, but the decision-taker is now also required to consider the guidance set out within paragraph 14 of the NPPF. Paragraph 14 states a presumption in favour of sustainable development, and states that proposals that accord with the development plan should be approved without delay, and where relevant policies are out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF.
- 5.4 A recent judgement provided clarity to the interpretation of paragraph 49 of the NPPF (*Richborough Estates Partnerships LLP v Cheshire East Borough Council and Secretary of State for Communities and Local Government*). The key conclusion from the Court of Appeal is that Paragraph 49 should be interpreted widely and it applies to all policies which are restrictive of where housing development can go. With this in mind, for the purposes of this application with specific regard to permitting housing development, policies CS5 and CS34 of the Core Strategy are considered to be out-of-date, as well as saved policies H3 and H10 of the Local Plan.
- 5.5 The proposal should be assessed in terms of adopted up-to-date development plan policies and paragraph 14 of the NPPF. In keeping with the decision-taking approach set out within paragraph 14 of the NPPF, this proposal will be assessed in terms of whether the proposal's benefits would be outweighed by any adverse impacts that would result from the development, such adverse impacts would have to be significant and demonstrable.
- 5.6 Principle of Development – Relevant Policies
Paragraph 55 of the NPPF is supportive of the re-use of redundant or disused buildings in rural areas, where the development would lead to an enhancement to the immediate setting. In a similar tone policy CS34 of the Core Strategy states that proposals must protect, conserve and enhance rural areas' distinctive character, beauty and landscape; including conserving the valuable setting provided by rural areas.
- 5.7 In addition to this, policy CS34 aims to protect the designated Green Belt from inappropriate development. The NPPF establishes that development within the Green Belt is by definition inappropriate and should not be approved except in very special circumstances. Paragraph 90 of the NPPF provides a number of categories where development within the Green Belt is considered acceptable so long as the proposal preserves the openness of the Green Belt and does not conflict with the purposes of including land in Green Belt. One of these categories is the 're-use of buildings provided that the buildings are of permanent and substantial construction'.

- 5.8 Also of key importance is ensuring that the curtilage listed barn and other nearby designated heritage assets are conserved, respected and enhanced (where appropriate) in accordance with policy CS9 of the Core strategy and also saved policies L1, L2 and L13 of the Local Plan.
- 5.9 Principle of Development – Summary
The proposal appears to be acceptable in principle. As stated, the proposal will be assessed in the context of paragraph 14 of the NPPF, with regard to the whether the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits of the proposal
- 5.10 Benefits of the Proposal
This development will result in one clear benefit, this would be the contribution of one new residential unit toward the Council's five year housing land supply. This benefit will be considered within the context of paragraph 14 of the NPPF.
- 5.11 Green Belt Considerations
With regard to the Green Belt the starting point for the assessment of this proposal is paragraph 90 of the NPPF, specifically whether the proposals constitute the re-use of existing buildings, and if the existing buildings are of a permanent and substantial construction. Proposals must also preserve the openness of the Green Belt and conform to the purposes of including land in Green Belt.
- 5.12 The host barn is considered to be of a permanent and substantial construction meaning primary considerations of both paragraphs 55 and 90 of the NPPF are satisfied. Paragraph 90 also states that proposals must preserve the openness of the Green Belt and conform to the purposes of including land in Green Belt.
- 5.13 Further to the conversion of the barn, the proposal also includes associated land to the barn, this is considered to be appropriate with regard to supporting the use of the barn as a residential unit. Accordingly, the proposed conversion with its associated curtilage is not considered to be materially harmful to the openness of the Green Belt, as well as this, the development complies with purposes of including land in Green Belt (paragraph 80).
- 5.14 Overall, the proposal is considered to accord with the relevant Green Belt guidance.
- 5.15 Character, Heritage Assets and Landscape Considerations
In principle, the conversion of this agricultural building is acceptable, provided the proposed works to the barn and site are acceptable.
- 5.16 The Byre is located on the Western boundary of the estate, adjacent to one of the principal entrances to Dodington Park, just north of the junction between Dodington Lane and Catchpot Lane. The Byre is associated with an early 19th century farmhouse building to its north known as Home Farm, which has ceased to exist as a working farm, and is now used as a private dwelling. Home Farm, and the wall, railings, piers and gates are Grade II listed.

- 5.17 The subject building is a simple, single storey linear building with a semi-open central section and a room at either end. The roof is slate tiled. The walls are constructed in masonry; coursed Cotswold rubble stone to the rear, and bath stone piers with brick infill, principal south facing elevation. This elevation is punctuated by 5 doors and a flagstone drainage channel runs along its base.
- 5.18 The patchwork characteristics of this elevation suggest that the building has been modified since its original construction, first with the insertion of the brick panels between the bath stone piers and then with the small dormers over the three doors. The low eaves height, and the name by which the building is informally known, suggests that the building was originally an animal shelter later adapted for use as stables.
- 5.19 Internally, areas of the building retain the original dressed flagstones with a linear internal drain set about 1 metre in from the front of the building. The hipped roof structure is constructed from slender rafters supported by trussed purlins. At its core the existing fabric, form, and appearance of the byre is a typical example of an ancillary agricultural building. However it is constructed from authentic materials that enrich the setting of Home Farmhouse and the western entrance to Dodington Park.
- 5.20 Two new roof lights are proposed in the north-facing slate roof, one for each new bathroom, which would otherwise have no source of natural light. The stable doors that face into the yard on the south elevation will be retained in situ and used as shutters, with double glazed screens installed behind them on the internal side. These screens are a single panel of glazing, the full size of the opening, with frames concealed behind the existing door frames. When it is in use, the doors will be pinned back, and the openings will appear as full sized clear openings. The only exception to this is the front door which will be replaced with a gunstock style door to signify the entrance.
- 5.21 The tarmac will be removed from the yard and replaced with a cobbled surface laid to falls towards a new drainage channel against the southern boundary wall that replicates the existing drainage channel. The existing drainage channel adjacent to the byre will be retained in situ. A condition is suggested to ensure that the cobbles are acceptable and laid appropriately on site.
- 5.22 Overall, the proposal is relatively modest in terms of external alterations, the creation of new openings is minimal and the proposed replacement of tarmac with cobbles represents an improvement to the character and setting of the application site. Officers are therefore of the opinion that the development will not materially harm the heritage assets associated with the application site, or the AONB.
- 5.23 The Conservation Officer has suggested conditions regarding:
- Internal wall, ceiling and flooring finishes;
 - Sample panels with regard to lime mortar pointing;
 - Detailed design and finished for all new fenestration, flues, lighting etc.

- 5.24 These conditions will be secured through the listed building consent, as the majority only regard internal development that does not require express planning permission. Whilst, the final condition included within the bullet points above does regard external works to the building, officers do not find it appropriate to include this condition within the full planning consent, this is due to it being relevant to both the listed and full applications for consent. As if planning permission is granted for this application, then the development could still not commence until listed building consent was permitted for the development.
- 5.25 Highway Safety Considerations
Although the Sustainable Transport Officer has not objected to the proposal, officers note concerns raised with regard to visibility. A member of the public has also raised such a concern. Officers therefore find it reasonable to set out the context in which developments can be assessed with regard to highway safety. Paragraph 32 of the NPPF states that 'development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'.
- 5.26 Officers can therefore only resist this development with regard to highway safety where the impacts of the development would be severe. The development would generate approximately 6 to 7 vehicular movements a day which is likely to be only minimally different to the existing building if it was functioning as an agricultural building which it could lawfully do without the need for any form of planning permission.
- 5.27 Whilst the existing access, which is not proposed to be altered, has substandard levels of visibility, the expected trip generation is not materially larger than that existing lawful use of the site. With this in mind, officers conclude that this development will not result in a materially severe impact on highway safety.
- 5.28 For clarity the visibility splay of the existing access has not been proposed to be improved due to the sensitive historical nature of the walls that would have to be altered. Any works to reduce the height or increase the width of the access would likely be considered to harm the setting of the application site.
- 5.29 The proposal is required to provide one car parking space within the site's residential curtilage in order to accord with the Council's residential car parking SPD. The area to the front of the application site provides such a facility. Officers also consider that a car would be able to turn within the site, although such a manoeuvre would be more difficult than what officers would generally permit. Nonetheless, officers find the proposal to accord with the requirements of the Council's residential car parking SPD, a condition is suggested to ensure that facilities for one car parking space is provided and retained within the application site.

- 5.30 Overall, whilst officers are aware of the concerns of the a nearby resident with regard to the proposal's impact on highway safety in the area, officers find that the development would not result in materially severe impacts on the amenity of the highway. As such officers find that the development should not be resisted for highway safety reasons.
- 5.31 Ecological Considerations
The application site itself is not covered by any statutory or non-statutory nature conservation designations, however, the building itself was considered to have the potential to provide habitats for bats and birds. As such, an ecological survey was submitted as part of the application.
- 5.32 *Bats*
- 5.33 The initial building inspection identified roosting potential for bats, and the resultant activity surveys located an active bat roost within the building. One common pipistrelle (*Pipistrellus pipistrellus*) was observed emerging from the dormer above the doorway to the northernmost stable. This was the only species seen to use the building as a roost. There was no evidence of more than one bat using the roost. Therefore, it is considered that the roost is used occasionally by low numbers of non-breeding bats
- 5.34 In Britain, all bats are protected under the Wildlife & Countryside Act 1981 (as amended by the CROW Act 2000) and the EC Habitats Directive 1992, implemented in Britain by the Habitat Regulations 2010. Furthermore, some bats are priority species nationally, being listed on the UK Biodiversity Action Plan and under Section 41 of the NERC Act 2006 as a species of principal importance for biological diversity in Britain; as well as being included on South Gloucestershire's own Biodiversity Action Plan.
- 5.35 As European Protected Species (EPS), a licence under Regulation 53/56 of the 2010 Habitat Regulations is required for development to be lawful. Judicial reviews have directed that surveys for bats cannot be left to planning Conditions; and that where bats are present, planning authorities should be applying the same 'tests' to which licence applications are subject to under Regulation 53/56 of the Habitat Regulations 2010.
- 5.36 Satisfying these 'tests' necessitates providing the detail of a mitigation strategy prior to determining the application. The three 'tests' are:
- For the purposes of preserving public health or public safety or other imperative reasons of overriding public interest including those of social or economic nature and beneficial consequences of primary importance for the environment;
 - There is no satisfactory alternative to the work specification;
 - The action authorised will not be detrimental to the maintenance of the population of the species at a favourable status in their natural range.

- 5.37 The first 'test' is satisfied in that development is regarded as being of 'overriding public interest of an 'economic nature'. Regarding the second 'no satisfactory alternative' test, should the building be left undeveloped, it runs the risk of falling in to disrepair and ultimately losing the bat roost. The roost will be maintained in the new development with a dedicated roost space behind the original egress point. This satisfies the second test.
- 5.38 The recommendations made within the Bat Survey Report (IES Consulting, November 2016) ensure that the roost will be available to bats once the development has been completed. Therefore, it is considered that the third test is satisfied and the development would not be 'detrimental to the maintenance of the species at a favourable status in their natural range'.
- 5.39 The Ecological Officer has suggested two conditions for the development with regard to bats:
- That all development is subject to the bat mitigation measures described in Sections 4.3 and 4.6 of the Bat Survey Report by IES Consulting (November 2016), to also form the basis of a licence application (derogation) under Regulation 53 of the Habitat Regulations 2010. All works are carried out in strict accordance with said measures.
 - Prior to the commencement of development, the design of the replacement roost is incorporated in to the plans for the development and submitted to the Local Planning Authority for approval in writing. Development must strictly adhere to the approved design and any deviation from the approved design must be considered by the Local Planning Authority.
- 5.40 The first condition is to ensure that the mitigation measures required to pass the European Protected Species licensing tests are accorded with, as such it is recommended that this condition is utilised. The second condition requires the developer to submit details of the replacement bat roost, this condition is considered necessary to ensure the replacement roost is acceptable.
- 5.41 The wording of both of these conditions shall be amended within the decision notice, however, the essence of the conditions shall remain as intended by the Ecological Officer. For clarity, the first condition shall be amended to remove the section requiring the mitigation measures to form the basis of the licence application, as this is controlled by legislation separate to planning controls.
- 5.42 *Birds*
- 5.43 Paragraph 118 of the National Planning Policy Framework (NPPF) states that:
'Opportunities to incorporate biodiversity in and around developments should be encouraged'.
- 5.44 The submitted survey records the presence of nesting swallow, likely to have been present in 2016. As such officers find it reasonable to recommend a condition that requires a scheme for the provision of a new artificial nesting site for swallow to be installed at the site.

5.45 *Summary*

5.46 Subject to the conditions discussed within this section, there are no objections to the development on ecological grounds. Further to the discussed conditions, two informative notes regarding bats and birds will be included within the decision notice in the event of approval.

5.47 Arboricultural Considerations

There is one cherry tree which conflicts with the property proposed for development. The submitted arboricultural report recommends crown lifting the tree, and also a sympathetic minor reduction, in order to balance the tree, and remove conflict with the existing property to be converted. The tree works will allow room for scaffolding to be erected in order to facilitate the conversion of the building. The Brick byre will act as tree protection fencing and therefore no weld mesh panels will be necessary. Accordingly, a condition is recommended that requires the development to be carried out in accordance with the submitted arboricultural report.

5.48 Residential Amenity Considerations

The future occupiers of the dwelling would have sufficient levels of outlook despite the well-contained site and boundary treatments. Further to this, the proposal would not result in a loss of privacy to any nearby residents due to the existing boundary treatments that are not proposed to be materially changed, and also the non-sensitive nature of the residential garden of Home Farm that surrounds the site.

5.49 The proposal has room for in excess of 50 sq.m of private amenity space meaning the development accords with emerging policy PSP43. Further to this, internally, the proposal is large enough to accord with the requirements of the Nationally described (minimum internal) space standards (2016), meaning the development accords with emerging policy PSP37.

5.50 A nearby occupier has raised concerns with regard to the construction works required to convert the development, the member of public was mainly concerned with regard to the duration of the required construction works. Whilst, officers understand and recognise the concerns of this member of the public, officers do not find that the construction period required for the development should be a barrier to the permitting the development. The reason for this is due to the minor nature of the development. For example, the development includes no new buildings, meaning the works will largely be isolated to the existing building. Further to this, the existing tarmac will be removed and replaced with cobbles, this will cause some disturbance to nearby residents, however, the scale of such works is relatively minimal in terms of disruption. Officers are aware that there are nearby occupiers are in close proximity to the application site, as such a condition is recommended that restricts the working hours onsite during construction.

5.51 Overall, the development is considered to have an acceptable impact on the residential amenity of both existing nearby residents and future occupiers of the subject building.

5.52 Site Drainage

There is a drainage channel on site that runs adjacent to the principal elevation of the barn. This channel is proposed to be altered to remove/reduce the possibility of the channel over spilling into the subject building. Officers are content with this approach.

5.53 Planning Balance

The proposal has been assessed in terms of adopted up-to-date development plan policies and paragraph 14 of the NPPF. In keeping with this approach, officers consider there to be no adverse impacts resulting from this development that could be described as significant or demonstrable. However, one clear benefit has been identified, this is the addition of one new dwelling to the Council's five year housing land supply. Accordingly, officers recommend that the development is approved.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Matthew Bunt
Tel. No. 01454 863131

CONDITIONS

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

Reason

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

2. Prior to the first occupation of the development hereby approved, a sample panel of cobbles and re-laid drainage channel, demonstrating the stone colour and size, bond, jointing and general workmanship shall to be laid on site and approved in writing by the Local Planning Authority. The approved sample panel shall be kept on site for reference until the external hard surfacing is complete. Development shall be carried out in accordance with the approved sample.

Reason

In the interests of setting of the application site, the immediate landscape, and the wider designated heritage assets; and to accord with Policies CS1, CS9 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the Policies L1, L2, and L13 of the South Gloucestershire Local Plan (Adopted) January 2006; and the provisions of the National Planning Policy Framework.

3. A minimum of one car parking space shall be retained within the residential curtilage of the development hereby approved. For the avoidance of doubt, the car parking space must measure 2.4 metres by 4.8 metres.

Reason

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

4. The development hereby approved shall be carried out in strict accordance with the bat mitigation measures included within Sections 4.3 and 4.6 of the Bat Survey Report by IES Consulting (November 2016).

Reason

In the interests of ecology and biodiversity; and to accord with Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006; Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

5. Prior to the first occupation of the development hereby approved, the design and location of the replacement bat roost shall be submitted to the Local Planning Authority for written approval. The development shall then be carried out in strict accordance within the approved details. For the avoidance of doubt, the replacement roost shall be incorporated within the subject building.

Reason

In the interests of ecology and biodiversity; and to accord with Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006; Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the provisions of the National Planning Policy Framework.

6. Prior to first occupation of the development hereby approved, a scheme for the provision of new artificial nesting site for swallow shall be submitted to the Local Planning Authority for written approval. The development shall then be carried out in strict accordance with the approved details prior to the first occupation of the development hereby approved. For the avoidance of doubt the details submitted shall include the location of the nesting site.

Reason

In the interests of ecology and biodiversity; and to accord with Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006; Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the provisions of the National Planning Policy Framework.

7. The development hereby approved shall be carried in strict accordance with the submitted Arboricultural Impact Assessment, Arboricultural Method Statement, and Tree Protection Plan prepared by Greenman Environmental Management Ltd (dated August 2016).

Reason

In the interest of the health and amenity of the nearby trees, as well as the wider landscape and area, and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and Policy L1, L2 and L13 of the South Gloucestershire Local Plan (Adopted) January 2006, and the provisions of the National Planning Policy Framework.

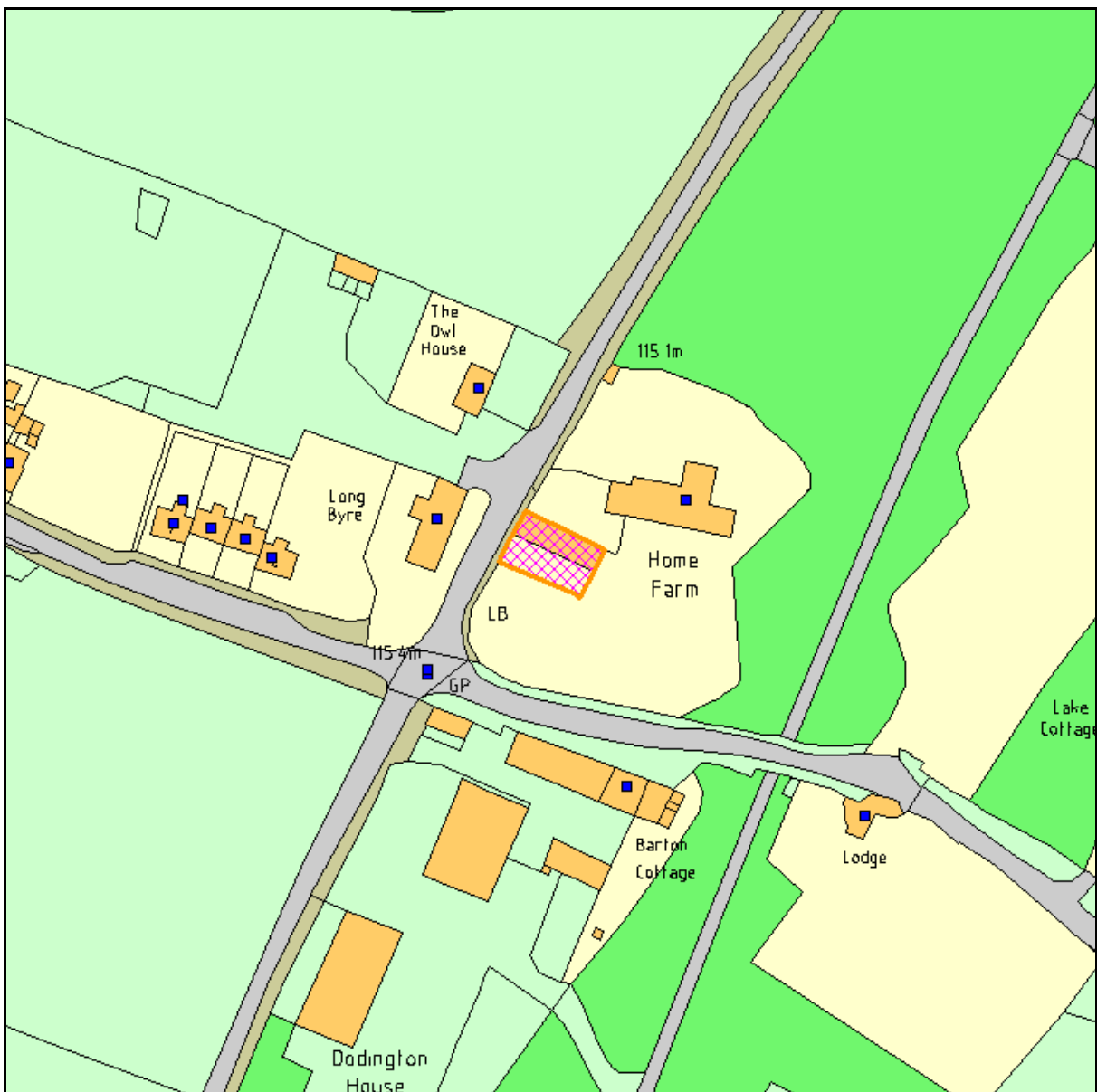
8. The hours of working on site during the period of construction shall be restricted to Monday - Friday 7.30 - 18.00 and Saturday 8.00 - 13.00 and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

In the interests of the residential amenity of the nearby occupiers, and to accord with the provisions of the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 09/17 – 03 MARCH 2017

App No.:	PK16/6307/LB	Applicant:	Mr And Mrs J And D Dyson
Site:	Home Farm Cattle Byre Catchpot Lane Dodington South Gloucestershire BS37 6SP	Date Reg:	30th November 2016
Proposal:	Internal and external alterations to facilitate conversion of existing barn to a dwelling.	Parish:	Dodington Parish Council
Map Ref:	374971 180058	Ward:	Westerleigh
Application Category:	Minor	Target Date:	20th January 2017



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PK16/6307/LB

REASON FOR SUBMISSION TO THE CIRCULATED SCHEDULE

As the accompanying full planning application for the development proposed within this application for listed building consent has been submitted to the Circulated Schedule, officers also find it pertinent to also submitted this application to Council's Circulated Schedule procedure.

1. THE PROPOSAL

- 1.1 This application seeks Listed Building Consent for internal and external alterations to facilitate the conversion of an existing barn into a residential dwelling. This application is accompanied by an application for planning permission which is pending determination (planning ref. PK16/6306/F).
- 1.2 The host site is Home Farm, Cattle Byre located off Catchpot Lane within Dodington. The application site is grade II curtilage listed, within the Cotswolds Area of Outstanding Natural Beauty (AONB) and the Bristol/Bath Green Belt.
- 1.3 Further to this, the site is adjacent to Home Farm a grade II listed building. The Dodington House historic garden, which is registered under the Historic Buildings and Ancient Monuments Act 1953 within the Register of Historic Parks and Gardens by Historic England, lies to the west of the application site. Historic England's records demonstrate that the application site is some distance from the boundary of the historic garden, due to this distance and intervening features, the proposal is unlikely to impact on the setting of this historic garden.

2. POLICY CONTEXT

2.1 National Guidance

Planning (Listed Buildings and Conservation Areas) Act 1990
NPPF National Planning Policy Framework March 2012
PPG National Planning Proactive Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS9 Managing the Environment and Heritage
CS34 Rural Areas

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

L12 Conservation Areas
L13 Listed Buildings

South Gloucestershire Local Plan Proposed Submission Draft: Policies, Sites and Places Plan

PSP1 Local Distinctiveness
PSP17 Heritage Assets and the Historic Environment

The Proposed Submission Draft Policies Sites and Places Plan (PSP plan) is a further document that will eventually form part of the South Gloucestershire Local Plan. The PSP plan will set out new planning policies for South Gloucestershire. Submission and Examination of this took place in February of 2017, and adoption is expected within the summer of 2017. Accordingly, with regard to the assessment of this planning application limited weight is attached to the policies within the PSP plan at this time – weight grows as the plan progresses.

3. RELEVANT PLANNING HISTORY

PK16/6306/F

Pending Determination

Conversion of existing bar to form 1no. residential dwelling.

4. CONSULTATION RESPONSES

4.1 Dodington Parish Council

The Parish states they were in favour of the development.

Conservation and Listed Building Officer

No objection subject to conditions.

Historic England

This application should be determined in accordance with national and local policy guidance, and on the basis of your expert conservation advice.

Other Representations

4.2 Local Residents

None received.

5. ANALYSIS OF PROPOSAL

5.1 This application seeks Listed Building Consent for works to grade II curtilage listed building in Dodginton.

5.2 Principle of Development

This is an application for listed building consent. As such, the only consideration is what impact the proposed development would have on the special historic or architectural features of the property in accordance with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Specifically, when considering whether to grant listed building consent for any works the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

5.3 Assessment of Impact on Heritage Asset

In principle, the conversion of this agricultural building is acceptable, provided the proposed works to the barn and site are acceptable.

5.4 The Byre is located on the Western boundary of the estate, adjacent to one of the principal entrances to Dodginton Park, just north of the junction between Dodginton Lane and Catchpot Lane.

The Byre is associated with an early 19th century farmhouse building to its north known as Home Farm, which has ceased to exist as a working farm, and is now used as a private dwelling. Home Farm, and the wall, railings, piers and gates are Grade II listed.

- 5.5 The subject building is a simple, single storey linear building with a semi-open central section and a room at either end. The roof is slate tiled. The walls are constructed in masonry; coursed Cotswold rubble stone to the rear, and bath stone piers with brick infill, principal south facing elevation. This elevation is punctuated by 5 doors and a flagstone drainage channel runs along its base.
- 5.6 The patchwork characteristics of this elevation suggest that the building has been modified since its original construction, first with the insertion of the brick panels between the bath stone piers and then with the small dormers over the three doors. The low eaves height, and the name by which the building is informally known, suggests that the building was originally an animal shelter later adapted for use as stables.
- 5.7 Internally, areas of the building retain the original dressed flagstones with a linear internal drain set about 1 metre in from the front of the building. The hipped roof structure is constructed from slender rafters supported by trussed purlins. At its core the existing fabric, form, and appearance of the byre is a typical example of an ancillary agricultural building. However it is constructed from authentic materials that enrich the setting of Home Farmhouse and the western entrance to Dodington Park.
- 5.8 Two new roof lights are proposed in the north-facing slate roof, one for each new bathroom, which would otherwise have no source of natural light. The stable doors that face into the yard on the south elevation will be retained in situ and used as shutters, with double glazed screens installed behind them on the internal side. These screens are a single panel of glazing, the full size of the opening, with frames concealed behind the existing door frames. When it is in use, the doors will be pinned back, and the openings will appear as full sized clear openings. The only exception to this is the front door which will be replaced with a gunstock style door to signify the entrance.
- 5.9 The Conservation Officer's comments confirm the proposal is acceptable, indeed the proposal is relatively modest in terms of external alterations, the creation of new openings is minimal and the proposed replacement of tarmac with cobbles represents an improvement to the character and setting of the application site. The Conservation Officer has however suggested a number of conditions with regard to the historical fabric of the building, the conditions are summarised below:
- Internal wall, ceiling and flooring finishes;
 - Sample panels with regard to lime mortar pointing;
 - Detailed design and finished for all new fenestration, flues, lighting etc.

5.10 All of these conditions are recommended to be included within the decision notice. Accordingly, subject to the discussed conditions, the development is acceptable.

5.11 Other Matters

The application building has the potential to provide a habitat for both bats and birds, in response to this the applicant has submitted an ecological survey for the site. Such matters will be addressed within the corresponding application of planning permission. Meaning even if listed building consent was granted, the ecological matters would be addressed as the development could not be implemented unless both the listed building consent and the planning application was permitted.

5.12 Planning Balance

Overall, the development proposed is a comprehensive and sensitively designed scheme which respects the historical and architectural significance of the grade II curtilage listed building.

6 CONCLUSION

6.1 The recommendation to **approve** listed building consent has been taken in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990. Specifically with regard to Section 16(2) which requires Local Planning Authorities to determine applications with special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

7. RECOMMENDATION

7.1 It is recommended that Listed Building Consent be **GRANTED** subject to the conditions listed below/on the decision notice.

Contact Officer: Matthew Bunt
Tel. No. 01454 863131

CONDITIONS

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

Reason

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

2. Prior to the relevant stage of the development hereby approved, specifications of the limecrete floor and lime plaster for the internal walls shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be implemented strictly in accordance with the agreed details. For the avoidance of doubt, the works shall be completed prior to the first occupation of the development hereby approved.

Reason

To safeguard the special architectural and historic character of the building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990

3. Prior to the relevant stage of the development hereby approved, sample panels of lime mortar pointing, demonstrating the colour, texture and finish are to be erected on site and approved in writing by the Local Planning Authority. The approved sample panel shall be kept on site for reference until the pointing is complete. Development shall be carried out in accordance with the agreed sample. For the avoidance of doubt, the works shall be completed prior to the first occupation of the development hereby approved.

Reason

To safeguard the special architectural and historic character of the building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990

4. Prior to the relevant stage of the development hereby approved, the detailed design, including materials and finishes, of the following items shall be approved in writing by the Local Planning Authority:
 - a. Conservation rooflights;
 - b. All new internal and external doors and glazed screens;
 - c. All external vents, flues and extract terminals;
 - d. External lighting, aerials, satellite dishes and alarm equipment.

The design and details shall be accompanied by elevations and section drawings to a minimum scale of 1:5 with full size moulding cross sections. The works shall thereafter be implemented strictly in accordance with the agreed details. For the avoidance of doubt, the works shall be completed prior to the first occupation of the development hereby approved.

Reason

To safeguard the special architectural and historic character of the building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990

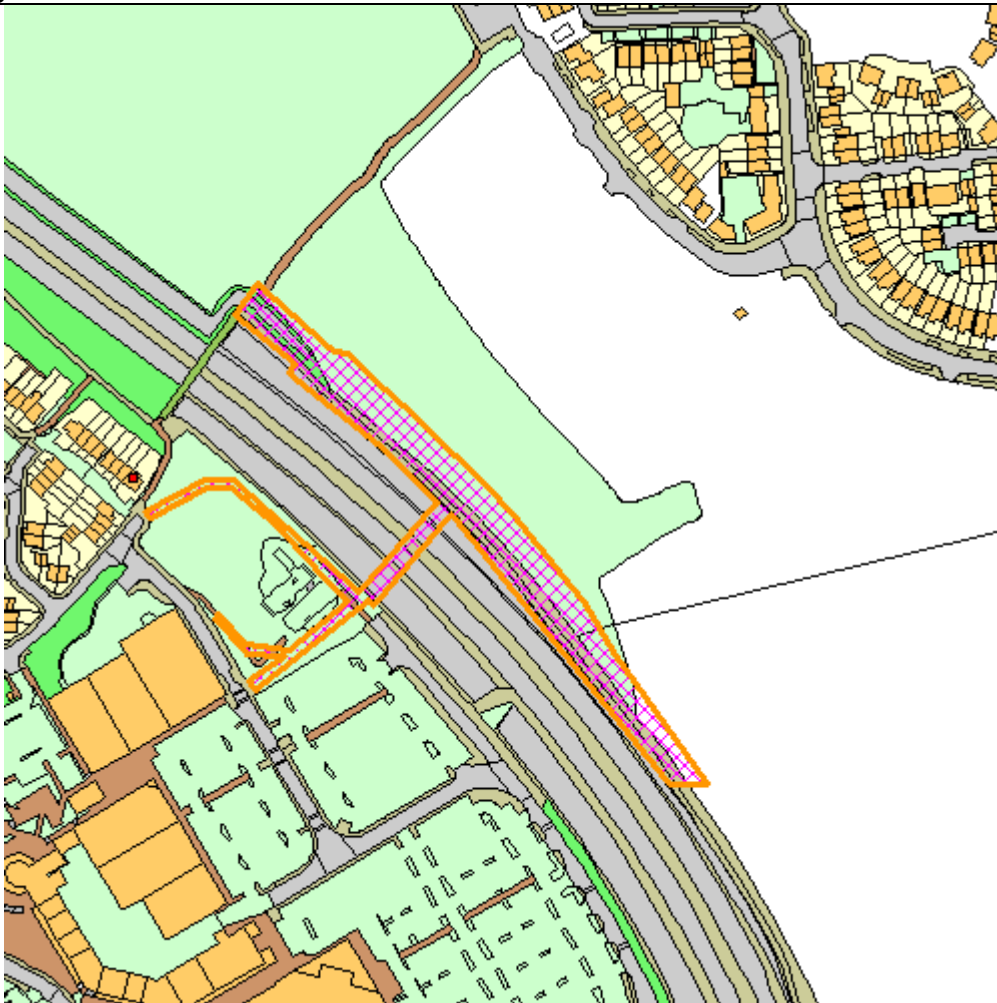
5. Prior to the relevant stage of the development hereby approved, a sample panel of internal flagstone flooring demonstrating the bond, jointing and general workmanship shall be laid on site and approved in writing by the Local Planning Authority. The approved sample shall be kept on site for reference until the pointing is complete. Development shall be carried out in accordance with the agreed sample. For the avoidance of doubt, the works shall be completed prior to the first occupation of the development hereby approved.

Reason

To safeguard the special architectural and historic character of the building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990

CIRCULATED SCHEDULE NO. 09/17 – 03 MARCH 2017

App No.:	PK16/6500/F	Applicant:	South Gloucestershire Council
Site:	Cycle And Footbridge Crossing The A4174 Between The Emersons Green East Gateway Development And Existing Retail Park	Date Reg:	5th December 2016
Proposal:	Erection of an Composite pedestrian and cycle bridge linking Emersons Green East (Gateway) development and the existing district centre, across the A4174 Avon Ring Road. Previously outlined in outline application PK05/1009/O and PK04/1965/O.	Parish:	Emersons Green Town Council
Map Ref:	367141 177411	Ward:	Emersons Green
Application Category:	Minor	Target Date:	26th January 2017



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PK16/6500/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule due to the receipt of representations contrary to the officer recommendation.

1. THE PROPOSAL

Full planning permission is sought for the erection of a cycle and pedestrian footbridge spanning 52m across the A4174 Avon Ring Road. The bridge would link the new Emersons Green (Lyde Green) urban extension with the District Centre at Emersons Green.

The bridge will consist of two tied arches with a maximum height of 11.55 m, from which the main deck will be suspended using stainless steel hangers. The arches will be fabricated from FRP (Fibre Reinforced Polymer). The deck of the footbridge would be 5m wide.

For disabled access, ramps will be provided at a 1 in 20 gradient leading from the access point of the proposed footbridge. There will be a 1.4m high parapet safety barrier along the structure. There will also be a 1.4m high guardrail provided along the top of the crib walls and the footpaths on the eastern side of the Ring Road and bridge. A new bridleway ramp leading from the base of the steps at the existing bridge (further north crossing the A4174) leading to the raised footpath which runs alongside the Ring Road. (This is being developed by the developer of the Gateway site through a planning condition requirement, but is shown on the submitted plans). The bridge will be painted Midnight Green/Juniper.

Other key features of the proposal:

Substantive modification to existing embankments to the A4174 east side in order to support bridge abutments, including raised embankments, and two short sections of crib retaining wall. The maximum change in abutment height is 3.5m.

Modifications to existing cycle and footpath running parallel to the A4174 on the east side (over approximate 275m length), which will be sited on the crest of raised embankments.

New cycle and footpath running from the western end of the bridge past the skate park and linking with the zebra crossing next to Boots in the District Centre. It will also connect to the existing path to the skate park in order to provide step free access for cycles and those with limited mobility.

A new cycle and footpath ramp between Emersons Green East and the new bridge, and a new bridleway ramp leading from the base of the steps at the existing bridge to the north which is to be retained.

Signage will be provided guiding horse riders to the existing equestrian bridge.

Removal of existing hedgerows and vegetation on the east embankment.

Reinstatement of landscaping including hedgerows, trees and vegetation on east embankment and vegetation to support replacing existing habitat corridor.

Reptile hibernaculum within amenity green space on west side of bridge.

The temporary working area, including construction compound and area for fabrication and laydown of the bridge is adjacent to the Rosary Roundabout.

In support of the application, the following documents have been submitted:

- Ecological Appraisal
- Design and Access Statement
- Non Motorised User report
- Road Safety Audit Stage 1/2

Revised Plans

Since the application was submitted, at officer request, the following revisions to the scheme have been achieved:

- The addition of new lighting for the adjacent cycleways
- Steps removed on western approach path and replaced with 1:20 ramp
- Additional trees proposed along east side of raised embankment to provide additional screening to new gateway development
- Addition of privacy screens on top of crib wall at Orchid Close

2. POLICY CONTEXT

National Guidance

National Planning Policy Framework March 2012

National Planning Policy Guidance

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

L1	Landscape Protection and Enhancement
M2	Site 5 Major mixed use development at Emersons Green East
L9	Species protection
L11	Archaeology
EP2	Flood Risk and Development
T12	Transportation Development Control Policy for New Development
T6	Cycle routes and Pedestrian routes
LC12	Recreational routes

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS9	Managing the Environment and Heritage
CS2	Green Infrastructure
CS29	Communities of the East Fringe of Bristol Urban Area

Supplementary Planning documents and other relevant documents

South Gloucestershire Biodiversity Action Plan (adopted)

Emersons Green East Development Brief (adopted 2006)

Approved EGE Detailed Masterplan and Design Codes

3. RELEVANT PLANNING HISTORY

- PK04/1965/O Urban extension on 99 hectares of land comprising of :- Residential development of up to 2550 dwellings; up to 100,000m²

of B1, B2, B8 and C1 employment floorspace. Up to 2,450 m2 of small scale A1, A2, A3, A4 and A5 uses. One, 2 - form entry primary school, a land reservation for a second 2 - form entry primary school and a land reservation for a secondary school. Community facilities including a community hall and cricket pavillion (Class D1) and health centre. Transportation infrastructure comprising connections to the Folly roundabout on Westerleigh Road and the Rosary roundabout on the Ring Road and the construction of the internal road network. A network of footways and cycleways. Structural landscaping. Formal and informal open space. Surface water attenuation areas. (Outline) with means of access to be determined.
Approved 14th June 2013.

- PK15/4232/RVC: (As above applicaion) with variation of Condition relating to trigger for the construction of the Tiger Tail on the M32 attached to approved Outline application. Approved 9th May 2016.
- Development Control East Committee on 15th February 2013 approved the Detailed Masterplan associated with outline planning permission PK04/1965/O at Emersons Green East.
- PK05/1009/O (Gateway site) .Residential development (up to 400 units), small scale retail/commercial units (approx 500 sqm gross) on 13ha of land. Construction of new access road from 'The Rosary' roundabout and associated works (Outline).
- Gateway Site - Illustrative Masterplan. Approved by DC East Committee February 2014
- PK14/2715/RM- Erection of 126 dwellings. Reserved matters to be read in conjunction with Outline planning permission PK05/1009/O. Approved 27.11.14 (Linden Homes adjacent to the bridge site).

4. CONSULTATION RESPONSES

External Statutory Consultees

Emersons Green Town Council

No objection.

However we would like the following comments to be noted and taken into account:

The existing bridge is extremely well used on a daily basis by many members of the public especially school children. The proposed colure of the footpath and bridge for 3-4 months will cause inconvenience so should be kept to a minimum. The provision of lighting on the bridge should be included to improve safety for users. The Town Council would request that an electricity supply be included for use by them for the skate park. The bridge should be available for horse riders and with appropriate flooring.

Highways England

No objection.

The Coal Authority

The application site falls within the defined High Risk Area where there are coal mining features and hazards which need to be considered. The CA previously objected to the proposal due to a lack of a Coal Mining Risk Report. Following this, the applicant submitted up to date coal mining information. The CA now state that the submitted Coal Mining Risk Assessment Report has been informed by an appropriate range of information. It indicates that only a single, thin, unworked coal seam was encountered in one of the boreholes drilled into the site. No evidence of voids or mine workings were encountered. The report concludes that the risk is negligible and therefore no mitigation measures are necessary. The CA is satisfied with these conclusions and the CA withdraws its objection to the proposal and no mitigation is necessary to address the coal mining legacy.

British Horse Society

No objection, providing the existing bridge- which is suitable for horse riding- is retained.

Internal Consultees

SGC Highway Engineer

The new footbridge will link the residential areas to the district centre. This will provide cyclists and pedestrians with a safe passage between the two areas without requiring them to cross or walk on the Ring Road. We consider the proposal to be beneficial to road safety in this area and have no objections.

Lead Local Flood Authority – SGC

No objection.

Ecologist SGC

There are no ecological constraints to granting planning permission. Conditions should be attached in relation to reptiles, hedgehog, badger, external lighting of the temporary works area and a Landscape & Ecological Management Plan.

SGC Conservation Officer

No comment.

SGC Environmental Protection

The Environmental Protection Team have confirmed that the landscape modifications associated with the new bridge detail are a preferred means of mitigating and attenuating the A4174 road traffic noise; the existing fence will no longer be an acoustic requirement.

SGC Public Rights of Way

Public Right of Way PMR8 is on the existing bridge and PMR10 runs concurrent with the ring road footway and PMR11 runs through the proposed site compound.

No objection from PROW but would make the following points:

The footpaths will require temporary traffic regulation orders for the duration of construction. Signage should point horse riders to the existing bridge, an established horse route. Other normal limitations regarding PROWs and development apply.

Local Residents

22 letters of objection have been received, and 3 letters of support and 2 which are neither.

Summary of objections:

- There is already a bridge which is underused: a new one is a waste of -money
- No lighting proposed for the bridge or the access ramps
- Overbearing effect from the raised embankments
- Existing bridge used for burglaries and loitering so new bridge will be too
- New bridge not necessary due to pedestrian crossing at Rosary -Roundabout
- Eyesore due to height of bridge
- New acoustic fence has greatly helped so should be retained
- Negative effect on quality of life for Orchid Close
- Loss of privacy from people overlooking dwellings from the bridge
- Noise from Ring Road due to the opening up of the embankment
- Disruption during construction
- Noise from people crossing the bridge
- Bridge should be nearer the roundabout

Neutral comments

- How to stop shopping trolleys from being taken over?
- Need additional cycle parking at the District Centre to encourage use
- Railings details should be shown, even BS ones can be dangerous

Summary of support

- A direct way to reach the shops and services without needing the car
- Will result in less traffic on the Rosary Roundabout and Lyde Green Roundabout
- Can cut through to catch No. 48 and 49 buses
- Direct cycle connection with cycle path
- Existing bridge very dark and not accessible for wheelchairs/buggies
- Easier, safer and quicker than walking across Rosary Roundabout
- Cycle Bristol UK support proposal – much needed due to Ring Road barrier
- Existing bridge far enough away to deter many people from using it
- New bridge gives choice of route

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The Emersons Green East Development Brief adopted in 2006 includes the requirement for a new cycle and pedestrian footbridge over the Ring Road to link the new development with the District Centre. This document states that the provision of a new bridge is essential if the development is to satisfy Policy M2 of the South Glos Local Plan and the Concept Statement for EGE which required maximum practical integration between different uses.

The Development Framework parameter plan for the approved Outline Planning permission for main EGE site (PK04/1965/O) indicates the location of a new bridge over the Ring Road. Further, the Gateway site Outline planning permission PK05/1009/O for residential development of up to 400 units includes the bridge site within the red line. The site has the benefit of an

approved Detailed Masterplan which indicates the new bridge in the location currently proposed. It is considered therefore that the principle of a new pedestrian and cycle footbridge in this location has already been established.

In addition the Section 106 Agreements attached to both of these Outline planning permissions included obligations for the developers to make financial contributions towards the construction of the bridge.

It is therefore necessary to consider whether the detail of the scheme conforms with expectations in these previously approved documents and plans, and whether it is acceptable in all other respects.

5.2 Transportation

The physical boundary created by the Ring Road between EGE and Area A, (residential development at Emersons Green west of the ring road) would be reduced by the provision of a new bridge for pedestrian/cycle movements. This will be a signature structure, positioned to enable easier access to the District Centre and provide a landmark location identifier for Emersons Green as a whole, in accordance with the Development Brief.

It is considered that the new bridge, with a 5m wide bridge deck, will provide a high quality route in terms of attractiveness to pedestrians and cyclists.

The bridge would provide a connection between existing cycle and foot paths which are located adjacent to the A4174, and run parallel to the road on top of the embankment. These existing paths would be modified to accommodate the landscaping associated with the bridge structure, but would be reinstated and improved as a result of the proposed development.

- 5.3 The existing footpath and cycle path on the eastern side of the A4174, which runs adjacent to and between the A4174 ring road and Emersons Green East Gateway Site is 3m wide. This footpath will be retained, but on a raised embankment. The embankment will be built up from the existing ground level to meet the path from the proposed footbridge. To the north of the footpath there will be at a gradient of 1:20 leading both north and south away from the access point of the footbridge.

A new bridleway ramp leading from the base of the steps at the existing bridge leading to the raised footpath which runs alongside the Ring Road is part of the scheme, (but is to be developed by the developer of the Gateway site as part of the associated section 106 agreement.

- 5.4 It is considered that the proposed bridge has been designed to fully connect with the adjacent land uses on either side. To the east, the bridge provides both a slope or stepped access to the new neighbourhood, aligning with a pedestrian friendly shared surface route that leads towards the main spine road and local centre within the new neighbourhood. To the west, the bridge would land in the District Centre and provide an open and easy route to the shops and services.

A number of local objections to the proposal state that as there is an existing nearby bridge, another bridge is not needed. Whilst undeniably useful for the

dwelling and employment uses closest to it, as well as horse riders, the existing bridge cannot be used for a link to the new development by disabled users or pushchairs as it is accessible only by steep steps from the east. Furthermore, it does not provide a quick and easy link to the District Centre as it arrives, on its western side, outside the District Centre, at the rear of existing dwellings beyond the service area for the shops. In addition, the existing bridge is narrow and uninviting was never designed to accommodate the needs of a new 3,000 dwelling community. With regard to the resident's comment that the new bridge would be better located further to the south, officers can advise that at concept stage back in 2006, this was the intention, however difficult ground levels made this non-viable on closer inspection. The current location was then approved at Outline planning permission stage, so this aspect of the proposal has already been established by the Council.

- 5.5 The proposal is therefore considered to create better connectivity for the residents of the new community and will support the Council's policies by promoting and encourage healthier lifestyles and increased physical activity; and increasing the safety and security of non-motorised travellers by creating a route which is free from traffic. Further, through the provision of a pedestrian link that will be safer and easier to use than currently available, the proposal will encourage people to reduce the number of local car journeys, to the benefit of traffic congestion and the environment.

The proposal is therefore considered to be in accordance with Policy T12 of the South Gloucestershire Local Plan. In addition it complies with Policy T6 of the SGLP as it is development adjacent to existing cycle/pedestrian routes that provides an adequate means of access to that route.

5.6 Landscaping and visual amenity

The principal landscape impact of the footbridge scheme arises from the long ramps which are needed to provide cycle access to the bridge. The ramps require the removal of much of the existing roadside planting and the boundary hedge between the Ring Road and the Gateway site housing development to the east. The access point to the bridge will be some 4m above the existing ground level. Restricted space has produced the requirement for retaining structures to the ramps and bridge abutments. A mixture of re-enforced earth banks and cribb lock walling is proposed. The re-enforced earth slopes will be planted with native shrubs and therefore will provide a suitable replacement for the shrub areas lost to the development scheme. Climbing plants are proposed for the face of the cribb wall to reduce its engineered appearance and to offer some habitat opportunities.

Since the application was originally submitted, the applicant has submitted detailed landscaping plans. The plans now give a clearer indication of the planting and there have been improvements including additional tree planting between the steps and the adjacent dwellings on Orchid Close. In addition, new tree planting along the western approach to the District Centre. A new drawing has also been submitted showing a conceptual visualisation of the proposed landscaping arrangement around the base of the crib wall at east end of bridge. In addition, the width of planting zone has been increased on top of crib wall at eastern end of bridge.

The revised plans are considered by the Council's Landscape Architect, and a number of conditions are recommended regarding details such as tree pits, top soil, and protective fencing, all to ensure the effective realisation of the landscaping scheme.

In terms of the design of the bridge, officers have taken into account the Council's adopted Emersons Green East Development Brief which sets out the requirement for a new 'feature' pedestrian crossing to be designed to be as attractive and as safe as possible. Officers consider that the proposed arch form with a maximum height of 11.55 m, from which the main deck will be suspended using stainless steel hangers, together with the 5m wide deck, would satisfy this requirement. It is acknowledged that a local resident has objected to the visual impact of the height of the bridge structure itself, however this is considered to be a function of its design which is to be a landmark feature befitting the essential nature of its contribution to encouraging modal shift away from the private car for the new urban extension development.

The revised submission is considered acceptable by the Council's Landscape Architect and in accordance with Policy L1 of the South Gloucestershire Local Plan and CS1 of the Local Plan Core Strategy.

5.7 Residential amenity

The proposal has been considered in terms of any impact on the adjacent dwellings to the East on Orchid Close. With regard to concerns about the bridge being a loitering or burglar route, there are always tensions between these issues and providing pedestrian routes through an area. The alternative however is a cul de sac form of development where there is no choice but to use the private car. To overcome these types of issues it is necessary to provide open, light routes with surveillance. It is considered that the proposed design and location of the bridge complies with this.

With regard to concerns over an overbearing effect on adjacent dwellings, the new embankment and crib wall is at a maximum of 4.3m in height in the central area where the bridge lands at its eastern end. The closest dwelling to this highest point is 12.5m away. When considering new residential development, as the benchmark for an acceptable distance of a two storey blank elevation to a habitable room window is 12m, then the cribb wall- the equivalent of a single storey dwelling at this distance- would not result in a significantly overbearing effect on the adjacent dwellings.

- 5.8 With regard to concerns over a loss of privacy to adjacent occupants due to the proximity and height of the bridge and its eastern approach, officers have carefully considered this, and revised plans have been submitted as a result. Additional tree planting has been positioned at the base of the new steps, and new hedgerows are to be planted along the new cycleways. Furthermore, at the landing platform path, which is the highest point, the addition of privacy screens behind the new hedgerow are to be located at strategic positions in relation to the adjacent dwellings. It is considered that whilst there will be some loss of privacy in relation to the existing situation, this is not so significant as to cause unacceptable harm to the adjacent residents. Subject to planning conditions to ensure that the landscaping is satisfactorily carried out and

maintained, and subject to approval of the details of the privacy screens, the proposal is acceptable in terms of residential amenity.

In terms of noise issues, a new acoustic fence has recently been erected along part of the boundary of the new residential development with the ring road. This was a planning condition attached to the Reserved Matters consent for this part of the Gateway site in order to mitigate traffic noise from the Ring Road. The works associated with the bridge development will partly encroach up on this area and therefore the acoustic fence will need to be removed. The Council's Environmental Protection Officer has considered this and has concluded that the bridge development will in fact be an enhancement in terms of noise protection, because the new embankments and cribb walling will mitigate against Ring Road noise, but will in fact be better than a fence because in places will be higher, (and not any lower than the existing fence) and also there will be no gaps or need for maintenance: the noise attenuation will be more solid and more permanent. One of the issues with fencing is that even a small gap - between the fence and the ground for example- will significantly reduce the attenuation provided. Overall therefore the proposal is considered to provide an acoustic benefit to the adjacent residents and therefore there is no objection to the removal of the fence.

5.9 Lighting

At officers request, and taking into account representations received, the scheme has been amended to now include street lighting for the new cycle/footpaths on the approaches to the proposed bridge. These comprise the 275m length of modified existing cycleway running parallel to the Ring Road on the east side, as well as the new bridleway ramp down to the Science Park and the new cycleway connecting to the new residential development. In addition the new cycleway on western side, adjacent to the skate park will be lit. 6m high lighting columns will be erected, the details of which will be the subject of a condition.

With regard to the bridge itself, the applicant has stated that it is not necessary to light the bridge itself. The Council's lighting engineer has confirmed that considering the close proximity of the existing 12m columns on the Ring Road it is considered the light levels on the footbridge would be adequate. Given the 12m street lighting columns along the Ring Road and that the surface of the footbridge is at about 6m in height, there is an average illuminance of just over 8lux This means that the lighting on the bridge would achieve the average illuminance criteria for a P2 lighting class. It is acknowledged that there would be varying levels of lighting along the bridge but it is likely that the minimum illuminance occurs, as currently modelled, along the approaches of the footbridge so by adding the proposed new lighting for the approach cycleway footpaths should improve the light levels here, thus improve the uniformity of the lighting.

Subject therefore to a condition requiring details of the new lighting for the cycleway footpaths to be approved, the proposal is acceptable in terms of lighting.

5.10 Ecology

The site consists of areas of semi-natural vegetation (amenity grassland/scrub)/hardstanding associated with the District Centre (shopping complex) to the west and cycle path to the east. The site is not covered by any statutory or non-statutory nature conservation designations. The Rosary Site of Nature Conservation Interest (SNCI) designated for its neutral species-rich grassland lies opposite the southern boundary of the study area but will be unaffected by the development.

Semi - natural habitat

The revised drawings now include 'Indicative Areas of Habitat Loss & Retention' and shows the semi-natural habitat to be removed under the scheme, consisting of a mixture of amenity grassland, patches of broadleaved woodland plantation, tall ruderal vegetation and dense scrub.

- 5.11 It also includes a length of hedgerow identified as being species-rich. Approximately 265m of this hedge will be removed as part of the 'construction and re-grading of the new footpaths. To compensate for this, some 395m of new (species-rich) hedgerow will be planted at the top and the bottom of the embankment. The indicative planting plan shows that, whilst the central lengths between levels of the approach ramp (augmented by climbing wall cover plant species or grass verges) are unlikely to offer replacement nesting habitat (being too close to the cycle path/footbridge and human activity). Elsewhere, however, if the eastern face of the hedgerow was left unmanaged without routine cutting, it would thicken and develop out in future and thereby provide areas of new nesting/foraging habitat for local bird populations. These lengths are furthermore augmented by new blocks of mixed native scrub which would provide a further feeding and nesting opportunities.

It is understood that the species-rich hedgerow was originally planted as a component of the landscaping of the Ring Road and, because of its age, it is unlikely to qualify as 'important' under the Hedgerow Regulations 1997

The existing mosaic of scrub, ruderal vegetation and broadleaved plantation on the eastern slope of the A4174 – created as part of the landscaping for the Avon Ring Road – will also need to be removed to facilitate construction of the embankment. The revised landscape proposals indicate that this will be off-set by creating a planted bank of dense mixed native scrub and species-rich (neutral) grassland as indicated in the Ecological Appraisal.

A planning condition is required for details of the composition of the grassland seed mix and scrub species, as well as the relevant management regime for the new (and existing) semi-natural habitat to be created as part of the scheme, in a Landscape and Ecological Management Plan (LEMP).

The detailed planting proposals indicate the composition of the grassland seed mix to be Basic General Purpose Meadow Mixture) – which is appropriate and acceptable. This and a relevant management regime for the new grassland – and all new and existing semi-natural habitat to be created as part of the scheme – should form the basis of a Landscape and Ecological Management Plan (LEMP) drawn up and agreed through a condition

5.12 *Badgers*

No evidence of badgers or their setts was recorded during the ecology survey. However if more than 12 months has elapsed between the original survey and commencement of development it is recommended that the application site be re-surveyed for badgers and a report provided to the Council detailing any work which is likely to be subject to the licensing provisions of the Protection of Badgers Act 1992. This should form the basis of a planning Condition.

5.13 *Bats*

The Ecological Appraisal identified that a series of 5 mature trees (protected by a Tree Preservation Order (TPO)) adjacent to the site compound had high-moderate potential for roosting bats. All bats are protected under the Wildlife & Countryside Act 1981 the CROW Act 2000 and the Habitats Regulations 2010, which implements European Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora ('The Habitats Directive 1992'). Previous judicial reviews have directed that, to fully engage with the Habitat Regulations, local authorities should subject planning applications to the same 'tests' under Regulations 53/56 as EPS licences, albeit with a 'lighter touch'.

The new plan of the works area now clearly indicates that these trees will be retained and safeguarded during the construction phase, thereby avoiding the potential to avoid impacting upon any bats which might be associated with the trees. However, the temporary work area will be located immediately adjacent to the copse which could still nonetheless impact upon any nocturnal wildlife if lit during the evenings or at night. Given this, a condition is required to ensure that the are protected by agreeing the sensitive siting of any (temporary) external lighting (to avoid light spill potentially affecting bats' foraging and commuting paths).

5.14 *Reptiles*

The mosaic of grassland, scrub and ruderal vegetation – most notably on the A4174 embankment provides good quality habitat for common reptile species such as slowworm. Slowworm and grass snake are protected under the Wildlife & Countryside Act 1981 (as amended) and CROW Act 2000 and are listed as 'Priority Species' nationally under Section 41 of the NERC Act 2006. Additionally, slowworm is also listed on the South Gloucestershire Biodiversity Action Plan as a species for which the Council will require specific measures to be taken to conserve and enhance populations.

The application now includes a plan superimposing the works area over a Phase 1 habitat map. The application will also create a series of (reptile) hibernacula on the embankments to the A4174 of a design suitable for a range of biodiversity which is welcomed.

The Ecological Appraisal included measures to prevent harm to slowworms largely based on habitat manipulation (two-stage cutting), to encourage animals to disperse of their own accord. However, it is clear from the revised drawing: 'Indicative Areas of Habitat Loss & Retention' that this is probably not the most efficacious approach in all parts of the application site; and that it will probably need to be combined with active capture and relocation. It is therefore

considered that a more detailed reptile (slowworm) mitigation strategy based on the measures outlined in the Appraisal should be drawn up to include the varying measures to be adopted across the site, as well as the timing of the works and the identification of a safe and suitable receptor site to which animals can be relocated. This should form the basis of a condition.

5.15 *Hedgehog*

Hedgehog is a Priority Species nationally under Section 41 of the NERC Act 2006 and included on the South Gloucestershire Biodiversity Action Plan (BAP). They are known to occur locally and are a species characteristically associated with areas of scrub, hedgerows and broadleaved woodland. As such, a mitigation strategy needs to be drawn up and agreed with the Council to avoid harm to animals during the clearance of any suitable habitat. This should form the basis of a condition.

5.16 *Birds*

There is the potential for species included on the RSPB's Red or Amber Lists of Conservation Concern or listed as 'Priority Species' under Section 41 of the Natural Environment & Rural Communities (NERC) Act 2006, such as bullfinch and song thrush, to be associated with the areas of scrub and broadleaved woodland on the Ring Road embankment, although proximity to the Ring Road might discourage and limit nesting opportunities. Bullfinch and song thrush are moreover species included on the South Gloucestershire BAP. The revised Detailed Landscape Proposals drawing shows the new (species-rich) hedgerow and an extensive area of new mixed native scrub planting being created on both of the banks of the A4174 and it is considered that this will eventually offset the loss of the existing vegetation in constructing the approach ramps and new foot/cycle bridge.

Ecology Conclusions

It is considered that there are no ecological constraints to granting planning permission subject to imposing the conditions noted above in relation to reptiles, hedgehog, badger, external lighting of the temporary works area and a Landscape & Ecological Management Plan.

5.17 Construction Phase

Construction is proposed to last in the region of 5 months, with a site compound to be located adjacent to the Rosary Roundabout (the same location as the site compound for the first phase infrastructure works for the Lyde Green development). The embankments, ramps and abutments will be constructed, whilst the superstructure of the footbridge is to be fabricated within the compound. The bridge will then be transported on self propelled modular transporters along a temporary access route to the bridge location where it will be lifted into place with a crane. It is proposed that the TPO trees adjacent to the site compound will be protected and the site area returned to grassland. It is considered that a construction environment management plan should be secured by condition in order to ensure to the protection of the environment as well as residential amenity and transport matters during this time.

6. CONCLUSION

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

7. RECOMMENDATION

That planning permission be GRANTED subject to the following conditions:

Contact Officer: Helen Ainsley
Tel. No. 01454 863643

CONDITIONS

1. The development hereby permitted shall begin before the expiration of three years from the date of this decision.

Reason
To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).
2. Prior to the commencement of the development hereby approved, protective fencing shall be erected around the trees and hedgerows to be retained adjacent to the site compound and along the access route to the construction site, in accordance with BS 5837:2012 and shall be retained as such throughout the construction of development hereby approved. All protected trees and hedgerows shall be retained thereafter.

Reason
To protect the character and appearance of the area and in accordance with Policy L1 of the South Gloucestershire Local Plan and CS9 of the adopted South Gloucestershire Local Plan: Core Strategy. Pre- commencement is required as it relates to the construction phase.
3. All hard and soft landscape works shall be carried out in accordance with the details hereby approved. The works shall be carried out in the first planting season following the implementation of the relevant construction works hereby approved.

Reason
To protect the character and appearance of the area to accord with Policy L1 of the South Gloucestershire Local Plan and CS9 of the adopted South Gloucestershire Local Plan: Core Strategy.
4. Prior to the commencement of the development hereby approved, details of street lighting along the cycle/footways as indicated on drawing number CPB-WSP-EG-XX-DG-PL-0012-C01 shall be submitted to and approved in writing by the Local Planning

Authority. Development shall be carried out in accordance with the approved details prior to the first use of the cycle/footways.

Reason

To ensure a satisfactory level of lighting in the interests of personal safety as well as to ensure that the lighting does not adversely impact on any residential properties and in accordance with Policy CS1 of the adopted South Gloucestershire Local Plan: Core Strategy. Pre- commencement is required as it relates to the construction phase.

5. Any trees or plants shown on the landscaping scheme hereby approved, which die, are removed, are damaged or become diseased within 5 years of the completion of the approved landscaping scheme shall be replaced by the end of the next planting season. Replacement trees and plants shall be of the same size, location and species as those lost.

Reason

To protect the character and appearance of the area to accord with Policy L1 of the South Gloucestershire Local Plan and CS9 of the adopted South Gloucestershire Local Plan: Core Strategy.

6. Notwithstanding the details shown on the Detailed Landscape Proposals and Plant Specification Plan (CPB-WSP- EG- XX- DG- PL- 0008 C02) hereby approved, additional details shall be submitted to and approved in writing by the Council prior to the carrying out of the planting in accordance with condition 2 above:

- Details of soil and planting specification/ mulching and maintenance .
- Tree pit details
- Topsoil on bridge / embankment cross sections
- More space to be made available for the planting at the eastern end of the bridge platform
- New tree planting by the skate park to be large scale species

Reason

To protect the character and appearance of the area to accord with Policy L1 of the South Gloucestershire Local Plan and CS9 of the adopted South Gloucestershire Local Plan: Core Strategy.

7. Prior to the commencement of the development hereby approved, a reptile (slowworm) mitigation strategy shall be submitted to and approved by the Council in writing to accord with the basic provisions of the Preliminary Ecological Appraisal and Ecological Mitigation Strategy dated November 2016 by WSP forming part of the application. All works are to be carried out in strict accordance with said strategy.

Reason

To protect the wildlife and ecological interests of the site, in accordance with Policy L9 of the adopted South Gloucestershire Local Plan, and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy, (adopted Dec 2013). Pre- commencement is required as it relates to the construction phase.

8. Prior to the commencement of the development hereby approved, a hedgehog mitigation strategy shall be submitted to and approved by the Council in writing. All works are to be carried out in strict accordance with said strategy.

Reason

To protect the wildlife and ecological interests of the site, in accordance with Policy L9 of the adopted South Gloucestershire Local Plan, and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy, (adopted Dec 2013). Pre- commencement is required as it relates to the construction phase.

9. Should 12 months or more have elapsed since the original badger survey and the commencement of the development hereby approved, the site should be re-surveyed for badgers immediately ahead of development commencing and a report provided to the Council prior to commencement and approved in writing by the Council. The report should provide details of all works subject to the licensing provisions of the Protection of Badgers Act 1992. All works are to be carried out in accordance with said report.

Reason

To protect the wildlife and ecological interests of the site, in accordance with Policy L9 of the adopted South Gloucestershire Local Plan, and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy, (adopted Dec 2013).

10. Prior to the installation of any temporary lighting in the construction compound, details of a scheme of external lighting of the temporary works compound shall have been submitted to and approved by the Council in writing. The lighting scheme shall be designed to prevent light spill over the adjacent trees/copse and potential impacts on bats (European Protected Species). All works are to be carried out in accordance with said scheme.

Reason

To protect the wildlife and ecological interests of the site, in accordance with Policy L9 of the adopted South Gloucestershire Local Plan, and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy, (adopted Dec 2013).

11. Prior to the commencement of the development hereby approved, a Landscape and Ecological Management Plan shall be submitted to and approved by the Council in writing. The Plan should accord with the Preliminary Ecological Appraisal and Ecological Mitigation Strategy dated November 2016 by WSP and landscape planting plans; and include details of the existing habitat to be safeguarded and any new habitat to be created (species-rich grassland, hedges, woodland, scrub). It should also include details of its management and a programme of monitoring of all works for a period of 5 years. All works are to be carried out in accordance with said plan.

Reason

To protect the wildlife and ecological interests of the site, in accordance with Policy L9 of the adopted South Gloucestershire Local Plan, and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy, (adopted Dec 2013). Pre- commencement is required as it relates to the construction phase.

12. The development hereby approved shall only be carried out in accordance with the following plans hereby approved:
CPB-WSP-EG-XX-DG-PL:
0001 CO2 Site location plan
0002 CO3 Temporary Work Area
0003 CO2 Site Layout Plan

0004CO2 Bridge Cross Sections and Elevations
0005 CO5 Cross Section of East Abutment
0006 Landscape proposals
0007 Bridge Visualisations
0008 CO2 Detailed Landscape proposals and Plant Specification
0009 CO2 Cross Sections through West approach
0010 CO1 Areas of Habitat Loss and Retention
0011 CO1 Landscape visualisation
0012 CO1 Extent of proposed street lighting

Reason

For clarity and to define the development.

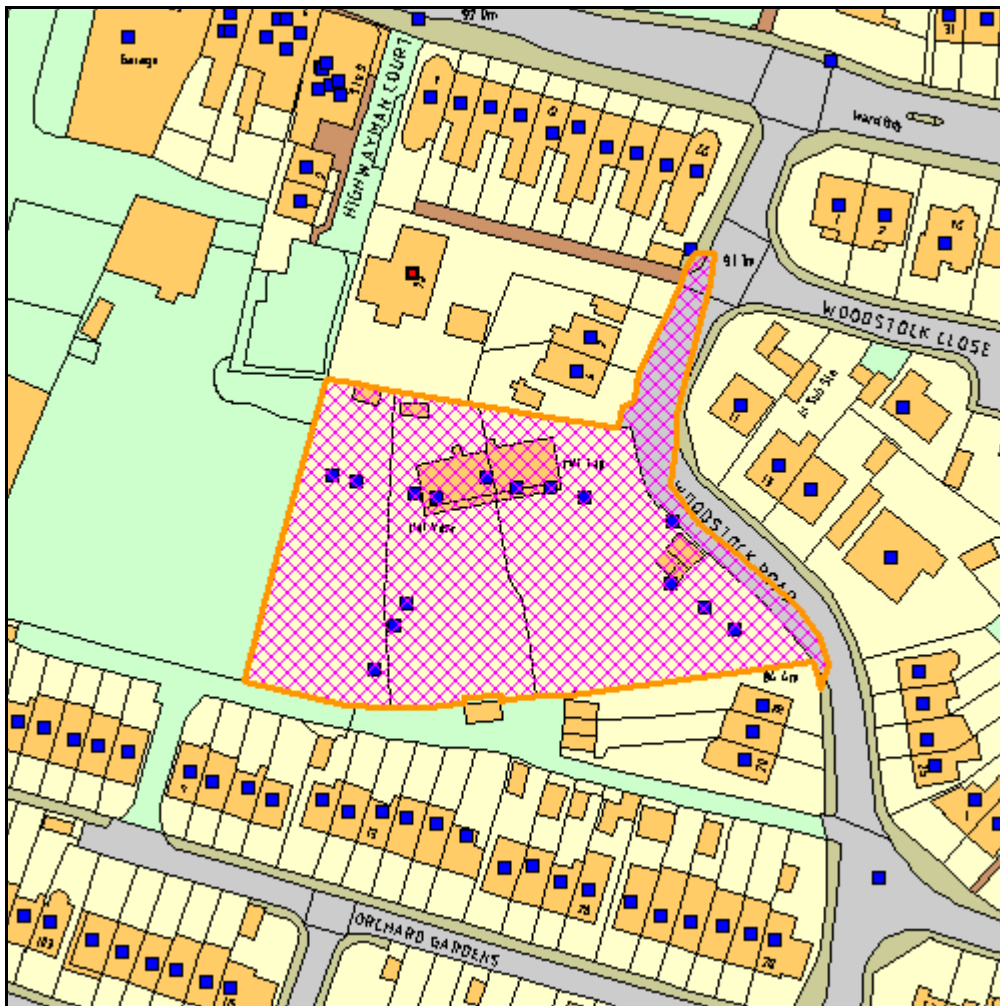
- 13 Prior to the commencement of works, a site specific Construction Environmental Management Plan (CEMP) based on the principles within the submitted Planning Supporting Statement (WSP Nov 2016) shall be submitted to an approved in writing by the LPA. The CEMP as approved by the Council shall be fully complied with at all times.

Reason

In the interests of residential amenity, highway safety and the environment and to accord with Policy CS9 of the adopted South Gloucestershire Local Plan: Core Strategy, and L9 and T12 of the adopted South Gloucestershire Local Plan. Pre-commencement is required as it relates to the construction phase.

CIRCULATED SCHEDULE NO. 09/17 – 03 MARCH 2017

App No.:	PK16/6646/RVC	Applicant:	Blackhorse Construction
Site:	2A Woodstock Road Kingswood Bristol South Gloucestershire BS15 9UB	Date Reg:	16th December 2016
Proposal:	Variation of condition attached to planning permission PK15/0718/RM to amend the layout of plan number _1529 land 3 with plan number 1527_2000 RevA to provide rear garden access to plots 7-14.	Parish:	None
Map Ref:	365682 173694	Ward:	Woodstock
Application Category:	Major	Target Date:	14th March 2017



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 100023410, 2008. N.T.S. PK16/6646/RVC

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule due to a consultation response received, contrary to Officer recommendation.

1. THE PROPOSAL

- 1.1 The application seeks approval for a variation of condition to planning permission PK15/0718/RM. The development relates to the erection of 14no. dwellings. Outline approval has already been initially granted under application ref. PK11/0690/O. A further application ref. PK16/5990/NMA sought non material amendment to planning application PK15/0718/RM to have the site layout plan included as a condition. This was subsequently approved and the additional condition read as condition 8, to the original consent as follows: 'The development hereby permitted shall be carried out in accordance with the following plan and details: - Site Layout Plan 1529 – land 3.dwg.' This application now seeks to amend part of the layout of that plan as illustrated in plan ref. 1527_2000 Rev A, the layout amendments are essentially the provision of an access path to the north of the site to facilitate access to the rear gardens of plots 7-14.
- 1.2 The site as a whole comprises an area of approximately 0.33 hectares. It is situated on the western side of Woodstock Road, within the established urban area in the East Bristol Fringe. The application would be subject to planning permission references PK11/0690/O and PK15/0718/RM, except as amended.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Practice Guidance 2014

2.2 Development Plans

South Gloucestershire Local Plan 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 Environment and Heritage
CS16 Housing Density
CS17 Housing Diversity
CS18 Affordable Housing
CS29 Communities of the East Fringe

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

H4 Development within Existing Residential Curtilages
L1 Landscape Protection and Enhancement
L5 Open areas within the Existing Urban Area.
L9 Species Protection
T7 Cycle Parking

T12 Transportation Development Control

- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist SPD (Adopted) 2007
Residential Parking Standards SPD (Adopted) 2013
Trees on Development Sites SPG (Adopted)

3. **RELEVANT PLANNING HISTORY**

- 3.1 PK11/0690/O – Demolition of existing dwellings to facilitate erection of 14no. dwellings (Outline) with access and layout to be determined. All other matters reserved. (Resubmission of PK10/2035/O). Approved subject to section 106 - 20th February 2012
- 3.2 PK10/2035/O - Demolition of existing dwellings to facilitate the erection of 15 dwellings with layout and access. (outline). Refused November 2010
- 3.3 PK15/0718/RM - Demolition of existing dwellings to facilitate erection of 14no. dwellings (Reserved matters for PK11/0690/O). Approved 19th June 2015.
- 3.4 PK16/0077/NMA – Non material amendment to PK15/0718/RM to replace velux windows with standard windows and dormer construction, adjust roof pitch increase depth and eaves height, change windows and doors. No objection 26th February 2016.
- 3.5 PK16/5241/NMA - Non material amendment to PK15/0718/RM to alter access footpath. Objection 7th October 2016.

4. **CONSULTATION RESPONSES**

- 4.1 Parish Council
No parish

- 4.2 Other Consultees

Sustainable Transportation

The proposed amendment to planning permission PK15/0718/RM seeks to provide a pedestrian footpath to the rear gardens of properties 7-14. I do have concerns over the secluded nature of this footpath but as it will only provide access for these properties, there is no transportation objection.

Urban Design Officer

No comment

Police Community Safety

No comments received

Highway Structures

If the application includes a structure that will support the highway or support the land above a highway. No construction is to be carried out without first providing the Highway Structures team with documents in accordance with

BD2/12 of the Design Manual for Roads and Bridges that will allow formal Technical Approval of the proposals to be carried out. The applicant will be required to pay the fees associated with the review of the submission whether they are accepted or rejected. If the application includes a boundary wall alongside the public highway or open space land then the responsibility for maintenance for this structure will fall to the property owner.

Lead Local Flood Authority

No objection

Coal Authority

The Coal Authority does not wish to raise any specific observations at this stage. We would, however, reiterate our comments of 10 March 2015, in response to planning application reference PK15/0718/RM, which remain valid in respect of this application.

Other Representations

4.3 Local Residents

Two letters have been received, as follows

1. *'A footpath will allow people access to my Back garden resulting in loss of privacy. Just before I went on holiday I checked with the site foreman and was told that there would be a fence between my property and the new properties which would secure my privacy. When sheds and other outbuildings were removed my garden became more exposed but I thought that fencing would solve that. A footpath will leave me even more exposed particularly as one of the trees on my property was hit by a bulldozer when the site was cleared and a large part of the tree had to be removed. This left a large gap in my garden. I strongly object to a footpath along the back of my garden'*

2. *'The path way up Woodstock Road, crosses with the public right of way behind the houses of Hill Street. Currently this is a hazard in its current state where we have a raised curb at the end of the lane causing a trip hazard and a health and safety risk for owners using the lane and for their children. Will the recently constructed footpath and the lane be levelled off to ensure of safety of the residents of Hill St'.*

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application site already benefits from planning permission references PK11/0690/O and PK15/0718/RM, and the principle of the development is therefore established. The main issue for consideration is therefore any impact associated with the proposed variation of condition. This would involve a slight change in layout at the northern boundary of the site to allow pathway to be incorporated in the layout to provide rear access to the curtilages of plots 7-14 to Woodstock Road. The siting of this path, would as per the plans submitted result in a reduction of tree planting by four specimens. The proposals the subject of this application would be read in conjunction with PK11/0690/O and PK15/0718/RM, except as amended by any variation of condition.

5.2 Local Amenity

The comments above are noted. The proposed footpath would be between the northernmost part of the site and the residential curtilages associated with properties to the north. The gated path would not be a 'through way' to anywhere other than the properties it would serve and would run to approximately 42 metres. The number of properties it would serve (8) would not be considered to generate high levels of pedestrian activity. The existing hedgerow is illustrated and proposed as retained on the norther boundary of the site, bordering neighbouring properties in this direction. Planning permission would not in any case permit the works on, or access too, including vegetation removal, on any other land, not within the applicants control. The proposals do not preclude additional fence screening, on either side of the path, which could be provided, without the requirement for planning permission, should additional screening be considered necessary. Any issues of raised kerbs would be a matter for Streetcare and the applicants to address.

5.3 Landscape

The footpath itself is not considered to give rise to any significant local landscape impact. It is not considered that given the location, in private rear curtilages, and scale of the proposed planting that would be displaced, and existing trees, that there would be any significant landscape impact.

5.4 Highways

It is not considered that, given the scale and location of the proposal and the amount of properties it would potentially serve, that it is likely to give rise to any material or significant issues in this respect and there are no objections on highways grounds.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report. Any variation of condition should be read in conjunction with the existing permissions for the site, except as varied by this application, and for the avoidance of doubt, conditions of PK15/0718/RM are recommended to be brought forward on any decision notice.

7. RECOMMENDATION

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

Contact Officer: Simon Ford
Tel. No. 01454 863714

CONDITIONS

1. Development shall be carried out in accordance with the approved Materials Schedule (Issued for planning application 16-02-2015) received by the Council on 18th February 2015. Any variation of this shall not take place until details are first submitted to and approved in writing by the Local Planning Authority prior to the commencement of the relevant works.

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, saved policy H4 of the South Gloucestershire Local Plan (Adopted) 2006, and the provisions of the National Planning Policy Framework 2012.

2. All hard and soft landscape works and boundary treatments shall be carried out in accordance with the approved landscaping scheme (plan ref. landscape_1529-land 3.dwg dated 01-05-2015) and landscape specification (issued for planning application 16-02-2015), except where amended by plan 1527 2000 Rev A. All soft landscaping works shall be carried out in the first relevant planting season following the completion of the development or following first occupation of the first dwelling whichever is sooner.

Reason

To protect and enhance the character and appearance of the area to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006, and policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

3. Any trees or plants shown on the approved landscaping scheme subject to condition 2, as amended by plan ref. 1527 2000 Rev A, which die, are removed, are damaged or become diseased within 5 years of the completion of the approved landscaping scheme to which they relate, shall be replaced by the end of the next planting season. Replacement trees and plants shall be of the same size and species as those lost.

Reason

To protect and enhance the character and appearance of the area to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006, and policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

4. Development shall be carried out in accordance with the recommendations and tree protection measures set out within the Arboricultural Report (SJ Stephens Associates dated 4th March 2011) received with the outline consent ref. PK11/0690/O.

Reason

In the interests of the health and visual amenity of the retained trees to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006, and policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

5. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no walls, fences, gates or other means of enclosure shall be erected, positioned or placed between any wall of a dwelling house and the highway (including the shared surface road).

Reason

To protect the character and appearance of the area to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006, and policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

6. The garages forming part of the development hereby approved, including the integral garages on plots 7, 8, 9 and 10, shall not be used for any purpose other than the garaging of private motor vehicles and ancillary domestic storage.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policies H4 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006, and the Residential Parking Standards SPD (Adopted) 2013

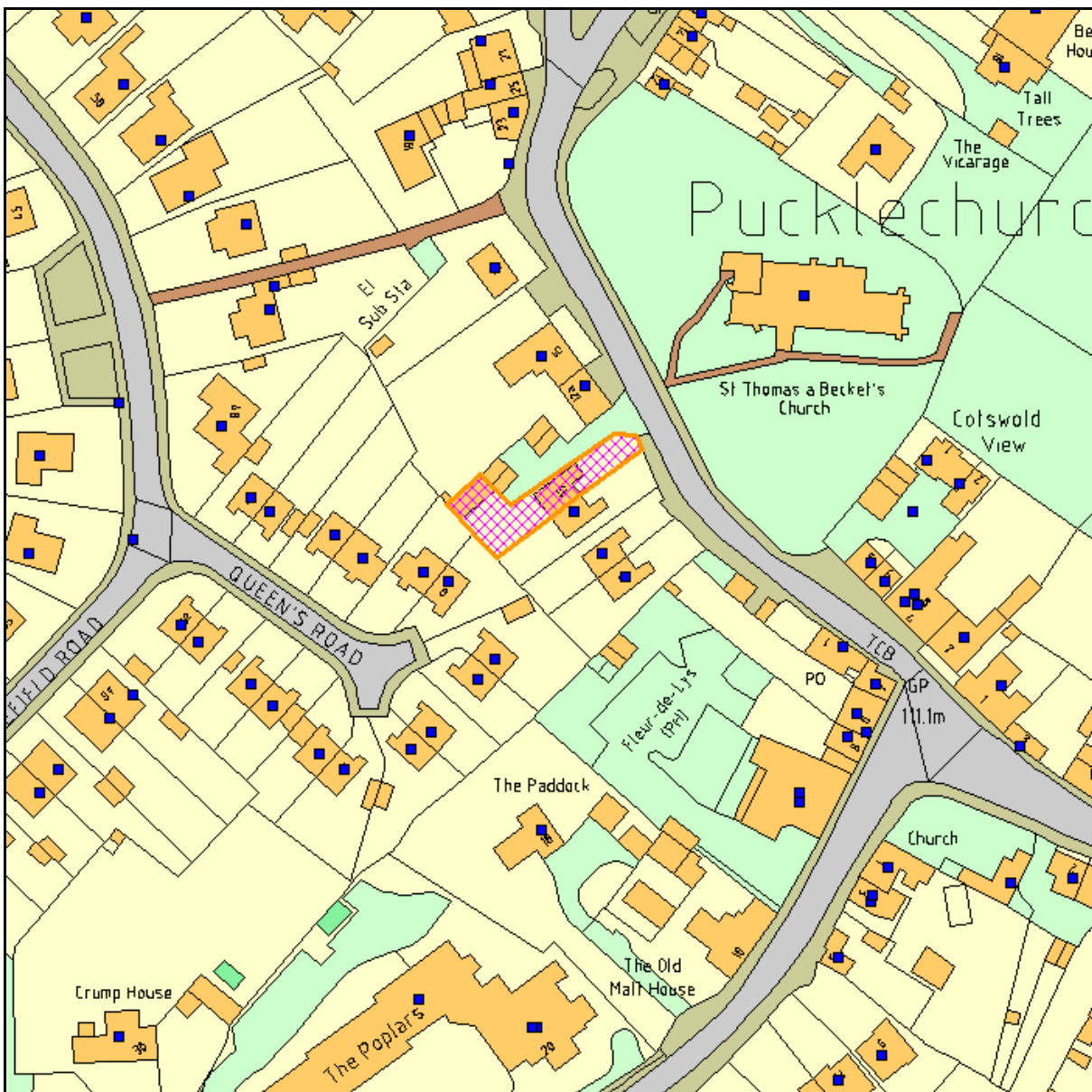
7. Prior to the use or occupation of the relevant dwelling hereby approved, and at all times thereafter, the proposed first floor window on the side elevations of plots 1 and 4 shall be glazed with obscure glass to level 3 standard or above with any opening part of the window being above 1.7m above the floor of the room in which it is installed.

Reason

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

CIRCULATED SCHEDULE NO. 09/17 – 03 MARCH 2017

App No.:	PK16/6728/F	Applicant:	Clark Landscape Design
Site:	Foxgloves 12A Westerleigh Road Pucklechurch South Gloucestershire BS16 9RB	Date Reg:	5th January 2017
Proposal:	Erection of outbuilding.	Parish:	Pucklechurch Parish Council
Map Ref:	369877 176513	Ward:	Boyd Valley
Application Category:	Householder	Target Date:	28th February 2017



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PK16/6728/F

REASON FOR SUBMISSION TO THE CIRCULATED SCHEDULE

This application appears on the Circulated Schedule due to 1no objection from a local resident, contrary to the Officer recommendation.

1. PROPOSAL AND SITE DESCRIPTION

- 1.1 This application seeks full planning permission for the erection of an outbuilding to form a BBQ hut within the rear garden of Foxgolves, Westerleigh Road, Pucklechurch.
- 1.2 The application site relates to a semi-detached property which is situated off the B4465 (Westerleigh Road), within the centre of Pucklechurch. The house is finished in facing stone and clad detailing, and which benefits from front and rear gardens.
- 1.3 The application site is located within the Pucklechurch Conservation Area and defined settlement boundary. The property also sits adjacent to the Grade II Listed Church Farmhouse and opposite approximately 50 metres away, is the Grade I Listed St Thomas A Becket Church.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Policy Guidance 2014

2.2 Adopted Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)

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

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

H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
L12 Conservation Areas
L13 Listed Buildings
T12 Transportation

2.3 Emerging Development Plan

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

PSP1 Local Distinctiveness
PSP8 Residential Amenity
PSP17 Heritage Assets and the Historic Environment

PSP38 Development within Existing Residential Curtilages

2.4 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted 2007)

Residential Parking Standard SPD (Adopted) December 2013

Plan 3 Pucklechurch Conservation Area, Preservation and Enhancement Strategy.

3. RELEVANT PLANNING HISTORY

3.1 No relevant planning history

4. CONSULTATION RESPONSES

4.1 Pucklechurch Parish Council

No objection in principle. Query method of screening proposed given properties to the rear.

4.2 Conservation Officer

No objection in principle. Comments as follows;

- Scale should be reduced
- Loss of tree should be resisted

4.3 Environmental Protection

No objection. Comments as follows:

- Concerns about smoke, cooking odours and noise which may affect neighbouring residents
- Environment Protection team could take enforcement action for nuisance under Environmental Protection Act 1990.

Other Representations

4.4 Local Residents

1no. objection was received from a neighbouring resident. Comments as Follows:

- Previous issues relating to noise/smells from chicken run
- Degrade conservation area and will not have a neutral impact on Church Farmhouse.
- Felling of tree undesirable and will lead to overlooking issues to rear.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Saved Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 and the emerging Policy PSP38 of the PSP1 Plan (June 2016) allow the principle of extensions within residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety. Furthermore, CS1 of the Core Strategy seeks that the siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the application site and its context.

- 5.2 As the application is located within the Pucklechurch Conservation Area it would be assessed against policies L12, CS9 and PSP17. These policies seek to preserve and where possible enhance Heritage Assets, including Conservation Areas. The proposal accords with the principle of development subject to the consideration below.
- 5.3 Design, Visual amenity and impact on the Conservation Area
This application seeks permission for the erection of a BBQ hut structure enclosed to the south west corner and adjacent to the rear boundary of the host's rear garden. The applicant states that the development would be constructed of timber and would have a dark grey felt roof with a chimney cowl. A rowan tree would be felled to enable the construction of the development.
- 5.4 The main hut would form a hexagon shape, and a small 'wing' would then adjoin to its north east elevation. It would have a maximum width of 5.3 metres and a maximum depth of 3.8 metres. Plans show that the majority of the structure would have a height of 2.5 metres, with the chimney measuring a maximum of 3.9 metres.
- 5.5 The application site is located within the Pucklechurch conservation area and near to a number of listed buildings. Comments from the conservation officer in relation to scale and the loss of the tree are understood, and such concerns were raised by the case officer. However, it is noted that no revised plans were received to reflect this. Whilst this is somewhat regrettable, given the enclosed nature of the development, it is not considered that it would be generally visible from the public realm.
- 5.6 Concerns from a neighbouring occupier regarding the huts impact on the Conservation Area and adjacent Listed Building are noted. However, it is considered that given its siting, it is unlikely that it would be visible from the wider conservation area or that it would fail to preserve the setting of the listed building.
- 5.7 Given all of the above, it is considered that on balance the proposal would not have an adverse impact on the character of the host dwelling or adjacent buildings, and would preserve the setting of the Conservation Area. Accordingly, the proposal is deemed to comply with Policies CS1 and CS9 of the Core Strategy (Adopted) December 2013 and the emerging Policies PSP1 and PSP17 of the PSP Plan (June 2016).
- 5.8 Residential Amenity
Screening
To the rear of the host there are a number of properties on Queens Road. The Parish Council and neighbouring occupiers have queried the screening method proposed, especially given the loss of a rowan tree at the site. The agent has provided additional information, it is proposed that the bamboo would be placed in a raised planter surrounding the south east (rear) and part of the south west (side) boundaries of the garden amenity area. This is considered a suitable screening method, however, a condition will be issued to ensure that the landscaping is in place prior to use of the hut.

5.9 *Overbearing and loss of light*

The hut structure would be located a minimum of approximately 8 metres from the rear building line of the property, as such, given the orientation of the properties and the scale of the hut, it is not considered that it would give rise to detrimental overbearing impacts or a material loss of light to nearby occupiers.

5.10 *Noise and smells*

Colleagues in Environmental Protection were consulted regarding the application, whilst they raise no objection, they do have a number of concerns regarding noise and smells which could be generated. The case officer notes these concerns, and appreciates that the structure is likely to be used more frequently than an outdoor barbeque. However, there is no certainty that the development would create noise and smells above and beyond such, and accordingly it is not considered to warrant refusal on these grounds. The case officer is also mindful that if nuisance does occur as a result of the development, that the Environmental Protection team could take enforcement action under the Environmental Protection Act 1990.

5.11 *Conclusions*

Overall, it is considered that the proposed development would not be detrimental to residential amenity and is deemed to comply with saved Policy H4 of the Local Plan (2006) and the emerging Policy PSP8 of the PSP Plan (June 2016).

5.12 Transport and Parking

No additional bedrooms are proposed as a result of the development, and it would not impinge on existing parking provision at the site. Consequently, no objection is raised in relation to highway matters.

5.13 Other Matters

Comments were received from a neighbouring resident in relation to noise and smell concerns from an existing chicken run. Whilst these comments are understood, they do not relate to the assessment of this application and have therefore not been taken into consideration.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Lucy Paffett
Tel. No. 01454 863436

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).

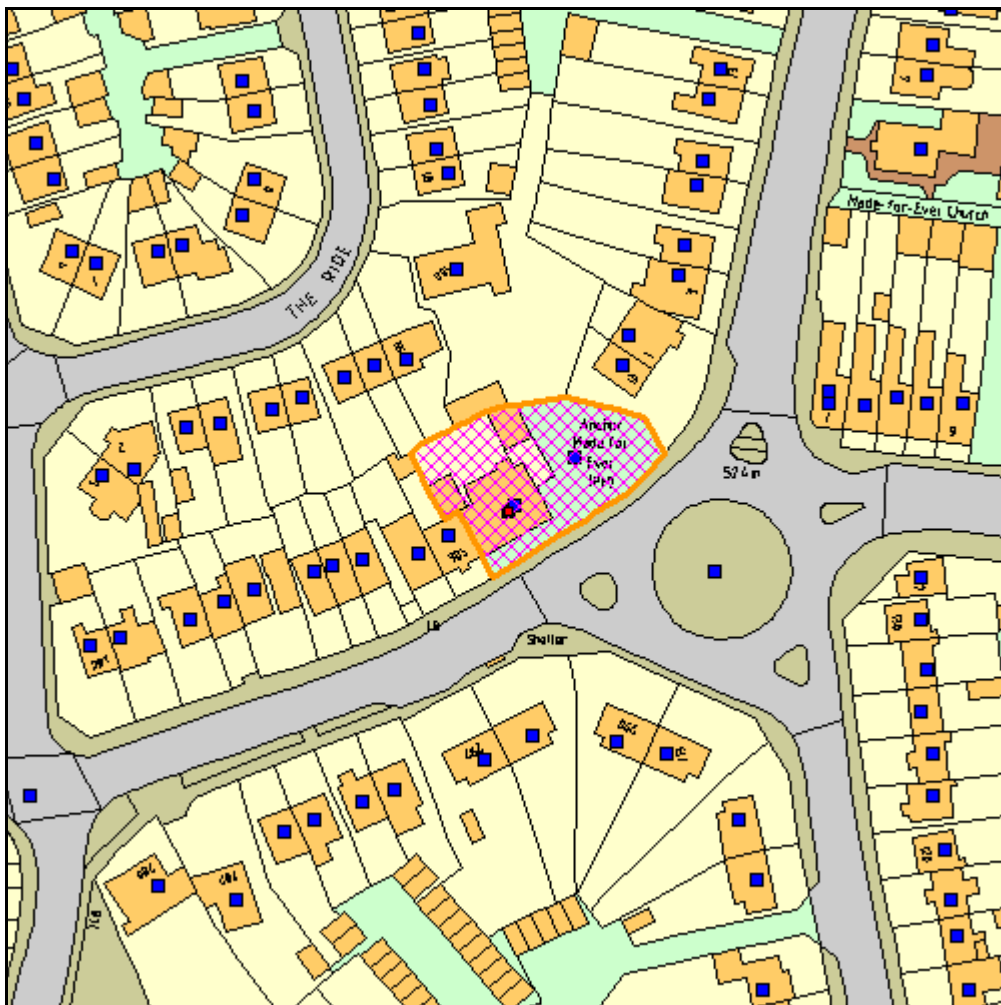
2. All hard and soft landscape works shall be carried out in accordance with the Block Plan as received by the Council 29th December 2016. The works shall be carried out prior to the use of any part of the barbeque hut hereby permitted.

Reason

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

CIRCULATED SCHEDULE NO. 09/17 – 03 MARCH 2017

App No.:	PK16/6871/F	Applicant:	Mr P Cockram
Site:	Anchor Made Forever 307 New Cheltenham Road Kingswood Bristol South Gloucestershire BS15 4RD	Date Reg:	29th December 2016
Proposal:	Change of Use of Public House (Class A4) to Nursery (Class D1) to include demolition of existing extension, erection of single storey rear extension, as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).	Parish:	None
Map Ref:	366076 174411	Ward:	Kings Chase
Application Category:	Minor	Target Date:	16th February 2017



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule as a result of issues raised in a consultation responses received and by virtue of the proposed requirement for a S278 Legal Agreement to be entered into.

1. THE PROPOSAL

- 1.1 The application seeks permission for the change of use of a Public House (Class A4) to a nursery (Class D1) to include the demolition of an existing extension and the erection of a single storey rear extension.
- 1.2 The site itself consists of a property known as the Anchor Made Forever, a public house, and associated curtilage, including garden area to the rear and parking to the side. The building itself is locally listed. The pub is closed and it is stated that the pub has been on the market since February 2015. The pub is located at the bottom of New Cheltenham Road, on the roundabout with Anchor Road, Fisher Road and Tenniscourt Road and is within the settlement boundary of Kingswood. The nearest residential properties are located adjoining the building to the immediate west, to the rear where the rear garden of the property adjoins the rear curtilage of properties on The Ride and then across the car park area to the north east and across New Cheltenham Road, to the south.

2. POLICY CONTEXT

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

South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)
RT11 Retention of Local Shops, Parades, Village Shops and Public Houses
L1 Landscape Protection and Enhancement
T12 Transportation Development Control Policy for New Development

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
CS8 Improving Accessibility
CS13 Non Safeguarded Economic Development Sites
CS23 Community Infrastructure and Cultural Activity

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

PSP9 – Residential Amenity

PSP12 – Development Related Transport Impact Management

PSP17 – Parking Standards

PSP35 – Public Houses

3. RELEVANT PLANNING HISTORY

- 3.1 K3074 - Extension to form new beer store and toilet facilities and increase in car parking area. Approved 4/3/80
- 3.2 P99/4648/A – Retention of free standing advertising panel. Approved 3/12/99
- 3.3 PK16/0501/CV - Notification under Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 as to whether the building is nominated as a Community Asset. Confirmation that the property is not an Asset of community value was sent on 20/5/16.
- 3.4 PRE16/0739 - Demolition of existing pub and out buildings and construction of 9 no flats with car parking, cycle storage, bin storage and new external work. A response was issued on 9/8/16. This indicated that the proposals as submitted and with the limited information available or information to the contrary, were considered to be unacceptable in principle at that stage of submission, on the basis of a loss of a public house and loss of a locally listed heritage asset. This highlighted a need to demonstrate the pub was not viable, a presumption in favour of retention of the existing (locally listed) building, firstly as a public house and secondly as a converted building should be assessed.

4. CONSULTATION RESPONSES

4.1 Parish Council
No Parish

4.2 Other Consultees

Sustainable Transportation

the applicant is seeking permission for re-use as a children nursery of a former PH (i.e. Anchor Made for Ever) located off the roundabout at the junction of New Cheltenham Road, anchor Road, Tenniscourt Road and Fisher Road. There are two vehicular accesses to the site and it is proposed to retain these as existing.

Plans submitted with this application shows the accesses will be signed as 'in' from New Cheltenham Road and 'out' onto the roundabout. This proposed 'in' and 'out' arrangement is not ideal and it can create

unnecessary conflicts. It is recommended that the arrangement for 'in' and 'out' are reversed so that the 'in' access will be from the roundabout and the 'out' would be new Cheltenham Road.

Recommendation ; the applicant is asked to revise the plan with access and egress as described above with appropriate signage accordingly.

Traffic associated with the day nursery would be different to that of the extant use of the building. Short dwell times generally associated with uses such as schools and nurseries are such that it encourages drop-off and pick-up of children near the site entrances. Additionally, traffic associated with nursery tend to include more movements during the morning peak traffic hour. The proposal is for 42 space day nursery with 13 staff. Notwithstanding the fact that some off-street parking are provided on site, given the nature, scale and type of traffic, I am concerned that on-street parking at this location will increase unless is controlled and this will be detrimental to other road users in proximity to a busy roundabout/junction.

Study of the accident records at this roundabout shows that with the last 5 years, there has been 4 recorded accidents 3 of which involved cyclists. In 2014 and as part of road casualty reduction scheme for this location, the Council carried out road some improvements in form of white lining at this roundabout in order to narrow roundabout circulation to 3.5m wide together with signage. it is considered that any indiscriminate parking on the road resulting from drop-off and pick-up children will result in cyclist being pushed closer to centre of the road thereby increases risk to cyclists.

In view of all the above mentioned therefore, it is considered appropriate and necessary to take steps to manage parking situation at this location and in order to maintain road safety.

Recommendation: the applicant is required to make sufficient funds to the Council in order to implement the necessary 'Traffic Regulation Order' (TRO) for waiting restriction at this location. Any such financial contribution will have to be secured through appropriate legal agreement. I estimate the cost of implementing TRO (to include advertising, design fee and legal fees etc.) to be about £10,000.

For this development, Transportation Development Control Team therefore recommends a conditional approval as highlighted above.

Environmental Protection

No objection in principle, however as this premises was previously a public house, the change of use as proposed will limit the amount of noise residents would be subjected to during the evenings and weekends, however, the potential noise levels from 42 children using the garden throughout the operating hours may be a cause for complaints by nearby residents both to the rear of the premises and to the side. I would expect that they wouldn't have 42 children using the area at the same

time, however, a small group of children can produce as much noise depending on the activity. I would therefore suggest limiting hours of use of the use of the garden to ensure it is managed well to minimise this disturbance.

Conservation

No objection as the significance of this locally listed building should be safeguarded due to the limited internal and external works proposed. Although the removal of the interior functional features is regrettable, the change of use should at least secure the building's future and thus its contribution to the character and identity of the locality.

Other Representations

4.3 Local Residents

One comment has been received, as follows:

'Can information please be given to neighbours on how many children/babies will be on site; if there are any plans for parking for drop-offs and managing noise levels - from the plan it looks like the main playground will back directly onto the neighbours' gardens on our side. Some indication on what the impact on noise and parking would be much appreciated ahead of a decision being made.'

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The proposals seek the conversion of an existing public house to a nursery, including demolition of a rear extension and replacement rear extension to facilitate the conversion and associated works, including provision of car parking. Consideration of the proposals and resulting loss of a public house facility will need to be assessed against the highlighted policy requirements, considerations and criteria that address whether the loss of the pub is in principle, acceptable. These criteria and considerations are discussed in the relevant section below. Policy E3 of the SGLP permits the conversion and reuse of existing buildings for employment uses, within existing urban areas or defined settlement boundaries, and provided that it would not have any unacceptable impact upon local amenity, character, environment or transportation. The main additional issues to consider are any impacts upon local amenity and transportation.

5.2 Loss of a Local Pub

The site is an existing local Public House. The issue for consideration is whether the loss of this pub facility is acceptable within the context of the surrounding community and policy, whether it should be retained or whether the proposals represent an appropriate and acceptable proposal for the re-use of the site.

5.3 Policy RT11 of the SGLP states that the change of use of public houses which serve the local community will only be permitted where there are satisfactory alternative facilities available in the locality or it can be

demonstrated that the premises would be incapable of supporting a public house use and that the existing use is not well supported. In this respect the Council acknowledges that it would be unreasonable to resist a change of use where local patronage is such that a public house is no longer viable, however applicants would need to demonstrate that the existing use is not well supported and is not capable of being viably operated, or indeed that there are alternatives in walking distance. Policy CS23 of the Core Strategy reflects this stance.

- 5.4 PSP 35 of the emerging South Gloucestershire Policy Sites and Places Plan supports the retention of Public Houses and opposes their redevelopment, demolition or change of use. Notwithstanding Core Strategy Policies CS13 and CS23, applications for the change of use must demonstrate that the proposal does not constitute the loss of or would compromise the viability of a service of particular value to the local community, or it can be demonstrated that use as a Public House is no longer viable, i.e. that it has been vacant for a continuous period of at least two years, with evidence of continuous marketing throughout that period, to demonstrate there is no realistic prospect of the unit being used as a Public House in the foreseeable future or the proposals would not detrimentally affect the vitality of the area
- 5.5 Section 38(6) of the Planning and Compulsory Purchase Act requires that planning applications are determined in accordance with the Development Plan, unless material considerations indicate otherwise. The NPPF confirms at para 12 that the Development Plan is the starting point for decision making. The Development Plan comprises the adopted Core Strategy and the 'saved' policies of the Local Plan. The NPPF does confirm that decision makers may also give weight to relevant policies of emerging plans depending on amongst other things, the stage of preparation of the emerging plan and how close it is to likely adoption. In this respect the PSP is awaiting the Inspectors report following examination in public and can therefore be afforded some weight.
- 5.6 The starting point for assessing the principle of this proposal is Core Strategy Policy CS23 and 'Saved' Local Plan Policy RT11. Emerging Policy PSP35 is a material consideration to which the weight applied must be carefully considered against the above criteria. The NPPF also refers to Public Houses as community facilities, and the need to guard against unnecessary loss of valued facilities, where this would reduce the ability to meet day to day needs, this is consistent with the aims and criteria of RT11 and CS23 in terms of viability and alternatives.
- 5.7 The applicants have provided details of marketing. In this respect the applicants details confirm active marketing with viewing since February 2015. Full marketing, including an e-marketing campaign, website placement and for sale board at the premises has occurred since April 2016. This has involved utilising the services of a specialist sector surveyors and valuers. Viewings have been undertaken and offers for the premises were received, mainly however for alternate uses and developers and not pub operators. Concerns were the location and

condition of the existing buildings which it was felt did not make it a viable public house proposition.

- 5.8 Other public house facilities also exist within relative proximity of the site. Two other pubs lie within approximately 430 metres and 900 metres respectively from the site. Policy CS23 considers approximately 800 metres as a reasonable distance within which to assess acceptable alternatives.
- 5.9 Firstly, it is considered that the level of marketing and duration that the pub has been closed, is significantly robust to demonstrate that sufficient attempt has been made to market the site in an acceptable timescale. It also must be noted that the pub has been considered no longer viable by the previous operators resulting in its placement on the market and this is also reflected in lack of interest and concern in the condition of the premises from potential pub operators. It would be unreasonable to resist a change of use where local patronage is such that a public house is no longer viable. Secondly, it is considered that there are alternatives within what would be considered a reasonable distance. Thirdly, and of further material consideration, the loss of the pub would result in the establishment of nursery, another community facility and much needed asset in its own right. Para 72 of the NPPF attaches great weight to ensuring sufficient choice of educational facilities and nurseries provide for early years learning. On the basis of the above, it is not considered that the loss of the pub represents an unsustainable loss of a facility of such vitality to the local community. It is also of note and material consideration that the building is being re-used as opposed to demolished and will remain in commercial use. The criteria of policies RT11 and CS23 are considered to have been acceptably addressed, and on balance, whilst taking into account the provisions and considerations of the NPPF which are consistent with the existing Development Plan, promotes positive consideration of sustainable economic development where in accordance with the Plan, and the limited weight afforded to CS35, it is considered that the proposal is acceptable in principle.
- 5.10 Local/Residential Amenity
The proposals would alter the use of the site from public house to nursery with associated works, including the proposed extension. The issue for consideration will be the level of amenity impact arising from the use of the site, when compared to the existing use, upon the nearest residential properties whether this impact is significant and material and whether any impact can be mitigated, and in this respect the comments above are noted. Vehicle movements are referred to in the transportation section below.
- 5.11 The proposed extension on the rear of the existing building would be similar in footprint to the existing extension which is to be demolished, resulting in no greater material impact. Taking into account the existing permitted use of the site, it is not considered in principle that the proposed change of use is unacceptable, subject to controls and

limitation through recommended conditions. In this respect hours of operation proposed and set out in the application, would remove the evening use of the premises as well as not operating on a Saturday or Sunday. Taking into account the extent of the proposed use as well as the existing permitted use of the site it is considered that an hours operation for the garden area would be overly restrictive in this instance, in addition there would already be benefits associated with the proposals through no use during evening or weekends. Restricting outdoor use at the nursery would be considered unreasonable. A scheme of management and supervision of outdoor use could however be required by condition in order that any potential amenity issues can be addressed. The stated maximum number of children (42), permitted on the premises will also be limited by condition to reflect that which has been assessed under the consideration of this application. Taking the above combined factors into account it is considered the proposals would be acceptable in terms of local amenity considerations.

5.12 Design/Locally Listed Building

The premises is a locally listed building. Under the proposals the building will be retained. There will be relatively minor modifications in order to facilitate the change of use. The issue for consideration is whether it is successfully integrated within the context of the existing building, the site and surrounding area, and whether the proposals represent an unacceptable form of development at this location. There will be removal of the interior functional features, however the change of use should at least secure the building's future and thus its contribution to the character and identity of the locality. The fact that the building will be retained is a positive material consideration that carries weight in the assessment of the application.

- 5.13 There is no objection to the proposals in terms of the sites locally listed status as the significance of this locally listed building should be safeguarded due to the limited internal and external works proposed to a satisfactory degree.

5.14 Transportation

There were initial concerns regarding the access and egress arrangements for traffic to the site. Revised plans were therefore sought and subsequently received, illustrating, in principle arrangements that are considered acceptable. A condition however would be recommended to secure signage to make the arrangements clear.

- 5.15 It is also considered that traffic associated with the day nursery would be different to that of the existing use of the site, in terms of times of usage, including peak times, and the nature of usage, primarily for drop-offs. Off-street parking is provided but the nature of proposed use does result in different highway concerns in terms of the scale and type of traffic, hours of use and a potential for greater on-street parking. As per the detailed highways comments above, it is considered necessary and appropriate to manage the traffic and parking situation in order to maintain local highway safety. It is considered that this can be addressed

through a requirement for Traffic Regulation Order to manage resultant traffic appropriately. This would require fee to be secured by the Council to undertake the works required. This has been costed at £10,000. The applicants have agreed with this principle and have requested that this be undertaken through a S278 (Highways Act 1980) Agreement. Any recommendation for approval and subsequent issue of decision is therefore dependent upon and triggered by the receipt of these fees.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The proposals are of an appropriate standard in design and are not out of keeping with the existing building. Furthermore the proposal would not materially harm the amenities of the neighbouring properties by reason of loss of privacy or overbearing impact. Adequate parking can be provided on the site. The conversion and subsequent loss of the pub is not contrary to policy which seeks to ensure their loss is not unacceptable in each individual instance. As such the proposal accords with Policies RT11 and T12 of the South Gloucestershire Local Plan (Adopted) 2006 and CS1 and CS23 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.
- 6.3 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 1) That authority be delegated to the Director of Environment, and Community Services to grant planning permission, subject to the conditions set out below and the applicant first voluntarily entering into a further agreement under Section 278 of the Highway Act 1980, to secure the following:
- i) A fee of £10,000 to the Council in order to implement the necessary measures to secure a 'Traffic Regulation Order' (TRO) for a waiting restriction at this location, necessary to manage the additional traffic requirements generated by the proposed use.
 - ii) Should the funds not be transferred within 6 months from the date of this decision, then the application should be refused on the basis of the requirements of the Section 278 Agreement not having being met, be made.

Contact Officer: Simon Ford
Tel. No. 01454 863714

CONDITIONS

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

Reason

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

2. The use hereby permitted shall not be open to customers outside the following times;
i) 07.30am - 6.30pm , Mondays to Fridays. For clarity the use hereby permitted shall not be open on weekends or Bank Holidays.

Reason

To minimise disturbance to occupiers of nearby properties and to accord with Policy E3 of the South Gloucestershire Local Plan (Adopted) January 2006 and the provisions of the National Planning Policy Framework.

3. The maximum occupancy of children at the nursery at any one time shall be 42.

Reason

In accordance with the details of the application as assessed and to minimise disturbance to occupiers of nearby properties and to accord with Policy E3 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and the provisions of the National Planning Policy Framework.

4. Prior to the first use of the premises as a nursery, a plan setting out how the outdoor space will be managed and supervised shall be submitted to the Local Planning Authority for written approval and thereafter implemented as approved, unless varied in writing.

Reason

To minimise disturbance to occupiers of nearby properties and to accord with Policy E3 of the South Gloucestershire Local Plan (Adopted) January 2006 and the provisions of the National Planning Policy Framework.

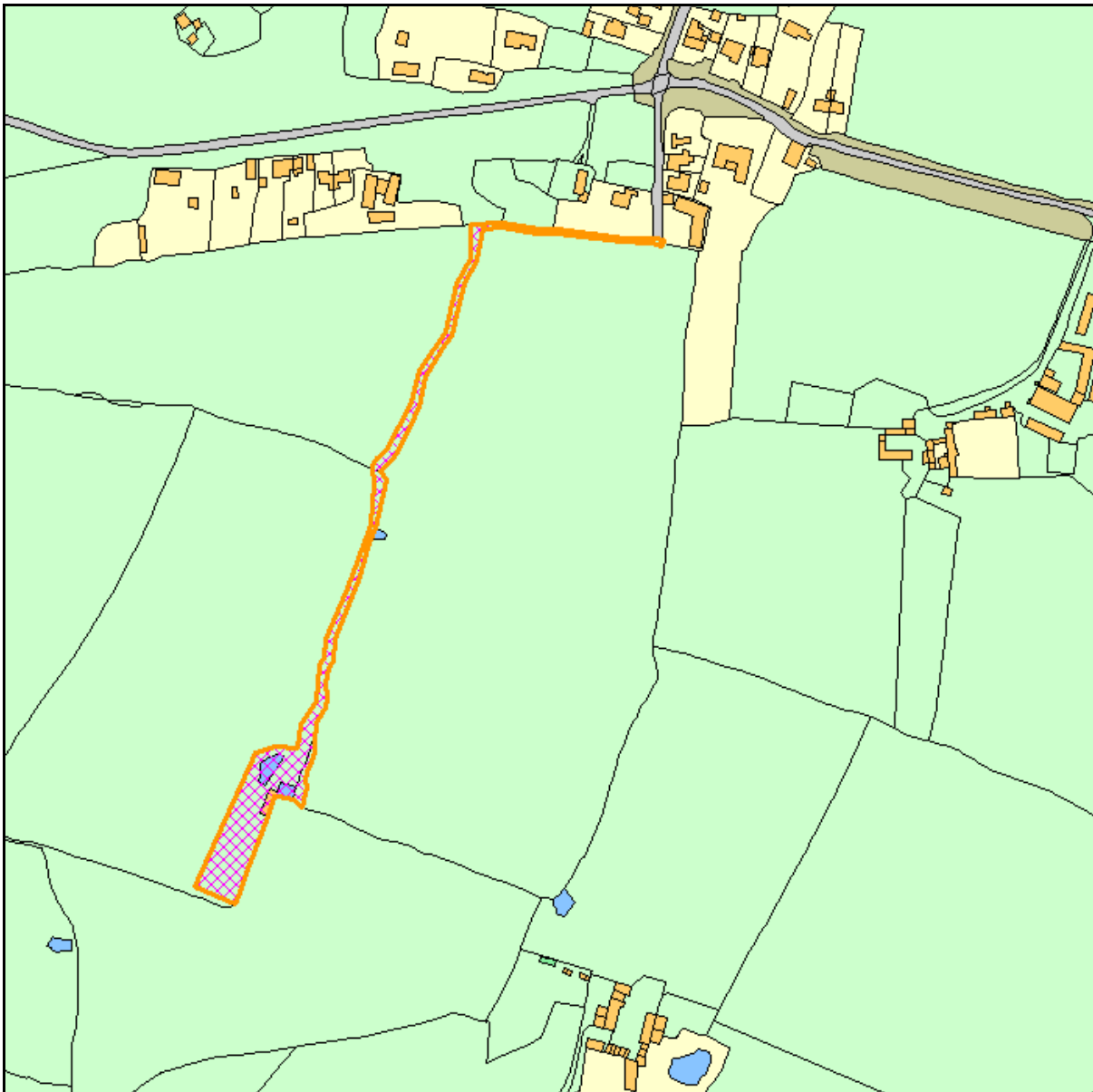
5. Prior to the first use of the site hereby approved a scheme of signage demonstrating access and egress arrangements to the site shall be submitted to the Local Planning Authority for written approval and thereafter implemented and retained as approved.

Reason

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

CIRCULATED SCHEDULE NO. 09/17 – 03 MARCH 2017

App No.:	PK17/0092/F	Applicant:	Mr And Mrs Tim Le Friant
Site:	Barn At Ashleaze New House Farm Little Sodbury South Gloucestershire BS37 6PN	Date Reg:	17th January 2017
Proposal:	Conversion of existing barn and single storey extension to form 1 no. dwelling with new access and associated works.	Parish:	Little Sodbury Parish Council
Map Ref:	374020 183657	Ward:	Cotswold Edge
Application Category:	Minor	Target Date:	13th March 2017



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100023410, 2008.

N.T.S.

PK17/0092/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This report appears on the Circulated Schedule following a comment received by the Council from a non-local resident.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the conversion of an existing barn and single storey extension to form 1 no. dwelling with new access and associated works. The new dwelling would have three bedrooms. Details within the application form state it would be accessed via an existing track but the presence of this track is disputed.
- 1.2 The application site relates to an isolated barn situated in a field in Little Sodbury End, Chipping Sodbury. The barn is in a corner of a field, some distance from roads.
- 1.3 During the course of the application it was pointed out by local residents that the address where it referred to the site as being Old Sodbury was incorrect as the site is actually in Little Sodbury End. The agent was happy to acknowledge the oversight.

2. POLICY CONTEXT

2.1 National Guidance

The National Planning Policy Framework 27th March 2012

The Planning Practice Guidance 2014

Planning (Listed Buildings and Conservation Areas) Act 1990

Planning (Listed Buildings and Conservation Areas) Regulations 1990 (as amended)

Managing Significance in Decision-Taking in the Historic Environment (GPA 2)

The Setting of Historic Assets (GPA 3)

2.2 Development Plans

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

CS1 High Quality Design

CS4a Presumption in favour of Sustainable Development

CS5 Location of Development

CS8 Improving Accessibility

CS9 Managing The Environment and Heritage

CS15 Distribution of Housing

CS17 Housing Diversity

CS34 Rural Areas

South Gloucestershire Local Plan (Adopted) 6th January 2006.

L1 Landscape Protection and Enhancement

L9 Species Protection

L11 Archaeology

L12 Listed buildings

LC12 Recreational Routes
EP2 Flood Risk and Development
T7 Cycle Parking
T12 Transportation Development Control Policy for New Development
H3 Residential Development in the Countryside
H10 Conversion and re-use of Rural Buildings for Residential Purposes

Emerging Plan

Proposed Submission : Policies, Sites & Places Plan June 2016

PSP1 Local Distinctiveness
PSP2 Landscape
PSP16 Parking Standards
PSP17 Heritage Assets and the Historic Environment
PSP19 Wider Biodiversity
PSP20 Flood Risk, Surface Water and Watercourse Management
PSP40 Residential Development in the Countryside
PSP43 Private Amenity Space Standards

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (SPD) Adopted 23rd Aug 2007
South Gloucestershire Council Residential Parking Standards (Adopted)
South Gloucestershire Landscape Character Assessment (Adopted) Nov. 2014
– LCA 5 Wickwar Ridge and Vale
Waste Collection : guidance for new developments (SPD) Adopted Jan. 2015

3. RELEVANT PLANNING HISTORY

3.1 PRE15/1072 Change of use - conversion of a dis-used agricultural barn into a residential property

Response given October 2015: Proposal would not be supported

4. CONSULTATION RESPONSES

4.1 Little Sodbury Parish Council

Objection:

- There is no existing farm track – it is the verge. It is not overgrown; it has never existed. If built the track would have to break through two dense and established hedges and cross several ditches
- Access is via an existing short private lane – very narrow with no passing places and already used by several car owners who need access at various times of day. Future traffic coming around a 90degree blind bend from the ‘farm track’ would cause great disruption, traffic congestion and make it difficult for current occupants to get in and out of their properties. The Glass House has a garage roof that projects slightly over the lane – not certain high lorries would pass
- Only possible access is via Little Sodbury End where although narrow there are a few passing places
- The small hamlet is not suitable for heavy construction traffic

- If proposed 'track' is only one vehicle wide it will be difficult for cars to pass as the fields are wet and muddy for six months of the year
- Limited visibility
- Stated purpose is so applicant's wife can help her father manage New House Farm. This is no longer a working farm – it is a commercial site where old and newer barns have been converted into rented out sheds. A concrete track leads straight down towards the proposed development and could be extended to provide access, being less disruptive to Little Sodbury End. Access to New House Farm is from the main road across Sodbury Common, a two lane public highway
- Several barns on the farm could be appropriate for conversion to housing as opposed to building in this isolated spot
- Existing shed very low and proposed development is higher and exceed the footprint of the existing building
- Two ponds surrounded by trees will not be greatly enhanced by a house
- Concern that one house here might justify further development
- The design and decrepitude of the low former cart shed would require complete reconstruction rather than a conversion – would be a massive new build

4.2 Other Consultees

Conservation Officer:

No objection on heritage grounds:

But the proposed scheme is ill-conceived and if approved would result in a significant erosion of the rural countryside by reason of the increase in scale and massing, the formation of an extensive drive and the creation of a significant residential curtilage.

There is however insufficient basis to object to this scheme on heritage grounds, as by reason of separation distance and existing planting levels (mature hedgerows and trees enclosing the intervening fields), it is not considered that a case for loss of setting could be sustained if challenged.

Ecologist:

No objection subject to informatives and conditions

Public Rights of Way Officer:

Concerns:

The access to the proposed conversion runs along a track from the Public carriageway at Little Sodbury End that is also public footpath LSL/3. There is no mention of the footpath or any mitigation for additional traffic generated by the conversion and therefore we would want to see, and agree before any permission is granted, clear plans for what is proposed along the track/footpath and at the southern end of that 'track' where the access track and footpath diverge. Any access to the footpath must be in line with British Standard 4509, as well as in line with the latest accessibility guidelines for public rights of way.

Sustainable Transport

No objection – it meets the adopted parking standards

Tree Officer:

No objection subject to conditions requiring tree protection plan, arboricultural method statement and details of fencing

Landscape Architect:

No objection

Drainage Comments

No objection in principle but the location of the proposed package sewage treatment plant and the proposed method of discharge for the proposed package sewage treatment plant are queried.

Other Representations

4.3 Local Residents

Eleven letters of **objection** have been received from local residents. The points raised are summarised as:

Inaccuracies and not consulted:

- Inaccuracies in the application address which referenced Old Sodbury as opposed to Little Sodbury meant residents not informed
- We have not received notification from the Council of this application

Access/track:

- There is no existing farm track leading to the barn – field is currently planted with a crop with an unplanted border area not wide enough vehicular access. No residents of Little Sodbury, some living here for over 80 years have ever seen the ‘existing track’
- Queries over access over the unadopted road
- Queries over ample visibility from the existing access
- This unadopted lane of about 100 metres in length is maintained by 4 properties which front the lane
- Delivery drivers reverse down here and block the lane
- Loss of farmland

Effect on lane:

- Concerned that the electricity cables, phone/broadband lines, water and sewage to the 4 properties running under the lane could be affected by heavy traffic using the lane
- The lane is a public footpath, frequently used and lining the Cotswold Way
- At present, lane used by farm vehicles for a few days a year at harvest time when the adjoining field is harvested. An unadopted lane is not suitable for regular farm use
- A more suitable access would be to use the access used by New House Farm on the main Chipping Sodbury to Horton Road
- Existing access off the main road that goes through The Common would be more suitable

- Updated transport comments fail to take into consideration the adverse impact on the single track public highway leading to our hamlet. It also fails to consider an alternative access

Impact on public footpath

- Path runs along private road from Little Sodbury End increase in traffic would endanger the footpath

Impact on character of building

- Height will have to increase dramatically
- Footprint of new property will almost double that of existing building

Loss of privacy

- Proposed route would run to end of lane and turn west following the field boundary; within about 10 metres of the front windows

Impact on wildlife

- Recently been clearing on site

Other planning policy

- Class Q would not apply as footprint is to be greatly increased

Other matters

- Potential contaminants during and after construction
- Flooding concerns
- Implications that this may lead to additional houses being built on site

One letter of **support** has been received from a non-local resident. The points raised are summarised as:

- Know the site well and it has been well-chosen
- Little Sodbury is well suited to sympathetic and well planned expansion
- Would help meet need and avoid 'estate' development which would be more disruptive to character
- NPPF states there should be a wide choice of home to meet needs
- Family size homes rarely come on the market, some are un-affordable, especially for a young family

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The application for the conversion of and extension to the barn to a residential dwelling stands to be assessed against the above listed policies and all other material considerations. It is worth noting that pre-application discussions have taken place for this development and the applicant was advised against making an application.

- 5.2 It is acknowledged that South Gloucestershire Council does not have a five year land supply and as such Policy CS5 is out of date. The NPPF states that where this is the case then paragraph 14 of the NPPF will take precedence. This section declares there to be a presumption in favour of sustainable development and for *decision takers this means (unless material*

considerations indicate otherwise)... permission should be granted for development unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole;

- 5.3 It is acknowledged that the proposal would add one new dwelling to the shortfall in housing supply, but the weight given to a single dwelling can only be very small. More weight is given to the adverse impacts of introducing a new dwelling in this location and this is discussed more below.
- 5.4 In its above quoted declaration the NPPF (2012) shows that development is assessed against all relevant policies collectively rather than a few individually and to be regarded as an acceptable form of development a proposal must meet the all tests. It is acknowledged that being the more up-to-date policy the NPPF (2012) is the starting point for the assessment of this proposal. Other policies under the adopted Core Strategy are important where being outside the settlement boundary in open countryside, new development is strictly limited (CS1, CS34). In addition, but with weight attributed only where they accord with the NPPF, saved policies under the Local Plan relate to the conversion and re-use of rural buildings (Policy H10). This policy makes reference to the structural soundness of the existing building and being in keeping with the immediate area in terms of overall design and size. Furthermore, the NPPF seeks to avoid new isolated homes in the countryside unless there are special circumstances and this principle is supported by saved Policies H10 and Policy H3. In addition, the emerging Policy PSP 40 is in agreement with the NPPF and seeks to maintain the values and ethos as set out in saved Policy H10 and H3. Its rural location makes it ideal for certain wildlife and measures must be in place for their protection (CS9). In addition, it is in an unsustainable location where highway safety implications must be fully addressed (T12, CS8).
- 5.5 The application site relates to what has been described as a *typical 5-bay livestock shelter of traditional construction*. A standard definition would term a barn as:

A large farm building for storing grain, hay or straw or for housing livestock

From Officers site visits and from the photographs submitted with the application it appears that the structure falls short of this definition. It is a low structure, to the south gable and open to the front (west) where stacked stone props support the roof. Internally it appears that the A frame supporting the roof is symmetrical, supported on a low stone wall running the eastern length and on the aforementioned stone props to the west. The structure has an earthen floor and given the amount of vegetation surrounding and over the building, appears not to have been used for some time.

- 5.6 No structural report has been included with the application and given the degree of concerns Officers have not requested this additional information so as not to cause the applicant to incur unnecessary expense. The barn has a

soil floor which would have been adequate for agricultural purposes but would require significant works to bring it to a residential standard.

This is one aspect which demonstrates that it is not capable of conversion in its current state without major works.

- 5.7 From the plans it can be seen that the timber framed barn has a footprint of about 66 sq metres while the proposed footprint including the extensions and the proposed bin/wood/cycle store would result in a figure of about 134 sq metres. This represents a 103% increase in the overall footprint. To achieve the conversion of the building the floor level would be reduced by 300mm, given the low eaves the roof the roofline would be raised to accommodate a standard doorway, two additions, extending out to the west, one at each end of the existing building are proposed. The extension further to the north would have a footprint of about 18 sq metres while that to the southern end of the building would have a footprint of about 43 sq metres.
- 5.8 There is no clear definition of the word conversion in planning terms. It can mean something that is adapted, altered or changed but with the implication being that the resulting form would remain identifiable to the original. Without a precise definition officers must make an informed opinion based on information, experience and research. This can include clues provided by other planning policy such as those within the GDPO (2015) related to barn conversions. Although not a direct comparison this policy gives some assistance and direction that can be used in this instance. The new regulations state that the work should be reasonably necessary to facilitate the conversion and interestingly, extensions/alterations outside the existing external dimensions are also not allowed. It is generally accepted that the spirit of the conversion should be one whereby the building remains recognisable in its form without changing its character. It is not unreasonable to therefore, assume that conversion implies minimal intervention to the existing building. The introduction of new walls, some alterations to the roof along with the sizeable extensions, cannot reasonably be regarded as minimal intervention or to be the mere conversion of the existing building. The resulting works clearly changes the modest structure/barn into something else, not recognisable as having begun as a simple and modest agricultural building.
- 5.9 The applicant has indicated in supporting details that had the extensions not been proposed then the change of use would have fallen within Class Q. It is acknowledged that recent changes in the permitted development regulations permit the change of use of agricultural buildings to residential dwellings. However, this is subject to assessment criteria which include its ability for conversion but only where the works to achieve this are reasonably necessary. Overall design and external appearance are also taken into consideration. Should this conversion have been submitted without the proposed extension as a prior notification of change of use from agriculture to residential it remains Officer opinion that the barn would not be suitable for residential habitation and would not be supported on this basis either. The recent High Court judgement *Hibbitt and another vs Secretary of State for CLG and Rushcliffe Borough Council*, November 2016, supports this assertion by opining that a *conversion has inherent limits which delineate it from a rebuild*.

5.10 It is considered that the existing physical condition of the building makes it incapable of conversion without substantial construction works. The scale of the overall development falls outside what can be regarded as a conversion, and is therefore considered tantamount to a new dwelling in the countryside and the following assessment is made on that basis. This situation is given significant weight against the proposal and discussed in more detail below.

5.11 Policy Considerations

The proposal is for the conversion and extension of the existing derelict /neglected barn to create a new three-bedroom dwelling. It is acknowledged that the conversion and re-use of rural buildings can be appropriate in certain circumstances. The NPPF encourages a positive approach but again any assessment is a balancing exercise to ensure any harm is significantly outweighed by the benefit.

NPPF

5.12 Paragraph 55 is relevant to this application as it deals with development in rural locations. It clearly states that new isolated homes in the countryside should be avoided unless there are special circumstances such as:

- it being accommodation for a rural worker;
- the re-use of a heritage asset;
- where the re-use of a redundant or disused building would lead to an enhancement of the immediate setting;
- or be of exceptional quality or innovative design.

5.13 Taking each point in turn, the proposal would not be for a rural worker, would not be the re-use of a heritage asset and would not be of exceptional or innovative design. It could be argued that the proposal is for the re-use of a redundant or disused building, and some weight is given in its favour but it is debatable whether it would lead to an enhancement of the immediate setting. Weight is accordingly awarded against it for this reason. However and notwithstanding this, as mentioned above any scheme of development must meet the tests of all relevant policy with appropriate weighting awarded according to arrive at the final balance.

5.14 It is considered that in the first place the proposal would be more than the mere conversion of an existing building and so would fail this aspect of the test. Similarly, the alterations would so change the character of the existing modest building that it would not be in-keeping with the rural area and would fail in design terms. The proposal is considered not to meet the spirit of para 55 of the NPPF.

5.15 By not being a conversion para 55 is evoked which very clearly does not support isolated new homes in the countryside without additional, relevant justification. Although it could be argued that the proposal would be the re-use of a disused building the inevitable and resulting domestic appearance of the building and its residential curtilage would not lead to an enhancement of the setting. This is given significant weight against the proposal. The design is further discussed below.

Saved Policy H10

- 5.16 It is recognised that the NPPF adopts a more lenient approach with regard to the re-use of rural buildings. Nevertheless, some weight can still be given to the criteria under saved Policy H10 (with the exception of part A), especially as an emerging Policy Sites and Places SPD under PSP40 seeks to roll forward many of the criteria set out under Policy H10. The saved policy deals with the conversion and re-use of rural buildings for residential purposes. The policy states this type of development will not be permitted outside the existing urban areas and the boundaries of settlements unless the proposal complies with all of the following criteria:
- A: all reasonable attempts have been made to secure a suitable business re-use or the conversion is part of a scheme for business re-use; and
 - B: the buildings are of permanent construction and structurally sound and capable of conversion without major or complete reconstruction; and
 - C: the buildings are in keeping with their surroundings in terms of character, form, bulk and overall design; and
 - D: development, including any alterations, extensions or the creation of a residential curtilage would not have a harmful effect on the character of the countryside or the amenities of the surrounding area; and
 - E: the building is well related to an existing settlement or other groups of buildings.
- 5.17 Taking each part in turn, with regard to Criteria A this is considered to have been superseded by the NPPF (2012) and furthermore is not mentioned in the upcoming Policy Sites and Places PDP.
- 5.18 Regarding criteria B, a recurring thread in this report is the physical condition of the building and its capability for conversion in its current state. Although no structural survey has been submitted with this application, the details makes it clear that the existing barn is not of capable of conversion without major or even complete reconstruction. The works are considered to fall outside the essence of Criteria B and to fail this part of saved policy H10. Similarly, the works would be of such an extent that the resulting house would bear no resemblance to its original modest form and would therefore fail part C of the policy. Substantial weight is awarded against the scheme for this reason.
- 5.19 Regarding part D, it has been noted that the proposal includes the creation of a residential curtilage within this field. There is a difference between the curtilage shown on the submitted Location Plan which shows a curtilage within a red edge of about 480 sq metres and the curtilage shown on the Proposed block plan which shows a curtilage of about 230 sq metres. Submitted details state the scheme would have *an enclosed 'courtyard' with very clearly defined domestic curtilage*. Officers would dispute this given the evidence on the submitted plans.

- 5.20 A turning area is shown to the west of the property and it assumed that on-site parking would be located here too. Certainly the red edge curtilage is rather large for a three-bed property, particularly given that by comparison under Class Q the curtilage is restricted to a figure roughly equivalent to the footprint of the original building. The extent of curtilage on the Location Plan would therefore be resisted as inappropriate to the size of the dwelling.
- 5.21 Notwithstanding, the size, the introduction of a curtilage in this open location would attract other domestic trappings such as washing lines, possible play equipment, garden shed etc. that would change the feel of this countryside location and it is considered that small changes to and erosions of the countryside can cumulatively have large impacts. Overall, it is considered the proposal would have a harmful effect on character of the countryside and the surrounding area and would therefore not comply with this part of the saved policy. Furthermore, this also relates to the NPPF which requires such development to lead to an enhancement of the immediate setting and this would not be the case here.
- 5.22 Part E of the saved policy does not accord with para 55 which indicates new buildings in the countryside must be well related to an existing settlement or group of buildings. The barn is at a distance of over 165 metres from the closest residential building which is part of the linear development of buildings to the north in Little Sodbury End. This degree of separation is not considered inappropriate. Substantial weight is awarded against the scheme for failing to accord with the ethos of saved Policy H10 and the NPPF which seeks to avoid isolated properties in countryside locations.

Saved Policy H3

- 5.23 Proposals for new residential development in the countryside outside the existing urban area and the boundaries of settlement as in the case of this proposal will not be permitted with the exception of the following:
- A: affordable housing on rural exception sites; or
 - B: housing for agricultural or forestry workers; or
 - C: replacement dwellings

As Policy H3 is out of date only limited weight can be given to the fact that the proposal fails to comply with Policy H3.

Design

- 5.24 The Design and Access Statement declares that the existing building is of a *reasonable size*. The proposed new dwelling, however, would have a significantly larger footprint than the existing building indicating an increase of over 100% in the built form. This is considered a disproportionate addition and significant weight is awarded against the scheme for this reason. Proposed materials include the use of re-claimed tiles and stone from the immediate vicinity and any new materials are likely to be locally sourced. This is commended as are the proposed systems for sustainable water management, rainwater run-off, ground-source heat pumps and energy efficiency aims. However, only a small amount of weight can be given in favour of these measures.

- 5.25 Overall the design of the resulting new dwelling would bear no resemblance to the existing modest animal shelter. The proposal would have an adverse impact on the location by changing the landscape with the introduction of a new dwelling twice the size of the existing structure, plus the introduction of a large residential curtilage and the introduction of an extensive new access track. In total the scheme would have a harmful effect on the countryside and the surrounding area and would not comply with national or local planning policy. This carries significant weight against the proposal.
- 5.26 Residential Amenity
Concern has been expressed that the proposed access lane would pass within about 10 metres of one of the properties. Given that the access track would be to serve one dwelling the amount of traffic using it would be quite limited. Although it is acknowledged that there would be changes if this track were granted, it is considered that the reason of impact on residential amenity, given the limited frequency of use, would not be sufficient to sustain an objection.
- 5.27 Heritage
The application site can be considered to potentially contribute to the setting of the Grade II listed Great Farmhouse and its associated Grade II listed barn, which are located approximately 250m to the east.
- 5.28 The proposed scheme seeks permission to covert and significantly extend an existing 5-bay shelter shed located to the south of a copse on the eastern side of a field to the south of Little Sodbury Common. From the photographic evidence submitted, although the roof structure appears in good condition, fractures in the stone columns that support the roof are clearly visible. It is also not clear what is happening with the levels, as the internal finish level does not appear to be changing but there is a proposed stepped access. The floors of such buildings are also an issue with residential conversions, as they often need replacing but also due to their simplicity of construction that reflects their functional purpose, field shelters tend not to have any meaningful foundations and so could require underpinning or the construction of a new floor slab to carry the subsequent live and dead loads. If the floor needs to be replaced, then it is questionable what level of fabric would be retained that could allow the proposal to be truly considered a conversion as opposed to requiring such a level of reconstruction and new build that the proposal could be considered to be tantamount to a new dwelling within an isolated rural location. A structural report would have been helpful to clarify the condition of the building and the extent of repairs and replacement fabric required.
- 5.29 The proposed extension would see two new wings attached to the western elevation and so changing the linear simplicity of the existing range to more of a “U”-shape on plan. The scale and character of the existing barn would be completely subsumed by the proposed extensions.
- 5.30 Due to its isolated location, an extensive drive is proposed to run from the southern spur off the Little Sodbury Common and Little Sodbury End crossroads.

The proposed access drive will therefore run behind the rear of a number of existing residential properties before following the hedge line down to the site. The result of the proposals will therefore be vehicular movements across the existing open fields and through existing field hedge boundaries.

- 5.31 The proposed scheme would also see a significant residential curtilage with all the domestic appurtenances that would come with such a use. The proposed scheme would be a significant visual intrusion that would degrade the quality of the landscape, which could be perceivable or appreciated from the public footpath network (Monarch Way) which runs to the south to the east of the site.
- 5.32 Moving on to the impact on the setting of the designated heritage assets noted above, due to the separation distance and the intervening hedgerows enclosing the fields between the site and the listed buildings, there is no considered inter-visibility between the designation heritage assets and the proposed scheme.
- 5.33 The Grade II listed Great Farmhouse is orientated on a north-south axis. It is though considered that views from the first and more likely the second floor openings in the west facing side elevation may provide for a limited view of the extended and converted shelter and possibly its curtilage, but it is difficult to consider that in light of both the distances involved and the screening provided by existing mature planting, the impact would be so intrusive that it could be considered harmful to the setting of the listed building. On this basis there are no objections in heritage terms.
- 5.34 Sustainable Transport
The scheme is for the creation of a new three-bed dwelling in the countryside. Adopted parking standards require two-off street parking spaces for a property of this size and from the submitted plans this level of parking can be achieved. In this respect there can be no transport objections. It was furthermore understood by the submitted details that an existing track would be used to access the new property. Further investigation and subsequently received information has shown that there appears to be no connection between the access gate and the site and that the track shown in the plans would need to be provided. However, the Transport Officer has assessed the track in the same way as a driveway to any residential property, albeit rather longer. If made up of an approved standard it could be passable in all weathers by pedestrians, emergency vehicles and ordinary family cars and as such might be acceptable. Similarly, the new access would be connected to an existing un-adopted cul-de-sac, which itself is connected to the public highway a short distance to the north.
- 5.35 Notwithstanding the above, the proposed new track would run alongside the north edge of the field for approximately 50 metres, where it would break through a hedge and turn 90 degrees to run south alongside the east boundary of another two fields for about 165 metres, breaking through another hedge as it progresses southwards to the application site. Currently the land is used for the purposes of agriculture and this proposal would mean a change of use to facilitate the proposed new dwelling. While Policy CS5 is out of date, paragraph 55 of the NPPF states similar objectives declaring isolated new homes should be avoided.

One of the core principles of the NPPF is *recognising the intrinsic character and beauty of the countryside* and with this comes implied protection against what is regarded as inappropriate forms of development. Adopted Policy CS1 states that development proposals are required to demonstrate that amongst other things, the siting and scale of the development has been informed by and respect and enhances the character of the site and its context and that furthermore, features of landscape are safeguarded. Similarly Policy CS34 requires development proposals to protect, conserve and enhance the rural area's distinctive character.

5.36 At present, the field appears typically agricultural in use with no defined vehicular access path. It is acknowledged that agricultural vehicles would enter the site to, for example, harvest crops, but other than that a formal track is not present. The extensive area of scalplings required to achieve access to the proposed new dwelling would introduce a large and alien feature to this rural location. The creation of the proposed track is considered to be insensitive to and not respectful of the character of the area and therefore contrary to policy and must be resisted as being inappropriate.

5.37 Landscape

"The Wickwar Ridge and Vale landscape character area is a diverse undulating landscape covered with a mix of farmland, woodland and common." LCA 5 Summary LCA 5 landscape strategy:

- *Protect landscape tranquillity and control outdoor lighting.*
- *Restore hedgerow, tree and woodland framework.*
- *Ensure that new development respects and integrates with the historic pattern of the host landscape or settlement pattern and reinforces local distinctiveness through the use of appropriate building materials.*

5.38 The site is low lying with the surrounding fields sloping gently to field ditches that feed the pond situated at the back of the current farm building. Land rises to the west and northwest and is overlooked by the farm on Horton Road and dwellings on the road leading to Little Sodbury End. The existing farm building is currently secluded and hidden by vegetation and particularly by a grove of trees related to another adjacent pond to the northwest. The Monarch Way, a Major Recreational Route, is close by to the south of the site.

5.39 It would seem that the proposed single storey dwelling, and its associated access track, will be most visible from the farm to the west and dwellings to the northwest along the road to Little Sodbury End. It should be noted that the associated everyday paraphernalia of domestic life such as washing lines, children's trampolines, parked cars etc. may increase the impact of the development. The dwelling should not be so visible from the core of the Little Sodbury End settlement which includes the Tyndale Baptist Chapel and dwellings eastwards though the proposed access track which runs along the northern edge of the field could have a negative visual impact on adjacent properties.

5.40 The proposed access track is described as an "existing farm track" which is evidently not the case. The new track will result in the loss of hedgerow but this should not be significant if sensitively designed and implemented.

Vehicle movement will have a negative impact on neighbouring properties. In the event of consent being felt to be acceptable, the track should be carefully designed to fit the rural location as a compacted stone countryside farm track, without kerbs, not surfaced with macadam and with a central grass strip.

5.41 It would seem that the proposal will result in a significant loss of trees which will have a negative visual impact on the character of the landscape. These trees are mainly associated with the pond to the northwest and also the loss of a large tree at the back of the existing farm building. It should be noted that policy CS1 requires development to make a net contribution to tree cover in the area and therefore compensatory tree planting should be considered outside the site boundary.

5.42 The proposed development should not have a significant adverse visual impact on views from Monarch Way which is designated as a Major Recreational Route. Page 3 of 3. Apart from the loss of trees it is felt that, overall, the proposed development should not have a significant negative impact on the landscape especially if the detail design is sensitively developed and implemented. However, in the Chipping Sodbury Common area, the majority of outlying dwellings are associated with farmsteads. There are very few isolated dwellings dotted about the area and most domestic dwellings are clustered in groups forming small communities such as Chipping Sodbury End. In this respect it may be argued that the development would be unacceptably harmful to the rural character and appearance of the area.

5.43 Ecology

A Baseline Ecological Site Audit has been submitted in support of the proposed application by Betts Ecology (September, 2016). The findings are detailed below:

Habitats:

- Improved grassland;
- Tall ruderal vegetation;
- Dense scrub;
- Standing water;
- Species-rich hedge with trees;
- Individual broad-leaved trees.

Species protected under the Conservation Regulations 2012 ('European Protected Species) as well as the Wildlife & Countryside Act 1981 (as amended):-

- Bats – the barn consists of a timber framed tiled roof and stone walls. There is a wooden panelled ceiling beneath the tiles. It is set against a hedgerow with a small copse of trees nearby. The entire western and southern aspect of the barn are open. Much of the roof is covered by trees and the clear patch of roof has little sun exposure. Due to the open elevations, the interior of the barn is light. There are no roosting opportunities within the wooden structure of the roof as it is all tight-fitting. Crevices within the walls were present, although all were covered in cobwebs indicating no use. Additionally, no signs of bats were recorded

during the survey. Therefore, it is considered unlikely that bats are using the barn for roosting;

- Hazel dormouse – habitat is potential suitable for dormouse although there are few blocks of woodland nearby. Hedges are recommended for retention;
- Great crested newt (GCN) – the two ponds within the site were small and had little to no egg-laying vegetation, resulting in a ‘below average’ assessment using the HSI. Terrestrial habitat is limited to the woodland and hedgerow.

Species protected under the Wildlife and Countryside Act 1981 (as amended):-

- Nesting birds – the barn and surrounding habitat may provide suitable habitat for nesting. Recommendations on mitigating and compensating for the loss of these habitats will be made;
- Reptiles – habitat was not considered suitable for reptiles.

Badger Act 1992:

- No evidence of badger was observed during the survey, although it is thought they are likely to be in the area.

European Hedgehog (not currently protected but a UK and South Gloucestershire Priority Species:

- None were observed by the habitat was thought to be suitable.

5.44 The ecological report recommend various mitigation, enhancement and compensation measures to prevent biodiversity loss, and enable biodiversity gain, through the proposed development. Had the application been acceptable ecological conditions and informatives would have been attached to the decision notice to secure these measures.

5.45 Drainage
Concern has been expressed that the site could be prone to flooding. Council records do not show the site to be located within a flood zone and as such Drainage Officers have no objection to the scheme.

5.46 Trees
The applicant has submitted a Tree report which shows that the removal of several trees will be necessary. There is no objection to the removal of these trees but it is expected that some replacement planting will take place to mitigate for their loss.

5.47 Should the application be approved then the applicant will need to submit a Tree Protection plan for the protection of the trees on site and an Arboricultural method statement for any works that coincide with the root protection areas of the trees. In addition fencing will need to be erected prior to any works being undertaken. Had the application been recommended for approval these works would have been secured by condition.

- 5.48 Other matters
A nearby resident has stated they have not been consulted. Officers have checked that the correct procedure was followed and all neighbours who met the test set out in The Statement of Community Involvement 2015 were consulted.
- 5.49 The unadopted lane and access over it has been mentioned in objection letters. This would be a civil matter to be sorted out between the relevant parties and cannot be discussed further in this report.
- 5.50 Concern has been expressed that this proposal could be a signal for further dwellings on the site. Each application is assessed on its own individual merits based on the submitted details and so presumptions of future development cannot be taken into account.
- 5.51 Overall summary
It is useful to summarise the above assessment and to clearly set out the balancing exercise used to reach the conclusion that the proposal ultimately fails to meet policy requirements. In favour of the scheme, it is acknowledged that the proposal would add one new dwelling to the housing supply and a small amount of weight can be awarded to this element. In addition the scheme would re-use an existing building and some weight is given to this part of the proposal.
- 5.52 Against the scheme, the negatives are more numerous with some aspects being awarded high weightings. Neither local nor national policy supports new dwellings in the countryside and consequently significant weight is given against the proposal for this reason.
- 5.53 The overall design including the introduction of a residential curtilage and the extensive alterations has been judged harmful to the open rural character of the area weight is awarded against the proposal for this reason. Most importantly, the structure is not capable of conversion without these works and this is given substantial weight against in the balancing exercise.
- 5.54 The balancing exercise has shown that the number and severity of the reasons against the scheme significantly outweigh any benefits and the proposal is recommended for refusal.

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 South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

7.1 That the application be **REFUSED** for the reasons given on the decision notice.

Contact Officer: Anne Joseph
Tel. No. 01454 863788

REFUSAL REASONS

1. The extent of the work is considered tantamount to a rebuild rather than the re-use of the existing building. The proposal would result in the introduction of an isolated new dwelling in the countryside for which no special circumstances have been put forward. The proposal is considered harmful and contrary to the NPPF (2012), Policies CS5, CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013 and saved Policy H10 of the South Gloucestershire Local Plan (Adopted) January 2006.
2. The proposed development is considered to be harmful to the visual amenity and rural character of the area due to the alterations to the existing building and the creation of the access track. It therefore fails to be in-keeping with its surroundings in terms of its overall design, form and bulk and would have a harmful effect on the countryside contrary to policies CS1, CS5, CS9, CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and Policies L1 and H10 of the South Gloucestershire Local Plan (Adopted) 2006 and the NPPF (2012).

CIRCULATED SCHEDULE NO. 09/17 – 03 MARCH 2017

App No.:	PK17/0226/CLP	Applicant:	Mrs Elizabeth Coleman
Site:	154 Couzens Close Chipping Sodbury South Gloucestershire BS37 6BU	Date Reg:	24th January 2017
Proposal:	The proposed erection of a rear conservatory	Parish:	Sodbury Town Council
Map Ref:	372939 182492	Ward:	Chipping Sodbury
Application Category:	Certificate of Lawfulness	Target Date:	16th March 2017



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed erection of a rear conservatory at No. 154 Couzens Close, Chipping Sodbury, would be lawful.
- 1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based solely on the facts presented.

2. POLICY CONTEXT

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

The submission is not a planning application thus the Development Plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful on the balance of probabilities, the Local Planning Authority must grant a Certificate confirming that the proposed development is lawful.

3. RELEVANT PLANNING HISTORY

Records indicate two different reserved matters applications relating to the application site. It is unclear which application relates specifically to the construction of the No. 154 Couzens Close. However permitted development rights are restricted under condition 9 of application ref. P94/1963, and condition 10 of application. Both of these conditions make exactly the same restriction.

- 3.1 P94/1963 Residential development - 79 dwellings and garages together with associated parking and highways and drainage works.

Approved: P94/1963

The permitted development rights at this property were restricted by condition attached to this decision:

Cond. 09 - *Notwithstanding the provisions of the Town and Country Planning General Development Order 1987 (or any Order revoking and re-enacting that Order), no fences, gates, walls or other means of enclosure*

shall be erected within the curtilage of any dwellinghouse which front onto a road, other than in accordance with any details shown on the approved plans.

- 3.2 P93/1001 Erection of 141 dwellings with associated garages, driveways, footpaths, roads and landscaped areas. (In accordance with the amended layout plan received by the council on the 22 april 1993 as amended by fax plan dated 19 may 1993 and house type plans received by the council on 11 may 1993) (to be read in conjunction with P91/1727).

Approved: 19.05.1993

The permitted development rights at this property were restricted by condition attached to this decision:

Cond. 10 - *Notwithstanding the provisions of the Town and Country Planning General Development Order 1987 (or any Order revoking and re-enacting that Order), no fences, gates, walls or other means of enclosure shall be erected within the curtilage of any dwellinghouse which front onto a road, other than in accordance with any details shown on the approved plans.*

- 3.3 P91/1727 Residential and ancillary development on approximately 17 acres (6.8 hectares) (outline)

Approved: 19.06.1991

Condition 14 of this decision places exactly the same restriction on permitted development rights as the aforementioned conditions.

4. CONSULTATION RESPONSES

- 4.1 Sodbury Town Council
No Objection

Other Representations

- 4.2 Local Residents
No Comments Received

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Site Location Plan
Combined Plans (Drawing No. PBPDS/PP141)
(All received by the Local Authority 19th January 2017).

6. ANALYSIS OF PROPOSAL

6.1 Principle of Development

The application for a Certificate of Lawfulness is purely an evidential test and is a formal way of establishing whether or not the proposed development can be implemented lawfully without the need for planning permission. Accordingly there is no consideration of planning merit, the application is based on the facts presented. The submission is not an application for planning permission and as such the development plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful, on the balance of probabilities, the Local Planning Authority must grant a certificate confirming that the proposed development is lawful.

6.2 The key issue in this instance is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class A of the GPDO (2015).

6.3 The proposed development consists of a single story extension to the rear of property. This development would fall within Schedule 2, Part 1, Class A, which allows for the enlargement, improvement or other alteration of a dwellinghouse, provided it meets the criteria as detailed below:

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

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

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

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

The total area of ground covered by buildings (other than the original dwellinghouse) would be less than 50% of the total area of the curtilage.

(c) The height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;

The height of the rear conservatory would not exceed the height of the roof of the existing dwellinghouse.

(d) The height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;

The height of the eaves of the rear conservatory would not exceed the height of the eaves of the existing dwellinghouse.

- (e) The enlarged part of the dwellinghouse would extend beyond a wall which—**
- (i) forms the principal elevation of the original dwellinghouse; or**
 - (ii) fronts a highway and forms a side elevation of the original dwellinghouse;**

The proposed conservatory does not extend beyond a wall which fronts a highway or the principal elevation of the original dwellinghouse.

- (f) Subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and—**
- (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or**
 - (ii) exceed 4 metres in height;**

The proposal does not extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or exceed 4 metres in height.

- (g) Until 30th May 2019, for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and—**
- (i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or**
 - (ii) exceed 4 metres in height;**

Not applicable.

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

The conservatory would be single storey.

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

The conservatory would be within 2 metres of the boundary, however the eaves would not exceed 3 metres in height.

- (j) **The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would—**
- (i) **exceed 4 metres in height,**
 - (ii) **have more than a single storey, or**
 - (iii) **have a width greater than half the width of the original dwellinghouse; or**

The proposal does not extend beyond a side wall of the original dwellinghouse.

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

The development would not include any of the above.

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

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

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

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

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

The proposal relates to a conservatory. As such this condition does not apply.

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

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

Not applicable.

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

Not applicable.

7. RECOMMENDATION

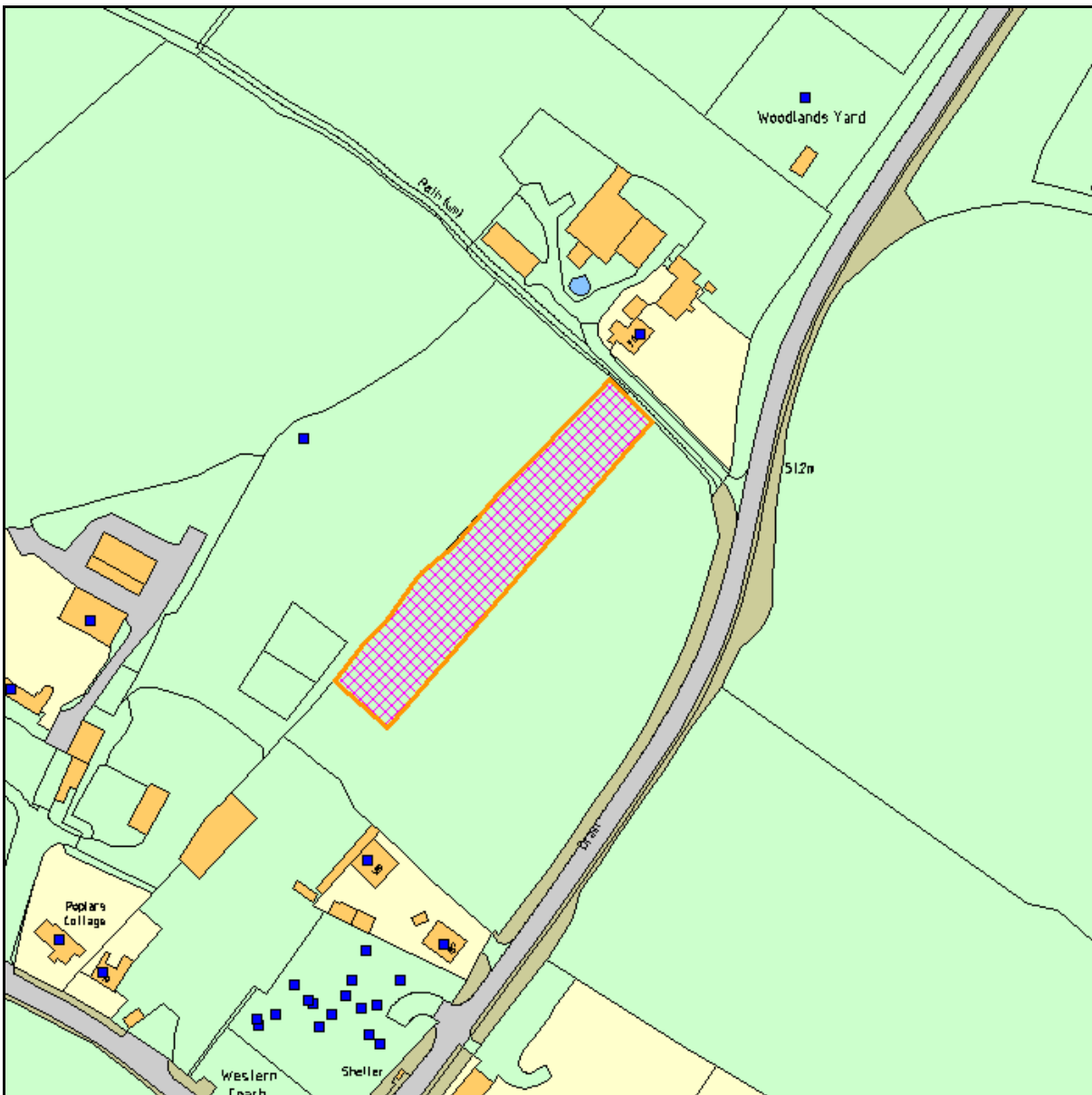
- 7.1 That a certificate of Lawfulness for Proposed Development is **granted** for the reasons listed below:

Evidence has been provided to demonstrate that on the balance of probabilities the proposed conservatory would fall within the permitted rights afforded to householders under Part 1, Class A of the Town and Country Planning General Permitted Development Order 2015.

Contact Officer: Patrick Jackson
Tel. No. 01454 863034

CIRCULATED SCHEDULE NO. 09/17 – 03 MARCH 2017

App No.:	PT16/3680/F	Applicant:	Mr J Hegarty
Site:	Land At Bristol Road Frampton Cotterell South Gloucestershire BS36 2AW	Date Reg:	27th September 2016
Proposal:	Change of use of land to gypsy and traveller caravan site to facilitate the stationing of 5no. mobile homes and 5no. touring caravans with associated hard- standings and landscaping.	Parish:	Frampton Cotterell Parish Council
Map Ref:	366186 182522	Ward:	Frampton Cotterell
Application Category:	Minor	Target Date:	14th November 2016



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REASON FOR REFERRING TO THE CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule following the receipt of objections from Frampton Cotterell Parish Council and local residents; the concerns raised, being contrary to the officer recommendation. The proposal also represents a departure from Development Plan Policy.

1. THE PROPOSAL

- 1.1 This application seeks full planning permission for the change of use of land to a private Gypsy Site and Traveller Site to facilitate the siting of 5no. Gypsy Caravan pitches, to be occupied by the extended family of the applicant, Mr James Hegarty, who owns the application site. There are no proposals to erect any day rooms.
- 1.2 The application site is located within the Green Belt and open countryside to the North-West of Bristol Road (B4058) and comprises part of an agricultural field laid to pasture. There is an existing access to the site from Bristol Road that was granted (to the current applicant) under a previous consent PT15/3179/F for the 'Erection of stables with tack room and hay barn, and formation of access track' (see para. 3.4 below). The permission has been implemented but to date the stable block is only part constructed.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework (NPPF) March 2012
NPPF accompanying document Planning Policy for Traveller Sites (PPTS) August 2015
Ministerial Statement by the Rt. Hon. Brandon Lewis MP 2 July 2013.
National Planning Practice Guidance (NPPG) March 2014
- 2.2 Development Plans
- South Gloucestershire Local Plan (Adopted) January 2006
- | | |
|-----|---|
| L1 | Landscape Protection and Enhancement |
| L9 | Species Protection |
| T12 | Transportation Development Control Policy |
| EP2 | Flood Risk and Development |
| EP4 | Noise Sensitive Development |
- South Gloucestershire Local Plan: Core Strategy (Adopted) Dec 2013
- | | |
|------|--|
| CS1 | High Quality Design |
| CS4A | Presumption in Favour of Sustainable Development |
| CS8 | Improving Accessibility |
| CS9 | Managing the Environment and Heritage |
| CS21 | Gypsy and Traveller Accommodation |
| CS34 | Rural Areas |
- 2.3 Supplementary Planning Guidance
The South Gloucestershire Design Check List SPD Adopted August 2007

Development in the Green Belt SPD Adopted June 2007
South Gloucestershire Landscape Character Assessment (SPD) as adopted Nov. 2014
South Gloucestershire Council Residential Parking Standards Approved 2013.
South Gloucestershire Council Waste Collection: guidance for new developments (SPD) Adopted Jan 2015

3. RELEVANT PLANNING HISTORY

- 3.1 PT06/0400/F - Erection of stables with tack room and hay barn, and formation of access track. Creation of new access onto Bristol Road (B4058).
Approved 24th March 2006
- 3.2 PT14/1949/F - Change of use of land from Agricultural to Equine to facilitate the erection of stables with tack room and hay barn, and formation of access track. Creation of new access onto Bristol Road (B4058)
Refused 28th Nov. 2014 on grounds of:
- Inappropriate development in the Green Belt, no very special circumstances demonstrated.
- 3.3 PT15/0131/F - Change of use of land from Agricultural to Equine to facilitate the erection of stables with tack room and hay barn, and formation of access track. Creation of new access onto Bristol Road (B4058). (Resubmission of PT14/1949/F).
- Refused 20th April 2015 on grounds of:
- Inappropriate development in the Green Belt, no very special circumstances demonstrated.
 - Insufficient grazing and pasture land for number of horses to be stabled on the land.
- 3.4 PT15/3179/F - Change of use of land from Agricultural to Equine to facilitate the erection of stables with tack room and hay barn, and formation of access track. Creation of new access onto Bristol Road (B4058). (Resubmission of PT15/0131/F).
Approved 11th September 2015

4. CONSULTATION RESPONSES

The application has been advertised, for the requisite period, as a departure from development plan policy. The advert has now expired and raised no new material issues.

- 4.1 Frampton Cotterell Parish Council
The Parish Council objects. This is in the Green Belt, access to the site is dangerous being on the bend of a very busy road. This is further degradation of the Green Belt.

4.2 Other Consultees (including internal consultees of the Council)

Sustainable Transport

No objection

Highway Structures

No comment

PROW

Public footpath LFC13 runs adjacent to the site. No objection subject to standard informative.

Children and Young People (CYP)

No response

Lead Local Flood Authority

No objection in principle

Open Spaces Society

No response

Corporate Travellers Unit

There are no available pitches on the Council sites.

Strategic Planning Officer

PPTS states at paragraph 3 that the government's overarching aim is to ensure fair and equal treatment for Travellers, in a way that facilitates the traditional and nomadic way of life of Travellers while respecting the interests of the settled community. In accordance with the requirements of national policy, the case officer will therefore need to be satisfied that the applicants fulfil the revised definition of Gypsies and Travellers contained within Annex 1 of the PPTS (2015). PPTS para.2 of Annex 1: Glossary.

Subject to this, there is a demonstrable need for Gypsy/Traveller pitches to be provided in South Gloucestershire over the Plan period. The proposed development would result in a new, residential, Gypsy/Traveller site comprising 5 residential pitches, therefore contributing to addressing the existing shortfall of Gypsy and Traveller sites in the district.

Notwithstanding this, in the case of proposals which come forward in the Green Belt, national policy is clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The NPPF notes that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence.

It is for the case officer to determine whether the proposed development would adhere to the exceptions listed in paragraph 89 of the NPPF, in that the application would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

As the site is located within open countryside, it is for the case officer to consider whether the proposal is consistent with paragraph 25 of the PPTS, including whether the proposal respects the scale of, and does not dominate the nearby settled community. The assessment of whether the development would place undue pressure on local infrastructure should be considered, and particularly potential highways issues which are for the Transportation DC officer's consideration.

In planning policy framework terms where there is demonstrable need, Policy CS21 of the Council's adopted Core Strategy requires the decision taker to undertake an assessment of whether very special circumstances exist.

The consideration of these two issues: whether the applicant meets the new definition of a Gypsy/ Traveller; and, whether very special circumstances exist to justify development in the Green Belt are clearly crucial to the understanding of the overall planning balance and therefore form a key part of the basis upon which the officer recommendation should be based.

Other Representations

4.3 Local Residents

32 letters/e-mails of objection have been received from local residents; the concerns raised are summarised as follows:

- Inappropriate development in the Green Belt, no very special circumstances.
- Adverse impact on the openness of the Green Belt.
- Will increase traffic congestion at dangerous junction.
- Adverse impact on property values.
- No need, there are enough Gypsy Sites already.
- No horses have occupied the site.
- Dangerous access on bend in the road and near traffic light junction of Bristol Rd./Perrinpit Rd. and Bust Stop.
- Out of character.
- Increased noise and disturbance.
- Overdevelopment.
- Adverse visual impact.
- Listed buildings in close proximity.
- Previous consent for the stables was a precursor to this scheme.
- Not previously developed land.
- Will set a precedent for similar applications in the future.
- Loss of hedgerow.
- Conditions of previous consent have not been complied with.
- Adverse impact on residential amenity.
- Inadequate utilities.

5. **ANALYSIS OF PROPOSAL**

Principle of Development

- 5.1 The application as submitted, proposes the change of use of land for the siting of 5no Gypsy pitches, each comprising a mobile home and touring caravan, to comply with the definition of caravan in terms of the Caravan Sites Control and Development Act 1960, The Caravan Sites Act 1968 and the “Social Land Laws (permissible additional purposes) England (Order 2006) Definition of Caravan (amendment) England (Order 2006).
- 5.2 In location terms, the application site is located beyond any settlement boundary and lies within the Bristol and Bath Green Belt to the North-West of Bristol Road, Frampton Cotterell. The location is characterised by a mix of residential and commercial uses and farmland, close to the edge of the Settlement Boundary and the traffic light junction of Bristol Road and Perrinpit Rd/Church Rd.
- 5.3 The key issues to consider in the determination of this application are as follows:
- Whether or not the applicant and his family meet the PPTS definition of Gypsies and Travellers.
 - the degree to which the proposed development would affect the openness of the Green Belt and encroach into the countryside.
 - the effect the proposed development would have on the appearance and character of the site and the surrounding area.
 - the accessibility of the site with respect to community services.
 - the safety and suitability of the access to the site.
 - the effect the proposed development would have on amenity at other properties.
 - the degree of national and local need for the proposed development.
 - the personal needs and circumstances of the applicant and his family, and
 - in the overall balance of planning considerations, whether harm by inappropriateness and any other harm would be outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal as sustainable development.

Green Belt Issues

- 5.4 The NPPF is clear at paragraph 87 that in the case of proposals which come forward in the Green Belt, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Furthermore, the NPPF also states that the fundamental purpose of the Green Belt is to preserve its openness.
- 5.5 Paragraph 88 goes on to state that in considering any planning application, ‘local planning authorities should ensure that substantial weight is given to any harm to the Green Belt’. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations’.

Government policy on planning for the needs for Gypsy and Travellers is set out in the Planning Policy for Traveller Sites (PPTS). On August 31st 2015 the Dept. for Communities and Local Government (DCLG) issued an updated version of Planning Policy for Traveller Sites (PPTS). Among the main changes to the updated PPTS was greater protection in relation to Gypsy/Traveller proposals in the Green Belt and open countryside.

- 5.6 As with previous guidance, traveller site development in the Green Belt remains inappropriate development (Policy E). In line with the advice provided previously through Ministerial Statements issued by CLG, the revised PPTS goes further stating that: 'subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances'. In addition to this, the guidance at paragraph 27 of PPTS confirms that, where local planning authorities cannot demonstrate a 5-year land supply of deliverable sites; this continues to be a significant material consideration when considering planning applications for the grant of temporary permission. However, the guidance has now introduced exceptions to further qualify this which include proposals that involve land designated as Green Belt (inter alia).

Open Countryside

- 5.7 In the case of sites in the open countryside, the guidance has also strengthened its advice to local planning authorities, advising that new traveller site development in open countryside, that is away from existing settlements; should be very strictly limited. LPAs should also ensure that sites in rural areas respect the scale of, and do not dominate the nearest settled community or place undue pressure on local infrastructure.

Landscape issues

- 5.8 It is evident that the development proposals will have a potential impact on the openness and visual amenity of the Green Belt and open countryside. This matter is discussed separately below.

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

- 5.9 The Council adopted the Core Strategy on 11 December 2013. In accordance with S38(6) of the Planning and Compulsory Purchase Act 2004, this application falls to be considered in accordance with Policy CS21 (Gypsy and Traveller accommodation) of the South Gloucestershire Local Plan: Core Strategy as adopted.
- 5.10 When assessed against the policies of the Core Strategy the application site falls outside any defined settlement boundary and is within the open countryside, which is also designated Green Belt. As a consequence, the Council's up to date planning policies and national guidance seeks to strictly control new development in this location.

Need for Gypsy & Traveller Sites

- 5.11 In January 2014, the PT&SE Committee endorsed the findings of the South Gloucestershire & City of Bristol Gypsy & Traveller Accommodation Assessment (GTAA) 2013 as they relate to South Gloucestershire for the

purposes of informing the Council's planning policy framework and development management decision making, thereby replacing the previous 2007 West of England GTAA.

5.12 The GTAA recommends that the following are required to be delivered in South Gloucestershire up to 2028:

- 46 additional Gypsy/Traveller residential pitches; and
- 10 pitch transit site to meet transient needs of the Gypsy/Traveller community;

The GTAA shows the presence of a demonstrable unmet need for permanent residential Gypsy/Traveller and Travelling Showpeople sites in South Gloucestershire. It is clear therefore that the Council has a considerable number of new pitches to provide in order to meet the accommodation needs of Gypsies and Travellers in South Gloucestershire. This continues to attract significant weight as a material consideration, albeit that this now predates the current version of the PPTS published August 2015.

New definition of Gypsies/Travellers

5.13 Following the updated PPTS described above, the most significant change introduced through the revised guidance is the change to the definition of Gypsies and Travellers and Travelling Showpeople. The definition is seeking to effectively remove those who have ceased to travel on a permanent basis as falling outside of the definition of what it means to be a Gypsy/Traveller of a 'nomadic lifestyle' or Travelling Showperson.

5.14 Furthermore, in the case of Gypsy/Travellers, to assist in making this distinction, additional considerations have been added to the definition which states (PPTS para. 2 of Annex 1: Glossary):
'In determining whether persons are "gypsies and travellers" for the purposes of this planning policy, consideration should be given to the following issues amongst other relevant matters:
a) whether they previously led a nomadic habit of life;
b) the reasons for ceasing their nomadic habit of life;
c) whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.'

5.15 This change in definition has led to a need to refresh the existing evidence base i.e. the GTAA 2013, which sets the overall level of need for Gypsy/Traveller sites, which the Council will need to provide for through its planning policy framework. Work is in progress to update the GTAA, and the implications of the revised PPTS for the Council's planning policy framework are currently under review. The current expectation is that the updated GTAA will be available as part of the evidence to support the New Local Plan, the Policy relating to Gypsies and Travellers having been removed from the Proposed Submission: Policies Sites and Places Plan June 2016, which is progressing separately. This will enable the evidence base and the interpretation of the new guidance to be fully considered by the Council in relation to the wider consideration of provision for residential accommodation.

The timetable for preparing the new Local Plan is set out in the Council's Local Plan Delivery Programme and the LPDP envisages that the Local Plan will not be adopted until February 2019, but this date is indicative only subject to progress of the Joint Spatial Plan. Any specific Gypsy and Traveller Site allocations as part of that plan process are clearly still some way off.

- 5.16 Until such time as the results of the GTAA refresh are known, applications will continue to be determined having regard to the council's existing evidence base, the GTAA 2013. Weight should still be applied to this as an indication of demonstrable need, albeit that the actual numbers of future Gypsy/Traveller pitches required may be amended as a result of the GTAA refresh. Current applications can only be assessed against the best information available at the time.

The proposed development

- 5.17 The application proposes the change of use of land to provide 5no. new Gypsy pitches. It is proposed that the existing access to the stable block would be shared with the Gypsy Site, it being in the same ownership i.e. the applicant James Hegarty.
- 5.18 In accordance with S38(6) of the Planning and Compulsory Purchase Act 2004, this application falls to be considered in accordance with the South Gloucestershire Local Plan Core Strategy as adopted and any saved policies within the South Gloucestershire Local Plan (Adopted) 6th Jan 2006. Also of relevance is the NPPF and Supplementary Planning Documents listed at para. 2.3 above.

Openness and Purposes of the Green Belt

- 5.19 The Government attaches great importance to Green Belts. The NPPF is clear at paragraph 87 that in the case of proposals which come forward in the Green Belt, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Furthermore, the NPPF also states that the fundamental purpose of the Green Belt is to preserve its openness.
- 5.20 The proposed pitches would be located on the North-Western part of the field only, with the remainder of the field retained as grazing for the horses which in due course will occupy the stable located at the end of the access track and to the South-West of the proposed Gypsy Site. Whilst the stable is not inappropriate development within the Green Belt, being an essential recreational facility and by definition not harmful to the openness of the Green Belt, the additional gypsy pitches would represent encroachment into the countryside. The 2015 revision to Planning Policy for Traveller Sites para. 25 states that authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements.

5.21 The site is in the open countryside, but is only a short distance from the northern corner of the Settlement Boundary. Furthermore, in landscape terms the site is very well contained by the existing vegetation and buildings that surround the site. The stable block would also help to screen the site from the North-West and the existing screen vegetation could be enhanced via a landscape condition. As a matter of degree, in this case the level of harm caused by encroachment is limited by these factors. Furthermore, the proposed Gypsy Site would not be so great in scale as to dominate the nearby settled community and is considered proportionate to the size of the settlement.

Very Special Circumstances

5.22 In his initial submission the applicant's agent considered the site to be previously developed land by reason of the earlier planning consent PT15/3179/F. This is important in Green Belt terms, as one of the exceptions to inappropriate development in the Green Belt, as listed at para. 89 of the NPPF is:

"limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development."

5.23 It is however quite evident from an inspection of the plans approved under PT15/3179/F that the development only related to the land enclosed by the red edge i.e. the stable block and land immediately around it, the access track and the visibility splay adjacent to the access. The authorised use of the adjacent paddock remains agricultural land and as such is **not** previously developed land (see definition in NPPF Annex 2 Glossary of terms). The Council considers that the proposal represents inappropriate development in the Green Belt and this now appears to have been accepted by the applicant. The applicant has submitted a list of very special circumstances that he considers would, as a combination, justify the inappropriate development in the Green Belt; these are as follows:

- i) The absence of a 5-year land supply for additional pitches.
- ii) The unmet need (backlog) for additional pitches in the District, the sub-region, the region and nationally;
- iii) The lack of suitable, acceptable, affordable, available alternative sites.
- iv) The ability of the development plan (as adopted) and any emerging process to meet the unmet need for sites, and also to demonstrate a 5-year land supply. This will involve a realistic assessment of the LPA's track record of delivery and likely progress of delivering sites through a plan-led process.
- v) The best interests of the children.
- vi) The family's personal circumstances (in particular Mr Hegarty's chronic ill health).
- vii) Human Rights considerations and the Public Sector
- viii) The consequence of the application being dismissed for the family.

Definition of the term 'Gypsies and Travellers'

- 5.24 Annex 1 of Planning Policy for Traveller Sites states that for planning policy purposes the term "gypsies and travellers" means:

Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling show-people or circus people travelling together as such."

In determining whether persons are "gypsies and travellers" for the purposes of this planning policy, consideration should be given to the following issues amongst other relevant matters:

- a) Whether they previously led a nomadic habit of life.
- b) The reasons for ceasing their nomadic habit of life.
- c) Whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.

- 5.25 The Council's Welfare Liaison Officer has confirmed that Mr & Mrs Hegarty and their family are Travellers of Irish heritage that are well known to officers, having previously lived on the Council's Gypsy site at Winterbourne, where Mr & Mrs. Hegarty raised their children. The applicant's agent has submitted information to confirm that the applicants are ethnic Irish Travellers who are a protected minority for the purposes of the Public Sector Equality Duty. In addition, they are Travellers for the purpose of Annex 1 PPTS 2015: they are an extended family of 3 generations – Mr James Hegarty is the elder and travels with his sons for work for most of the year, part of the time travelling to the Gypsy horse fairs (which they attend from May to October each year) as well as doing ground work and roofing at other times.

- 5.26 Having considered the above, officers are satisfied that the Hegarty family meet the definition of gypsies and travellers.

Five Year Supply of Sites

- 5.27 The PPTS requires local planning authorities, in producing their Local Plan, to identify and update annually, a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against their locally set targets. It is acknowledged that the Council cannot currently demonstrate a five-year supply in respect of gypsy and traveller sites, as sought in para.10 of Planning Policy for Traveller Sites. Having regard to a recent (Jan. 2017) appeal decision (see APP/U1240/W/16/3147485 - Land lying south of Angel Lane, Pompey's Lane, Ferndown Dorset) this matter is considered to be a material consideration of substantial weight in favour of the application, albeit less than significant weight (see PPTS para.27).
- 5.28 PPTS Paragraph 27 goes on to state that, this is a significant material consideration in any planning decision for the grant of temporary permission, but further states the exception where the site is on Green Belt land; as it is in this case.

However, the application is for permanent use and the consideration of very special circumstances remains as set out in both the NPPF and Planning Policy for Traveller Sites.

- 5.29 As regards how many Gypsy and Traveller sites have been consented against the targets set under Core Strategy Policy CS21, which was adopted 11th December 2013: the Council's 'Annual Monitoring Report' contains (page.36) a table 2.11 showing those pitches delivered per year up to 31st March 2015. The relevant numbers delivered are as follows:

2012/2013 - Nil

2013/2014 - 5

2014/2015 - 7

Since 31st March 2015 a further 2 pitches have been allowed on appeal and an additional pitch granted at 'The Meadows' site.

Whilst Policy CS21 did not set a specific number of pitches to be delivered, it did say that provision would be made in a subsequent DPD or Local Plan following a review of the need for pitches. It is clear that this review is still ongoing (GTAA 2012 under review see para 5.12 above). Accordingly there is no adopted number of pitches to be delivered in an up to date plan. The evidence nevertheless continues to suggest the presence of a significant unmet need. At the time of adoption of CS21 the GTAA (2007) had indicated that there was a need for 58 residential pitches and 25 transit pitches in South Gloucestershire to be provided in the period 2006-2011 and a further 22 pitches up until 2016 thereafter.

Unmet Need for Gypsy Sites

- 5.30 As regards the need for Gypsy and Traveller Sites in South Gloucestershire, this matter is acknowledged. The Ministerial Statement by the Rt. Hon. Brandon Lewis M.P. 2 July 2013 states however that:

"The Secretary of State wishes to make clear that, in considering planning applications, although each case will depend on its facts, he considers that the single issue of unmet demand, whether for traveller sites or for conventional housing, is unlikely to outweigh harm to the Green Belt and other harm to constitute the 'very special circumstances' justifying inappropriate development in the Green Belt'.

- 5.31 Officers consider that the statement does not totally preclude every case of unmet need, making it clear that each case will depend on its facts. The statement goes on to confirm this by stating that, it is '*unlikely*' to outweigh harm to the Green Belt, therefore implying that in certain cases unmet need alone might outweigh the harm by reason of inappropriateness. This approach accords with that taken by the Inspector in the aforementioned Ferndown, Dorset appeal where at para. 16.1 – 16.5 of his Decision Letter the Inspector stated:

"It is established that PPTS paragraph 16, in providing that unmet need and personal circumstances are 'unlikely' to amount to very special circumstances, is not preclusive of gypsy sites in the Green Belt."

“In planning, as in ordinary life, a number of factors when combined together can result in something that is very special and whether any particular combination of factors amounts to very special circumstances is a matter for the planning judgement of the decision maker.”

“The individual circumstances of an appellant, in particular the best interests of children, can amount to overriding very special circumstances in a Green Belt context.”

“Gypsy sites do not have to be hidden or invisible to be acceptable and any rural gypsy site will detract in some degree either from the character or the appearance, or both, of the countryside.”

“There is no preclusion of gypsy sites even where there is no established need for them and private sites are looked upon favourably.”

- 5.32 The issue of unmet need within South Gloucestershire itself, was recently addressed in an appeal relating to a proposal on land at Shortwood Road, Pucklechurch (see APP/P0119/W/15/3065767). In his Decision Letter the Inspector noted that (para.23) the Council sought to rely on the intended refresh of the GTAA findings and the eventual publication of an update. The Council placed weight on the possibility of numbers, and hence need, reducing as a result of the August 2015 change to the definition of gypsy and travellers in annex 1 of Planning Policy for Traveller Sites. The Inspector concluded however that whilst the new definition would be most unlikely to increase numbers, the scope for significant decrease is untested. Having regard to this and more recent appeal decisions relating to gypsy sites, the matter of unmet need must also be afforded substantial weight in the final planning balance.

Alternative Sites

- 5.33 In terms of alternative Gypsy & Traveller Sites, the Council’s Gypsy Liaison Officer has recently confirmed that the two Council sites are full and have waiting lists; there are no other alternative sites; officers give moderate weight to this issue. As stated in paragraph 24b of Planning Policy for Traveller Sites the availability (or lack) of alternative accommodation for the applicants is a relevant matter to be considered in decision taking. The likelihood of the family finding an alternative site is further restricted by their ethnic origins; officers being aware that travellers of Irish origin often experience abuse from gypsies and travellers of other backgrounds.

Personal Circumstances

- 5.34 The Hegartys’ are an extended family group of three generations of travellers of Irish heritage. The family previously lived in South Gloucestershire at the Council’s Winterbourne site. The family vacated the site after Mrs Hegarty was involved in a serious road traffic accident near the site, an event that traumatised her, forcing her to leave the site.

5.35 Mr & Mrs Hegarty snr. both have medical issues and are planning for their older age; in the case of Mr Hegarty his health issues are chronic. (*The medical records of Mr Hegarty are confidential but can be made available to Members upon request*). The Hegartys' wish to move back to South Gloucestershire, where they have strong connections and a large extended family already residing in the area.

5.36 As regards the individual members of the family, their respective ages and situations; and details of whom it is proposed to occupy each of the proposed 5 pitches, these are as follows:

Pitch 1

5.37 Mr James Hegarty and his wife Jacqueline and daughters (16) and (8). It is intended that Jacqueline Jnr. would attend St. Pauls Catholic Primary School. Mr Hegarty has various health problems, which impact his daily life and that of his wife greatly. A move to South Gloucestershire would allow wider family members to support both Mr & Mrs Hegarty with care.

Pitch 2

5.38 Mr & Mrs Hegarty's first son Jimmy and wife Ashen and their son (4) and daughter (2) whom it is intended will attend school in South Gloucestershire. The family have past connections with St. Pauls Catholic Primary School where Jimmy attended as a child.

Pitch 3

5.39 Mr & Mrs Hegarty's second son Richard (also known as Sonny) and wife Denise and son (5) and daughter (1). Richard also attended St. Pauls Catholic Primary School as a child and would also like his children to attend this school.

Pitch 4

5.40 Mr & Mrs Hegarty's third son Connie and his wife Antoinette who have a new baby. Connie also attended St. Pauls Catholic Primary School as a child.

Pitch 5

5.41 Would be for John Hegarty who currently lives with his parents and is now engaged to be married to his partner Mandy. Both John and his twin sister Bridget went to St. Pauls Catholic Primary School.

5.42 Documentary evidence has been submitted by the Headmaster of St. Paul's Catholic Primary School, Yate confirming the previous attendance of Jimmy, Richard, Connie, Bridget and John. The Parish Priest of St. Lawrence & St. Paul Catholic Church has also provided a letter confirming that all of the six Hegarty children celebrated both their first Holy Communion and Confirmation in either this or neighbouring catholic parishes and that the Hegartys' have had an association with the parish for over 30 years, whilst not necessarily being resident for all that time. The Council's Welfare Liaison Officer has confirmed that Mr & Mrs Hegarty's daughter Jaqueline did her Holy Communion in St Pauls Catholic Church in May 2016. In order for this to happen she had to attend 17 lessons in the weeks prior, despite still living in Swindon.

- 5.43 More recently the family has resided on a private Travellers site in Swindon but that site is in the process of being sold. As a result the family were served final notice to vacate the site by the 16th Feb. 2017. The family have no authorised site where they can place their caravans and live and therefore now have to take up an unauthorised roadside existence, which would clearly not be in their best interests, especially those of the children. This situation has apparently already led to Mr Hegarty requiring further hospitalisation.
- 5.44 Refusal of this application is likely to result in the break up the extended family unit and result in the loss of support to Mr & Mrs Hegarty. A settled base near to family members would best suit the medical needs of Mr & Mrs Hegarty. Furthermore it is likely to result in a significant disruption to the education of the school age children or those coming up to pre-school age, which are key moments in their school careers. Officers consider that there is no doubt that the best interests of the children would ideally be served by having a settled base. The personal, educational and healthcare needs of the applicant and his extended family add further substantial weight in favour of the proposal.

Other Considerations

- 5.45 Highway Issues
The site benefits from an existing gated access and driveway from Bristol Road. The access track and access were part of the scheme for the stable block, tack room and hay barn approved under PT15/3179/F. Concerns have been raised by local residents about the suitability of the access given its proximity to the traffic light junction of Bristol Road and Church Rd./Perrinpit Road and a nearby bus stop.
- 5.46 The NPPF (para. 32) is clear in stating that development should only be prevented or refused on transport grounds where the cumulative impacts of development are severe. It is noted that in the previous application PT15/3179/F the visibility from the access was considered acceptable to accommodate horse boxes subject to conditions relating to; the set back of the gates 10m from the carriageway, the gates opening inwards, the first 8m of the track being surfaced with bound material, and the visibility splay being maintained at 2m x 120m in both directions with no obstructions or planting above 0.9m high within the visibility splay.
- 5.47 The applicants have submitted information to demonstrate that the required visibility splay can be maintained without removing the existing hedgerow along the front of the site. The access would be adequate for the additional traffic generated by the proposal,(which would not be great), as well as the occasional movements of a touring caravan or delivery of a mobile home on the back of a rigid lorry, which would both have the same turning circle as a similarly sized horsebox. Furthermore there is adequate space within the site, as shown on the submitted plans, to provide a separate turning head to allow traffic to exit in forward gear; and to provide 2no. car parking spaces per pitch, which satisfies the Council's minimum residential parking standards.

- 5.48 Being close to the Settlement Boundary the site lies in a relatively sustainable location. There is a pedestrian crossing point near the traffic light junction and a bus stop on the northern side of Bristol Road, only a few yards from the site access. There is a regular bus service to Yate Town Shopping Centre with connections beyond.
- 5.49 Subject to similar conditions to those imposed on PT15/3179/F, officers consider that on balance, having regard to para.32 of the NPPF, a refusal reason based on highway grounds could not reasonably be justified in this case. In this respect, the proposal accords with Policies CS21 of The South Gloucestershire Local Plan Core Strategy (Adopted) 6th Jan 2006 and Policy T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

Landscape Issues

- 5.50 Concerns have been raised about the impact of the proposal on the visual amenity of the Green Belt and the Landscape Character in general. Although lying within the open countryside, officers do not consider that the location is a particularly high grade landscape in visual terms; it has no special designations. The land is flat and the site is enclosed to the North-East and South-West by existing dwellings and the haulage yard located to the West. Being so close to the edge of the Settlement Boundary, the site relates more to the built-up areas rather than the open fields to the rear or those on the opposite side of Bristol Road.
- 5.51 In terms of vegetation and landscape features, a comprehensive landscape plan has been submitted in support of the application. The plan shows the hedgerow to the front of the site retained. A low natural stone wall on the South-West boundary of the site with neighbouring residential properties, is retained and a hedgerow on the North-Eastern side of this wall has already been planted and is maturing well. Post and rail fencing has been erected to the North-East of the access track, which does not look out of place and a row of trees has been planted on the paddock side of this fence, which will mature in time.
- 5.52 The submitted landscape plan, which details the plant types to be used, shows a considerable amount of new planting to enhance the more 'gappy' hedgerows along the North-Eastern and North-Western boundaries of the site. Once complete, the level of landscaping would enhance the landscape quality of the site whilst at the same time provide very good screening of the gypsy site from the public realm and adjacent residential properties. Given the location of the gypsy pitches on the far North-Western part of the existing paddock, they would not be prominent features within the landscape and represent only a modest degree of encroachment into the Green Belt and open countryside. Any harm to result from this encroachment is therefore not significant.
- 5.53 Subject to a condition to secure the planting and a 5-year maintenance schedule, the scheme would satisfy Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) 6th Jan 2006.

5.54 Design Issues

A Gypsy pitch normally comprises a mobile home, a touring caravan and a utility/day room. The legal definition of a caravan was established in the Caravan Sites and Control of Development Act 1960; this was modified in 1968 to include twin-unit mobile homes and again in 2006 when the sizes were increased to the following:

- a) Length (exclusive of any draw bar) 20m (65.6ft)
- b) Width 6.8m (22.3ft)
- c) Overall height (measured internally from the floor at the lowest level to the ceiling at the highest level) 3.05m (10ft).

Given these definitions it is not normally the requirement for an applicant to submit plans of the mobile homes and caravans. In this case it is not proposed to erect utility/day rooms as adequate facilities are considered to be provided within the mobile homes and caravans.

5.55 The amount of development proposed is not considered to be excessive and would facilitate an easy restoration of the site back to its original state, should this be required in the future. This would be ensured by an appropriately worded condition.

5.56 In design terms, the scheme therefore accords with Policy CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) 6th Jan 2006.

Environmental Issues

5.57 The site is not the subject of unacceptable levels of noise disturbance, air pollution, smell, dust or contamination and neither is the site prone to flooding.

5.58 Foul disposal is proposed to be to a septic tank and surface water to soakaways. The Councils Drainage Engineer has raised no objection in principle but would prefer foul disposal to be via a package treatment plant, but these matters can be secured by condition. Occupation of the site would be subject to normal environmental health legislation. In environmental terms, there are no objections and the proposal accords with Policies CS1 and CS21 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013.

Impact on Residential Amenity

5.59 The nearest residential properties likely to be affected lie immediately to the North-East (no.215) and South-West (nos. 187 and 189) of the site. These properties are isolated dwellings within their own extensive plots, with separate access drives off Bristol Road.

5.60 The proposed caravans and mobile homes are modest in scale and only single-storey. Given the level of existing and proposed tree and hedgerow planting that would enclose the site, any views in or out of the site would be well screened.

5.61 With appropriate conditions to control the number of pitches; the size of vehicles to be stationed on the site and to prevent any commercial activities including storage on the site, officers consider that there would be no significant adverse impact on residential amenity over and above that which already occurs.

The Planning Balance

- 5.62 Substantial weight must be given to any harm to the Green Belt and the PPTS requires that greater protection is given to the Green Belt. Personal circumstances and unmet need are unlikely to **clearly** outweigh the harm to the Green Belt and any other harm. The lack of a 5-year land supply is now a less than significant material consideration when considering temporary consents in the Green Belt. New gypsy/traveller site development in the open countryside that is away from existing settlements should be very strictly limited.
- 5.63 The site is not particularly 'away' from the nearest settlement and is considered appropriate for Gypsy occupation. There is a demonstrable need for the additional accommodation and there is a lack of alternative sites within South Gloucestershire. The Council cannot demonstrate a 5-year land supply of deliverable sites, which carries substantial weight in favour of the proposal. The additional 5 pitches would enable the extended family to continue living together and to provide support to Mr and Mrs Hegarty who both have ongoing medical needs, most likely exacerbated by the recent eviction from the site in Swindon. The best interests of the children would ideally be served by having a settled base. The personal, educational and healthcare needs of the applicant and his extended family add further substantial weight in favour of the proposal. Whilst given the revised definition of Gypsies in the PPTS and the outstanding work to the GTAA as a result, the scope for a significant decrease in the need for pitches remains untested. The only harm identified would be some encroachment into the openness of the Green Belt and open countryside, but this is not significant; there is no significant 'other harm'.
- 5.64 Officers consider that the applicant has on balance adequately demonstrated the very special circumstances required to overcome the potential harm to the Green Belt by reason of inappropriateness; and any other harm. There are clearly in this case, a complex combination of factors to consider in weighing up the planning balance.
- 5.65 Whilst the application is for a permanent planning permission, officers consider that, in light of the personal circumstances of the applicant and the still emerging new policy relating to Gypsies and Travellers; in this case a consent made personal to Mr James Hegarty and his spouse/partner and any immediate relatives, would be an appropriate solution, especially given the wording of para. 187 of the NPPF which requires Local Planning Authorities to look for solutions rather than problems, and decision takers at every level to seek to approve applications for sustainable development where possible.

Human Rights and the Public Sector Equality Duty

- 5.66 Article 8 on the European Convention on Human Rights as enshrined in the Human Rights Act 1998, concerns a right to respect for private and family life. The Public Section Equality Duty was introduced under the Equality Act 2010 which requires at section 149 that a public authority or person exercising a public function must, in the exercise of its functions, have due regard to the need to (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (c) foster good relations between persons who share a relevant

protected characteristic and persons who do not share it. The Hegarty family's Irish Traveller origins are a protected characteristic.

5.67 The recommendation that follows from the reasoning above to grant permission for a temporary period would allow the family to occupy the land while other issues on the supply of sites are resolved, and for the children to remain in education and attend church. This would be a proportionate approach for only a limited period that would have no greater impact on the family's human rights than would be necessary to address the wider public interest. As a result, this recommendation has had due regard to the Public Section Equality Duty.

5.68 Officers consider that the operation of the Planning system does not conflict with the Human Rights Act. The Council has not acted unfairly in preparing the Local Plan or Core Strategy and then making decisions based upon the policies contained therein. Both plans have been tested at public enquiry and subsequently found to be sound.

Other Issues

5.69 Of the issues raised by local residents that have not been addressed above:

- Adverse impact on property values is not currently a material consideration in the determination of planning applications.
- The fact that no horses have yet occupied the site is perhaps not surprising, given that the stable block is not yet completed.
- There are no Listed Buildings close enough to the site to be affected.
- Whether or not the stable application was a precursor to the submission of the current application is not material as each application is determined on its individual merits. In any event, the stable block does not form part of the development site.
- The scheme, if approved, would not set a precedent as each application is determined on its individual merits.
- Whilst it is acknowledged that the pre-commencement conditions attached to the previous consent for the stable block have not at the time of writing been discharged, this matter is now in hand and should not prejudice the determination of the current proposal. It remains at the Council's discretion as to whether or not to serve an enforcement notice. In this case an application to discharge the conditions has now been submitted.

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 acknowledged harm to the Green Belt must be balanced against the continued unmet need for, and lack of availability of, alternative Gypsy and Traveller Sites; and the personal circumstances of the applicant and his family.

- 6.3 Policy CS21 envisages that some new Gypsy & Traveller Sites will be delivered through the development management process as windfall sites. Given that South Gloucestershire is heavily constrained with large areas of AONB (22%), Green Belt (43%) and areas of high flood risk (18%), finding sufficient land for Gypsy and Traveller Sites outside these areas is a considerable challenge for the Council. Given this situation, officers consider that it most likely that in certain cases there will be circumstances whereby the provision of a Gypsy & Traveller Site will occur in these areas; indeed some of the safeguarded sites listed under Policy CS21 of the Core Strategy do lie within these areas.
- 6.4 The proposed site would not be large and would be restricted by conditions to 5no. pitches only, which is sufficient in size to house the wider family group. The proposed occupants have long standing local connections. There is little or no prospect of the present occupants finding an alternative Gypsy & Traveller site locally and have recently be forced to take up occupation of unauthorised sites, which is not in the best interests of the children or the health of the applicant and his wife.
- 6.5 Given that the Submission : Policies, Sites and Places DPD no longer contain a Gypsy and Traveller Policy and that this policy is to be progressed separately, officers have considered whether a grant of personal consent (a form of temporary consent) would be appropriate in this case. In the first instance the applicant has not applied for a temporary consent but a full planning permission. Given the applicant's personal circumstances and that he has an extended family; in this respect a personal consent is considered appropriate and meets the tests of a condition as listed in the NPPF & National Planning Practice Guidance (Circular 11/95 being superseded by the NPPG). Furthermore Policy CS21 makes provision for windfall sites subject to the criteria listed therein, which in this case are considered to be met.
- 6.6 In this case officers consider that the combination of the personal circumstances of the applicant, combined with the unmet need of and lack of alternative Gypsy & Traveller Sites described previously, outweigh the limited level of harm to the Green Belt.
- 6.7 Given that officers do not consider that the 5no. pitches would have a significant impact on the Green Belt, there is no need to refer the application to the Secretary of State under the 2009 Departure direction. It has however been advertised as a departure.
- 6.8 The recommendation to grant planning permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013 and the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 That planning permission be GRANTED personally to Mr James Hegarty subject to the conditions listed on the Decision Notice.

Contact Officer: Roger Hemming

Tel. No. 01454 863537

CONDITIONS

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

Reason

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

2. The occupation of the site hereby permitted shall be carried on only as follows:

Pitch 1: Mr James Hegarty, his wife and, their resident children.

Pitch 2: Mr Jimmy Hegarty, his wife and their resident children.

Pitch 3: Mr Richard Hegarty, his wife and their resident children.

Pitch 4; Mr Connie Hegarty, his wife and their resident children.

Pitch 5: Mr John Hegarty, his wife/partner and any future resident children.

Reason

The development is inappropriate within the Green Belt and has only been granted planning permission given the personal circumstances of Mr James Hegarty and his family; to accord with Green Belt Policy embodied within the NPPF and Policies CS5 and CS34 of The South Gloucestershire Local Plan: Core Strategy (Adopted) 11th Dec. 2013 and The 'Development in the Green Belt' SPD Adopted June 2007.

3. No commercial activities shall take place on the land the subject of this consent, including the storage of materials.

Reason

To protect the visual amenity of the Green Belt and landscape in general to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS34 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013.

4. Prior to the first occupation of the site for the purposes hereby approved, details of any external lighting to be installed shall be submitted to and approved in writing by the local planning authority. The lighting shall be installed in accordance with the details so approved.

Reason

To protect the visual amenity of the Green Belt and landscape in general to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS34 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013.

5. The proposed parking, turning and manoeuvring areas shall be provided prior to the first occupation of the development hereby approved and those areas shall not thereafter be used for any purpose other than the parking, turning and manoeuvring of vehicles.

Reason

In the interests of highway safety and to accord with Policy T12 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS21 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013.

6. The scheme of landscaping as shown on the approved 'Proposed Residential Caravan Site & Detailed Landscape Proposals Plan' Drawing No. TDA.2028.02 shall be implemented in the first available planting season following the first occupation of any of the 5 pitches hereby approved. Thereafter the scheme of planting shall be maintained in accordance with the 5-Year Landscape Maintenance Scheme shown on the approved 'Site Layout & Detailed Landscape Proposals' Plan Drawing No. TDA.2028.01.

Reason

To enhance the screening of the site to protect the visual amenity of the Green Belt and landscape in general to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS34 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013.

7. There shall be no more than 5 pitches on the land the subject of this consent and within the individual pitches hereby approved no more than two caravans (as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended) shall be stationed at any time, of which only one caravan shall be a residential mobile home.

Reason

To protect the visual amenity of the Green Belt and landscape in general to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS34 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013.

8. No vehicle over 3.5 tonnes shall be stationed, parked or stored on the land the subject of this consent.

Reason

To protect the visual amenity of the Green Belt and landscape in general to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS34 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013.

9. The pitches hereby approved shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1: Glossary to the DCLG document Planning Policy for Traveller Sites August 2015.

Reason

To ensure that the site is not occupied by people other than those of Gypsy and Traveller status, given the limited availability of Gypsy and Traveller sites within South Gloucestershire.

10. If any of the 5no pitches hereby approved, ceases to be occupied by the persons named in condition 2 above, the use of that individual pitch(s) hereby permitted shall cease and all relevant materials and equipment brought onto the premises in connection with the pitch(s), shall be removed and the land restored to its former condition in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.

Reason

To protect the visual amenity of the Green Belt and landscape in general to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS34 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no other means of enclosure shall be erected other than those shown on the approved plans.

Reason

To protect the visual amenity of the Green Belt and landscape in general to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS34 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013.

12. The 5 pitches hereby approved, shall be laid out on the site in full accordance with the details shown on the approved 'Proposed Residential Caravan Site & Detailed Landscape Proposals Plan Drawing No. TDA.2028.02 and retained as such thereafter.

Reason

To protect the visual amenity of the Green Belt and landscape in general to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS34 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013.

13. No development shall commence until surface and fould water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection have been submitted and approved by the Local Planning Authority.

Reason

To ensure a satisfactory means of pollution control in order to comply with Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th December 2013. This is a pre-commencement condition to ensure that the site can be adequately drained and fouled water disposed of in a satisfactory manner.

14. Prior to first use of the site for the purposes hereby approved, a visibility splay of 2.4m set back by 120m to the north nearside carriageway edge shall be provided and thereafter maintained at all times with no obstruction within the splay above 0.9m in height.

Reason

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

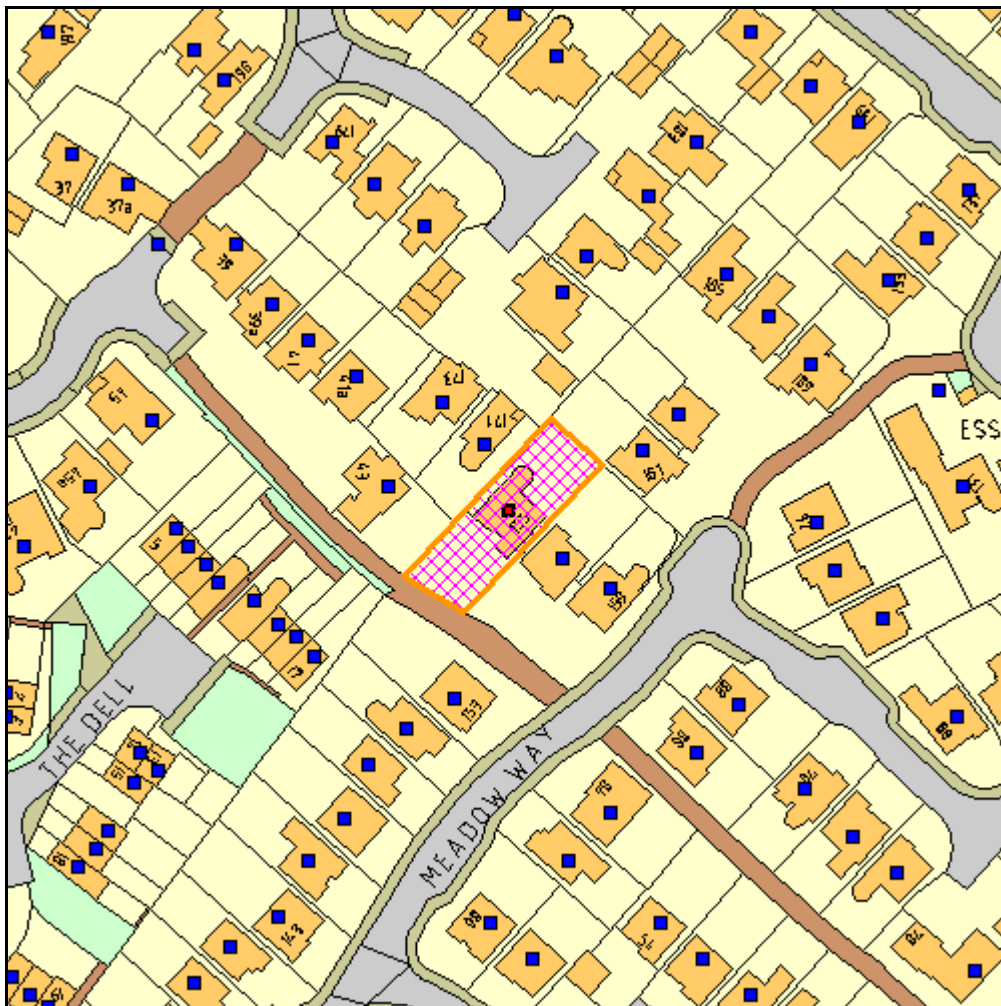
15. Prior to the first use of the site for the purposes hereby approved, the first 8 metres of the access shall be constructed of a bound surface material and retained as such thereafter.

Reason

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

CIRCULATED SCHEDULE NO. 09/17 – 03 MARCH 2017

App No.:	PT16/6479/F	Applicant:	Mr & Mrs Thomas C Thomas c/o Laurence Rae Associates Ltd
Site:	155 Meadow Way Bradley Stoke Bristol South Gloucestershire BS32 8BP	Date Reg:	30th November 2016
Proposal:	Conversion of existing garage to form additional living accommodation. Erection of double garage	Parish:	Bradley Stoke Town Council
Map Ref:	362443 181235	Ward:	Bradley Stoke South
Application Category:	Householder	Target Date:	20th January 2017



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REASONS FOR REPORTING TO CIRCULATED SCHEDULE

The application has been subject to comments contrary to the findings of this report. Under the current scheme of delegation it is required to be taken forward under circulated schedule as a result.

1. THE PROPOSAL

- 1.1 The proposal seeks to convert the garage into additional living accommodation and to erect a detached garage to the front of 155 Meadow Way, Bradley Stoke.
- 1.2 The host dwelling is a detached two storey late-20th century dwelling with brick elevations and pitched hipped roof with a secondary forward facing gable. There is a portico door and front extension forming garage and a bay window.
- 1.3 The property within the built up residential area of Bradley Stoke in an area occupied by late 20th and early 21st century dwellings.
- 1.4 There does not appear to be any restriction to the properties permitted development rights afforded to householders under Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) Order 2015.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Policy Guidance 2014

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS8 Improving Accessibility

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

H4 Development within Existing Residential Curtilages
T12 Transportation

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

PSP1 Local Distinctiveness
PSP8 Residential Amenity
PSP16 Parking Standards
PSP38 Development within Existing Residential Curtilages
PSP43 Private Amenity Space Standards

2.3 Supplementary Planning Guidance

Design Checklist SPD (adopted) August 2006
Residential Parking Standards SPD (adopted) December 2013

3. RELEVANT PLANNING HISTORY

P93/0020/366 – Approval of Reserved Matters – 31/03/1993 – Residential development on 4.95 acres of land to include erection of 49 dwellings, construction of vehicular and pedestrian accesses and estate roads. (In accordance with amended plans received by the council on 24 February 1993 and materials specification received by the council on 11 March 1993) (to be read in conjunction with P84/20/1)

P84/0020/1 – Approval of Outline – 03/12/1986 – Residential, shopping & employment development Inc. Roads & sewers and other ancillary facilities on approx.1000 acres of land.

4. CONSULTATION RESPONSES

4.1 Bradley Stoke Town Council

No objection subject to drainage being provided by storm drain rather than soakaway.

4.2 Other Consultees

Transport Officer

No objection subject to a condition requiring the garage to be kept for the storage of private motor vehicles and ancillary domestic storage.

Other Representations

4.3 Local Residents

Two comments have been received objecting to the proposal. The respondents are not concerned with the design of the structure per se but note that there are issues with drainage of gardens and that anti-social behaviour has taken place on the public right of way adjacent to the proposal site and that the proposal may compound these issues. The comments also suggest that there may be issues with turning vehicles following development.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy CS1 'High Quality Design' of the South Gloucestershire Core Strategy (adopted December 2013) states development proposals will only be permitted where the highest possible standards of design and site planning are achieved. Proposals should demonstrate that they; enhance and respect the character, distinctiveness and amenity of both the site and its context; have an appropriate density and its overall layout is well integrated with the existing development. Saved Policy H4 of the South Gloucestershire Local Plan (adopted 2006) is supportive in principle of development within the residential curtilage of existing dwellings. This support is subject to the proposal respecting the existing design of the dwelling and that it does not prejudice the residential and visual amenity; adequate parking provision; and has no negative effects on transportation. The proposal accords with the principle of development subject to the consideration below.

5.2 Design and Visual Amenity

The proposal consists of the conversion of the existing garage to form additional living accommodation and erection of a detached garage to the front of 155 Meadow Way, Bradley Stoke. Various properties nearby have detached garage structures that are similarly positioned to the front of properties principal elevations. On this basis the proposed design would be considered in keeping with the general character of the area. The proposed conversion of the garage space would involve the replacement of the garage door with a window of a similar design to that of the existing bay window. The properties permitted development rights appear to be intact and consequently, it is not thought permission would be required for the works needed for conversion of this space.

5.3 The proposal has put forward materials with a similar appearance to the existing dwelling and there is no objection with regard to materials.

5.4 Overall, it is considered that the proposals would not harm the character or appearance of the area and as such is considered acceptable in terms of visual amenity. Therefore, it is judged that the proposal has an acceptable standard of design and is considered to accord with policies CS1 and H4 and conforms to the criteria in the adopted Local Plan.

5.5 Residential Amenity

Policy H4 of the adopted Local Plan gives the Council's view on new development within existing residential curtilages. Proposals should not prejudice the residential amenity (through overbearing, loss of light and loss of privacy) of neighbouring occupiers as well as the private amenity space of the host dwelling.

5.6 Dwellings directly forward of the principal elevation are separated by the public right of way and situated perpendicular to the host dwelling and its neighbours. As a result the proposal is significantly screened from properties in this direction and is not seen to have any impact on their residential amenity.

5.7 There is a dwelling situated north-west of the proposal with its rear elevation oriented towards the proposal. This property is around 10 metres from the rear elevation of the proposed garage. This could have potentially resulted in a negative impact as a result of overbearing and the related loss of light, however the proposal will have gabled roof with a gable end facing towards the property in question, will be of a modest height and will be partially screened by the existing timber closed panel fences against the boundary. On this basis the proposal is viewed to have an acceptable impact on this dwelling.

5.8 Comments have been received from neighbours and the Town Council concerned with the potential for water runoff from the proposed garage compounding a drainage issue faced by a neighbouring property in their rear garden. This level of detail or a building of this scale will be adequately covered by building regulation and control. That said in general terms the proposal will have a gabled roof and will face onto the host dwellings arm of Meadow Way, meaning water runoff will be directed away from the property in question and is not thought likely to worsen the situation.

- 5.9 In addition comments have suggested that anti-social behaviour takes place on the public right of way and that the proposal may make the walkway a more attractive location for people to congregate. The concern lies in the fact the pathway is well concealed from properties. The walkway is well screened by existing vegetation and the proposals eaves will not exceed this screening. In addition the boundary fences of the neighbouring property are also against the walkway and would provide a similar level of concealment from properties. On this basis it seems unreasonable to resist the proposal due to this concern as the proposal is unlikely to make a material change to the existing situation.
- 5.10 Given the modest scale of the proposal and its location in relation to surrounding occupiers it is not considered to have a detrimental impact on the residential amenity of its neighbouring occupiers, meaning the proposal is in accordance with saved policy H4 of the adopted Local Plan.
- 5.11 Sustainable Transport and Parking Provision
Currently the property has an area of driveway to the front and an integral garage. The proposal would result in the loss of the existing garage space but would also include the erection of a new double garage. The garage would provide parking for two vehicles and the driveway is thought to satisfy the minimum requirements given the size of the existing dwelling. Given the proposal will not include additional bedrooms, it will not require any additional parking space nor will it have a negative impact on highway safety or the retention of an acceptable level of parking provision, meaning the proposal is in accordance with saved policy T12 of the Local Plan (2006).
- 5.12 Comments have been received concerned that the introduction of the garage would obstruct the parking spaces to the front of the property, meaning vehicles would have to reverse the length of the private lane. In consideration of this it is thought there would actually be enough room to carry out a three point turn without too much difficulty. Furthermore the proposal site is located on a private lane of around 25 metres and road speed is expected be very low, particularly in reverse. In addition Meadow Way is not a classified highway or trunk road and access is not required to be in forward motion. The council has no objection to the proposal in relation to highway safety or parking provision.

6. **CONCLUSION**

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

7. RECOMMENDATION

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

Contact Officer: Hanni Osman
Tel. No. 01454 863787

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).

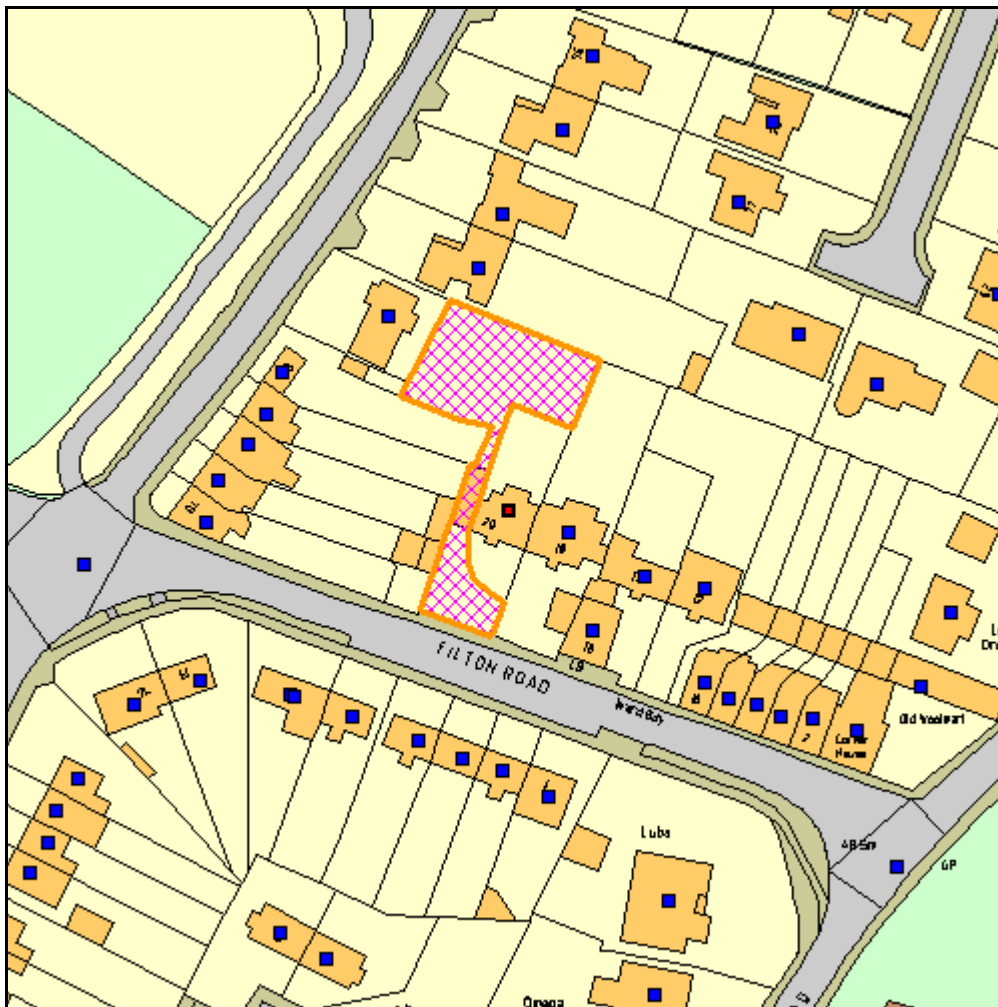
2. The proposed garage will be provided and thereafter retained for the purpose of the storage of private motor vehicles and ancillary domestic storage associated with the property known as 155 Meadow Way, Bradley Stoke.

Reason

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

CIRCULATED SCHEDULE NO. 09/17 – 03 MARCH 2017

App No.:	PT17/0097/F	Applicant:	Mr Benjamin Cottle
Site:	Rear Of 20 Filton Road Hambrook Bristol South Gloucestershire BS16 1QL	Date Reg:	10th January 2017
Proposal:	Erection of 1no detached dwelling, access and associated works.	Parish:	Winterbourne Parish Council
Map Ref:	363735 178317	Ward:	Winterbourne
Application Category:	Minor	Target Date:	6th March 2017



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REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a detached dormer bungalow to the north west of the host unit no. 20 Filton Road. The proposed dwelling is also to the rear of no. 86 Old Gloucester Road in what appears to be the former rear garden of no. 86, however, the planning history for the application site suggests that this section of land has been allocated to no. 20 Filton Road in a long established relationship. Indeed, officers are satisfied that this area represents the residential curtilage of the host unit, no. 20 Filton Road.
- 1.2 To facilitate (non-vehicular) access to the proposed dwelling, an existing side garage attached to no. 20 Filton Road will be demolished and replaced with a gate and a recycling/waste/bicycle storage area. Car parking for both units, the proposed and existing, is proposed to be provided to the front of no. 20 Filton Road. To facilitate this parking arrangement, a section of the front boundary wall will have to be removed. Due to the wall's height this is unlikely to require express planning consent.
- 1.3 The application site is in Hambrook within the wider urban area of the east fringe of Bristol, there are no other designations that impact upon this assessment.
- 1.4 Prior to the submission of this application the applicant engaged in pre-application advice with the Council regarding this development. The issued advice recommended that a planning application was not submitted for the development due the proposal's unacceptability. The applicant has not followed this advice.

2. POLICY CONTEXT

- 2.1 National Guidance
NPPF National Planning Policy Framework March
PPG 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
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity

CS29 Urban Area of the East Fringe of Bristol

South Gloucestershire Local Plan Adopted January 2006 Saved Policies

L1	Landscape
T7	Cycle Parking
T12	Transportation Development Control Policy for New Development
H4	Residential Development within Residential Curtilages

South Gloucestershire Local Plan: Proposed Submission: Policies, Site and Places Plan, June 2016

PSP1	Local Distinctiveness
PSP2	Landscape
PSP8	Residential Amenity
PSP11	Development Related Transport Impact Management
PSP16	Parking Standards
PSP37	Internal Space and Accessibility Standards for Dwellings
PSP38	Development Within Existing Residential Curtilages, Including Extensions and New Dwellings
PSP42	Custom Build Dwellings
PSP43	Private Amenity Space Standards

The Proposed Submission Draft Policies Sites and Places Plan (PSP plan) is a further document that will eventually form part of the South Gloucestershire Local Plan. The PSP plan will set out new planning policies for South Gloucestershire. Submission and Examination of this plan is currently in process, with scheduled adoption expected in 2017. Accordingly, with regard to the assessment of this planning application limited weight is attached to the policies within the PSP plan at this time – weight grows as the plan progresses.

2.3 Supplementary Planning Guidance

Residential Parking Standards SPD (Adopted) December 2013

Design Checklist SPD (Adopted) 2007

Waste Collection: Guidance for New Development SPD (Adopted) January 2015

Community Infrastructure Levy and Section 106 Planning Obligations Guide (Adopted) March 2015

3. RELEVANT PLANNING HISTORY

3.1 None relevant to this development.

4. CONSULTATION RESPONSES

4.1 Winterbourne Parish Council

No objection.

4.2 Sustainable Transport

No objection.

4.3 Drainage

No objection but the method of drainage is queried.

4.4 Highway Structures

No objection, but two informative notes were suggested, in the event of planning approval, these notes will be included within the decision notice.

4.5 Archaeology

The proposal is in an area of archaeological potential, where no previous disturbance by postmediaeval or modern settlement can be demonstrated. Therefore it is recommended that an archaeological watching brief is undertaken during all ground works.

Other Representations

4.6 Local Residents

Over the course of the application approximately 8 letters have been submitted regarding this planning application, the majority of which have been in objection to the proposal. The comments within these letters are summarised below:

- Concerns regarding levels of light and the impact of the proposals (no. 88 Old Gloucester Road);
- Concerns regarding privacy (no. 88 Old Gloucester Road);
- Concerns regarding overlooking (no. 86 Old Gloucester Road);
- Concerns regarding drainage;
- Concerns regarding car parking;
- On-road parking problems persist in the area;
- The amendments to the development that remove a garage from in front of the windows is best for no. 20;
- Emergency service vehicles would not be able to access the proposed dwelling in the event of a fire.

One letter of support had been submitted with regard to this application, this letter included no comments to actually substantiate this comment of support.

5. ANALYSIS OF PROPOSAL

5.1 This application seeks planning permission for the erection of a new dwelling within an urban area and the residential curtilage of an existing dwelling.

5.2 Principle of Development

The Council cannot demonstrate a five year housing land supply, meaning paragraph 49 of the NPPF is engaged. Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. The paragraph goes onto suggest that if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites then their relevant policies for the supply of housing should not be considered up-to-date.

5.3 Regardless of this, the starting point for any decision-is the adopted development plan, but the decision-taker is now also required to consider the guidance set out within paragraph 14 of the NPPF. Paragraph 14 states a presumption in favour of sustainable development, and states that proposals

- that accord with the development plan should be approved without delay, and where relevant policies are out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF.
- 5.4 The policies considered to be 'out-of-date' largely concern the location of development. This proposal is located within a sustainable location in an urban area where residential development is encouraged. With this in mind, the principle of the development is acceptable. Notwithstanding this, the decision-taking approach set out within paragraph 14 of the NPPF applies, accordingly, the proposal should be assessed in terms of whether the proposal's benefits would be outweighed by any adverse impacts that would result from the development, and such adverse impacts would have to be significant and demonstrable.
- 5.5 Principle of Development – Relevant Policies
Saved policy H4 of the adopted Local Plan will only permit residential development of the kind proposed where they respect the massing, scale, proportions, materials and overall design and character of the existing property and the character of the street scene and surrounding area. In addition to this, saved policy H4 of the Local Plan would not support developments that prejudice the amenity of any nearby occupiers.
- 5.6 The majority of saved policy H4 conform to those of policy CS1 'High Quality Design' of the Core Strategy which will only permit development where the highest possible standards of design and site planning are achieved. In addition to this, high quality design is seen as a 'key aspect of
- 5.7 sustainable development...indivisible from good planning' within paragraph 56 of the NPPF, this paragraph goes onto state that good design contributes positively to 'making places better for people'
- 5.8 Policy CS16 'Housing Density' of the Core Strategy requires developments to make efficient use of land, but importantly requires that new development be informed by the character of local area and contribute to:
- The high quality design objectives set out in policy CS1;
 - Improving the mix of housing types in the locality; and
 - Providing adequate levels of public open space, semi-private communal open space and private outdoor space.
- 5.9 Policy CS17 'Housing Diversity' of the Core Strategy makes considerations for the building of new dwellings on gardens, stating that it will only be allowed where this would not adversely affect the character of the area. Policy CS17 goes onto state that such garden development must provide adequate private/semi-private and/or communal outdoor space for occupiers.
- 5.10 A core principle of the NPPF is to 'enhance and improve the places in which people live their lives'; and also to 'seek to ensure high quality design and a good standard of amenity for all existing and future occupants'. Accordingly, the

- proposed development should respect the residential amenity of all occupiers, both existing and future.
- 5.11 Policy CS8 of the adopted Core Strategy, emphasises parking as an important issue, and the Residential Parking Standards SPD is endorsed. The SPD is an adopted policy document, and as such the development proposed will be expected to accord with this SPD. Overall, with regard to car parking, policy CS8 requires parking and vehicular access for new development to be 'well integrated and situated so it supports the street scene and does not compromise walking, cycling, public transport infrastructure and highway safety'. As well as this, saved policy T12 of the Local Plan requires new development to not 'create or unacceptably exacerbate traffic congestion, or have an unacceptable effect on road, pedestrian and cyclist safety'.
- 5.12 Principle of Development – Summary
The proposal should be assessed in the context of paragraph 14 of the NPPF, this paragraph states that proposals should be permitted unless:

'...any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as whole'.
- 5.13 Accordingly, the proposal will be assessed in the context of paragraph 14 of the NPPF, with regard to the whether the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits of the proposal. The remaining report will be structured in this way.
- 5.14 Housing Supply – Beneficial of the Development
The development has one clear and tangible benefit – the contribution of 1no. residential unit to the Council's five year housing land supply. This benefit shall be assessed in the context of paragraph 14 of the NPPF.
- 5.15 Design and Site Planning – Adverse Impact of the Development
The development is located to the rear of a number of dwellings meaning all of its elevations are orientated toward other dwellings/gardens in the immediate vicinity. Accordingly, the proposed dwelling has no affirmation with a street scene in anyway unlike the majority of the dwellings in the area. Further to this, the dwelling's car parking area is provided approximately 25 metres to the south of the proposed dwelling. This 'backland' development is not common to the immediate area, meaning the proposal's site planning fails to be formed or influenced by the prevailing character of the area. This combined with the proposal's contrived arrangement leads officers to conclude that the proposed development fails to represent an acceptable standard of design and site planning.
- 5.16 Evidence of the contrived nature of the proposal's siting is evident in the fact that any first floor window within the development would result in a material loss of privacy to the nearby occupiers. Hence the rear roof elevation only includes rooflights and an obscure glazed rear dormer, and all the proposed dormer windows on the front elevation will result in a loss of privacy with regard to the rear garden of no. 20 Filton Road.

- 5.17 The development therefore fails to comply with policies CS1, CS16 and CS17 of the adopted Core Strategy, as well as policy H4 of the adopted Local Plan. Further to this, officers find the development to be contrary to section 7 of the NPPF, specifically paragraph 56 that states that good design is a key aspect of sustainable development. Accordingly, the development's poor site planning results in a development that is not sustainable, the harm that arises from the proposal is therefore considered to be both significant and demonstrable in the context of paragraph 14 of the NPPF.
- 5.18 The submitted planning statement makes the case that this 'backland' development should be permitted as the Council has permitted this form of development elsewhere in the District – specifically Winterbourne (planning ref. PT13/3973/F). This planning ref. permitted a one bedroom dwelling to the rear of a dwelling in Winterbourne. The circumstances surrounding this application are wholly different to the development considered within this report. The most pertinent difference is the location, and as such officers do not find this permission to be comparable to the proposal.
- 5.19 Residential Amenity – Adverse Impact of the Development
The proposal's contrived position has repercussions with regard to its impact on the nearby dwellings.
- No. 20 Filton Road*
- 5.20 The proposal would include three dormer windows that are orientated toward to the rear garden of no. 20 Filton Road. Two of these dormer windows would provide outlook for primary rooms within the proposed dwelling. Officers find this relationship to be unacceptable with regard to the privacy that should be afforded to the rear garden of no. 20 Filton Road – the proposed dormer windows would result in a material loss of privacy to the occupiers of no. 20. Officers have considered if such an issue could be overcome through requiring the dormer windows to be obscure glazed. However, such a condition would give rise to primary rooms with no acceptable form or outlook, as the only other form of window within such rooms would be rooflights. This is further evidence of the contrived nature of the proposal's location.
- No. 88 Old Gloucester Road*
- 5.21 The proposal's northern (side) elevation will be approximately 3 metres from the most sensitive and important section of the rear garden of no. 88. The proposal has a maximum height of 6.6 metres, a width of 6.4 metres and the development utilises gable ends. Officers find that the proposed development's northern elevation would result in a loss of natural light to the section of garden at the very rear of no. 88, and would also result in a materially harmful overbearing impact due to the scale and position of the proposed dwelling.
- 5.22 Officers have considered the outlook from the rear windows of no. 88 and find that although the development would most certainly impact upon the levels of outlook currently enjoyed, the development would not materially harm the levels of outlook enjoyed from these rear windows.

No. 86 Old Gloucester Road

- 5.23 As a result of the proposal there would be a gap between the proposed rear elevation and the rear elevation of no. 86 that ranges from 10.5 metres to 10 metres. This causes concern with regard to the levels of privacy, outlook and the potentially overbearing impact of the development. The proposal only includes rooflights and obscure windows within the first floor rear elevation, however there are ground floor windows proposed on the rear elevation. Due to intervening boundary treatments the ground floor windows will not result in a material loss of privacy. After consideration, officers find that the development will not materially harm the privacy of no. 86.
- 5.24 Guidance suggests that levels of outlook will be acceptable where an 'unobstructed zone' can be achieved within an angle of 25° above a horizontal line drawn two metres above ground level satisfactory levels of natural light and outlook are likely to be achievable. Such an unobstructed zone can be achieved from the rear windows of the no. 86 despite this development. Accordingly, officers find that the proposal has an acceptable impact on the residential amenity of no. 86.

No. 84 Old Gloucester Road

- 5.25 The proposal would impact on the enjoyment of very end of the garden associated with no. 84. Whilst the dwelling would overbear on this section of garden, it is not considered to warrant a reason for refusal due to the nature of this section of garden not representing the most sensitive part of the rear garden of no. 84.

Private Amenity Space

- 5.26 Officers have already concluded that the dwelling would materially harm the privacy of the garden currently enjoyed by the occupiers of no. 20 Filton Road. However, the proposal does afford enough private amenity space to both the proposed dwelling and the existing dwelling from a purely quantitative perspective.

Internal Amenity Space

- 5.27 The proposal accords with the Technical housing standards – nationally described space standard issued by the Department for Communities and Local Government.

Summary

- 5.28 Overall, the proposal would result in material harm to residential amenity of the occupiers of no. 20 Filton Road and no. 88 Old Gloucester Road. The proposal therefore prejudices the residential amenity of nearby occupiers meaning the development is contrary to policy H4 of the adopted Local Plan. Further to this, the development fails to 'enhance and improve the places in which people live', a core principle at the heart of the NPPF. Accordingly, the harm associated with

the proposal's impact on nearby occupiers is considered to constitute a significant and demonstrable adverse impact of this development.

5.29 Highway Safety

The proposal includes adequate off-street car parking at the front of the existing dwelling for both the existing and proposed dwellings. To facilitate this car parking a section of the front wall to no. 20 Filton Road will have to be removed. Whilst this will have negative impact on the street scene, officers cannot resist such development as it does not require express planning permission. Accordingly, officers find that the proposal has an acceptable impact on highway safety.

5.30 Site Drainage

Officers note the concerns of nearby residents and the Council's drainage team regarding on-site drainage. Whilst officers understand their respective concerns, building control procedures would ensure that the site was sufficiently drained, as such officers do not find on-site drainage to represent a reason to refuse this development.

5.31 Archaeology

The site holds archaeological potential, as such it is recommended that an archaeological watching brief is undertaken during all ground works in the case of planning approval. Accordingly, an appropriately worded condition is recommended in the case of planning approval.

5.32 Other Matters

Officers note the concerns of a local residents with regard to access to the site in the case of fire. Whilst the lack of vehicular access to the site is a sign of the contrived nature of the development, this lack of access does not represent a reason to refuse this development.

5.33 Planning Balance

Officers find it pertinent to return to paragraph 14 of the NPPF that states proposals should be permitted unless:

'...any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as whole'.

5.34 After reviewing the development, the following adverse impacts of the development have been identified:

- The proposal's contrived 'backland' position, surrounded by other dwellings and their gardens, represents an unacceptable form of site planning and design that fails respect the character of the area;
- The proposal's front dormer windows would result in a material loss of privacy to the rear garden of no. 20 Filton Road;
- The physical form, scale and presence of the northern elevation of the proposal would materially harm the residential amenity of the occupiers of no. 88 Old Gloucester Road.

5.35 These identified adverse impacts act to significantly and demonstrably outweigh the associated benefits of the development. As such, in accordance with paragraph 14 of the NPPF, the development should be refused.

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 South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

7.1 It is recommended that planning permission is **REFUSED** for the reasons expressed below..

Contact Officer: Matthew Bunt
Tel. No. 01454 863131

REFUSAL REASONS

1. The proposal's contrived 'backland' position, surrounded by other dwellings and their gardens, represents an unacceptable form of site planning and design that fails respect the character of the area. This contrived position also has repercussions with regard to a negative impact of the development on nearby occupiers. The proposal's poor quality of design and site planning represents an identified harm that acts to significantly and demonstrably outweigh the potential benefit of the development, and is contrary to the requirements of Policy CS1 CS16 and CS17 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013; Policy H4 of the South Gloucestershire Local Plan (adopted) January 2006; and paragraph 56 of the National Planning Policy Framework.
2. The proposal's front dormer windows would result in a material loss of privacy to the rear garden of no. 20 Filton Road, and the physical form, scale and presence of the northern elevation of the proposal would materially harm the residential amenity of the occupiers of no. 88 Old Gloucester Road. Overall, the proposal materially harms the residential amenity of a number of nearby occupiers, this identified harm acts to significantly and demonstrably outweigh the potential benefit of the development, and is contrary to Policy H4 of the South Gloucestershire Local Plan (adopted) January 2006; and the provisions of the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 09/17 – 03 MARCH 2017

App No.:	PT17/0126/F	Applicant:	Ms Debbie Hemmings
Site:	69A Park Lane Frampton Cotterell South Gloucestershire BS36 2HA	Date Reg:	17th January 2017
Proposal:	Demolition of existing outbuildings. Erection of a detached garage and store.	Parish:	Frampton Cotterell Parish Council
Map Ref:	366449 180746	Ward:	Frampton Cotterell
Application Category:	Householder	Target Date:	13th March 2017



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1. PROPOSAL AND SITE DESCRIPTION

- 1.1 This application seeks full planning permission for the demolition of existing outbuildings and the erection of a detached garage and store to the rear of 69A Park Lane, Frampton Cotterell.
- 1.2 The application site relates to a detached dwelling which forms a live/work unit. A permitted change of use from Residential (Class C3) to sui generis, in order to allow part of the ground floor to be used as a salon was given permission in 2015 (ref. PT14/4902/F). The outbuildings the subject of this application are sited beyond the rear garden of the property and are used incidental to the dwelling. They currently comprise two separate single storey storage buildings, one formed of metal cladding and the other brickwork. The Design and Access statement submitted alongside this application states that the proposed garage and store would provide a garage and garden storage for the dwelling.
- 1.3 The application site is located within part of the Bristol and Bath Green Belt, just outside the settlement boundary of Frampton Cotterell and within the open countryside. The application is located in a mixed character area with greatly varying design.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Policy Guidance 2014

2.2 Adopted Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)

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

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

L1 Landscape Protection and Enhancement
L4 Forest of Avon
T12 Transportation
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
H5 Residential Conversions, Houses in Multiple Occupation and re-use of Buildings for Residential Purposes.

2.3 Emerging Development Plan

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

PSP1 Local Distinctiveness

PSP7 Development in the Green Belt
PSP8 Residential Amenity
PSP16 Parking Standards
PSP38 Development within Existing Residential Curtilages
PSP43 Private Amenity Space Standards

2.4 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) August 2007
Residential Parking Standard SPD (Adopted) December 2013
Development within the Green Belt SPD (Adopted) June 2007
South Gloucestershire Landscape Character Assessment (adopted Nov 2014)
LCA 13 Frome Valley

3. **RELEVANT PLANNING HISTORY**

- 3.1 N5309 Approve with Conditions 08.03.1979
Erection of bungalow (outline).
- 3.2 N5309/1 Approve with Conditions 14.02.1980
Erection of detached bungalow with integral domestic garage.
- 3.3 PT14/4902/F Approve with Conditions 13.03.2015
Change of use of dwelling from Residential (Class C3) to sui generis to allow part of ground floor to be used as a hair and beauty salon. Extensions and alterations to raise the roofline to provide additional living accommodation at first floor level.

4. **CONSULTATION RESPONSES**

- 4.1 Frampton Cotterell Parish Council
Objection. Comments as follows:
- Unwelcome development in the green belt
- Overdevelopment
- No indication that the development would be used exclusively for domestic purposes
- No secure bicycle parking
- 4.2 Planning Enforcement
No comment received
- 4.3 Landscape Officer
- *"The replacement building should not have a significant negative visual effect...given the current evidence, associated domestic auxiliary activities could be harmful"*
- Accordingly, in the event of consent being felt acceptable, a condition is recommended relating to a scheme of hard and soft landscaping.
- 4.4 Ecology Officer
No comment received

Other Representations

4.5 Local Residents

2no. objections received from local residents. Comments as follows:

- Harm to the Green Belt
- Condition should be issued to ensure it is used ancillary to dwelling and not an extension of the business.
- Ground work has already taken place
- Comments relating to a previous permission for change of use at the site, specifically regarding parking provision and additional traffic.

1no. neutral comment was received from a local resident. Comment as follows:

- No objection provided it is not used for business use.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The NPPF states in paragraph 79 that the aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of the Green Belts are their openness and their permanence. It also sets out that the construction of new buildings could be considered appropriate providing it does not form a disproportionate addition in comparison with an associated original building.

- 5.2 CS1 of the Core Strategy seeks the highest possible standards of design and states 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. Saved policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 allows the principle of extensions within residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety. The proposal accords with the principle of development subject to the consideration below.

5.3 Green Belt

This application proposes to erect a detached garage and store which would replace 2no existing storage buildings, which relate to an existing property. Paragraph 89 of the NPPF regards the construction of new buildings in the Green Belt as inappropriate development, it does, however, set out a number of exceptions. One of these being;

“The replacement of a building, providing the new building is in the same use and not materially larger than the one it replaces”

- 5.4 This is also reflected within the emerging Policy PSP7 of the PSP Plan. ‘Materially Larger’ is not defined within the NPPF and there is no specific guidance to this effect within the Councils Green Belt SPD. The SPD does however, provide guidance on volume increases that are likely to be considered acceptable. It indicates that an increase in volume of under 30% is usually considered acceptable, an increase of between 30 and 50% could be appropriate and that exceeding 50% is likely to be considered in excess of a reasonable definition of a ‘limited extension’.

- 5.5 The application was supported by volume calculations, the original buildings have a volume of 136.6m³ and the proposed building would have a total volume of 183.06m³. This would represent an increase in volume increase of approximately 34%. Guidance in the Green Belt SPD sets out that a volume increase of this size may be acceptable, providing that it does not appear out of scale or proportion.
- 5.6 Those concerns of the Parish Council and local residents in relation to harm of the Green Belt are acknowledged. However, Officers are mindful of the current deteriorated state of the existing outbuildings, and consider that they provide an 'untidy' visual appearance within the surrounding landscape. Accordingly, it is considered that the proposed building would represent improvements to this regard. Further to this, whilst it is acknowledged the development would be slightly larger than the existing, it would not appear out of scale with the host or surrounding properties, and would largely reflect the dimensions of the existing outbuildings.
- 5.7 The applicant states that the replacement building would continue to be used incidental to the dwelling. Accordingly, given all of the above, it is considered that the replacement building would be appropriate development within the Green Belt; it would comply with Paragraph 89 of the NPPF, Policy CS5 of the Core Strategy, as well as the emerging Policy PSP7 of the PSP Plan.
- 5.8 Design and Visual Amenity
The existing 2no. outbuildings are set into a bank to the rear of the application site, the Case Officer noted on site that they are in a bad state of repair and have a negative impact upon visual amenity. Part of the proposed building would form a garage, this would be alongside a small workshop and storage area. The building would be of similar dimensions to the existing.
- 5.9 The proposed garage element of the building would have a depth of 6.6 metres and width of 6.2 metres. The workshop and store element would have a depth of 3 metres and 9.3 metres. Plans show that the development would have a flat roof. Whilst this is not preferable, it is considered that this enables the building to remain low-key, which is essential given its Green Belt location. The building would have a maximum height of 2.7 metres, and given it would be set into a bank at the site, only 1 metre would be visible when viewed from the main dwelling.
- 5.10 Plans submitted as part of the application show that the building would be formed of red brick and render materials. It is also noted that a garage door, 2no. windows and 2no. doors would be introduced to the West (rear) elevation of the building. The application site is located in a mixed character area, however, the details are considered in-keeping with the existing property.
- 5.11 Comments from the Parish Council in relation to overdevelopment are acknowledged. However, development would be located within a large plot and the building replaces existing outbuildings which occupy a similar footprint. As such, the Case Officer does not consider that the proposal represents overdevelopment in this instance.

- 5.12 Considering all of the above, the overall design, scale and massing of the proposal, is acceptable in the context of both, the main dwelling and the wider area surrounding the application site. Accordingly, the proposal is deemed to comply with Policy CS1 of the Core Strategy (Adopted) December 2013.
- 5.13 Residential Amenity
The garage would be set into a bank at the site, accordingly, only a limited amount of the building would be visible to the host and surrounding properties, which would be located a minimum of 20 metres away. Accordingly, it is considered that the development would be acceptable with regard to residential amenity and is deemed to comply with saved Policy H4 of the Local Plan (2006) and the emerging Policy PSP8 of the PSP Plan (June 2016).
- 5.14 Transport and Parking
Previous application ref. PT14/4902/F determined that an appropriate amount of parking would be provided at the site for both the 3-bedroom dwelling and salon. The case officer noted that this parking area had been constructed in line with Condition 5 of application ref. PT14/4902/F.
- 5.15 No existing parking provision would be lost as a result of this development. A garage would be introduced as part of this application for use incidental to the dwelling, and would meet the minimum space standards for a double garage. With regard to bicycle parking, Officers note that the Parish Council have concerns that there is no secure bicycle parking proposed at the site. However, the Councils Residential Parking SPD sets out that, "*where a garage is provided to the minimum size standards it will be accepted as providing the 'secure undercover [cycle] spaces'*", as required in Policy T7 of the Local Plan and the emerging PSP16 of the PSP Plan. Given all of the above, parking provision is considered to meet parking and cycle standards as set out in the Council's Residential Parking SPD.
- 5.16 Landscape
A Landscape Officer was consulted on the application given its setting in the Frome Valley, Forest of Avon as well as within the Green Belt. Given the nature of the proposal and current state of the site, as well as the possibility of gradual infringement on the rural landscape, Officers recommend that a condition is issued to ensure a scheme of soft and hard landscaping is submitted to the LPA for approval.
- 5.17 Use of garage and store
A number of concerns were received from the Parish Council and local residents that the garage could be used in conjunction with the salon business rather than with the dwelling. Officers understand these concerns, and recommend that a condition is issued to ensure that it is used, and remains incidental to the dwelling.
- 5.18 The case officer is also mindful of Condition 2 of the previous permitted application for change of use at the site (ref. PT14/4902/F);

“The hairdresser/beauty salon element of the Sui Generis use hereby permitted may not exceed the floorspace as shown on drawing 0644/4 received by the Council on 15th December 2014. The hairdresser/beauty salon element may only be used as a mixed use with the residential part of the same building and may not be let or sold for any separate or primary purpose as a separate planning unit.”

This condition remains active and any breach of such would be liable to enforcement action.

5.19 Other matters

Comments received from local residents with regard to additional traffic as a result application ref. PT14/4902/F and the permitted salon at the site are noted. However, this application relates solely to a garage to be used incidental to the dwelling and, therefore, these concerns have not been considered in Officers assessment of this development.

6. **CONCLUSION**

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

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

7. **RECOMMENDATION**

7.1 That the application be **APPROVED** subject to the conditions attached to the decision notice.

Contact Officer: Lucy Paffett
Tel. No. 01454 863436

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 relevant stage of development, and within 3 months from the date of the decision, a scheme of soft and hard landscaping shall be submitted for approval that shall include details of all existing trees and hedgerows on the land showing those to be removed and those to be retained, including measures for their protection during

the course of the development. The drawing shall show proposed planting including plant density and times of planting, boundary treatments and areas of hard-standing. Also specification notes covering topsoil depths, cultivation, planting, irrigation, and landscape maintenance covering a 5 year establishment period to help ensure the planting thrives. Development shall be carried out in accordance with the agreed details.

Reason

To protect the character and appearance of the Green Belt, the landscape in general, and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and the saved Policy L1 and L2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and the requirements of The National Planning Policy Framework March 2012 and the South Gloucestershire Council SPD - 'Development in the Green Belt' June 2007.

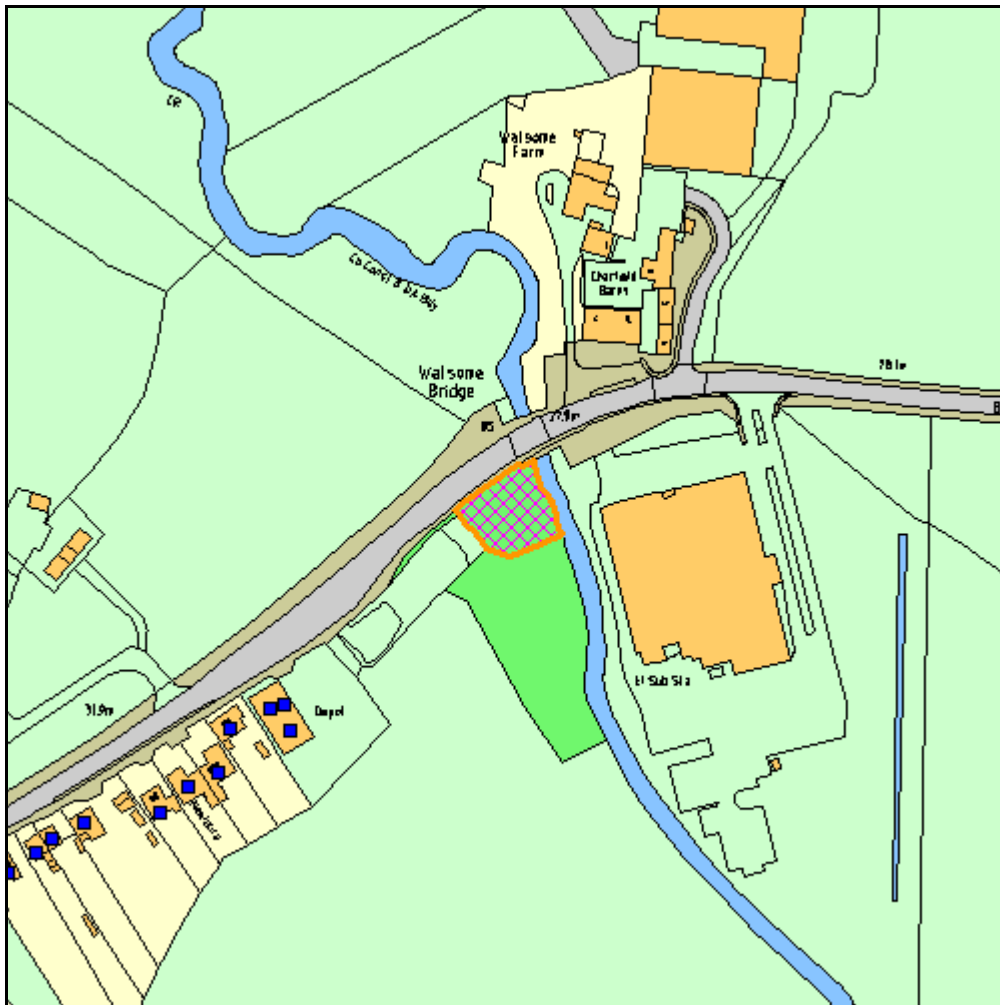
3. The detached garage and store hereby permitted shall not be occupied at any time other than for purposes incidental to the residential use of the dwelling known as 69A Park Lane, Frampton Cotterell.

Reason

The proposal has been assessed on the basis that the garage provides parking or other uses incidental to the main house, rather than for business use or primary accommodation in its own right. If this changes then the implications in terms of residential amenity and off street parking provision would need to be reassessed to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the adopted Residential Parking Standards SPD.

CIRCULATED SCHEDULE NO. 09/17 – 03 MARCH 2017

App No.:	PT17/0140/ADV	Applicant:	Crest Nicholson South West Limited
Site:	Land South Of Wotton Road Charfield Wotton Under Edge South Gloucestershire GL12 8SR	Date Reg:	16th January 2017
Proposal:	Display of 1no. non illuminated gantry monolith and 2no. flag poles	Parish:	Charfield Parish Council
Map Ref:	371818 192132	Ward:	Charfield
Application Category:	Minor	Target Date:	10th March 2017



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REASONS FOR REPORTING TO CIRCULATED SCHEDULE

The application has been subject to representations contrary to the findings of this report. Under the current scheme of delegation it is required to be taken forward under the Circulated Schedule procedure as a result.

1. THE PROPOSAL

- 1.1 The application seeks advertisement consent for the display of 1no. non illuminated gantry monolith and 2no. flag poles.
- 1.2 These signs are displayed to advertise the new housing development at land to the south of Wotton Road, Charfield. They are located at the main entrance to the housing development, on the southern side of the B4058 (Wotton Road).
- 1.3 The signage does not benefit from deemed consent, and requires express advertisement consent as it does not conform to the conditions and limitations set out in Schedule 3, Part 1, Class 3, 3C of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
- 1.4 The signage in question is already in place. As such this can be considered a retrospective application for advertisement consent.

2. POLICY CONTEXT

2.1 National Guidance

- i. National Planning Policy Framework March 2012
- ii. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)
T12 Transportation

3. RELEVANT PLANNING HISTORY

- 3.1 PT16/1503/RM Erection of 106 no. dwellings with details of appearance, landscaping, layout, scale and associated works (Approval of Reserved Matters to be read in conjunction with outline application PT13/4182/O).

Approved: 28.07.2016
- 3.2 PT13/4182/O Erection of 106 no. dwellings, access, parking,

public open space with play facilities and landscaping (outline) with access to be determined. All other matters reserved.

Refused: 02.04.2014

Allowed at appeal: 08.06.2015

4. CONSULTATION RESPONSES

4.1 Charfield Parish Council

Objection on the following grounds:

- Proposed signage is out of character within a rural village setting; visually distracting at a particularly narrow part of the Wotton Road.
- The Parish Council also objects to the length of time it is intended to display this advertising material.
- The Parish Council is also concerned that 'retrospective' applications appear to be the normal procedure after the work has already been undertaken.

4.2 Stroud District Council

No comment

4.3 Other Consultees

Sustainable Transport

No comments

Other Representations

4.4 Local Residents

One comment of objection has been received. The concerns raised are as follows:

- This is a retrospective application as the flags and signage have been in position for a number of weeks. A large company of this nature would be fully aware of the rules and should have presented an application before actually installing the flags and signs.
- They are extraordinarily large and very distracting.
- They are out of place in the village.

5. ANALYSIS OF PROPOSAL

5.1 This application seeks advertisement consent for the display of 1no. non illuminated gantry monolith and 2no. flag poles.

5.2 Principle of Development

Guidance within the National Planning Policy Framework states that advertisements should only be controlled in the interests of amenity, public

safety and cumulative impact. Design and design quality is assessed in terms of visual amenity and cumulative impact using policy CS1 of the Core Strategy. Public safety is assessed using saved policy T12 of the Local Plan to ensure that the signage is not detrimental to highway safety or presents a traffic hazard. Further guidance in the NPPF states that development should only be refused on transport grounds where the impact is considered to be 'severe'.

5.3 Design and Amenity

It is noted that the gantry monolith and flag poles are of significant height, at 4 metres and 6 metres respectively. However it is not considered that signage of this height, scale and massing have a significant impact on the character and distinctiveness of the immediate surrounding area. It is also considered that the design and colour of the signage reduces its prominence within the setting.

5.4 Cumulative Impact

It is considered that the three elements represent a relatively modest advertisement in terms of scale and impact on the landscape. It is considered that this scale of advertisement is appropriate for the scale of development being advertised. It must also be noted that the signage is temporary, and any impacts on the immediate surrounding area will not be permanent.

5.5 Public Safety

The signage would be non-illuminated. Additionally the signage is set slightly back from the road. It is not considered that signage of this design, scale and location would represent a significant distraction to passing motorists. It is also not considered that the signage would have an impact on the public safety of pedestrians.

5.6 Objection Comments

Large house builders are aware that, under certain circumstances, advertisement consent should be obtained prior to the displaying of adverts. However the retrospective nature of the application has no bearing on the way in which the application is assessed. Additionally, it is not considered signage of this design, scale and location would significantly impact upon the character of the immediate surrounding area, or represent a significant distraction to passing motorists. It is stated within the submitted application form that advertisement consent is sought for 5 years, from 13th January 2017 until 13th January 2022. This is considered an appropriate length of time for an advertisement of this nature. However for the avoidance of doubt, a condition will be attached to any decision requiring the signage to be removed on or before 13th January 2022, as by this date the signage will no longer be necessary and its removal would modestly improve the appearance of the development.

6. RECOMMENDATION

- 6.1 It is recommended that advertisement consent be GRANTED subject to the conditions listed on the decision notice.

Contact Officer: Patrick Jackson
Tel. No. 01454 863034

CONDITIONS

1. The signs hereby approved shall be removed and the ground made good on or before 13th January 2022.

Reason

To protect visual amenity of the site for future occupiers and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

CIRCULATED SCHEDULE NO. 09/17 – 03 MARCH 2017

App No.:	PT17/0169/CLE	Applicant:	Mr Martin Thomas
Site:	18 Gayner Road Filton Bristol South Gloucestershire BS7 0SW	Date Reg:	17th January 2017
Proposal:	Application for a certificate of lawfulness for existing 2.3m to 2.4m high boundary fence.	Parish:	Filton Town Council
Map Ref:	360088 178477	Ward:	Filton
Application Category:	Certificate of Lawfulness	Target Date:	13th March 2017



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 100023410, 2008. N.T.S. PT17/0169/CLE

REASON FOR REFERRAL TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application is for a Certificate of Lawfulness for an existing 2.3 metre to 2.4 metre boundary fence. The application therefore seeks to demonstrate that the fence has been in place for a period in excess of 4 years prior to the date of submission (i.e. since 16.1.13).
- 1.2 The application site is a two-storey semi-detached dwellinghouse situated in the settlement boundary of Filton. The fence encloses the rear garden of the property.
- 1.3 Information was received by the Council querying the validity of the fence and the annex/garage to the rear. Enforcement Officers contacted the applicant and as a consequence this application regarding the fence was submitted for consideration. The other matter remains outstanding.

2. POLICY CONTEXT

2.1 National Guidance

- i. Town and Country Planning Act 1990: s171B and s191
- ii. Town and Country Planning (Development Management Procedure) (England) Order 2015
- iii. National Planning Practice Guidance: 17c (06.03.2014)

3. RELEVANT PLANNING HISTORY

- | | | |
|-----|----------------|--|
| 3.1 | PT17/0307/F | Erection of detached rear double garage (Retrospective) |
| | Pending | |
| 3.2 | PT14/0035/F | Erection of detached double garage and erection of rear conservatory. |
| | Approved | 17.2.14 |
| 3.3 | PT04/3740/F | Erection of detached double garage. |
| | Approved | 25.1.05 |
| | | Enforcement history: |
| 3.4 | COM/16/1140/OD | Not being built in accordance with plans for PT14/0035/F, gas electricity and water being laid |
| | Closed | |
| 3.5 | COM/16/1128/OD | Double garage erected, possible use as residential. Erection of fence over 2 metres high |
| | Open | |

4. CONSULTATION RESPONSES

- 4.1 Filton Town Council
No Comment has been received

Other Representations

- 4.2 Local Residents
None received

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 In support of the application,
- i) Three photographs with printed dates showing 15.5.05 have been submitted as evidence of the fence being in place for a number of years. The photographs do not appear on the Council's website due to sensitive content but clearly show the fence surrounding the rear garden.

6. SUMMARY OF CONTRARY EVIDENCE

- 6.1 The Local Planning Authority has no contrary evidence to submit.

7. EVALUATION

- 7.1 The application for a Certificate of Lawfulness is not a planning application and is purely an evidential test. The test of evidence to be applied is whether or not the case has been shown on the balance of probability. As such the applicant needs to prove precise and unambiguous evidence.
- 7.2 In this instance it must be proven that the fence in question has been in existence for a period of 4 years (or more) prior to the date of this application.
- 7.3 Assessment of Evidence
The application is supported by evidence in the form of three dated photographs. It is possible to make out the property to the rear of the site, side-on to the application site, and the property beyond that, both on Pine Grove. Officers are therefore satisfied that the photographs do relate to No. 18 Gaynor Road.
- 7.4 No other evidence has been presented to support the length of time this fence has been in place. Research of a previous application PT14/0035/F on this site indicates correspondence dated 27.1.14 in which reference to the high fence is made and an invitation to the applicant (the same applicant as now) to make a planning application if the fence proved over 2 metres. The fence has therefore been in place for 3 years to the case officer's knowledge.
- 7.5 Verbal confirmation from Enforcement Officers who have also recently visited the site observe that the fence appears to have been in place for some time.

7.6 In this instance, the Local Planning Authority has no evidence that the fence has not been *in situ* as claimed since 16.1.13. On this basis, officers consider that on the balance of probability, the fence has been in place for a period in excess of four years; and as such is lawful.

8. CONCLUSION

8.1 Having regard to the above, sufficient evidence has been submitted to prove that, on the balance of probability, the fence subject of this application has been in place at 18 Gayner Road, Filton for a continuous period in excess of four years.

9. RECOMMENDATION

9.1 The Certificate of Existing Lawful Use be approved.

Contact Officer: Anne Joseph
Tel. No. 01454 863788

REASON

1. Having regard to the above, sufficient evidence has been submitted to prove that, on the balance of probability, the rear garden fence has been in place for a period of more than 4 years.