

# 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. 08/19

**Date to Members: 22/02/2019**

**Member's Deadline: 28/02/2019 (5.00pm)**

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

Having considered the reports, those applications that Councillors feel should be referred to the relevant Planning Committee must be notified to the Strategic Planning section by email within five working days of the publication of the schedule (by 5pm) in line with the procedure set out below. If there has been no valid Member request for referral within the time period, the decision notices will be issued in line with the recommendation in this schedule.

Before referring an item to the Committee, it is recommended that Members speak to an officer about the issue, to explore whether any problems can perhaps be resolved without the need for referral to a Committee.

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

## NOTES FOR COUNCILLORS

### – formal arrangements for referral to committee

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

- a) Be made in writing using the attached form by emailing [MemberReferral@southglos.gov.uk](mailto:MemberReferral@southglos.gov.uk) identifying the application reference and site location
- b) Within 5 working days of the date of this schedule e.g. if the schedule is published on a Friday, comments have to be received by end of the following Thursday (see cover page for the date)
- c) The request in writing must be made in writing by at least two or more Members, not being Members of the same ward
- d) In addition, the request in writing must have the written support of at least one of the Development Management Committee Chair and Spokes Members
- e) The referral should include the reasons for the referral why it would not be appropriate to permit the proposal to be determined under the delegated arrangements; the issue the proposal raises in relation to the relevant policy context and the balanced consideration that has been given to the extra costs and delay to the referral
- f) Indicate whether you have discussed the application(s) with the Case Officer and/or Development Manager
- g) Indicate whether you have discussed the application(s) with ward Member(s) if the site is outside of your ward

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

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

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

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

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

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

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

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

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

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

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

c. All applications for non-material amendments

d. All applications to discharge planning conditions

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

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

### **Additional guidance for Members**

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

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

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

Before referring an application always contact the case officer or Development Manager first to see if your concerns can be addressed without the application being referred.

If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward Member(s) to see what their views are, before referring the application.

Always make your referral request as soon as possible, once you have considered all the application details and advice of the case officer. Please do not leave it to the last minute.

A template for referral is set out below:

## Referral from Circulated Schedule to Development Management Committee

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

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

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

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

a) Referring Member:

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

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

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

**Date:**

To be emailed to [MemberReferral@southglos.gov.uk](mailto:MemberReferral@southglos.gov.uk)

# CIRCULATED SCHEDULE - 22 February 2019

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	P19/0257/F	Approve with Conditions	Natwest 5 High Street Winterbourne South Gloucestershire BS36 1LP	Winterbourne	Winterbourne Parish Council
2	P19/0620/ADV	Approve	Heneage Farm Moorlade Lane Falfield Wotton Under Edge South Gloucestershire GL12 8DJ	Charfield	Falfield Parish Council
3	P19/0822/TCA	No Objection	15 The Newlands Frenchay South Gloucestershire BS16 1NQ	Frenchay And Stoke Park	Winterbourne Parish Council
4	PK18/3034/F	Approve with Conditions	Land At Hayfield Marshfield Chippenham South Gloucestershire SN14 8PG	Boyd Valley	Marshfield Parish Council
5	PK18/4990/F	Approve with Conditions	Unit 5 Badminton Road Trading Estate Yate South Gloucestershire BS37 5NS	Westerleigh	Westerleigh Parish Council
6	PT18/3990/F	Approve with Conditions	Land Adjacent To Oakfield House Wotton Road Rangeworthy South Gloucestershire BS37 7LZ	Ladden Brook	Rangeworthy Parish Council
7	PT18/5185/F	Approve with Conditions	Frome Valley Farm Badminton Road Winterbourne South Gloucestershire BS36 1AW	Westerleigh	Westerleigh Parish Council
8	PT18/5334/F	Approve with Conditions	Land Adjacent To Mill End House Patch Elm Lane Rangeworthy South Gloucestershire BS37 7LT	Ladden Brook	Rangeworthy Parish Council
9	PT18/6001/F	Refusal	Tockington House Upper Tockington Road Tockington South Gloucestershire BS32 4LQ	Severn	Olveston Parish Council
10	PT18/6381/F	Approve with Conditions	Knapp Cottage Crossways Lane Thornbury South Gloucestershire BS35 3UE	Thornbury North	Thornbury Town Council
11	PT18/6734/F	Approve with Conditions	Flat 1 Langley House Whiteshill Hambrook South Gloucestershire BS16 1SD	Winterbourne	Winterbourne Parish Council

**CIRCULATED SCHEDULE NO. 08/19 – 22 FEBRUARY 2019**

<b>App No.:</b>	P19/0257/F	<b>Applicant:</b>	Rackham Planning Ltd Rackham Planning Ltd
<b>Site:</b>	Natwest 5 High Street Winterbourne South Gloucestershire BS36 1LP	<b>Date Reg:</b>	9th January 2019
<b>Proposal:</b>	Demolition of existing building, erection of 4 No. attached dwellings, creation of parking and associated works.	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	364811 180576	<b>Ward:</b>	Winterbourne
<b>Application Category:</b>	Minor	<b>Target Date:</b>	6th March 2019



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

### **REASON FOR APPEARING ON CIRCULATED SCHEDULE**

The application appears on the Council's Circulated Schedule procedure following concerns raised by the Parish Council and 3 no. letters of objection from local residents.

## **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the demolition of the existing building to facilitate the erection of a terrace of 4 no. three storey dwellings, including parking and associated works at 5-7 High Street, Winterbourne.
- 1.2 The existing building is two-storeys in height and was last occupied by Natwest Bank (A2) at ground floor level, and is currently occupied by two residential (C3) units at first floor level.
- 1.3 The site is located within the settlement boundary of Winterbourne, and is adjacent to Flaxpits Lane which has a number of local shops. Neither the application site nor Flaxpits Lane are designated shopping frontages.
- 1.4 Additional information regarding drainage methods was sought during the course of the application; a public re-consultation was not deemed necessary.

## **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework February 2019  
National Planning Policy Guidance
- 2.2 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
- 2.3 South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017  
PSP1 Local Distinctiveness  
PSP8 Residential Amenity  
PSP16 Parking Standards  
PSP17 Historic Environment  
PSP19 Wider Biodiversity  
PSP32 Local Centres, Parades and Facilities

Supplementary Planning Guidance

South Gloucestershire Design Checklist SPD (Adopted) 2007

South Gloucestershire Residential Parking Standard SPD (Adopted) 2013

**3. RELEVANT PLANNING HISTORY**

- 3.1 PT15/2079/ADV Approve 10/06/2015  
Display of 1no illuminated fascia sign, 1 no. illuminated projecting sign, and 1 no ATM surround and cladding.
- 3.2 PT04/3524/F Approve with conditions 06/12/2004  
Change of use from Residential (Class C3) to Offices (Class B1a) (as defined in the Town & Country Planning (Use Classes) Order 1987).
- 3.3 PT04/2630/F Approve with conditions 01/09/2004  
Construction of disabled car park bay and new tactile paving. Erection of handrail.

**4. CONSULTATION RESPONSES**

- 4.1 Winterbourne Parish Council  
The comments of the Parish Council are no objection, however there are concerns there is no visitor parking.

4.2 Other Consultees

Highway Structures  
Informative recommended.

Lead Local Flood Authority  
No objection to further information clarified by email on 20/02/19.

Sustainable Transport  
No objection.

Archaeology Officer  
No comment received.

Ecology Officer  
Conditions recommended.

**Other Representations**

- 4.3 Local Residents  
Three letters of objection have been received making the following points:
- No. 3 High Street will experience severe intrusion during demolition and construction
  - Would prefer if the building stays at it is with similar operating hours



- Potential for windows on the south and north to overlook adjacent properties, as well as rooflight on north elevation
- Wall between site and no. 3 must be retained for security and privacy reasons
- Location of cycle store will result in noise and vermin, to the detriment of the wellbeing of users of the garden at no. 3
- Has foul water sewer serving 1 Flaxpits Lane and 1 and 3 High Street been identified and will not be affected?
- We live in flat above the property and this development would leave us homeless – we are long standing tenants and the landlord has not notified us.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The application site lies within the existing settlement boundary of Winterbourne. Under policy CS5 which establishes the locational strategy for development, the site is considered to be a suitable site for development subject to site specific considerations and would therefore be supported in principle.

### 5.2 *Loss of A2 unit*

The site was last occupied by the Natwest Bank, although the site has been vacant for over six months. The site is not a designated shopping frontage and there are several banks available in nearby Yate and Bradley Stoke, and Yate is accessible by public transport. Furthermore, the site is not the only A2 use in Winterbourne, both AJ Homes and Andrews Estate Agents are located opposite the site or just around the corner on Flaxpits Lane.

5.3 The residential use proposed is considered to be consistent with this part of the High Street, with residential properties bordering the site to the north and south. Overall, officers consider the loss of the A2 use in favour of 4 no. residential units to be acceptable in terms of policy PSP32.

### 5.4 Design and Visual Amenity

The application proposes the demolition of the existing two-storey building to facilitate the erection of a terrace of 4 no. three bedroom town houses, with a forward facing pitched roof, of contemporary design and a mix of stone and render, which is consistent with the material palette on this stretch of the High Street. A cock and hen stone wall is also proposed along the front of the site, and all other boundary treatments are to be retained, further assimilating the development within the existing street scene. The siting of the building is a similar footprint to the existing building but set further back from the highway in order to allow for parking, as well as to better align with the adjacent residential units which are also set back from the highway. Whilst the dwellings are taller than the building to be removed, the use of four pitched gables reduces the massing of the building when viewed from the High Street. Subject to a condition requiring details of materials to be submitted, there is no objection to the appearance of the building proposed.

- 5.5 Regarding layout, there is adequate space within the plot for each property to benefit from private amenity space and private off-street parking. The bin store and cycle parking is shown in between plot 4 and the existing stone wall to no. 3, which is proposed to be retained. The bin store and cycle store will be screened from the public realm by a timber clad structure. Currently the site is almost entirely built form or tarmac, so although no soft landscaping is proposed to the front of the dwellings due to lack of space, the provision of residential gardens to the rear improves upon the extant situation. The development is considered to comply with policies PSP1 and CS1.
- 5.6 Residential Amenity  
Objections have been received stating that no. 3 High Street to the south and residents of Down Farm House to the north will be overlooked by the development, however there are no windows proposed facing north or south. There is a roof light on the northern and southern roof slopes however these provide lighting to the stairs and second floor bathrooms of the dwellings and will not provide viewpoints into the gardens or living spaces of the aforementioned properties. Any new windows added later under permitted development would either be at ground floor level (and so screened by the existing boundary treatments) or obscure glazed and non-opening up to 1.7 metres above floor level.
- 5.7 The majority of overshadowing caused by the development will fall within the communal gardens for residents at Down Farm House, however the maximum ridge height is only 0.5m taller than the current building. That said, the full height does extend further east within the site, whilst the current building drops down to 5.5 metres towards the rear. The continuous built form along the boundary will be reduced from 25 metres in depth (16.5 metres of this directly on the boundary) down to 11 metres directly on the boundary. On balance, and taking the shadow diagrams submitted by the applicant into account, it is considered that the amount of overshadowing that Down Farm House will receive will be at a similar level post development as it is currently.
- 5.8 It is noted that some living accommodation is provided at first floor level which has the potential to be used as an additional bedroom. Officers consider that this is unlikely to happen however, given the large feature window which protrudes beyond the principle elevation of each dwelling, and the space would be better suited to a living room. As the units have three bedrooms, the 60sqm of private amenity space proposed for each unit is in accordance with policy PSP43. The garden for plot 4 may be slightly overshadowed by the existing dwelling at no. 3, but due to the length of the garden this will not affect the whole garden at any one time and so would not be detrimental to amenity.
- 5.9 Comments have been received stating that the location of the bike and bin stores would cause noise disturbance to no. 3 and attract vermin. As the stores will only serve four households, it is unlikely that the comings and goings adjacent to the boundary would cause any significant noise pollution over and above the typical noise levels associated with residential units. If the stores are poorly maintained and attract vermin then this is a civil issue and so this point has been given limited weight. The development is considered to accord with policy PSP8 of the Policies Sites and Places Plan.

5.10 Transport

Currently the site requires those using the 5 parking spaces to egress in reverse gear onto High Street, a busy classified highway. The proposed development creates parking and turning space for 8 no. vehicles and therefore is an improvement on the extant situation. The Transport officer is satisfied that there is adequate visibility when exiting the site in a forward gear and so has no objection to the intensification of parking provision.

5.11 Adequate parking, cycle and waste facilities are proposed for the number of dwellings in accordance with policy PSP16. The development is for four units, so despite concern from the Parish Council, there is no requirement for visitor parking spaces. There is no transportation objection subject to a condition requiring parking spaces to be implemented prior to first occupation.

5.12 Ecology

A bat survey was submitted to support the application, and found low levels of bat activity were recorded and that there is a negligible risk of bats being present during demolition. In order to seek biodiversity gain from the proposal in accordance with policy PSP19, a condition requiring details of bird and bat boxes shall be attached to the decision notice.

5.13 Drainage

During the course of the application, the Lead Local Flood Authority queried the surface water drainage method proposed, and the applicant confirmed they would follow the Sustainable Urban Drainage hierarchy. Considering that the site is previously developed, drainage can be adequately dealt with through the associated Building Regulations application.

5.14 Other Issues

Objections regarding the lack of communication between the landlord and the tenant of the above flats has been received, which stated that the development would leave them homeless if approved. The contract between tenant and landlord is a civil one and not a planning consideration, and so limited weight has been given to this point.

5.15 Consideration of likely impact on Equalities

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

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

## 6. CONCLUSION

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

## 7. RECOMMENDATION

- 7.1 That planning permission is **GRANTED** subject to the conditions on the decision notice.

**Contact Officer: Trudy Gallagher**  
**Tel. No. 01454 864735**

## CONDITIONS

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

Reason

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

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

Reason

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

3. Prior to first occupation of the development hereby approved, a plan showing the location of the bird and bat boxes specified in the Bat Survey Report (Ethos Environmental Planning, October 2018) shall be submitted to the Local Planning Authority for written approval prior to occupation and, if requested, evidence of their installation shall be submitted to the Local Planning Authority for their written approval.

Reason:

In order to seek biodiversity gain from the development in accordance with CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, policy PSP19 of the Policies Sites and Places Plan (Adopted) November 2017 and the National Planning Policy Framework.

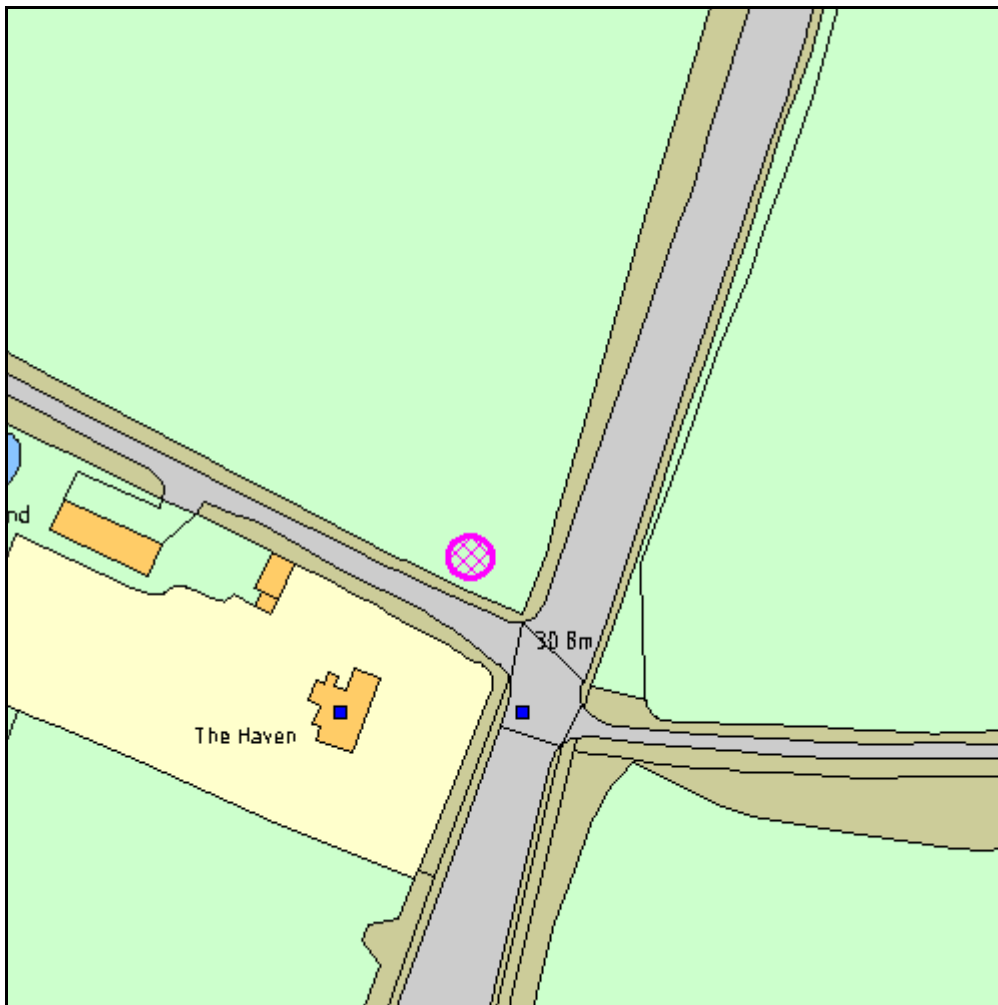
4. The off-street parking facilities (for all vehicles, including cycles) shown on the plan hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; and policy PSP16 of the Policies Sites and Places Plan (Adopted) November 2017.

**CIRCULATED SCHEDULE NO. 08/19 – 22 FEBRUARY 2019**

<b>App No.:</b>	P19/0620/ADV	<b>Applicant:</b>	Mr Richard ClareLinden Homes Western
<b>Site:</b>	Heneage Farm Moorslade Lane Falfield Wotton Under Edge South Gloucestershire GL12 8DJ	<b>Date Reg:</b>	21st January 2019
<b>Proposal:</b>	Freestanding non-illuminated totem sign.	<b>Parish:</b>	Falfield Parish Council
<b>Map Ref:</b>	368336 193676	<b>Ward:</b>	Charfield
<b>Application Category:</b>	Minor	<b>Target Date:</b>	14th March 2019



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

## **INTRODUCTION**

This application has been referred to the Circulated Schedule in accordance with procedure as an objection from the Parish Council has been received that is contrary to the officer recommendation.

### **1.0 THE PROPOSAL**

1.1 The proposal seeks advertisement for a totem style freestanding sign (to advertise the proposed Linden Homes Development at land at Heneage Farm

1.2 In detail the signage is as follows:

The sign is non-illuminated with a height of 2.8m and width of 1.22m

The sign was originally proposed to be sited on land to the south of the Heneage Farm complex just back from the western edge of A38. The applicant subsequently indicated a revised position for the signage (now the subject of this application), on land on the northern side of Moorslade Lane at the point where it joins A38. A full re-consultation was undertaken.

## **2. POLICY CONTEXT**

### **2.1 National Guidance**

National Planning Policy Framework 2019

The Town and Country Planning (Control of Advertisements) (England) (Amendment) Regulations 2007

### **2.2 Development Plans**

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

### **2.3 Supplementary Planning Guidance**

South Gloucestershire Design Checklist SPD (Adopted) August 2007

## **3. RELEVANT PLANNING HISTORY**

3.1 The signage relates to a residential development on land at Heneage Farm. The relevant history is as follows:

PT16/001/SCR SCREENING OPINION - Residential development for up to 120 units and park/ share facility EIA not required

PT16/0770/O Change of use and development of agricultural land to provide up to 115 dwellings with associated access, parking, hard/soft landscape works, public open space, and drainage, together with development of a 'Park and Share' facility for up to 100 cars (Outline) with access to be determined. All other matters reserved Refused

PT17/4800/O Change of use and development of agricultural land to provide up to 85no. dwellings with associated access, parking, hard/soft landscape works, public open space, and drainage, together with development of a 'Park and Share' facility for up to 100 cars and new Community Hub (Outline) with access to be determined. All other matters reserved (Approved 16<sup>th</sup> January 2018)

#### **4. CONSULTATION RESPONSES**

##### **4.1 Falfield Parish Council**

1. It is felt that the size of the sign is too large for a rural environment
2. This small country lane is used by cars, farm and heavy goods vehicles and the Council have concerns that especially for drivers of larger vehicles turning right out of Moorslade onto the A38 that visibility to the left could be restricted by this signage.
3. The Council also have concerns for the safety of pedestrians and other road users during peak times when driver's concentration could be compromised.

##### **Other Consultees**

###### **Sustainable Transport**

A comment in response to the original proposal was received as follows:

This application is for the retention of a totem sign. The position of the sign does not impede highway safety and as such there are no transportation objections.

Following the submission of details of the revised position the following comment was received:

There are no transportation comments relating to the proposed V formation totem sign.

###### **Conservation/Listed Building Officer**

This comment was received in relation to the original location for the proposed signage:



This does not affect the setting of any designated or non-designated heritage assets and is therefore, purely a planning matter.

Following the submission of the revised position, the Conservation/Listed Building Officers indicates that he has no further comment.

## **Other Representations**

### **4.2 Local Residents**

One comment has been received raising an objection to the application. The grounds of objection are as follows:

- They put it up without planning permission and so it should be taken down.
- I assume it is on public land so should not be allowed

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 state a local planning authority shall exercise its powers under these Regulations in the interests of amenity and public safety. The National Planning Policy Framework states control over outdoor advertisements should be efficient, effective and simple. The guidance goes onto reiterate the Regulations, stating advertisements should be controlled in the interests of amenity and public safety, taking account of cumulative impacts.

### **5.2 Design and Visual Amenity**

The proposal is considered to have an effective and simple design. Whilst the concerns raised are noted, the signage only comprises one sign and in any case advertisement consent is for a limited period. It is not considered that the signage would be detrimental to visual amenity in this rural location. It is not considered that any cumulative impact would result from the installation of the sign in this location.

The sign is sited approximately 60 metres from the Grade II Heneage Farm House however it is not considered that it will have any adverse impact upon the character and appearance of that property.

### **5.3 Public Safety**

The proposed signage and flagpoles are located such that they will be visible for users of the adjoining highway albeit they will be set back marginally from the road. The sign is not to be illuminated and no objection is raised by transportation officers on highway safety grounds either in relation to the safety of vehicle users or pedestrians. The proposal is considered acceptable in these terms.

#### 5.4 Other issues

Concern was raised that the signage had already been installed. This may have been the case, however in relation to the revised position at the time of the Case Officer's visit, the sign was not in place. Notwithstanding this, the merits of the application are assessed can only be assessed against the above criteria and whether or not the sign were in place prior to the grant of consent is not a material consideration.

Concern has been raised that the proposal will be erected on public land. This is not a material consideration in the determination of this application.

### 6. CONCLUSION

6.1 The recommendation to **grant** permission has been taken having regard to the requirement of the NPPF, as set out above, and to all relevant material considerations set out in the report.

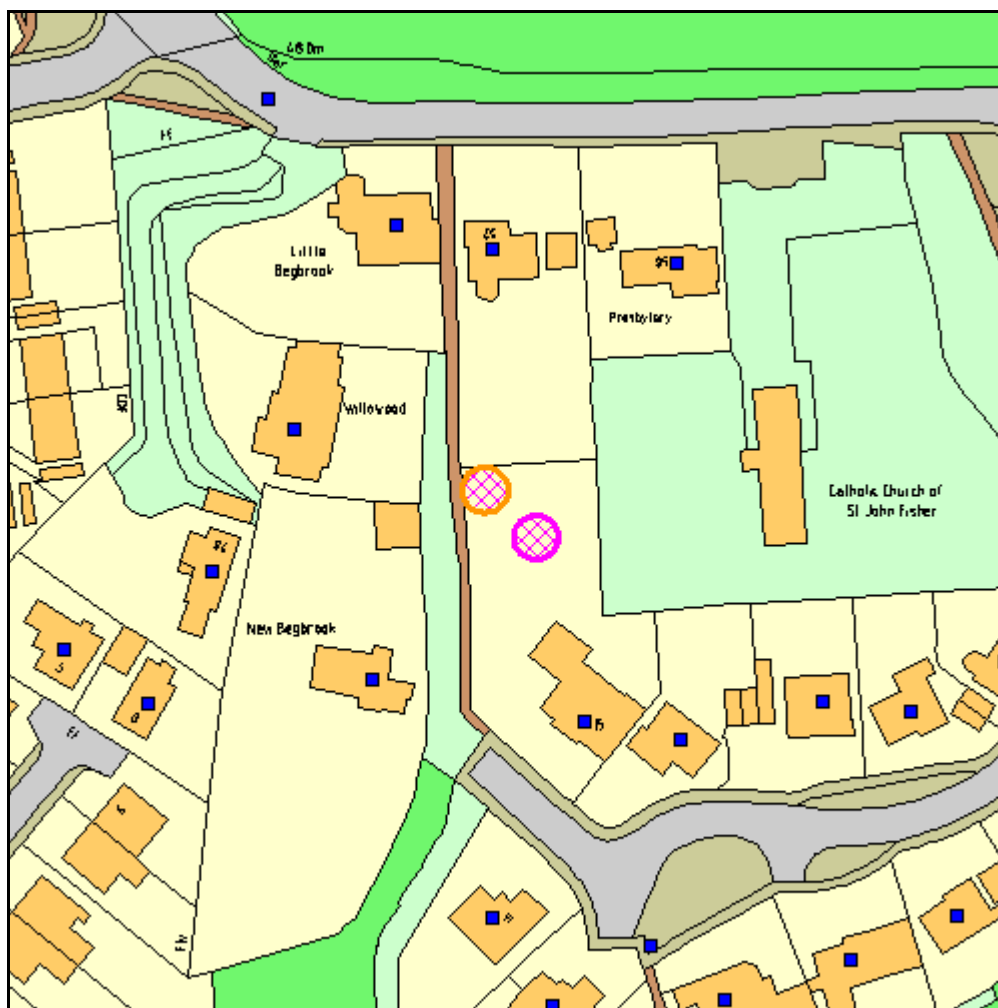
### 7. RECOMMENDATION

7.1 That the application is **APPROVED**.

**Contact Officer: David Stockdale**  
**Tel. No. 01454 866622**

## CIRCULATED SCHEDULE NO. 08/19 – 22 FEBRUARY 2019

<b>App No.:</b>	P19/0822/TCA	<b>Applicant:</b>	Mr Kevin Lewis
<b>Site:</b>	15 The Newlands Frenchay Bristol South Gloucestershire BS16 1NQ	<b>Date Reg:</b>	25th January 2019
<b>Proposal:</b>	Works to fell 1 no. Rowan tree and 1 no. Conifer tree, both situated in the Frenchay Conservation Area.	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	363509 177355	<b>Ward:</b>	Frenchay And Stoke Park
<b>Application Category:</b>		<b>Target Date:</b>	7th March 2019



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P19/0822/TCA

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

## **REASON FOR REPORTING TO THE CIRCULATED SCHEDULE**

[This application is referred to the Circulated Schedule as comments have been received during the public consultation period that are contrary to the recommendation.

However, this application is a prior notification of proposed works to trees in a conservation area. The purpose of such an application is to provide an opportunity for the Local Planning Authority (LPA) to serve a Tree Preservation Order (TPO) on the tree, should it fulfil the criteria of designation. A TPO must be served within a period of six weeks. Failure by the LPA to serve a TPO or respond to the notification within this timeframe results in a default position of the works gaining deemed consent. Therefore this application appears on the Circulated Schedule for information purposes only.]

### **1. THE PROPOSAL**

Works to fell 1 no. Rowan tree and 1 no. Conifer tree, both situated in the Frenchay Conservation Area

15 The Newlands Frenchay

### **2. POLICY CONTEXT**

- 2.1 2.1 National Guidance
  - i. The Town and Country Planning Act 1990
  - ii. The Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990
  - iii. The Town and Country Planning (Tree Preservation) (England) Regulations 2012

### **3. RELEVANT PLANNING HISTORY**

- 3.1 PT11/1488/TCA Proposal: Works to remove 1no. Sycamore tree in the Frenchay Conservation Area, Decision: NOB, Date of Decision: 09-JUN-11

### **4. CONSULTATION RESPONSES**

- 4.1 Winterbourne Parish Council  
Objection. The Parish Council sees no apparent validation for the tree removal.

### **Other Representations**

- 4.3 Local Residents  
None received

## 5. ANALYSIS OF PROPOSAL

- 5.1 This application provides prior notification of proposed works to trees situated within a conservation area.

### 5.2 Principle of Development

Under the Planning (Listed Buildings and Conservation Areas) Act 1990, it is recognised that trees can make a special contribution to the character and appearance of a conservation area. Under the above Act, subject to a range of exceptions, prior notification is required for works to a tree in a conservation area. The purpose of this requirement is to provide the Local Planning Authority an opportunity to consider bringing any tree under their general control by making a Tree Preservation Order. When considering whether trees are worthy of protection the visual, historic and amenity contribution of the tree should be taken into account and an assessment made as to whether the tree fulfils the criteria of a Tree Preservation Order.

### 5.3 Consideration of Proposal

The proposal is to remove 1no. Conifer and 1no. Rowan tree which are both growing to the rear garden of 15 The Newlands, Frenchay. The property is at the end of a cul-de-sac and the garden is orientated in such a way as to obscure the view of the garden and the trees unless one is stood on the applicant's driveway. There are trees growing to the side of the property and not owned by the applicant, which can be easily seen, that are dominant in the skyline and which provide amenity to the area.

- 5.4 The removal of the trees will not affect the amenity to the local area as they cannot be easily seen and therefore they do not fulfil the criteria for inclusion within a tree preservation order.

- 5.5 The Parish Council has shown concern that there is no validation for the removal of the trees. In response I can confirm that it is not a requirement to provide a reason for tree works on a conservation area notification. It is only necessary on a tree preservation order application.

- 5.6 There are no objections to the removal of these trees.

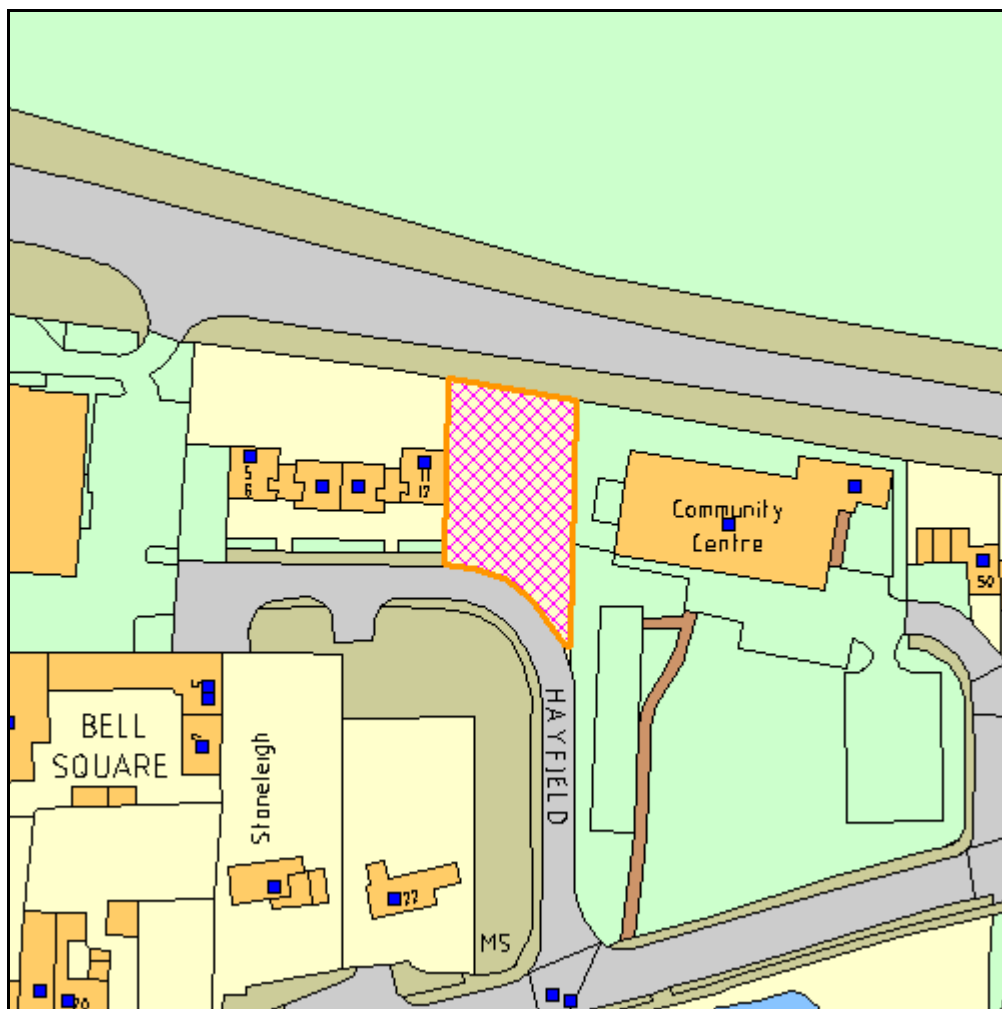
## 6. RECOMMENDATION

- 6.1 **No Objection**

**Contact Officer: Lea Bending**  
**Tel. No. 01454 864201**

**CIRCULATED SCHEDULE NO. 08/19 – 22 FEBRUARY 2019**

<b>App No.:</b>	PK18/3034/F	<b>Applicant:</b>	Merlin Housing Society Merlin Housing Society
<b>Site:</b>	Land At Hayfield Marshfield Chippenham South Gloucestershire SN14 8PG	<b>Date Reg:</b>	4th July 2018
<b>Proposal:</b>	Erection of 3no. 2 bed dwellings with new access, landscaping and associated works.	<b>Parish:</b>	Marshfield Parish Council
<b>Map Ref:</b>	378198 173891	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Minor	<b>Target Date:</b>	24th August 2018



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 100023410, 2008. **N.T.S.** **PK18/3034/F**

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

### **REASON FOR APPEARING ON CIRCULATED SCHEDULE**

This application appears on the Council's Circulated Schedule procedure following an objection from the Parish Council.

## **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of a terrace of 3 no. two-bedroom dwellings with a new access, landscaping and associated works at land at Hayfield, Marshfield.
- 1.2 The application is situated within the settlement boundary of Marshfield, within the Cotswolds Area of Outstanding Natural Beauty (AONB) and the Marshfield Conservation Area.
- 1.3 A number of amendments have taken place during the course of the application to the layout of the site, most significantly the setting back of the garden boundaries from the north of the site to allow for landscaping, and moving plot 2 forward to maximise garden space. A period of re-consultation has been carried out.
- 1.4 The applicant is Merlin Housing Society, and would provide 3 no. units for social rent.

## **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework February 2019  
National Planning Policy Guidance  
Planning (Listed Building and Conservation Areas) Act 1990

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

- CS1 High Quality Design
- CS4A Presumption in Favour of Sustainable Development
- CS5 Location of Development
- CS8 Improving Accessibility
- CS9 Managing the Environment and Heritage
- CS15 Distribution of Housing
- CS16 Housing Density
- CS17 Housing Diversity
- CS18 Affordable Housing

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

PSP1 Local Distinctiveness  
PSP2 Landscape  
PSP3 Trees and Woodland  
PSP5 Open Areas in Settlements  
PSP8 Residential Amenity  
PSP10 Active Travel Routes  
PSP11 Transport Impact Management  
PSP16 Parking Standards  
PSP17 Historic Assets  
PSP19 Wider Biodiversity  
PSP43 Private Amenity Standards

- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist SPD (Adopted) 2007  
South Gloucestershire Residential Parking Standard SPD (Adopted) 2013  
Assessing Residential Amenity – Technical Advice Note (Adopted) June 2016  
Marshfield Conservation Area SPD

### 3. **RELEVANT PLANNING HISTORY**

- 3.1 There is no recent or relevant planning history at the site.

### 4. **CONSULTATION RESPONSES**

- 4.1 Marshfield Parish Council  
Objection – Conservation Officers views should be taken into account with regard to the design which should be suitable to the surroundings.

- 4.2 Other Consultees

#### Conservation Officer

*Initial Comments 12/07/2018:*

The design of the dwellings themselves is acceptable.

The landscaping, by reason of design and layout would cumulatively result in a level of harm to the character and appearance of the Marshfield Conservation Area.

I would also advise that in the context of paragraph 196 of the NPPF, the level of harm can be considered to be less than substantial. Although paragraph 196 allows for any considered harm to be weighed against a proposal's public benefit, I would advise that in accordance with the Framework, when considering the impact of a proposal on a heritage asset, great weight should be given to the asset's conservation.

*Revised Comments 15/01/2019:*

Landscaping and boundary treatments will be key in mitigating impact so would suggest a comprehensive hard and soft landscaping condition.  
Standard stone panel condition also recommended.



## Landscape

### *Initial Comments 13/07/2018*

Poor design and disregard for the landscape character of the locality, Conservation Area and Cotswolds AONB is contrary to SGC planning policy and the landscape strategies and guidelines of the AONB and SGC landscape character assessments. On landscape grounds, approval is not recommended.

### *Revised comments 11/01/2019:*

Suggested mitigating measures:

- Northern boundary planting narrows down from 2m to 1m width. Needs to be widened
- Fruit trees in back gardens.
- Parking and associated low stone wall awkward and unresolved. More thought needed.
- Additional tree planting to front.
- Concern about western boundary treatment?
- Scale bar on drawing would help.
- Condition landscape drawing - planting and materials.

## Drainage

Drainage and Flood Risk Management Team (Engineering Group - Street Care) has no objection in principle to this application.

## Transport

No objection subject to conditions.

## Ecology

No objection subject to conditions.

## Highway Structures

No comment.

## Environment Agency

No comment received.

## Tree Officer

There is one small cherry proposed for removal on this site which I have no objections to. The proposal should incorporate some additional planting to the front aspect of the properties as the appearance is a little bleak. New planting would soften the impact and improve the street scene.

## Housing Enabling

Supportive of scheme.

## **Other Representations**

- 4.3 Local Residents  
None received.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

The application site lies within the established settlement boundary of the village of Marshfield, where there is a range of services available and a public transport link to the wider district. Under policy CS5 which establishes the locational strategy for development, the site is considered to be a suitable site for development subject to site specific considerations and would therefore be supported in principle.

5.2 PSP17 expects that development within or affecting the setting of a conservation area will be expected to; preserve or, where appropriate, enhance those elements which contribute to their special character or appearance; and pay particular attention to opportunities to enhance negative parts of the conservation areas and to draw on local character and distinctiveness.

5.3 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. Given the location within the AONB, policy PSP2 is also relevant.

### 5.4 Design and Impact on Heritage Assets

The proposal is situated within the Marshfield Conservation Area, albeit within the area referred to in the Marshfield Conservation Area SPD as '*areas where development is essentially modern and seldom in keeping in keeping with the traditional character of the area.*' The application site is an informal area of open space associated within the adjacent modern flats to the west, and modern community centre to the east. Whilst the context is modern and would not have an impact on the historic core of the village, this open space and traditional stone walling to the north is considered to provide relief from the surrounding modern built form, and the SPD indicates that the modern character areas of Marshfield must also be enhanced or at least preserved.

5.5 The development for 3 no. dwellings arranged in a terrace are of an acceptable design to officers, and would be in keeping with the Conservation Area. The requirement for amenity space however would cause the subdivision of this open area to create residential curtilage, and whilst this may not be an issue to the front, where low level stone walling is proposed to subdivide the plot, the close boarded fencing to the rear will be very prominent in views of the conservation area from the A420. Views of the garden fencing along the western side for plot 1 would also be very prominent, set against the open space to the rear of the apartments. Therefore, by reason of the subdivision of this current area of open space by just standard close-boarded fencing, the proposed scheme would be intrusive into the conservation area and would not just perpetuate but would exacerbate the negative impact of the modern development on the wider character of the conservation area. Amendments have been sought to provide space for a wider landscape buffer including

- native hedging and 3 no. fruit trees along the northern boundary, to allow screening of the fencing from the A420. Amendments were also sought to remove the sheds proposed in favour of low level cycle storage.
- 5.6 These amendments would provide some mitigation of the impact, but the development would still result in 'less than substantial harm'. As the harm pertains to the landscape setting of the Conservation Area rather than the design of the dwellings, officers consider that the harm can be further mitigated by a landscaping condition.
- 5.7 The Conservation officer also had concerns about the prominence of the parking spaces to the front of the units, however a condition requiring the submission of hard and soft landscaping proposals to mitigate against this is recommended. Sample panels of the stone walling to the front will also be conditioned and low level planting has been shown to soften the impact of the parking spaces. In terms of the building design, officers consider that there is a neutral impact on the character of the Conservation Area, however natural, high quality materials will need to be conditioned in the event the application is approved.
- 5.8 Overall, the scheme would cumulatively result in a level of harm to the character of the Marshfield Conservation Area. In the context of paragraph 196 of the NPPF. The level of harm is considered to be less than substantial, but officers acknowledge that that impact has been reduced following the submission of revised drawings, and therefore must be weighed against the public benefit of the proposal. Nonetheless, great weight should be attributed to the conservation of the heritage asset (Marshfield Conservation Area).
- 5.9 Landscaping  
The site is located within the Cotswolds Area of Outstanding Natural Beauty, and despite the modern context within the settlement of Marshfield, the site is highly visible when travelling along the A420 and from the open countryside to the north. The Landscape officer raised similar concerns to the Conservation officer with regards to the visibility of the subdivided gardens from the AONB, and that it is out of character within the open nature of Hayfield. The Landscape officer did not object to the design of the buildings proposed.
- 5.10 Amendments were received so that the gardens were stepped back from the northern boundary, allowing 1.5 metres to 2 metres for a landscape buffer, and the hooped railings to the front were replaced with more traditional low stone walls. A full landscaping scheme to ensure adequate mitigation for the development can be conditioned in the event the application is approved, and the revised plans received on 5<sup>th</sup> February 2019 show adequate space for the planting buffer recommended by the Landscape officer to be planted. Subject to conditions, the development is acceptable in terms of policy PSP2.
- 5.11 Residential Amenity  
Plot 1 has windows facing towards the existing flats, however these are secondary windows serving the hallway and staircase so will not cause overlooking. All principal windows will face south into the highway or north across the A420. Each of the windows on the northern elevation will provide

indirect views into the gardens of the adjacent proposed unit, however this is a common occurrence for high density housing within a settlement. The site of the dwellings forms part of the informal open space used by occupiers of the flats, and so it is proposed that a large area of communal amenity space will be lost following the development. Officers have no objection to this as there is still a significant amount of shared amenity space to the north of the flats available for use. Due to the orientation of the properties, the majority of overshadowing will fall on the proposed gardens and not

5.12 Turning to the amenities of the application site, all three properties benefit from private amenity space. Plots 1 and 2 have approximately 40sqm, which is short of the minimum standards of 50sqm for a two-bedroom property within policy PSP43. Plot 3 is in excess of the standards with over 90sqm of good quality amenity space. The small gardens proposed for plot 1 and 2 will weigh against the scheme when considering the planning balance.

5.13 Vegetation

Whilst one tree in the centre of the site is to be lost to facilitate the development, 5 no. new fruit trees are proposed. This will be secured through a landscaping condition, and the Council's Tree officer has no objection to this.

5.14 Ecology

An Ecological Impact Assessment by The Landmark Practice (June, 2018) has been submitted in support of this application. Whilst there is a pond with Great Crested Newts approximately 80m from the site, the site is separated from the pond by the A420 and this acts as a barrier for migrating newts. Therefore, a non-licensed precautionary working method statement will be conditioned in the event the application is approved, as following reasonable avoidance measures (RAM's) will remove the risk of killing, injuring or disturbing GCN's.

5.15 Bat and bird boxes will also be conditioned in order to seek biodiversity gain from the development in accordance with policy PSP19, as well as works proceeding in accordance with the methods detailed in section 5 of the Ecological Impact Assessment, including wildlife friendly low level planting.

5.16 Transport

The proposed vehicular access will be via the existing adopted highway of Hayfield, and has good visibility due to the corner location. The submitted plans show the creation of a new footway along the front of the development, and a condition on the decision notice will ensure that this is implemented prior to first occupation. Two off-street parking spaces are proposed for each unit, exceeding the minimum standards within policy PSP16. There is no transportation objection to the development.

5.17 Public Benefit

As 3 no. two bedroom houses are proposed to be for social rent, the development provides affordable housing. The scheme is supported by the Council's Housing Enabling team. The site is sustainable with access to services and transport links to the wider district, so providing affordable housing at this location is an important public benefit of the scheme. Substantial weight is attributed to this factor.

5.18 Planning Balance

It has been identified that there is less than substantial harm to the Conservation Area resulting from the development, and the impact of that harm has been reduced as a result of changes to the proposal. Furthermore, further mitigation can be secured through an appropriately worded landscaping condition.

5.19 Officers consider that the provision of 3 no. Affordable Housing units attracts substantial weight in the consideration of this application; and will bring about a positive benefit in the wider public interest.

5.20 Accordingly, the identified public benefit outweighs the identified harm to the Conservation Area.

5.21 Consideration of likely impact on Equalities

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

5.22 With regards to the above this planning application is considered to have a positive impact on equality, as it provides housing for individuals with an identified housing need. This has also been attributed weight in favour of the scheme.

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

7.1 That planning permission is **GRANTED** subject to the conditions on the decision notice.

**Contact Officer: Trudy Gallagher**  
**Tel. No. 01454 864735**

## **CONDITIONS**

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

### Reason

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

2. Prior to the commencement of development a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting (and times of planting); boundary treatments and areas of hard surfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

### Reason

In order to mitigate the impact of the development on the Marshfield Conservation Area and the Cotswolds Area of Outstanding Natural Beauty, and in the interests of visual amenity, to accord with policy CS1, CS9 and CS34 of the South Gloucestershire Core Strategy (Adopted) December 2013, policy PSP1, PSP2, PSP5 and PSP17 of the Policies Sites and Places Plan (Adopted) November 2013 and the National Planning Policy Framework. This information is required prior to commencement to prevent unnecessary harm to existing landscaping.

3. Prior to first occupation of the development, the footway across the front of the development site shown on the Proposed Site Plan 5798-P-10 Rev E (received 5th February 2019) shall be implemented.

### Reason

To ensure safe pedestrian access to the development, in accordance with policy PSP11 of the South Gloucestershire Policies Sites and Places Plan (Adopted) November 2017 and the National Planning Policy Framework.

4. Prior to first occupation, the off-street parking facilities for all vehicles including cycles shall be implemented in accordance with plan reference 5798-P-10 Rev E (Received 5th Feb 2019) and thereafter maintained for such a purpose.

### Reason

To ensure adequate parking provision and to encourage sustainable transport choices, in accordance with policy PSP16 of the South Gloucestershire Policies Sites and Places Plan (Adopted) November 2017 and the National Planning Policy Framework.

5. Prior to the commencement of the relevant part of the development, details and/or samples of the roofing and external facing materials proposed to be used shall be

submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure a satisfactory standard of external appearance in the Marshfield Conservation Area, and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and policy PSP17 of the Policies Sites and Places Plan (Adopted) November 2017 and the National Planning Policy Framework.

6. All works shall proceed in strict accordance with the methods laid out in Section 5 of the Ecological Impact Assessment by The Landmark Practice (June, 2018). This includes avoiding disturbance and/or harm to nesting birds and great crested newts, installing bird and bat boxes and new wildlife friendly planting. Any deviation from these methods shall be submitted to the local planning authority for approval in writing.

Reason

To accord with policy PSP19 of the Policies Sites and Places Plan (Adopted) November 2017 and the National Planning Policy Framework.

7. Prior to first occupation, the location and type of two built in bird boxes and bat boxes/bricks and a Precautionary Working Method Statement for Great Crested Newts shall be submitted to the local planning authority for approval in writing. The Precautionary Working Method Statement for Great Crested Newts should follow the guidance set out in Section 5 of the Ecological Impact Assessment by The Landmark Practice (June, 2018). The agreed bird boxes and bat boxes/bricks shall be implemented prior to first occupation of the development.

Reason

To accord with policy PSP19 of the Policies Sites and Places Plan (Adopted) November 2017 and the National Planning Policy Framework.

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

Reason

To ensure a satisfactory standard of external appearance in the Marshfield Conservation Area, and to accord with and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; policy PSP17 of the Policies Sites and Places Plan (Adopted) November 2017 and the National Planning Policy Framework.

9. Development must take place in strict accordance with the following plans:  
Proposed Site Plan 5798-P-10 Rev E (received 5/2/19)  
Proposed Plans and Elevations 5798-P-200 Rev D (received 5/2/19)

Site Location Plan 01 (received 29th June 2018)

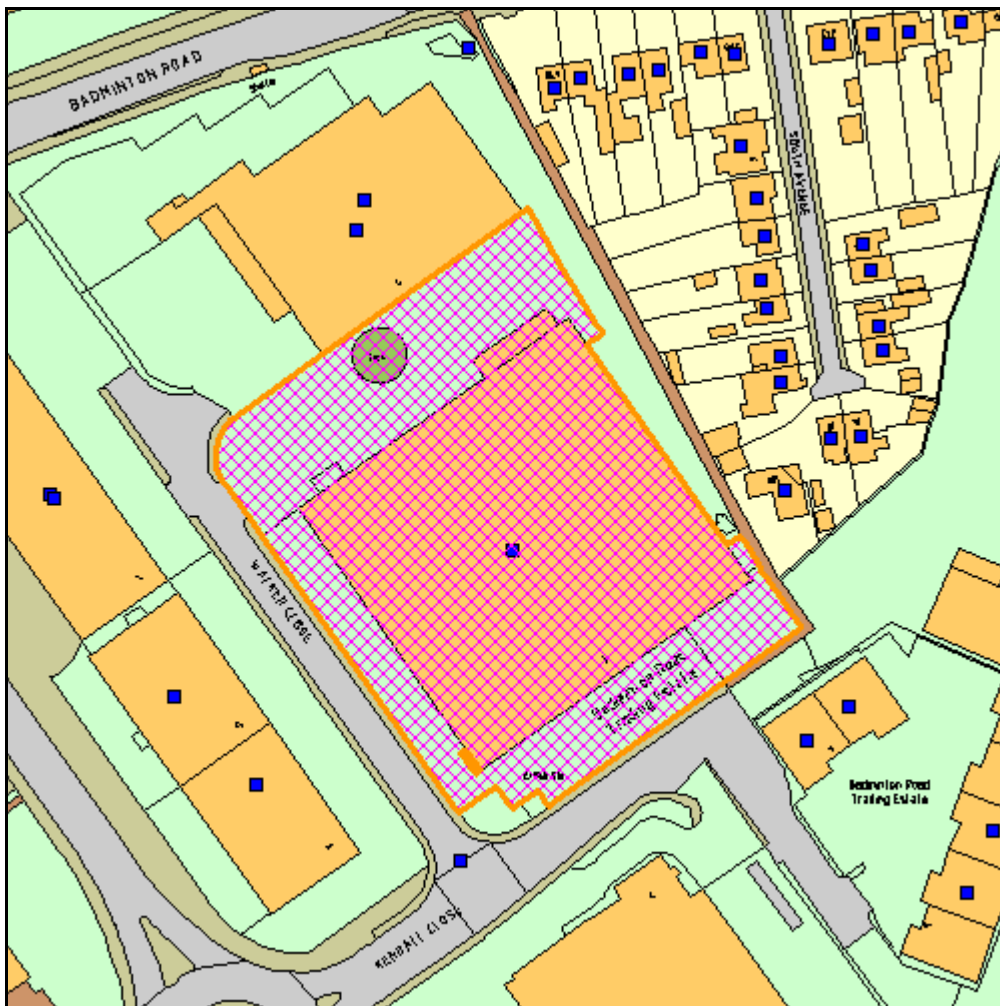
Reason

In the interests of clarity and proper planning.



**CIRCULATED SCHEDULE NO. 08/19 – 22 FEBRUARY 2019**

<b>App No.:</b>	PK18/4990/F	<b>Applicant:</b>	Gent Transport And Warehouse
<b>Site:</b>	Unit 5 Badminton Road Trading Estate Yate South Gloucestershire BS37 5NS	<b>Date Reg:</b>	6th November 2018
<b>Proposal:</b>	Erection of canopy to facilitate loading/ unloading of lorries.	<b>Parish:</b>	Westerleigh Parish Council
<b>Map Ref:</b>	369747 182438	<b>Ward:</b>	Westerleigh
<b>Application Category:</b>	Minor	<b>Target Date:</b>	27th December 2018



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

Sufficient comment has been received so as to trigger the referral of this application onto the Circulated Schedule. Local resident objections have been received against the proposal whilst officers recommend approval.

## **1. THE PROPOSAL**

- 1.1 The site consists of a large industrial unit on the Badminton Road Trading Estate. The unit is currently used for B8 Storage and Distribution uses. Access to the unit is from Kendal Close and Walker Close, with heavy vehicles using Walker Close and staff parking accessed from Kendal Close.
- 1.2 The proposed development consists of the construction of an open-sided canopy structure to provide a covered loading area. The structure is made up of a light-weight frame structure and PVC type material covering. The footprint measures approximately 30 metres by 25 metres and approximately 9 metres high.

## **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012
- 2.2 South Gloucestershire Local Plan Core Strategy Adopted December 2013  
CS1 High Quality Design  
CS4 Renewable and Low Carbon Energy Generation  
CS5 Location of Development  
CS8 Improving Accessibility  
CS9 Managing the Environment and Heritage  
CS11 Distribution of Economic Development Land  
CS12 Safeguarded Areas for Economic Development  
CS30 Yate and Chipping Sodbury

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

- PSP1 Local Distinctiveness  
PSP2 Landscape  
PSP3 Trees and Woodland  
PSP6 Onsite Renewable and Low Carbon Energy  
PSP8 Residential Amenity  
PSP11 Transport Impact Management  
PSP16 Parking Standards  
PSP19 Wider Biodiversity  
PSP20 Flood Risk, Surface Water and Watercourse Management  
PSP31 Town Centre Uses  
PSP35 Food and Drink Uses (including drive through and takeaway facilities)

- 2.3 Supplementary Planning Guidance  
Design Checklist (August 2007)

### 3. **RELEVANT PLANNING HISTORY**

- 3.1 P93/1603 Change of use to class B8 of the town and country planning (use classes) order 1987 (as amended) (storage and distribution)  
Approved 11<sup>th</sup> August
- 3.2 PT04/0866/F Erection of canopy on front elevation.  
Approved 8<sup>th</sup> April 2004
- 3.3 PT09/0140/F Erection of 1 no. detached building to provide storage.  
Approved 26<sup>th</sup> March 2009
- 3.4 PT11/1286/F Change of use from car park to lorry depot and compound (Class B8). Erection of portacabin and 2.4m high boundary fence and gates.  
Approved 8<sup>th</sup> July 2011 (this approval does not appear to have been implemented).

### 4. **CONSULTATION RESPONSES**

- 4.1 Westerleigh Parish Council  
No objection
- 4.2 Highway Authority  
No Objection
- 4.3 Highway Structures  
No objection in principle
- 4.4 Lead Local Flood Authority  
No objection in principle. The size of the site is queried.
- 4.5 Environmental Health Officer  
No objection in principle. It is suggested that the elevation of the structure against South Avenue is enclosed to assist with potential noise issues.
- 4.6 Economic Development Team  
No objection.

#### **Other Representations**

- 4.7 Local Residents

A total of four local residents have made comment. All the comments are made in objection to the proposed development. The comments are summarised below;

The need to update the business property is acknowledged.

Working hours should be restricted to assist with noise issues from the site.

Concern is raised regarding noisy activities at the site at antisocial hours.

Noise mitigation should be installed such as filling the end elevation.

Concern is raised as to the nuisance caused by nesting seagulls at the site.

## **5. ANALYSIS OF PROPOSAL**

- 5.1 The site is located in the Yate and Chipping Sodbury Urban Area and is within a safeguarded area for economic development. The proposed development would provide a covered loading area directly associated with an existing B8 Storage and Distribution unit on the Badminton Road Trading Estate.
- 5.2 Principle of Development  
Policy CS12 of the South Gloucestershire Local Plan; Core Strategy is particular relevant to this planning application. The policy identifies the Badminton Road Business Park as an 'Interim Safeguarded Area'.
- 5.3 For the purpose of this application, it is considered that the current use is well established and that its use will continue for the foreseeable future. Accordingly officers are satisfied that the proposed development would complement the existing business use on the site, and is consistent with the scope of Policy CS12. In particular officers are satisfied that the proposed development would not prejudice the retention of employment uses on the business park or elsewhere in the defined employment area. The proposed development is therefore acceptable in principle.
- 5.4 Notwithstanding the above, it is necessary to consider the environmental impact of the proposed development, and this is addressed below.
- 5.5 Design and Visual Amenity  
The site is located within an existing business park. The existing building is functional in appearance and typical of the surrounding business park. It is noted that residential development associated with South Avenue and Badminton Road is situated to the East and North of the application site. However, the residential area is visually separated from the industrial area by strong boundary treatment.
- 5.6 The proposed development would be functional in appearance. It is open sided and effectively a light weigh pitched roof canopy over the existing service yard associated with Unit 5. The overall height of the structure (at approximately 9 metres) would be approximately 2 metres higher that the existing building. However, the structure would be read in the context of the wider industrial park

- which is made up (in general) of substantial pitched roof buildings, clad in metal or cement fibre cladding. The surrounding buildings vary in height and includes a relative new structure (due West of the application site at the junction of Culvert Road and Badminton Road) which is approximately 10 to 12 metres in height.
- 5.7 Officers are satisfied that the proposed canopy structure would be consistent with the industrial nature of the site and the surrounding locality. Whilst officer note that the top of the proposed structure will be visible from nearby residential properties, it is not considered that this would result in a significant adverse effect and is acceptable in that regard.
- 5.8 Residential Amenity  
The purpose of the proposed development is to provide adverse weather protection over the existing loading area associated with the extant B8 Use. The development would not increase the number of loading bays or area dedicated to the loading function of the business. In that regard, officers are satisfied that the proposed development would not increase the level of activities or the general characteristics of the operations at the business premises.
- 5.9 The comments from local residents raise specific concern around noise issues associated with the site. In particular, comments raise concern around the generation of noise from the coupling of trailers and movement of vehicles on the yard area; and that the noise occurs during anti-social hours.
- 5.10 It has been suggested that the introduction of a side panel onto the structure (adjacent to South Avenue). The Environmental Health Officer (EHO) does not raise objection but has suggested that a 'side-panel' may help to deflect noise. However, on further discussions with the EHO it is clear that the material that would be used would have a very limited acoustic protection value as it is a relatively thin material. The applicant has considered this suggestion also, and maintains that the measure would do little to insulate against the transfer of noise to the adjacent residential dwellings. On this basis, the applicant considers that the cost of the additional panel would outweigh its limited benefit. Officers concur with this argument.
- 5.11 Whilst it is noted that the existing use of the site does generate a level of noise throughout the day, officers are satisfied that the proposed development would not itself result in an increased level of activity and therefore periods of increased noise levels. It is also noted that a substantial acoustic fence is in place along the boundary of the site and the adjoining residential properties and officers consider that this would provide significant protection against the transmission of noise from activities on the site. The existing noise levels are appropriately the subject of separate enforcement measures contained in the environmental health legislation. In the event that noise nuisance is recorded at residential properties, then this is a matter for environmental legislation to control.
- 5.12 In essence the proposed development should not be subject of disproportionate noise controls (or even refusal) as it would not result in the

material change to the existing situation on the site. The introduction of specific conditions to reduce existing noise levels would not meet the tests of applying planning conditions. This is because the proposed development would not result in an intensification of activity on the loading area and can continue irrespective of whether this application is approved or not. Accordingly, officers are satisfied that the proposed development would not itself result in a detrimental impact in residential amenity terms.

5.13 Drainage

The Lead Local Flood Authority has queried the site area in order to clarify whether or not a Flood Risk Assessment is required. In this regard, the site measures 750 square metres and does not trigger the requirement for a Flood Risk Assessment.

5.14 The structure would be connected to the existing storm water drainage system which serves the loading area. This is considered acceptable in proportionate to the proposed development.

5.15 Transportation

The proposed development would not alter the access arrangements for the existing B8 use on the site. It would also retain the existing level of movements and activities at the site. Accordingly, officers are satisfied that the development would not materially impact in highway safety and amenity terms.

5.16 Other Issues

Local residents have raised concern about the nuisance caused by nesting seagulls. This matter is covered by separate environmental health legislation and the implementation of pest control measures is not a matter for consideration under this application.

5.17 The Planning Balance

The proposed development would result in a positive benefit in that it would facilitate improvements to the viability of the business being operated at the industrial unit. Officers attribute significant weight to this factor. Whilst the concerns of the local residents regarding the existing level of noise at the site, officers consider that the proposed development would not act to compound that issue and as such would not be significant. There would be some visual impact, but it is not considered that this would be significant either.

5.18 On this basis, officers consider that the benefits of the proposed development outweigh the limited harm and should be approved.

5.19 Consideration of likely impact on Equalities

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

could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

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

## **6. CONCLUSION**

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

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

## **7. RECOMMENDATION**

7.1 That planning permission is granted subject to the conditions set out below.

**Contact Officer: Simon Penketh**  
**Tel. No. 01454 863433**

## **CONDITIONS**

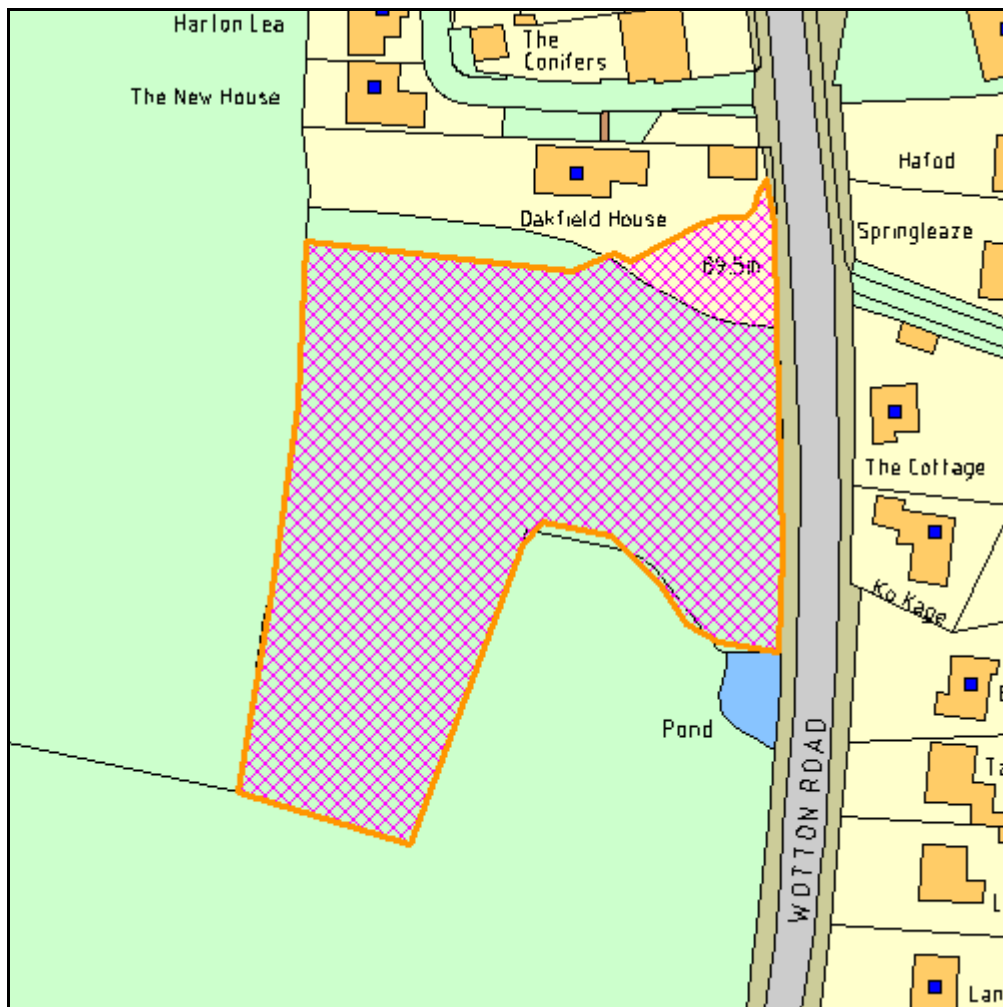
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

**CIRCULATED SCHEDULE NO. 08/19 – 22 FEBRAURY 2019**

<b>App No.:</b>	PT18/3990/F	<b>Applicant:</b>	Mr Liam RinnCotswold Homes Ltd
<b>Site:</b>	Land Adjacent To Oakfield House Wotton Road Rangeworthy Bristol South Gloucestershire BS37 7LZ	<b>Date Reg:</b>	12th September 2018
<b>Proposal:</b>	Erection of 13 no. dwellings with new access and associated works.	<b>Parish:</b>	Rangeworthy Parish Council
<b>Map Ref:</b>	369112 185725	<b>Ward:</b>	Ladden Brook
<b>Application Category:</b>	Major	<b>Target Date:</b>	10th December 2018



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 100023410, 2008. N.T.S. PT18/3990/F



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

### **Reason for Referring to the Circulated Schedule**

This application has been referred to the Circulated Schedule following the receipt of objections from Rangeworthy Parish Council and 3no. local residents; the concerns raised being contrary to the officer recommendation.

## **1. THE PROPOSAL**

- 1.1 The application relates to Oakfield House and its associated parking area and garden. The house is a detached, modern 2-storey construction of stone and render. Immediately to the south is an open grassed area 0.56 hectares in area which is proposed to be developed for housing.
- 1.2 The site is bounded to the east by the B4058 Wotton Road and is located in open countryside on the western edge of the Established Settlement Boundary of Rangeworthy. The site is not in the Green Belt or AONB neither is it in a Conservation Area. The development site is flat and bounded by trees; there are residential properties adjacent to the north and directly opposite, these extend to the edge of the village to the north and south.
- 1.3 Outline planning consent was granted (subject to a S106 Agreement) at the DC West Committee on the 22<sup>nd</sup> Feb 2018 for the Erection of 13no. dwellings (Outline) with access and layout to be determined. All other matters reserved. (Resubmission of Application PT17/0542/O).
- 1.4 The site has now been acquired by Cotswold Homes who propose some amendments to the approved scheme; as these are not minor amendments a fresh planning permission is sought, otherwise the scheme is essentially the same as that previously approved.
- 1.5 In summary, the differences between this current scheme and that previously approved under PT17/3698/O are as follows:
  - Affordable element has been re-positioned to Wotton Road frontage.
  - House types revised and orientated to suit linear development pattern demonstrated locally.
  - Increased car parking provision.
  - Improved pedestrian access to Wotton Road.
  - Improved vehicle Turning Head.
- 1.6 The application is supported by the following documents:
  - Design and Access Statement
  - Bat Survey
  - Extended Phase 1 Habitat Survey
  - Great Crested Newt HIS Assessment
  - Flood Risk Assessment

- Arboricultural Survey
- Tree Inspections for Bat Roost Potential
- Noise Impact Assessment
- Energy Statement
- Statement of CO2 Emissions

## 2. POLICY CONTEXT

### 2.1 National Guidance

National Planning Policy Framework 2 November 2018 (NPPF)  
National Planning Practice Guidance (NPPG)

### 2.2 Development Plans

#### South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS2	Green Infrastructure
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS6	Infrastructure and Developer Contributions
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS18	Affordable Housing
CS24	Green Infrastructure, Sport and Recreation Standards
CS34	Rural Areas

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP8	Residential Amenity
PSP10	Active Travel Routes
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water, and Watercourse Management
PSP21	Environmental Pollution and Impacts
PSP37	Internal Space Standards
PSP40	Residential Development in the Countryside
PSP43	Private Amenity Space Standards
PSP42	Self-build and Custom House Building
PSP44	Open Space, Sport and Recreation

### 2.3 Supplementary Planning Guidance

Design Checklist SPD (Adopted) August 2007

Local List SPD (Adopted) March 2008  
Residential Parking Standards SPD (Adopted) December 2013  
Affordable Housing SPD (Adopted) May 2014 (amended Dec. 2017)  
Landscape Character Assessment SPD (Adopted) November 2014  
Waste Collection SPD (Adopted) January 2015 (amended March 2017)  
CIL and S106 SPD (Adopted) March 2015

### **3. RELEVANT PLANNING HISTORY**

- 3.1 PT13/4663/F - Erection of single-storey side and rear extension to form additional living accommodation following demolition of conservatory.  
Approved 12 Feb. 2014
- 3.2 PT17/0542/O - Erection of 10no. dwellings (outline) with access and layout to be determined.  
Withdrawn 21 April 2017
- 3.3 PT17/3698/O - Erection of 13no. dwellings (Outline) with access and layout to be determined. All other matters reserved. (Resubmission of Application PT17/0542/O).  
Approved subject to S106 22 Feb 2018 – S106 now signed.

### **4. CONSULTATION RESPONSES**

#### **4.1 Rangeworthy Parish Council**

Rangeworthy Parish Council notes that SGC granted permission for this site under application number PT17/3698/O (resubmission of PT17/0542/O). However, this is a completely new application number and will therefore be treated as a new application by the Parish Council. Rangeworthy Parish Council therefore repeat their objections and comment as follows:-

- a. Landscape - This small paddock is enclosed from the road by trees and the central hedge also has a number of trees which contribute to the local character.
- b. Access to the site on the outside of the bend would require loss of the boundary trees and wall to create a visibility splay.
- c. Increasing the mass/density of development along this lower part of Wotton Road will increase enclosure and change the character of the settlement and alter visual amenity of the village.
- d. Ecology small paddocks/fields of improved grassland with semi-mature trees forming boundary to the road which could be considered of low nature conservation value. However, a series of field ponds are present within open farmland to the west of the settlement. The ecology survey identified a small dew pond in the corner of the adjoining field to the south of the site. As the survey was carried out in August 2016 this pond could have dried up so Great Crested Newts would not be immediately apparent.
- e. Transport/Access and Safety. Any potential access to Wotton Road would need to comply with current visibility standards as such given that the site is on the outside of the bend these would be difficult to achieve without removal of extensive established vegetation. The applicant has increased the number of

dwellings on this development, therefore increasing the number of traffic movements onto the already extremely busy Wotton Road.

f. Sewerage - Existing issues of ground water infiltration when the water table rises. This requires groundwater management strategy agreement between Local Authority and Wessex Water before any development could proceed. There are continuous, ongoing sewer problems along Wotton Road and more houses will only exacerbate these issues. Albeit that Wessex Water has recently undertaken remedial works to the sewerage system, but this was to line the drains in order to prevent ground water infiltration - NOT to increase the volume/capacity. It remains to be seen whether these remedial works have been successful. It also remains the fact that the pipes are still the same size and these additional 13 dwellings can only increase the amount of sewerage that the drains have to cope with.

g. The site is outside the current settlement boundary.

h. Lack of Affordable Housing - The Parish Council notes that four 2/3 bedroomed dwellings are proposed. However the Parish Council feels that this still does not adequately address the requirements of younger first-time buyers or older residents wishing to downsize to smaller bungalow-type properties.

Additionally, Rangeworthy Parish Council would make the following observations and comments:-

1. Regarding the communal open space - who ultimately will own and maintain this?
2. Consideration should be given to ensuring that the affordable housing remains affordable in perpetuity and not sold off as part of the right to buy scheme..
3. The Parish Council must insist that working hours are observed and adhered to as the site is adjacent to existing residential dwellings.
4. Wheel washing facilities must be put in place to avoid mud on the Wotton Road.
5. The bus stop must remain easily accessible and not impeded in any way during the construction phase and that it is safely repositions before completion (including a new covered bus shelter).
6. It would appear there are no garages for the affordable homes. Is there provision for storage of bicycles/larger play equipment etc.
7. The sewerage capacity is still an ongoing problem in the vicinity. The eventual new residents need to be made aware of this and to be mindful of this. The Parish Council would draw SGC's attention to comments made in the DC West Committee report date 22nd February 2018 (pages 199-200). Wessex Water acknowledged that despite carrying out extensive lining of the public sewers in the Parish there still remains a problem of sewer flooding.
8. The footway/cycleway combined must be kept safe and free from obstruction during the construction phase.

In conclusion, during the last thirty years' development of small housing estates has taken place to the east of the B4058 off New Road (ie, Gifford Close, The Grove, Kingsfield and most recently Waverley Close).

Along the B4058 a small amount of infilling and building in back gardens has been allowed within the settlement boundary but this application would have a

significant adverse impact on the existing landscape, character of the village and also have access issues.

To the casual observer driving through Rangeworthy, the appearance of the village has almost remained unchanged and the Parish Council are in concurrence with this approach to planning.

## 4.2 Other Consultees

### Environmental Policy Team

We are happy that the data provided has been calculated correctly and demonstrates how the requirements of Policy PSP6 will be satisfied through the use of Solar PV on plots 1 to 7 of the proposed development.

### Environmental Protection

No objection subject to noise mitigation measures being carried out in accordance with the recommendations of the submitted Acoustic Report.

### Wessex Water

WW have particular concerns at Rangeworthy. The public sewer catchment in this location suffers from groundwater infiltration when the water table rises. There are also properties downstream protected from flooding with NRV.

New systems must be resilient to these issues and we will seek to insure, through the planning system, that appropriate measures are implemented.

- Separate systems of drainage are required to serve development proposals. There are no public surface water systems in this location and we have serious concerns over the use of soakaway drainage, which may fail as groundwater levels rise.
- No surface water connections will be permitted to the foul water system.
- The council should be satisfied that ground conditions are suitable for infiltrations systems

It is therefore critical that a satisfactory outfall for surface water disposal is provided and mitigation measures are considered to ensure that the risk of sewer flooding downstream can be mitigated. We are planning future works within the catchment with sewer lining to reduce the impact of groundwater infiltration. Once this work has been completed this will reduce the severity and frequency of flooding.

We request a planning condition to ensure that satisfactory arrangements can be designed and constructed for surface water disposal as well as discussions with the LLFA on a Surface water approach.

### Lead Local Flood Authority

No objection in principle to the proposed drainage strategy provided the development proposal is constructed in accordance with the submitted plans and details.

Highway Structures

If the application includes a structure that will support the highway or support the land above a highway. No construction is to be carried out without first providing the Highway Structures team with documents in accordance with BD2/12 of the Design Manual for Roads and Bridges that will allow formal Technical Approval of the proposals to be carried out. The applicant will be required to pay the fees associated with the review of the submission whether they are accepted or rejected.

Or

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

Arts and Development Officer

No comment

Avon Fire and Rescue

Avon Fire & Rescue Service will have additional Hydrant requirements associated with this application. The costs will need to be borne by developers through developer contributions. Avon Fire & Rescue Service has calculated the cost of installation and five years maintenance of a Fire Hydrant to be £1,500 per hydrant.

Police Community Safety Officer

No response

Tree Officer

No objection. Provided that the trees are protected in accordance with the submitted tree protection plan within the Barton Hyett arboricultural report there are no objections to this application.

Landscape Officer

No objection

Ecology Officer

No objection subject to conditions.

Avon Wildlife Trust

No response

Waste Engineer

No response

Children and Young People

No response

Housing Enabling

Affordable Housing is sought in line with the policy CS18 of the Council's adopted Core Strategy Development Plan Document.

35% of 13 dwellings generates a requirement of 4 Affordable Homes without public subsidy, to be provided on-site.

To meet identified housing need (Wider Bristol SHMA) the following tenures shall be provided:

- 73% Social Rent
- 5% Affordable Rent
- 22% Shared Ownership

However, at 5% no affordable rent homes are generated and so we would therefore seek a tenure split; 73% Social Rent (3 social rent homes) and 27% Shared Ownership (1 shared ownership home).

This application generates an affordable housing requirement of 1no. 2-bed, 4 person, 2-storey house and 2no. 3-bed, 5 person, 2-storey houses for social rent and 1no. 3-bed, 5 person, 2-storey house for Shared Ownership.

#### New Communities

There would be no on-site public open space provision. Contributions are requested as follows:

Off-site POS provision/enhancement - £56,831.24

Off-site POS maintenance contribution - £51,164.36

#### Self Build Officer

PSP42 requires the Council to encourage developers to provide serviced plots on residential sites over 10 dwellings, we request that the applicant considers serviced plot provision for this proposed scheme.

#### NHS

No response

#### Transportation Officer

No objection subject to conditions to secure the visibility splays at the access onto Wotton Road, parking and turning areas and relocation of bus stop.

### **Other Representations**

#### 4.3 Local Residents

Objections have been raised by 3no. local residents; the concerns raised are summarised as follows:

- Loss of green field.
- Insufficient sewer capacity.
- The properties are too large.
- Encroachment into the countryside to the south of the village.
- In the Green Belt.
- Insufficient services within the village.
- Dangerous road – high traffic speeds.
- Adverse impact on drainage.

- Access on a bad bend.
- Outside settlement boundary.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

The acceptance in principle of a very similar development to that now proposed was previously established with the grant of application PT17/3698/O. Notwithstanding the fact that the Council can now demonstrate a 5-year HLS, the fall back situation, should this current application be refused, would be the scheme for 13no. dwellings previously approved, with much the same access arrangement. This is a material consideration of significant weight in the determination of this current application PT18/3990/F.

5.2 The revised NPPF (para. 11) reiterates that; at the heart of the Framework is the presumption in favour of sustainable development. Furthermore The South Gloucestershire Local Plan Core Strategy adopted (Dec 2013) Policy CS4 replicates the NPPF in enforcing the presumption in favour of sustainable development. In accordance with the NPPF para. 38, Core Strategy Policy CS4A states that; when considering proposals for sustainable development, the Council will take a positive approach and will work pro-actively with applicants to find solutions so that sustainable development can be approved wherever possible.

### 5.3 Authorised Use of the Site

The applicant submits that the application site is within the residential curtilage of Oakfield House, but there is evidence to suggest otherwise. In the first instance, there are boundary treatments that separate the two plots in question and it is noted that, in an earlier planning application PT13/4663/F, a plan was submitted that showed a red line around the house and garden of Oakfield House and a blue line around the current development site, thus suggesting a separation between the two; the lines coincided with the aforementioned boundary treatments.

5.4 Whilst it is acknowledged that the site currently has a highly manicured appearance and has every indication as being used for recreational purposes ancillary to the enjoyment of Oakfield House; there are no extant planning permissions which changed the use of the land from agricultural to residential curtilage. That said, it is evident from a series of aerial photographs taken from the Council's archive and dating back as far as 1991, that the application site has not been used for agricultural purposes in the intervening period and for that length of time it has retained its appearance as seen to-day. On this evidence, it is quite likely therefore that the applicant could establish the residential use of the land by way of an application for a Certificate of Lawful Use.

5.5 Notwithstanding the above, officers are of the opinion that the application site started life as agricultural land, located outside the settlement boundary and curtilage of Oakfield House and as such the authorised use of the land remains agricultural. Given however that the land is in the same ownership as Oakfield



House which has no agricultural ties; that it is too small in size for any viable agricultural enterprise; and the long-term use of the site as 'quasi garden land' associated with Oakfield House; there seems little prospect of the site ever being used again for agricultural purposes. This situation was in effect accepted with the grant of PT17/3698/O.

#### Overview

- 5.6 Policy CS5 of the Core Strategy establishes the spatial strategy for development in the district. Under this policy, new development is directed to the existing urban areas, market towns, and defined rural settlements. Residential development outside of these locations is strictly controlled. Furthermore, policy CS34 of the Core Strategy seeks to protect the character of the rural areas, with residential development outside of a defined settlement resisted. Policy PSP40 of the Policies, Sites and Places Plan allows only for specific forms of residential development in the open countryside. The proposed development does not fall within any of the allowable forms of development contained within policy PSP40.
- 5.7 Following the publication in December 2018 of an extract from the Authority Monitoring Report, South Gloucestershire Council can now demonstrate a 5-year housing land supply. Policies that restrict the supply of housing should no longer be considered out of date and should be afforded full weight in decision taking. The tilted balance – on the basis of housing supply policies – should no longer be applied.
- 5.8 Under the spatial strategy set out above, development of this nature should therefore be permitted only in the urban areas or defined settlements. The site is not within a defined settlement.
- 5.9 It therefore follows that there is an in principle objection to the proposed development as it does not accord with the spatial strategy as expressed in the Development Plan.
- 5.10 Notwithstanding this, and whilst the majority of applications for new residential development outside of settlement boundaries should be resisted in accordance with the Council's spatial strategy, the Local Planning Authority do consider that it may be suitable, in a few circumstances, to recommend approval of dwellings outside of the settlement boundary.
- 5.11 This will only apply when the site lies close to the edge of the defined settlement boundary and has a direct relationship with it (for example, may be linked to the settlement boundary by other buildings, or have good footpath links to the settlement boundary). Essentially, it should read as a natural extension to the settlement boundary. However in the interests of the Council's overall spatial strategy for new housing, this should normally only apply to very small development proposals of 1-2 dwellings.
- 5.12 In this case the site does lie immediately adjacent to the Development Boundary with good accessibility to the village centre and would appear as a natural extension to the existing built form on the west side of Wotton Road. The fact that outline consent has already been granted for a very similar

scheme is a material consideration of significant weight in this case. Given the fall-back situation, officers consider that the development is acceptable in principle.

#### Scale and Design

- 5.13 As a full application, both scale and appearance are now to be determined as well as layout. Since the current applicant has acquired the site, they wish to slightly revise the layout as previously approved, which necessitates this current application.
- 5.14 The proposal is for 2-storey dwellings providing a mix of 2no. detached 3- bed houses and 7no. detached 4-bedroom houses for the open market, and 1no. 2-bedroom house and 3no 3-bedroom houses for the affordable sector. The scheme would take the form of a small cul-de-sac, divorced from Oakfield House, which would retain its own existing garden, access and parking areas. The density of the proposal is considered to be appropriate for this edge-of-village location and given the site constraints, is considered to make the most efficient use of the plot. The majority of the houses would be detached with the affordable housing element now located to the front of the site as a small terrace of four.
- 5.15 The houses are appropriately designed to include rustic elements such as porches, simple gables and chimneys. The materials to be used in construction are also now known and are considered appropriate for this location. The front terrace would be constructed of Reconstituted Stone (Beckstone) in Yate Grey; the houses to the rear of the site would be in red brick.

#### Heritage Issues

- 5.16 There are no above-ground heritage assets present on the site. Approximately 100 metres to the south of the application site on the western side of Wotton Road is the locally listed Laurel House. There is also a Grade II listed milestone set to the north-east corner of its garden wall. In light of the separation distance between the designated and non-designated heritage assets and the application site, the setting of both assets would be preserved. There are therefore no heritage objections.

#### Impact Upon Residential Amenity

- 5.17 The site lies on the edge of the settlement boundary, close to the centre of Rangeworthy. Officers have considered whether or not the proposal would have any adverse impact on residential amenity in terms of, overbearing impact or loss of privacy from overlooking or inter-visibility between habitable room windows; and whether adequate amenity space would be provided to serve the dwellings.
- 5.18 As regards overlooking and loss of privacy; some overlooking of neighbouring gardens from upper floor windows is only to be expected in locations where houses are built in close proximity to each other, especially if efficient use of land is to be achieved, as is required by government and Local Plan policy.
- 5.19 Officers are satisfied that in this instance the building blocks have been appropriately set back from the site boundaries to give adequate distance

between any facing habitable room windows. Furthermore, the retention of the trees on the road frontages would help to screen the development from views to-from neighbouring residential property.

- 5.20 The buildings are considered to be appropriately scaled for the location and given their positions within the site, would not result in any significant overshadowing or overbearing impact for neighbouring residents.
- 5.21 In terms of amenity space for future occupiers, PSP Policy PSP43 provides that all residential units should benefit from adequate useable private amenity space relative to the size of the unit. All of the proposed houses would benefit from appropriately sized private gardens secured by close boarded fencing and walls.

#### Landscape and Tree Issues

- 5.22 The landscaping of the site is now for consideration as part of this full application. The impact of the development on the existing rural landscape needs to be considered. A landscape plan for the site has been produced in conjunction with the Council's Tree and Landscape Officers who consider that the layout proposed is a logical design solution given the site constraints and the need to make efficient use of the land.
- 5.23 As previously stated, the development site has the appearance of a residential garden, comprising well-kept lawns rather than an agricultural field. It is well enclosed and screened by existing trees and hedgerows; some of the trees are protected by TPO (labelled in the TPO as T4-T9, T11 as well as G1 and G2). It is proposed to retain the boundary trees and reinforce the boundary with additional trees and retain a 4m landscape buffer to the southern and western boundaries of the site. The properties would have good sized rear gardens. Additional new trees are proposed where possible throughout the site.
- 5.24 An Arboricultural Report has been submitted which states that the development would require the removal of two moderate quality category B trees as well as a number of low quality category C trees. The overall impact from tree removals and ground clearance would be low. Officers are satisfied that the detailed development proposals are acceptable from an arboricultural prospective, provided that the recommendations set out in the arboricultural report are implemented and adhered to; this can be secured by condition.

#### Agricultural Land Classification

- 5.25 A key concept of the NPPF is the protection of high quality agricultural land. The relevant paragraph is 170 which states that development of high grade soils is deemed necessary in a manner commensurate with their statutory status or identified quality in the Development Plan. This is transferred into the Development Plan and contained within policy CS9(9) which requires development to avoid 'the best and most versatile agricultural land'.
- 5.26 Agricultural land can be classified into grades between 1 and 5 with 1 being the best and most versatile. Within these grades, grade 3 is subdivided into 3a and 3b. It is generally accepted that the phrase 'best and most versatile' refers to

grades 1, 2, and 3a in sequence of most productive. Grades 3b, 4, and 5 are of moderate to poor quality and should not act as a constraint to development.

- 5.27 The Council's Landscape Officer previously identified that the site is grade 2 agricultural land and this was acknowledged by the applicant in his Planning Statement. The proposal would lead to the loss of 0.56 hectares of land which is considered to be classed as 'best and most versatile'. There would be some harm resulting from the loss of this land, however given its small area and the fact that it is not (and most likely will not be used in the future) for agricultural purposes, the level of harm is not considered to be significant.

#### Transportation Issues

- 5.28 It is proposed to access the development via a new access from Wotton Road; Oakfield House would retain its existing access and parking/turning areas.
- 5.29 Objectors have raised some concerns about the suitability of the access onto Wotton Road but officers are mindful that Wotton Road is subject to a 30 mph speed limit and as such the proposed visibility splays of 2.4 x 58m are considered to be appropriate. From observations both on site and from the submitted details, it is clear that appropriate levels of visibility can be achieved, so much so that no objections on this basis can be sustained. However a condition is necessary to ensure that the visibility splay as indicated on the submitted plans would be maintained in perpetuity and that no obstruction to the visibility splay between 0.9m and 2m above the carriageway is permitted within the visibility splay.
- 5.30 The access road can accommodate a refuse vehicle and a tracking diagram has been submitted to officer satisfaction.
- 5.31 In terms of parking, the scheme meets the Council's Residential Parking Standards as set out in the adopted PSP; 2no off street parking spaces would be allocated to each plot. In addition; 2no. off-road visitor parking spaces would be provided along with cycle storage.

#### Site Sustainability

- 5.32 It is acknowledged that there are limited services in Rangeworthy itself but the site is in a very central location, within walking distance of a village hall, primary school, local pub, restaurant, football club, hotel and bus stop (the nearest is right outside the site on Wotton Road). Nevertheless the intended occupiers of the dwellings will still be largely reliant on the private car to access day to day facilities, and to some extent this counts against the scheme.
- 5.33 However, Policy PSP11 - Transport Impact Management has now been formally adopted; this gives specific indicators of when residential development might be acceptable in transportation terms. It states that residential proposals should be located within reasonable walking and cycling distance of key services and employment opportunities OR within 400m of a suitable bus stop which connects to a destination with key services and employment facilities. It is this latter criterion which this site in particular would comply with. Bus service 622 serves the nearest bus stop to the site with frequent services to and from Yate. The journey time is under 12 minutes with 7 or 8 services during the

weekday, commencing prior to 9am and after 5pm; and there are at least 3 services at weekends. Weight is given to this policy in concluding the site is reasonably sustainable.

- 5.34 Regard has been given to paragraph 79 of the NPPF. This advises that isolated homes in the countryside should be avoided. It is not considered that the site is so remote that it could be called isolated development in the countryside. Planning applications have to be assessed on their own merits and this application is no exception. The unique circumstances of this individual site are recognised and are considered sufficient to warrant awarding weight in favour of the proposal, being near the village centre. While appropriate weight is given in favour of the scheme for this reason, it must also be recognised that 13no. dwellings would provide a positive benefit to the local economy in terms of construction and the use of local businesses, as well as to the community in terms of its scale and social contribution; it therefore overall attracts moderate weight in its favour for these reasons. Most weight however is given to the benefit to the overall housing supply from a sustainable development and the provision of affordable housing in a rural location.

#### Environmental Issues

- 5.35 Matters of noise, unstable land, contamination and disturbance must be considered in relation to the NPPF and Policy PSP21. The site is not at risk from former coal mining activities, neither does it lie within a zone at high risk of flooding, nevertheless a Flood Risk Assessment has been submitted to officer satisfaction. Connections to the mains sewer would need to be agreed with Wessex Water. Similarly a Drainage Strategy has been submitted also to officer satisfaction. Any additional light pollution to result from the proposal would not have any significant effect.
- 5.36 Standard informatives would be added to any approval, regarding construction sites. Whilst there may be some disturbance for local residents during the construction phase, this would be on a temporary basis only. In the event of planning permission being granted, a condition would be imposed to control the hours of working on the site. Possible excessive noise or anti-social behaviour from future residents is controlled by legislation other than that found within the Planning Act and is not therefore grounds to refuse the application. The Police Community Safety Officer has raised no objection to the scheme.
- 5.37 The following report has been submitted and reviewed:

- Acoustic Consultants Ltd, Noise Impact Assessment, Ref: 7384/SL/BL Revision C, Dated February 2019

The report considers noise from Wotton Road and how it will affect the proposed development of 13 residential properties. The report concludes that internal noise levels can be mitigated to within the criteria of BS8233:2014 with building fabric construction and suitable ventilation provisions.

The Council's EHO has no objections to the development being implemented provided noise is mitigated in accordance with the recommendations of

Chapter 7 (internal areas) and Chapter 8 (external amenity areas) of the above report.

Environmental Sustainability

5.38 National guidance in paragraph 17 of the NPPF states that planning should “support the transition to a low carbon future in a changing climate.” It is proposed that the development would conform to Part L of the Building Regulations which as of 2010 requires a 25% reduction in carbon emissions over the 2006 standards. By way of contributing to the reduction in carbon, the proposal would also achieve current building construction standards with added sustainability measures.

Ecology

5.39 An Extended Phase 1 Habitat Survey has been submitted in support of the proposed application by Simecology Ltd. (August 2018) along with a Bat Survey and Bat Activity Report. The retention of a buffer on the southern and western boundaries is welcomed as lighting of the hedgerow would be limited and additional habitat would benefit a variety of species.

5.40 Further Great Crested Newt (GCN) surveys were completed last year and identified the pond adjacent to the site as dry and low quality for GCN. Subject to conditions to ensure that; the development proceeds in accordance with the proposed site plan and the recommendations set out in Chapter 7 of the Extended Phase 1 Habitat Survey and submission and approval of a sensitive lighting plan for bats; there are no objections on ecological grounds.

New Communities

Consideration must be given to the need to provide contributions to meet the community service requirements of future occupiers. The following table shows the open space requirements arising from proposed development, which would generate a population increase of 31.2 residents and shows the contributions requested given that public open space is not provided on the site. The applicant has agreed to pay these contributions which would be secured by S106 Agreement.

Category of open space	Minimum spatial requirement to comply with policy CS24 (sq.m.)	Spatial amount provided on site (sq.m.)	Shortfall in provision (sq.m.)	Contributions towards off-site provision and/or enhancement	Maintenance contribution
Informal Recreational Open Space	358.8	0	358.8	£9,469.09	£16,690.95
Natural and Semi-natural Open Space	468	0	468	£6,844.36	£11,354.05
Outdoor Sports Facilities	499.2	0	499.2	£26,200.01	£7,929.84
Provision for Children and Young People	78	0	78	£13,717.21	£14,423.75
Allotments	62.4	0	62.4	£600.57	£765.77

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### Affordable Housing

- 5.41 Consideration must be given to the need to provide affordable housing in accordance with Policy CS18 of the South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013.
- 5.42 This application generates an affordable housing requirement of 1no. 2-bed, 4 person, 2-storey house and 2no. 3-bed, 5 person, 2-storey houses for social rent and 1no. 3-bed, 5 person, 2-storey house for Shared Ownership.
- 5.43 As this is a Full planning application the Enabling Team suggest the following mix of house type, tenure and plot:
- 1 no. 2-bed, 4-person, 2-storey house (min 79m<sup>2</sup>) for social rent at plot # 4
  - 2 no. 3-bed, 5-person, 2-storey houses (min 93m<sup>2</sup>) for social rent at plots # 5 and # 6
  - 1 no. 3-bed, 5-person, 2-storey house (min 93m<sup>2</sup>) for shared ownership at plot # 7

### Standards of Design

Affordable Homes to be built to the same high quality design standards and visually indistinguishable from the market units and in addition, Part M of the Building Regulations accessibility standards M4(2), Part 2 of Secured by Design, and compliance with the RP Design Brief;

- i. All rear gardens to be turfed and generally to have 1.8m high close boarded fencing to boundaries and privacy panels;
- ii. All properties to have vinyl/tiles on floor in all ground floor rooms;
- iii. Ceiling height tiling to 3 sides of bathroom to be provided;
- iv. Provide wall mounted shower (either electric or valve and kit);
- v. Provide gas and electric points to cooker space (where gas is available);
- vi. Painted softwood curtain battens to each window (where construction is traditional as opposed to timber frame)

### Delivery and Phasing

The Council to refer potential occupants to all first lettings and 75% of subsequent lettings. Delivery is preferred through the Council's list of Approved Registered Providers. In the event of the developer choosing a Registered Provider from outside the partnership then the same development and management standards will need to be adhered to. Affordable Homes to be built out with the market housing on site in line with agreed triggers within the S.106 Agreement.

### Rent Levels and Affordability

Social Rent homes to be let at Target Rent (Rent Standard Direction 2014). Shared Ownership homes to be sold at no more than 40% of market value, and annual rent on the equity retained by the RP should be no more than 1.5%.

Service charges will be capped at £650 per annum (April 2016 base and linked to RPI) to ensure that all housing costs are affordable to future occupants. Capital receipts on intermediate housing to be recycled as capital expenditure on approved affordable housing schemes in South Gloucestershire, with subsidy levels to increase by any capital appreciation.

#### Planning Obligations

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

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

In this instance, it is considered that the planning obligations relating to affordable housing and new communities are required to mitigate the impacts from the development and are consistent with the CIL Regulations (Regulation 122).

5.45 Regulation 123 also limits to 5 (back dated to April 2010) the number of S106 agreements that can be used to fund a project or type of infrastructure, from the point at which the Council commences charging the CIL or after April 2015. CIL charging has commenced and officers have confirmed that the contributions sought would not exceed the threshold of 5 S106 Agreements for the off-site provisions of POS.

#### 5.46 Consideration of likely impact on Equalities

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

5.47 With regards to the above this planning application is considered to have a neutral impact on equality. Equalities have been given due consideration in the application of planning policy as discussed in this report.

## **6. CONCLUSION**

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



6.2 The recommendation to **grant** planning permission has been taken having regard to the policies and proposals in the development plan 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 an Agreement under Section 106 of the Town & Country Planning Act 1990 (as amended) to secure the following:

(i) The provision of on-site affordable housing as follows:

A total of four (4) affordable homes based on the following house type and tenure mix:

- 1 no. 2-bed, 4-person, 2-storey house (min 79m<sup>2</sup>) for social rent at plot # 4
- 2 no. 3-bed, 5-person, 2-storey houses (min 93 m<sup>2</sup>) for social rent at plots # 5 and # 6
- 1 no. 3-bed, 5-person, 2-storey house (min 93 m<sup>2</sup>) for shared ownership at plot # 7

(ii) A financial contribution of £56,831.24p towards the off/site POS provision and/or enhancement, and £51,164.36p towards the POS maintenance. The identified sites being:

Informal Recreational Open Space - Rangeworthy Community Woodland  
Natural and Semi-natural Open Space - Rangeworthy Community Woodland  
Outdoor Sports Facilities - Rangeworthy Recreation Ground  
Provision for Children and Young people - Rangeworthy Recreation Ground

(iii) A financial contribution of £1,500 towards the on-site provision and maintenance of a Fire Hydrant.

The reasons for this Agreement are:

(i) To provide affordable housing on the site in accordance with Policy CS18 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 and the Affordable Housing and Extra Care Housing SPD (Adopted) Sept. 2008.

(ii) To provide policy compliant levels of off-site play facilities for the residents of the development and ensure its maintenance costs are met for the prescribed period by the development and not the local authority and to accord with policy CS24 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013.

- (iii) To mitigate the demand due to increased population and to accord with Policy CS6 of The South Gloucestershire Local Plan Core Strategy Adopted Dec 2013

7.2 It is recommended that the Head of Legal and Democratic Services be authorised to check and agree the wording of the Agreement.

7.3 It is recommended that should the Agreement not be completed within 6 months of the date of any consent being granted; that delegated authority be given to the Director or Environment and Community Services to refuse the application.

**Contact Officer: Roger Hemming**  
**Tel. No. 01454 863537**

### **CONDITIONS**

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

Reason

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

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

Location Plan Drawing No. 100 received 1st Oct 2018

Site Layout Drawing No. 101 Rev A received 26th Nov 2018

Topographical Survey Drawing No. 806/8967/1 Rev A received 1st Oct 2018

Proposed Floor Plans - Type A (Plot 13) Drawing No. 110 received 1st Oct 2018

Proposed Elevations - Type A (Plot 13) Drawing No. 111 received 1st Oct 2018

Proposed Floor Plans - Type B (Plot 1) Drawing No. 120 received 1st Oct 2018

Proposed Elevations - Type B (Plot 1) Drawing No. 121 received 1st Oct 2018

Proposed Floor Plans - Type D (Plot 11) Drawing No. 130 received 1st Oct 2018

Proposed Elevations - Type D (Plot 11) Drawing No. 131 received 1st Oct 2018

Proposed Floor Plans - Type D (Plot 12) Drawing No. 132 received 1st Oct 2018

Proposed Elevations - Type D (Plot 12) Drawing No. 133 received 1st Oct 2018

Proposed Floor Plans - Type F (Plot 8) Drawing No. 140 received 1st Oct 2018

Proposed Elevations - Type F (Plot 8) Drawing No. 141 received 1st Oct 2018

Proposed Floor Plans - Type F (Plot 10) Drawing No. 142 received 1st Oct 2018

Proposed Elevations - Type F (Plot 10) Drawing No. 143 received 1st Oct 2018

Proposed Floor Plans - Type K (Plot 2) Drawing No. 150 received 1st Oct 2018

Proposed Elevations - Type K (Plot 2) Drawing No. 151 received 1st Oct 2018

Proposed Floor Plans - Type K (With Garage) (Plot 2) Drawing No. 152 received 1st Oct 2018

Proposed Elevations - Type K (With Garage) (Plot 2) Drawing No. 153 received 1st Oct 2018

Proposed Floor Plans - Type R (Plot 9) Drawing No. 160 received 1st Oct 2018  
Proposed Elevations - Type R (Plot 9) Drawing No. 161 received 1st Oct 2018  
Proposed Ground Floor - Types A2 & A3 (Plots 4-7) Drawing No. 170 received 1st Oct 2018  
Proposed First Floor Plan - Types A2 & A3 (Plots 4-7) Drawing No. 171 received 1st Oct 2018  
Proposed Elevations - Types A2 & A3 (Plots 4-7) Drawing No. 172 received 1st Oct 2018  
Proposed Elevations - Types A2 & A3 (Plots 4-7) Drawing No. 173 received 1st Oct 2018  
Proposed Garage Floor Plans (Plots 1 & 2) Drawing No. 180 received 1st Oct 2018  
Proposed Garage Elevations (Plot 8) Drawing No. 181 received 1st Oct 2018  
Proposed Garage Elevations (Plot 10) Drawing No. 182 received 1st Oct 2018  
Proposed Garage Elevations (Plot 12) Drawing No. 183 received 1st Oct 2018

Proposed Junction Layout and Visibility Splays Drawing No. 6461-SK03 received 26th Nov 2018

Vehicle Tracking Refuse Vehicle 11.3m Drawing No. 6461-SK01 Rev A received 26th Nov 2018

Drainage Layout Drawing No. 6461-SK02 Rev A received 26th Nov 2018

Landscape Layout Drawing no. C261-P-33 Rev A received 18th Dec 2018

Reason

For the avoidance of doubt.

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

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policies PSP8 and PSP21 of The Policies Sites and Places Plan (Adopted) 8th Nov. 2017 and the requirements of the NPPF.

4. The development shall not be brought into use until the access, car parking and turning areas have been completed in accordance with the approved plans and retained thereafter for that purpose.

Reason

To ensure the satisfactory provision of access, turning and parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policies PSP11 and PSP16 of the The Policies Sites and Places Plan (Adopted) 8th Nov. 2017 and Policy CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec.2013.

5. The access and visibility splays as indicated on the submitted Proposed Junction Layout and Visibility Splays Drawing No. 6461-SK03 received 26th Nov 2018 shall be

maintained in perpetuity and there shall be no obstruction between 0.9m and 2m above the carriageway within the visibility splay.

Reason

In the interest of highway safety and the amenity of the area, and to accord with Policy PSP11 of the The Policies Sites and Places Plan (Adopted) 8th Nov. 2017 and Policy CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec.2013.

6. Prior to the first occupation of the development hereby approved, full details to show the relocation of the existing bus stop (to the north of the site, northbound) to a position to the south of the site entrance with the details including the provision of raised bus borders shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall then be implemented prior to the first occupation of the development.

Reason

In the interest of highway safety and the amenity of the area, and to accord with Policy PSP11 of the The Policies Sites and Places Plan (Adopted) 8th Nov. 2017 and Policy CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec.2013.

7. The development hereby approved shall be constructed in full accordance with the submitted Drainage Strategy and the following plans:

- o 6461/02 A Engineering Layout
- o 6461/15 - Permeable Paving Plan
- o 6461/07-02 A Private Construction Details Sheet 2 of 2
- o 6461 Private Permeable Block Paved Driveways & Private Soakaways, Residential Development, Oakfield House, Rangeworthy - Operation & Maintenance Manual
- o 6461/01 Technical Note: Flood Risk Assessment Addendum Report December 2018
- o Micro Drainage - 6461 AREA1PP.SRCX (January 2019 Rev A)
- o Micro Drainage - 6461 AREA2PP.SRCX (November 2018)
- o Micro Drainage - 6461 AREA3PP.SRCX (November 2018)
- o Micro Drainage - 6461 AREA4PP.SRCX (November 2018)
- o Micro Drainage - 6461 AREA5PP.SRCX (November 2018)
- o Micro Drainage - 6461 AREA6PP.SRCX (January 2019 Rev A)
- o Micro Drainage - 6461 AREA7PP.SRCX (January 2019 Rev A)
- o Micro Drainage - 6461 AREA8PP.SRCX (January 2019 Rev A)
- o Micro Drainage - 6461 CRATE SOAKAWAY 1.SRCX (November 2018)
- Note Soakaway 1 dimensions 3m x 2.5m x 0.8m (7.5m<sup>2</sup> x 0.8m)
- o Micro Drainage - 6461 CRATE SOAKAWAY 2.SRCX (January 2019 Rev A)
- Note Soakaway 2 dimensions 3m x 6m x 0.8m (18m<sup>2</sup> x 0.8m)

Reason

In the interests of flood risk to accord with Policies CS1 and CS5 of The South Gloucestershire Local Plan Core Strategy (Adopted), Policy PSP20 of The Policies Sites and Places Plan (Adopted) 8th Nov. 2017 and the requirements of the NPPF.

8. The development hereby approved shall be carried out in accordance with the recommendations of the Submitted Arboricultural Survey, Impact Assessment and Protection Plan by Barton Hyett 26th July 2017.

Reason

In the interests of protected trees and the visual amenity of the area, to accord with Policies CS1 and CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013 and Policies PSP2 & PSP3 of The Policies, Sites and Places Plan (Adopted) Nov. 2017 and the Trees on Development Sites SPG (Adopted) Nov. 2005.

9. All works shall proceed in accordance with the Site Layout (dated August 2018), and the recommendations set out in Chapter 7 of the Extended Phase 1 Habitat Survey (Simecology, August 2018). Any deviation from the plan shall be submitted to the local planning authority for approval in writing.

Reason

In the interests of protected species and to accord with Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013 and Policy PSP19 of The Policies, Sites and Places Plan (Adopted) Nov. 2017.

10. Prior to the first occupation of the dwellings hereby approved, a "lighting design strategy for biodiversity" for the site shall be submitted to and approved in writing by the local planning authority. The strategy shall:
  - a. identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
  - b. show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority

Reason

In the interests of protected species and biodiversity of the site and to accord with Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013 and Policy PSP19 of The Policies, Sites and Places Plan (Adopted) Nov. 2017.

11. As per the approved plans all four Affordable Dwellings on plots 4 - 7 incl. shall be constructed to meet Part M of the Building Regulations accessibility standard M4(2).

Reason

To ensure inclusive design access for all in accordance with Policy PSP37 of the adopted South Gloucestershire Local Plan: Policies, Sites and Places Plan.

12. The development hereby approved shall be constructed in accordance with the noise mitigation measures outlined in the submitted Acoustic Report by Acoustic Consultants Ltd. Ref 7384/SL/BL Rev C, dated Feb 2019.

Reason

To protect the residential amenity of future occupiers and to accord with Policies PSP8 and PSP21 of The Policies Sites and Places Plan (Adopted) 8th Nov. 2017 and the requirements of the NPPF.

13. The development hereby approved shall be carried out in accordance with the materials details submitted 15th Jan 2019.

Reason

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

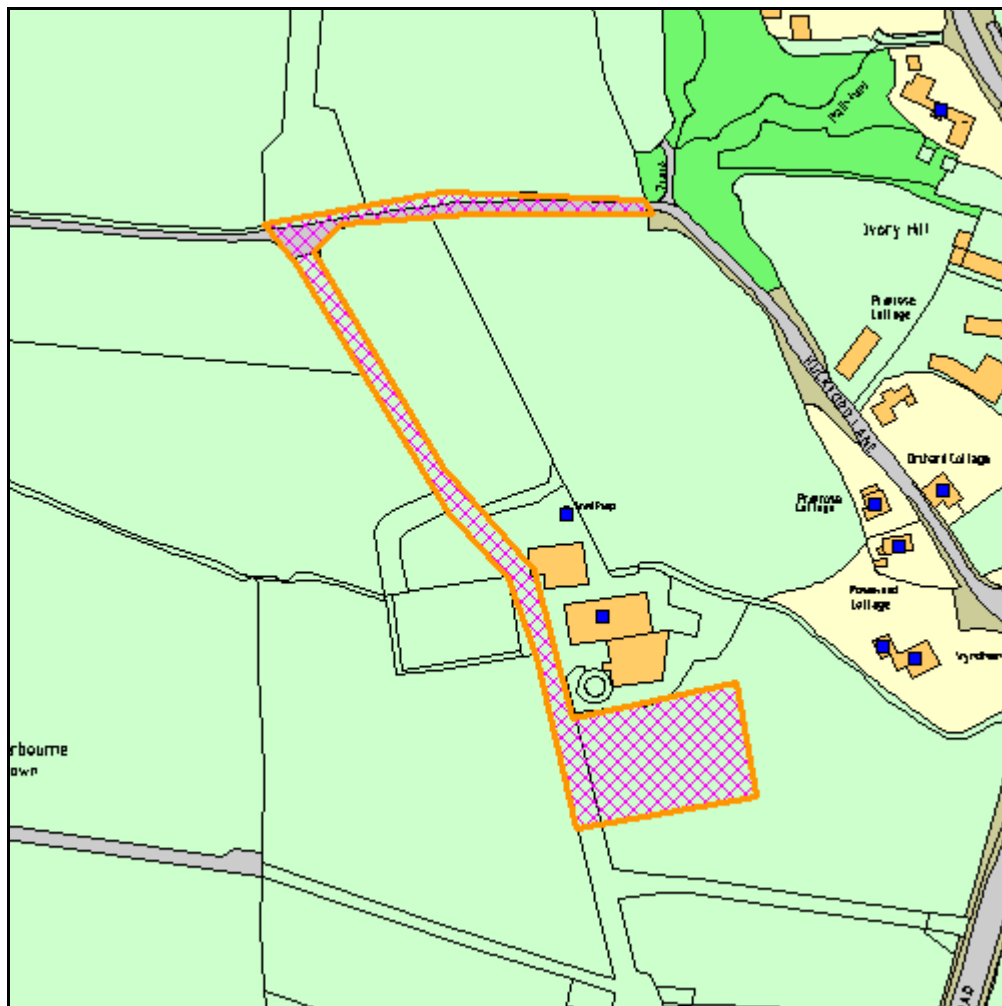
14. All hard and soft landscape works shall be carried out in accordance with the approved Landscape Plan Drawing No. C261-P-33 Rev A. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme to be agreed with the Local Planning Authority.

Reason

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

**CIRCULATED SCHEDULE NO. 08/19 – 22 FEBRUARY 2019**

<b>App No.:</b>	PT18/5185/F	<b>Applicant:</b>	Mr Phil Poole
<b>Site:</b>	Frome Valley Farm Badminton Road Winterbourne South Gloucestershire BS36 1AW	<b>Date Reg:</b>	29th November 2018
<b>Proposal:</b>	Erection of 1 no. rural workers dwelling with parking and associated works.	<b>Parish:</b>	Westerleigh Parish Council
<b>Map Ref:</b>	366242 179705	<b>Ward:</b>	Westerleigh
<b>Application Category:</b>	Minor	<b>Target Date:</b>	24th January 2019



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 100023410, 2008. **N.T.S.** **PT18/5185/F**

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

## **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

This application has been assessed as being a departure from the development plan. Under the Councils current scheme of delegation these applications are required to be referred to the circulated schedule, except when they are notified to the Secretary of State in which the resolution would be at Committee. This application is not required to be referred to the Secretary of State as it falls below the required threshold.

Given the above, this application is also subject to advertisement for 21 days. This advertisement period is currently ongoing and ends on 1<sup>st</sup> March 2019. Any comments which are received during this time will be taken into account following the circulated schedule procedure.

### **1. THE PROPOSAL AND SITE DESCRIPTION**

- 1.1 This application seeks full planning permission for the erection of 1no. permanent rural workers dwelling with parking and associated works at Frome Valley Farm, Winterbourne.
- 1.2 The application site relates to a piece of land adjacent to, and forming part of the established livery business. The site is located off Badminton Road, in the open countryside, within the Bristol and Bath Green Belt and outside any settlement boundary.
- 1.3 Outline consent was previously given for a rural workers dwelling at the site in 2017 (ref. PT17/1189/O). A subsequent reserved matters has not been submitted to the Council.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework (Feb 2019)  
National Planning Policy Technical Guidance

- 2.2 Adopted 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  
CS34 Rural Areas

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



PSP1	Local Distinctiveness
PSP2	Landscape
PSP7	Development in the Green Belt
PSP8	Residential Amenity
PSP16	Parking Standards
PSP40	Residential Development in the Countryside
PSP41	Rural Workers Dwellings
PSP43	Residential Amenity Space Standards

- 2.4 Supplementary Planning Guidance  
 South Gloucestershire Design Checklist SPD (Adopted) 2007  
 Residential Parking Standards SPD (Adopted) 2013  
 Development in the Green Belt SPD

### 3. RELEVANT PLANNING HISTORY

- 3.1 PT17/1189/O Approve with Conditions 18.08.2017  
 Erection of 1no. rural workers dwelling (Outline) with access, layout and scale to be determined. All other matters reserved.

Planning history for the wider Frome Valley Farm

PT02/0915/PNA Objection 08.04.2002  
 Erection of hay barn and construction of private way.

PT05/3245/F Refusal 27.02.2006  
 Erection of 2 no. barns for the storage of dry fodder and agricultural machinery.

PT06/2030/F Approve with Conditions 22.09.2006  
 Erection of 1no. barns for the storage of dry fodder and agricultural machinery.

### 4. CONSULTATION RESPONSES

- 4.1 Westerleigh Parish Council  
 No comment
- 4.2 Highway Structures  
 No comment
- 4.3 Lead Local Flood Authority  
 No objection, subject to informative.
- 4.4 Public Rights of Way  
 No objection
- 4.5 Open Spaces Society  
 No comments received
- 4.6 Landscape Officer  
 No comments received.

- 4.7 Sustainable Transport  
No objection, subject to conditions.

### **Other Representations**

- 4.8 Local Residents  
No comments received

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

The NPPF makes a presumption in favour of sustainable development and has placed a strong emphasis in respect of supporting economic growth in rural areas.

- 5.2 Paragraph 79 of the NPPF states that new isolated homes in the countryside should be avoided unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside. Policy CS5 of the South Gloucestershire Core Strategy is consistent with this setting out that in the open countryside development will be strictly limited.

- 5.3 In terms of local policy, PSP40 states that rural workers dwellings (in accordance with PSP41) as acceptable development within the countryside. PSP41 is supportive of new rural workers dwellings where the applicant can demonstrate that:

- 1) the dwelling is required to satisfy a clearly established existing functional need to live at the place of work or within the immediate area, which can't be met within the defined settlement boundaries; and*
- 2) the rural business has been established for at least three years, has been profitable for at least one of them, is financially sound, and has a clear prospect of remaining so; and*
- 3) the need could not be fulfilled by another existing dwelling or building capable of conversion on the unit, or any other accommodation or building capable of conversion in the area, which is suitable and available for occupation by the worker concerned; and*
- 4) the proposal(s) is satisfactorily sited in relation to the rural business and wherever possible, is sited within a hamlet or existing group of buildings.*

- 5.4 The site is located in the Green Belt where new buildings are considered to be inappropriate development unless they meet the criteria within the exception list. The new building is for residential purposes and therefore is assessed as not meeting any of these exceptions. As such, paragraph 143 of the NPPF sets out that the development would be inappropriate development in the Green Belt, which should not be approved except in 'very special circumstances'. The applicant has submitted 'very special circumstances' and this will be discussed in the assessment within this report.

- 5.5 Without strong justification to support a proposal, the introduction of new dwellings in the countryside are resisted by both national and local planning

policies. This justification takes the form of a business case describing the enterprise along with the current buildings and services used. A financial appraisal establishes if the business is a profitable concern and one that is likely to continue in the future. Based on the information provided, an assessment of functional need would be made to prove that workers are needed on site and for 24 hours a day, for animal welfare reasons. A planning assessment continues with regard to other detailed matters.

#### **5.6 The Need for the Development**

It is necessary to assess whether or not there is a genuine need to provide a dwelling on the site in order to support the livery business. The previous application at this site established that there was a genuine need to support the livery business. Given the time elapsed since the previous outline consent, and the additional details submitted, it is considered appropriate to re-consider whether there is still a genuine need.

5.7 Under this application the applicant has provided some information which describes the business, the farm buildings, the land holdings, labour requirement, the functional need and financial records. Given the potential complexity of these type of applications, it is the recognised practice for the Local Planning Authority to engage an independent assessor to scrutinise the applicant's case and provide advice accordingly. The findings of this independent assessment are summarised below.

#### **5.8 *Business Description***

The applicant purchased Kendleshire Farm adjacent to Frome Valley Farm in October 2000. As a former racing yard the holding extended to 26 acres (10.5 hectares), originally comprising land and 15 stables. Since then the following expansion has resulted:

- 2001 – Purchased additional 36 acres (14.5 hectares) - Frome Valley Farm
- 2003 - American barn comprising 15 stables, tack room and toilet facilities
- 2003/4 – Manege and horse walker
- 2004 – 4 external stables and tack room
- 2005 – 6 stables, tack room and workshop

5.9 Operating now over 62 acres (in addition to a further 10 acres rented), the business is based on the provision of 40 stables split over a higher yard (15 stables at formerly Kendleshire Farm) and 25 stables on the lower (second) yard. Previously all DIY stables, the facility is now based on 4 private stables, 15 full liveries and the remainder DIY liveries. A total of 2 stables are currently vacant. The preference is to replace the DIY livery with more full livery and schooling in the future. It is also understood that the applicant is in the process of preparing a planning application for a large building for the storage of bedding/dry feed (this would be subject to planning permission)

#### **5.10 Evaluation of the Business in terms of Para 79 of the NPPF and PSP41**

Since the previous application the government has introduced some revisions to the NPPF. The Council have also adopted the Policies, Sites and Places Plan which includes a specific policy for rural workers dwellings (PSP41). The primary issue in relation to this application and the NPPF policy is whether

there is an essential need for residential accommodation in association with the rural business at Frome Valley Farm.

5.11 *Functional Need*

A functional test is needed to understand what it is about the running of the business that requires someone to be present most of the time. This need must relate to the business based on the stocking and cropping requirements and not the personal needs of those running the business. In this case, given the livery nature of the activities concerned and the regularly stabling of horses, the rural surveyor considers that there is an accepted functional need in principle based on animal welfare grounds.

5.12 It is both the nature and extent of the activities which determine whether the need justifies an on-site presence. In this case the standard labour calculation indicates a requirement for more than 3 full time equivalent labour units and therefore a business of some scale. Overall, given the horse numbers and the focus more on full livery contracts, the rural surveyor is content that the overall need for on site accommodation can be justified.

5.13 *Financial Viability*

Whilst there is no specific requirement in the NPPF for the viability of the business to be considered, it is reasonable to undertake a financial test to assess the wider sustainability of the proposal, particularly given the application relates to a permanent dwelling.

5.14 Confidential financial details were made available to the rural surveyor for the past 3 years. In each of those years an acceptable level of profit was achieved. Whilst the surveyor had no forward projections, based on the information available, they were content that the business satisfies the test in principle.

5.15 *Other Accommodation*

There are currently two units of accommodation on the holding; a one bed conversion on the top yard, which is considered too small to meet the needs of a principle dwelling, and the caravan sited on the lower yard, the latter of which currently provides accommodation for the applicant and would be replaced with the permanent dwelling, subject to planning permission being granted.

5.16 Otherwise, a housing market search has indicated that there is currently no accommodation in the vicinity available for rent or purchase which could potentially be suitable to meet the need.

5.17 *Size and Siting*

The siting of the proposed permanent dwelling is on the lower yard adjacent to one of the stable buildings. The rural surveyor is therefore content that the position is acceptable and within close proximity to meet the identified functional need.

5.18 As part of the previous outline application, the scale of the development was of some concern to the rural surveyor. This application is for the provision of a two storey, 3no. bedroom dwelling with an ancillary office space. The applicant has informed the rural surveyor that they place to project manage and source

materials. This will reduce the overall build cost, and on balance the rural surveyor is content that the scale of the structure meets the identified functional need.

5.19 **Is there an essential need for a key worker to live at or near to the place of work in the countryside?**

The case has been assessed under the guidance as laid out in paragraph 79 of the NPPF as well as policy PSP41. On balance, the rural surveyor considers that the key tests relating to functional need and financial sustainability are satisfied and that the case for a permanent dwelling can be supported.

5.20 **Green Belt**

Notwithstanding the above, the site is within part of the Bristol and Bath Green Belt. Paragraph 145 of the NPPF sets out that the erection of new buildings in the Green Belt should be regarded as inappropriate development. Having said this it states that there are a number of exceptions to this, as follows;

- buildings for agriculture and forestry
- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries
- extension of an existing building
- replacement of a building
- limited infilling in villages
- limited infilling or the partial or complete redevelopment of previously developed site

5.21 The proposal for a new dwelling does not meet any of the exceptions above and as such is considered to be inappropriate development within the Green Belt. Paragraph 143 of the NPPF sets out that inappropriate development, is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances'. Paragraph 144 goes on to state that '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.

5.22 The case, along with the rural surveyors report have been used to conclude that there is a functional need to justify an agricultural workers dwelling on this site. It is considered that this need would constitute 'very special circumstances' which outweigh the potential harm to the Green Belt. Given the above, and the nature of the development, it has been advertised as a departure from the development plan. It should be noted that it falls below the required threshold to be referred to the Secretary of State.

5.23 **Design, Visual Amenity and Landscape**

The area surrounding the site is rural in character with groups of dwellings surrounded by open fields and woodlands. The nearest dwellings are those along Huckford Lane, approximately 100 metres to the north east. These dwellings have a varied character with some modest bungalows and cottages alongside extended properties. Materials generally comprise stone and render elevations with timber/upvc windows.

- 5.24 It is proposed that the dwelling would be two storey with feature gables to front and rear elevations. It would also have single storey elements and a glazed balcony feature. Plans show that its materials would comprise facing local stone alongside some render and upvc fenestrations. These details are generally considered acceptable and do reflect aspects of local distinctiveness. However, given the sensitive nature of the site it is recommended that a condition is imposed to ensure details of materials are agreed.
- 5.25 In terms of landscaping, the site is located within the open countryside and the green belt. Whilst the area has a rural character there is a large amount of equestrian activity which has resulted in sub-division of fields and other paraphernalia. The site is open to views from Badminton Road. No information has been submitted in relation to landscaping at the site (including boundary treatments and additional planting). It is recommended that a condition is imposed to require a landscaping scheme to ensure that sufficient screening measures are proposed.
- 5.26 Residential Amenity  
The site is located within an established livery enterprise and would be over 80 metres from the nearest residential property. In terms of the future occupiers, all living spaces would be provided with sufficient natural light and outlook. The private amenity space is shown on the plans submitted. The property would have 3 bedrooms. PSP43 sets out that for this number of bedrooms at least 60m<sup>2</sup> of private amenity space should be provided. Plans show that private amenity space would be well in excess of these standards and is considered acceptable.
- 5.27 Transportation Matters  
It is proposed that the dwelling would utilise an existing access off Huckford Lane. The Highway Authority note there has been no traffic related collisions at the Huckford Lane/Badminton Road junction in the last five years and that the influence of the proposed dwelling is unlikely to detrimentally affect road safety. The access is therefore considered acceptable.
- 5.28 In terms of parking provision, PSP16 sets out that for a 3 bedroom property at least 2no. off-street parking spaces should be provided. Plans show that 2no. parking spaces would be provided off the private drive. The Highway Authority have reviewed this arrangement and consider it acceptable, as such, no objection is raised to these matters. It is recommended that a condition is imposed to ensure that the parking is completed and made available prior to occupation of the dwelling.
- 5.29 Equalities  
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general

equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

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

5.31 Overall Conclusion

This assessment has found that there is a functional need to justify an agricultural workers dwelling on this site. It is considered that this need would constitute 'very special circumstances' which outweigh the potential harm to the Green Belt. Further to this, whilst the development would be located within the open countryside; it has been demonstrated that there is an essential need for a rural worker to live permanently at or near their place of work in the countryside. The development therefore complies with Para 79 of the NPPF as well as PSP40.

5.32 In terms of detailed matters subject to details agreed by condition, matters relating to design, visual amenity, landscape, residential amenity and highway safety are considered acceptable.

5.33 Given the above, no objection is raised on balance, and the application is recommended for approval.

## 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 Policies, Sites and Places Plan (Adopted) November 2017 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 **GRANTED** subject to the conditions set out below.

**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 a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting (and times of planting); boundary treatments and areas of hardsurfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

Reason

To ensure a satisfactory standard of external appearance and to protect the character of the surrounding area to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

3. The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, at the livery business at Frome Valley Farm, or a widow or widower of such a person, and to any resident dependants.

Reason

The site is not in an area intended for development and the development has been permitted solely because there is a functional need to accommodate a person working in a viable rural business, to accord with Policy CS5 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP7, PSP40 and PSP41 of the South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2017; and the National Planning Policy Framework.

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

Reason

To ensure that the accommodation is limited to that commensurate with the established need, in the interests of the visual amenity of the area and to protect the openness of the Bristol / Bath Green Belt and to accord with Policy CS1, CS5 and CS34 of the South Gloucestershire Core Strategy (Adopted) December 2013; Policy PSP1, PSP2 and PSP7 of the South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework.

5. Prior to the relevant stage of development details of the roofing and external facing materials proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details



Reason

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

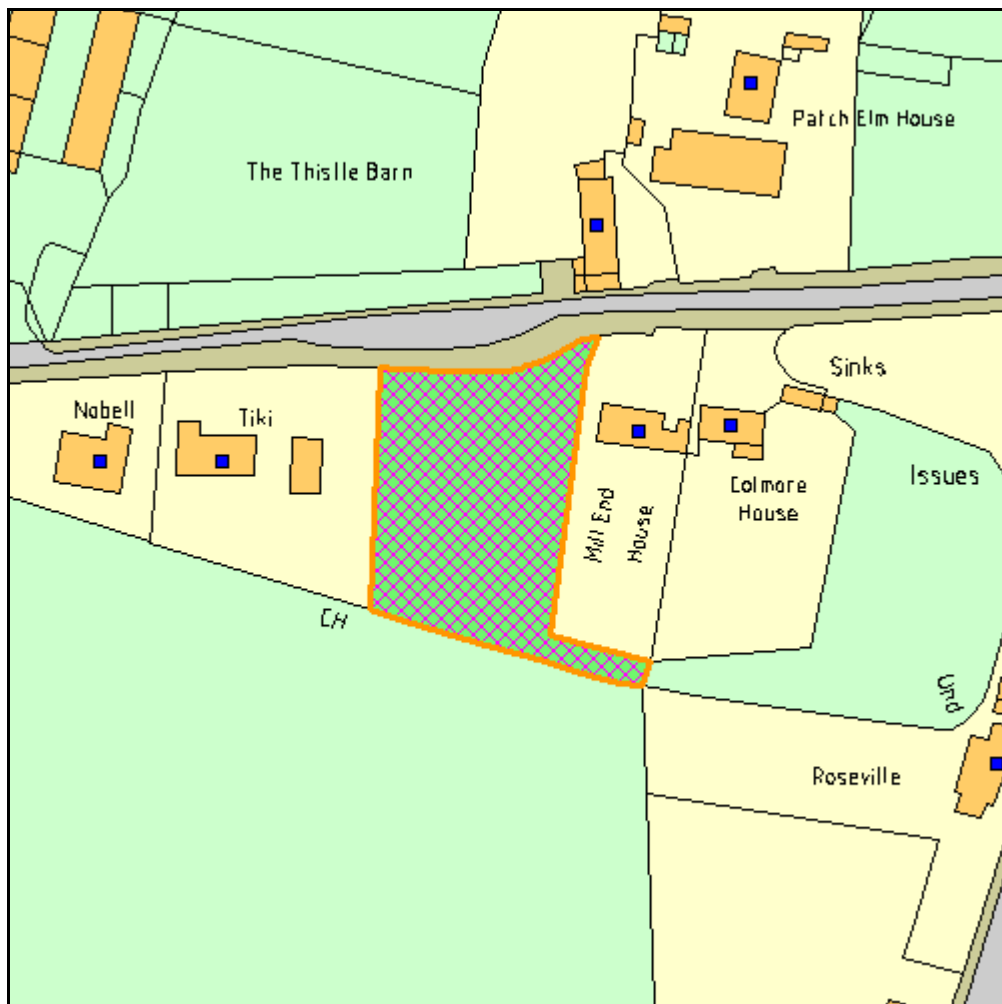
6. Prior to the first occupation of the dwelling hereby approved, the vehicular parking provision shall be completed and made available in accordance with the Site Location and Block Plan (dwg no. 104, received 29th November 2018) and retained thereafter for that purpose.

Reason

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

**CIRCULATED SCHEDULE NO. 08/19 – 22 FEBRUARY 2019**

<b>App No.:</b>	PT18/5334/F	<b>Applicant:</b>	Mr Dan/Nicola Tily/Friend
<b>Site:</b>	Land Adjacent To Mill End House Patch Elm Lane Rangeworthy Bristol South Gloucestershire BS37 7LT	<b>Date Reg:</b>	26th November 2018
<b>Proposal:</b>	Demolition of existing storage shed. Erection of 1no. dwelling and detached garage with access, parking and associated works. (resubmission of PT18/3044/F)	<b>Parish:</b>	Rangeworthy Parish Council
<b>Map Ref:</b>	368904 185285	<b>Ward:</b>	Ladden Brook
<b>Application Category:</b>	Minor	<b>Target Date:</b>	17th January 2019



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

## **CIRCULATED SCHEDULE**

This application appears on the Circulated Schedule following objection comments from The Parish Council and from local residents.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission for the demolition of an existing storage shed and the erection of a 6 bed dwelling with associated works. The application site refers to a field along Patch Elm Lane in Rangeworthy. It lies outside the village boundary and therefore in open countryside. It is also within the Bristol and Bath Green Belt.
- 1.2 It is noted this site benefits from outline planning permission for one new dwelling where access, scale, siting and appearance were considered. This application is independent of that scheme, is a full application for a larger single property.
- 1.3 This scheme follows a withdrawn proposal for a large 6 bed dwelling and plans show the scheme has been reduced following Officer comments at that time.
- 1.4 It is noted that since the submission of this application South Gloucestershire Council is able to demonstrate a 5 year land supply of housing and all policy related to housing holds full weight. Nevertheless the extant permission is a material consideration and therefore in essence this scheme must compare the existing permission with the proposed.
- 1.5 During the course of the application the applicant has submitted revised plans to show that the height of the proposed new dwelling would match the height of the approved outline scheme.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework July 2018  
National Planning 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
CS18	Affordable Housing
CS34	Rural Areas

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP5	Undesignated Open Spaces
PSP7	Development in the Green Belt
PSP8	Residential Amenity
PSP10	Active Travel Routes
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP18	Statutory Wildlife Protection
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water, and Watercourse Management
PSP21	Environmental Pollution and Impacts
PSP22	Unstable Land
PSP37	Internal Space Standards
PSP38	Development within Existing Residential Curtilages
PSP39	Residential Conversions, Subdivision, and HMOs
PSP40	Residential Development in the Countryside
PSP41	Rural Workers Dwellings
PSP42	Custom Build Dwellings
PSP43	Private Amenity Space Standards

2.3 Supplementary Planning Guidance

Trees on Development Sites SPG (Adopted) Nov. 2005.  
 South Gloucestershire Design Checklist (Adopted) 2007)  
 South Gloucestershire SPD: Residential Parking Standards (Adopted) 2013  
 South Gloucestershire Landscape Character Assessment (Adopted) 2014 LCA  
 9: Tytherington Plain

**3. RELEVANT PLANNING HISTORY**

3.1	PT18/3044/F	Demolition of existing storage shed and erection of 1 no 6 bedroom dwelling with associated works.
	Withdrawn	5.9.18
3.2	PT17/2222/O	Demolition of existing storage shed. Erection of 1 no. new dwelling with garage (outline) with access, appearance, layout and scale to be determined, all other matters reserved.
	Approved	4.9.17

3.3	P87/1745 Refused	Use of land for stationing of mobile home for occupation by dependant relatives. 24.9.87
3.4	P86/1786 Refused	Erection of detached bungalow. Construction of vehicular access. (Outline) 7.9.86
3.5	P84/1917 Refused	Erection of two dwellings and construction of new vehicular and pedestrian access (outline) 25.7.84
3.6	N343/3 Refused	Erection of dwelling and garage. Construction of new vehicular access. (Outline). 21.10.82
3.7	N343/1 Refused	Erection of five detached dwellings and garages; construction of vehicular and pedestrian accesses (outline). 15.6.78

#### 4. **CONSULTATION RESPONSES**

##### 4.1 Rangeworthy Parish Council

###### Objection:

The Parish do not believe there have been any material changes to the plans submitted under application PT18/3044/F and would therefore repeat their objections:

- o Proposed development is within designated Green Belt and as such is considered to be out of keeping with such a situation.
- o The applicant refers to the site as a brown field site this is incorrect. The site has historically been used as a paddock for the grazing of animals.
- o The proposed development is outside of the settlement boundary.
- o Over-development of the site the size and proportion of the dwelling is considered to be far too big and tall for the size of the site and out of keeping with the rest of the street scene.
- o Lack of detailed information contained within the application documents - no dimensions or materials were identifiable. As this is a Full application the Parish Council believe that more detailed information should be provided.
- o The windows on the west and east elevations would overlook adjoining properties.
- o The application does not reference the close proximity of the Patch Elm stream watercourse.
- o Additional pressure on an already at-capacity sewer system. Residents on Patch Elm Lane continue to suffered serious issues of sewerage backing up into their properties because of overcapacity. The existing sewer pipe is only 8 inches in diameter and due to the gradient of the Lane requires pumping. The Parish Council consider that an additional 6-bedroomed property would add to the existing problem.
- o Access/Egress from Patch Elm Lane. SGC will be aware that Patch Elm Lane is a poorly maintained single-track lane and the Parish Council considered that

- a 6-bedroomed development and the resultant extra vehicles would significantly increase the number of traffic movements along the lane. Repairs to Patch Elm Lane are due to be affected within the next five years. There is poor visibility at the junction of Patch Elm Lane and the B4058.
- o Should SGC be mindful to grant planning permission, the Parish Council would request that a condition be placed on the permission prohibiting it from being sub-divided in future years.
  - o Rangeworthy Parish Council wish to reiterate that over the past four years forty-nine additional houses have been built or granted permission within the Parish. The Parish Council would also point out that over the past forty years numerous application for housing development along Patch Elm Lane have been made which have previously been refused

### **Internal Consultees**

4.2 Highway Structures  
No comment

4.3 Landscape  
No objection subject to a landscape plan to show the full extent of replacement planting.

4.4 Archaeology  
No comment

4.5 Ecology  
No objections subject to a condition.

### **External and Statutory Consultees**

4.6 Highway Transport  
No objection subject to conditions regarding access, car and cycle parking

4.7 Drainage  
No objection subject to informatives -  
Proposed works may require a Flood Risk Activity Environmental Permit from the Environment Agency as the watercourse/ditch is classed as Main River. Wessex Water to be consulted for comment on the foul drainage proposals for the site.

### **Other Representations**

4.8 Local Residents  
Letters of objection have been received from 2 local residents. The points raised are summarised as:

#### **Design and scale**

- Size, design and height will be very impactful and incongruous. Modest bungalow is the only acceptable design
- The building will dominate the bungalow next door
- Roof looks to provide plenty of scope for future extension

- To the detriment of visual amenity

#### Residential Amenity

- Adjoining properties will lose peace and tranquillity
- Condition to ensure no windows in east or west elevations

#### Drainage

- Concerns the existing drainage system would not cope and septic tanks should be considered

#### Green Belt

- Green Belt and outside settlement boundary – sets a precedent. Numerous planning applications refused in previous years why are planning officers ignoring green belt and settlement constraints?
- More than fifty permissions granted in the village during the last 4 years none in Green Belt so plenty of alternative sites – no need to encroach in Green Belt

#### Transport

- More traffic as the children grow and obtain cars
- State of Patch Elm Lane is deplorable – road repairs have been promised sometime in the next 5 years. Construction traffic will exacerbate problems.
- Lane unsuitable due to inadequate width and sub-standard visibility splays
- Lane is single track, no verge and frequently congested with parked cars – situation will only get worse

#### Other

- Recent changes to planning system have devolved most decisions to an unelected council officer. Recent history suggests that little notice has been taken of individual comments or those of the elected Parish council and decisions do not seem to follow any existing guidelines.
- Mill End House is mentioned in the details but is simply the adjacent plot – the owner has no connection with the proposed development.
- No correspondence concerning the site should be sent to this address in future
- Badgers have been observed on the site

## **5. ANALYSIS OF PROPOSAL**

5.1 The applicant seeks full planning permission for the demolition of an existing storage shed and the erection of a 6 bed dwelling with associated works.

### 5.2 Principle of Development

The application stands to be assessed against the above listed policies and all material considerations. Of relevance is the extant planning permission granted for a single 4 bed dwellinghouse on this site under PT17/2222/O in September 2017.

5.3 The site is located within the Bristol/Bath Green Belt, outside any settlement boundary and given the increase in the size of the proposed building over that recently approved, the Green Belt assessment under both national and local

planning policy is of importance. PSP40 lists the limited type of development that is acceptable in the countryside and Policy CS5 notes that development within the open countryside will be strictly limited. Similarly, Policy PSP2 and CS34 aims to protect the countryside and the designated Green Belt from inappropriate development which adversely affects its natural beauty. Other pertinent matters include the impact on the landscape, impact on transport and on residential amenity.

#### 5.4 Five year land supply

As stated under Paragraph 73 of the NPPF, Local Planning Authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. South Gloucestershire's Core Strategy was adopted December 2013, therefore the strategic policies are more than 5 years old. The 5 years supply is therefore assessed against local housing need. Paragraph 73 requires that the supply of specific deliverable sites includes a buffer, in this case in accordance with paragraph 73 and footnote 39 of the NPPF as South Gloucestershire has delivered at least 85% of its housing requirement (in fact it has delivered 131%) and therefore, a 5% buffer to ensure choice and competition in the market for land is appropriate

5.5 For the purposes of decision-taking, the NPPF states that development proposals that accord with an up to date development plan should be approved without delay. Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date the application of a tilted balance should be applied whereby planning permission should be granted unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or 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. The NPPF explains that the most important policies for determining the application will be out of date if a local planning authority does not have a five year supply of housing calculated as set out in the NPPF. It is the Council's case that South Gloucestershire Council does have a five year supply when it is calculated in accordance with the NPPF and therefore the tilted balance does not apply in this application.

5.6 Given the above, policies relating to housing such as CS5 and PSP40 are considered up to date and attract full weight.

#### 5.7 Green Belt

The aim of both national and local Green Belt policy is to protect this special area from inappropriate development. The NPPF declares that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraphs 145 and 146 sets out exception categories where the construction of new buildings within the Green Belt should be considered to be appropriate development. One of these exception categories is '*limited infilling in villages*'.



- 5.8 The Council's Development in the Green Belt SPD states that infill development is defined as '*development that is small in scale and which fits into an existing built up area in a defined settlement boundary, normally in between existing buildings in a linear formation.*' The definition of infill development within the Core Strategy also states the same criteria.
- 5.9 The previous application argued the site could be regarded as being within a village setting and because of being a single house, was also limited development. However, it is noted that at the time the Council was unable to demonstrate a five year land supply and being located outside a settlement boundary was not considered to be a limit to new development.
- 5.10 Since December 2018, the Council has been able to demonstrate a five year land supply and as such development is directed to within settlement boundaries. The proposed development would be outside a settlement boundary and therefore not within a village and under these terms would not comply with Green Belt policy.
- 5.11 However, the extant permission plus the intact permitted development rights are material to this particular case. They would be regarded as the very special circumstances required to argue and demonstrate the acceptability of the new dwelling proposed here.
- 5.12 The extant planning permission is the fall back situation. This means the approved house could be built and furthermore, could be substantially added to given that permitted development rights for that dwelling were not removed. Permitted development regulations allow for a large variety of extensions and additions to existing dwellinghouses, the outcome of which can be very large properties. If a house benefits from having its full permitted development rights in tact then development can proceed but often the resulting development can be visually disappointing. Extensions of between 30% and 50% can be acceptable in Green Belt terms. Such extensions to the dwelling could be undertaken without the need for planning permission and could include both single and two storey additions to the house along with other structures within the curtilage. By these means, development on site could result in a house of similar if not larger size to the one being assessed here.
- 5.13 The benefit of this scheme is that a larger house is being considered at this time as a whole rather than a fragmented development. This is an important consideration. It is considered a betterment for the opportunity to assess a larger house as a single consolidated scheme rather than on an ad-hoc basis which would be the case if permitted development rights were implemented once the house was substantially built out. Permitted development rights would be removed under this application to prevent inappropriate development.
- 5.14 Given the above, it is considered that this particular scheme exhibits the very special circumstances required to demonstrate that the harm to the Green Belt by reason of inappropriate development has been made.

5.15 Loss of agricultural land

The site has been referred to as being 'brownfield land'. However, the plot is a field with a small shed in one corner. Although it has been stated that the field has in the past been used as a paddock Officers can find no planning history and the assumption must be that the land retains its original agricultural designation. The previous Officer report concluded that the likely classification of the land is Grade 3 which is "moderate quality agricultural land with severe limitations which significantly restrict the range of crops and/or level of yields.

- 5.16 Guidance within the NPPF advises that valued landscapes should be protected or enhanced and the intrinsic character and beauty of the countryside and the benefits of the best and most versatile agriculture land should be recognised. Given the quality of the land does not fall into the highest and most prized bracket there would be no objection to its change of use for residential purposes.

5.17 Character of the Area

The application site is a field in between Mill End House, a two-storey property and Tiki, a single storey dwellinghouse. Much of the existing development in Rangeworthy forms a '*linear formation*' stretching along the main B4058 road through the village. The main concentration of housing is around New Road but other pockets off the main road such as on Patch Elm Lane and along Manor Road indicate separate groupings of houses in the area. Patch Elm Lane is a mixture of housing and as houses progress further away from the main road, away from the more built-up area of Rangeworthy and into the countryside, the properties become single storey. Mill End House is the last two-storey dwelling; houses beyond this are single storey.

5.18 Design and Visual Amenity

The closing of the gap between Mill End House and Tiki has been established under the previously approved scheme PT17/2222/O. However, detailed negotiations between the applicant and the LPA took place to secure an appropriate new dwelling in this location and one that would respect and complement both its Green Belt location and its position in between two existing properties. It followed that an acceptable dwelling was one which had a ridge height not too dissimilar to that of Mill End House.

- 5.19 It is acknowledged that this proposed dwelling would be larger than the extant approved dwelling. During the course of the application the applicant has agreed that the height of the new house should match that of the extant permission and plans will be conditioned to secure this. The interesting and varied roofline will also break up the perceived height and is an improvement on one with, perhaps, a continuous ridge line. The block plans indicate a main two storey element with an infill single storey to the rear, plus a single storey wrap around. Four bedrooms will be accommodated on the first floor and two more in the ground floor rooms. Other main rooms on the ground floor include a large living/family/kitchen plus a separate snug. The property would present an interesting and varied design including gables, which are found along this road. The choice of appropriate materials will help a successful integration into the street scene and this would form part of the conditions. Included in the

- application is a double garage and bin store. Both are of an appropriate size and again materials would be conditioned.
- 5.20 Although this would be a large property, in terms of the plot size and the character of the area where some of the houses have large gardens, the proposed dwelling would not be out of place in this location.
- 5.21 The proposed development would represent high quality design and would therefore accord with Policy CS1, PSP1 and the NPPF.
- 5.22 Residential Amenity  
The proposed house would be situated within a good size plot and the amount of residential amenity space available would meet the standards set out under adopted Policy PSP43.
- 5.23 The impact on closest neighbours must be addressed and a comment has been received by the LPA expressing concerns that the neighbouring properties would be overlooked. The proposed first floor side window in the west elevation would serve a bathroom and would be obscurely glazed. Given the distance from the bungalow, and also being separated by a garage, there would be no inter-visibility resulting from this window, but a condition will ensure that the window is obscure glazed and non-opening below a certain height. Openings on the first floor east elevation would be for a small window serving a dressing room and another serving an en-suite. Due to the orientation of the existing house next door, it is reasonable to include a similar condition with regards to the windows being obscurely glazed and non-opening below a certain height. This would ensure the privacy of the next door neighbours.
- 5.24 Given the above the scheme accords with adopted policy and can be supported.
- 5.25 Sustainable Transport  
The existing access into the field would be used as the access for the new proposed new dwelling. Although the proposed house would be larger than the extant permission, the access is considered acceptable for the purposes of the amount of traffic movement that would be generated from a single dwelling. Sufficient off-street parking and on-site manoeuvring can be achieved.
- 5.26 The condition of the lane has been given as an objection to this planning application but it is understood that repairs are already scheduled. The existing situation would therefore not be something that can be included in this assessment, and furthermore, the introduction of one new dwelling in this lane would not result in such an adverse situation sufficiently severe to warrant a refusal. Other comments have mentioned the increase in traffic when children grow – this is conjecture and not something that can be taken into consideration here.
- 5.27 Environment Agency and Drainage issues  
Patchelm Stream runs to the north of the application site which the existing access crosses over. It is identified as a main river on the Environment

Agency's main rivers map. Any works in, over, under or within 8 metres of the Patchelm Stream, including any works to, for example, update the access may require a Flood Risk Activity Permit from the Environment Agency. This is over and above the requirement for planning permission.

5.28 Existing drainage problems have been identified by neighbours and these are noted. However, Drainage Engineers have assessed the scheme and conclude that one additional house would not have an unacceptable impact on the drainage system serving this lane. It must further be noted that under the extant permission no objection was raised by Drainage Engineers. It is suggested that Wessex Water be consulted and this would form part of the informatives attached to the decision notice.

5.29 Landscape

*"The Tytherington Plain landscape character area is a flat open area of agricultural land, rising gently at the boundaries, divided by a regular framework of hedges and ditches, influenced by a number of powerlines".* LCA.

5.30 Patch Elm lane is made up of dispersed and randomly arranged dwellings of varying age and character. The site itself appears to be the last remaining paddock in the Green Belt on the south side of the lane. The existing dwellings here have an openness to their plots, some with wide green corridors.

5.31 It is considered that a well presented landscape scheme, one that enhances the setting of the development and contributes to the amenity of the wider landscape and public realm could mitigate against the harm of introducing a residential dwelling to this plot. A full landscape planting plan would therefore be required to show the full extent of the replacement planting, in mitigation for the area of existing vegetation removed. Site trees are required in mitigation for the loss to the site, by the proposed construction of a dwelling. All boundaries should be planted with native species hedgerows, to include for hedgerow trees. All planting should be to increase the biodiversity of the site, with consideration to bees. All planting should be native species and look to enhance and increase and link, the wider biodiversity of the site and the wider landscape. Details would need to be provided by a suitable qualified professional.

5.32 Ecology

The previous application was accompanied by an Extended Phase 1 habitat Survey Report (IES Consulting, Oct 2016). This survey is considered to be still current and an appropriate condition was attached to the granted permission. Some details have been included with this application such as the locations and type of the bird and bat boxes and location and construction of the hibernaculum. There are no objections subject to a condition that development shall be in accordance with the approved plans and habitat survey.

5.33 Impact on Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. As a result of that Act the public sector Equality Duty came into force. Among other things, the Equality Duty requires that public bodies to have due regard to the need to: eliminate discrimination;

- advance equality of opportunity; and, foster good relations between different groups when carrying out their activities.
- 5.34 Under the Equality Duty, public organisations must consider how they could positively contribute to the advancement of equality and good relations. This should be reflected in the policies of that organisation and the services it delivers.
- 5.35 The local planning authority is statutorily required to apply the Equality Duty to its decision taking. With regards to the Duty, the development contained within this planning application is considered to have neutral impact.
- 5.36 Other Matters  
A number of matters raised from the consultation responses have not been addressed in the main body of this report. These will be considered below.
- 5.37 Setting a precedent: It has been stated that planning history for the site shows a consistent set of refusals for new dwellings here. The decisions relate to applications made some time ago and this present scheme, and the previously approved scheme, were assessed under current adopted national guidance and local planning policy. It is not unreasonable for situations to change over time and for different conclusions to be reached, however, each case is assessed on its own merits and the positives and negatives of every instance weighed up to reach the overall conclusion.
- 5.38 Planning Balance  
The extant permission for a single dwellinghouse on this site is acknowledged and this is the fall-back position for the applicants. That permission granted outline where access, siting, scale and appearance were considered. The introduction of a new dwelling in this location was considered acceptable and was deemed to accord with one of the exception tests of Green Belt i.e. *limited infilling in a village*. This current application is also for a single dwelling but one which occupies a much larger footprint. However, it is noted that the extant planning permission has intact permitted development rights and as such by exercising these rights a house of similar size, if not larger than the one proposed here could be achieved. The advantage of this application is that the scheme is being considered in an holistic way rather than a piecemeal one which would be the case if development occurred under permitted development. For these reasons the scheme can be supported.

## 6. CONCLUSION

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

Sites and Places Plan (Adopted) November 2017 set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

- 7.1 It is recommended that the application is **APPROVED** subject to the conditions written on the decision notice.

**Contact Officer: Anne Joseph**  
**Tel. No. 01454 863788**

## **CONDITIONS**

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

Reason

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

2. The development shall proceed in accordance with the following approved plans:

As received by the Council on 11.2.19:

Proposed floor plan and elevations - 1810-02 Rev C

As received by the Council on 13.2.19:

Existing survey - location plan and proposed block plan - 1810-01 Rev D

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; Policy PSP7 of the South Gloucestershire Policies Sites and Places Plan (Adopted) 2017 and the National Planning Policy Framework.

3. The development shall be completed in accordance with the details shown in the Existing Survey, Location Plan & and Proposed Block Plan (Dwg. No. 1810-01 rev. D) and Section 4 of the Extended Phase 1 habitat Survey Report (IES Consulting, Oct 2016). This includes the hibernaculum design, bird and bat box details and locations, vegetation details, avoidance of harm to badgers, reptiles and European hedgehog and timing of works regarding breeding bird season.

Reason

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

4. The dwelling shall not be occupied until the access, car and cycle parking have been provided in accordance with the submitted details.

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) 2013; Policies PSP11 and PSP16 of the South Gloucestershire Policies Sites and Places Plan (Adopted) 2017 and the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013.

5. The dwelling shall not be occupied until facilities for charging plug in or other ultra-low emission vehicles has been provided in accordance with details to be submitted to and approved by the Local Planning Authority.

Reason

To encourage means of transportation other than the private car, to promote sustainable transport choices and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the South Gloucestershire Residential Car Parking Standards SPD (Adopted) 2013.

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

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP7 of the Policies Sites and Places Plan (Adopted) 2017 and the National Planning Policy Framework.

7. Prior to the first occupation of the dwelling hereby permitted, and at all times thereafter, the proposed first floor windows on the side elevations 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 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.

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

Reason

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

2013; PSP7 of the Policies Sites and Places Plan (Adopted) 2017 and the National Planning Policy Framework.

9. Prior to the first occupation a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting (and times of planting); boundary treatments and areas of hardsurfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

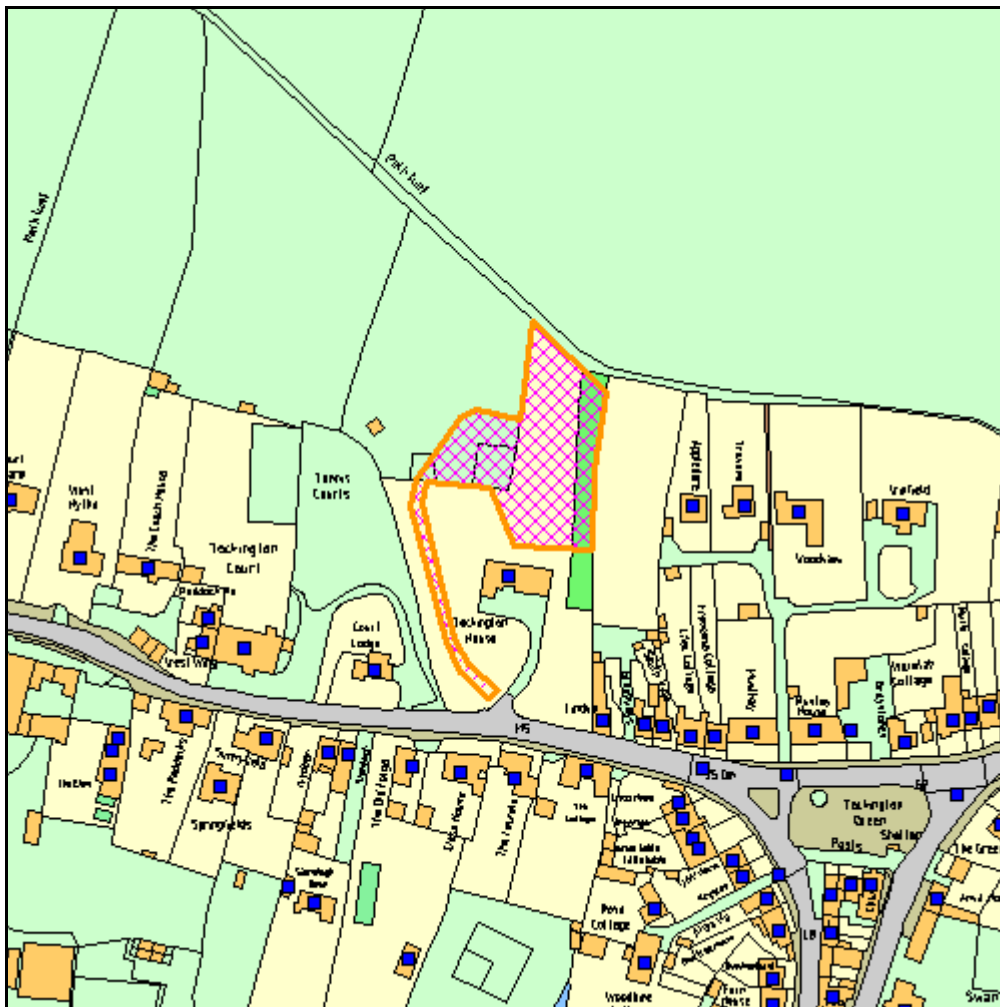
Reason

To protect the character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; PSP7 of the Policies Sites and Places Plan (Adopted) 2017 and the National Planning Policy Framework.



**CIRCULATED SCHEDULE NO. 08/19 – 22 FEBRUARY 2019**

<b>App No.:</b>	PT18/6001/F	<b>Applicant:</b>	Mr And Mrs Winson
<b>Site:</b>	Tockington House Upper Tockington Road Tockington Bristol South Gloucestershire BS32 4LQ	<b>Date Reg:</b>	10th December 2018
<b>Proposal:</b>	Demolition of existing outbuildings. Erection of 1 no. detached dwelling with associated works (Resubmission of PT18/0881/F)	<b>Parish:</b>	Olveston Parish Council
<b>Map Ref:</b>	360757 186627	<b>Ward:</b>	Severn
<b>Application Category:</b>	Minor	<b>Target Date:</b>	4th February 2019



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 100023410, 2008.

N.T.S. PT18/6001/F

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

## **REASON FOR REFERRING TO CIRCULATED SCHEDULE**

This application has been referred to the circulated schedule due to a support comment from Councillor Matthew Riddle, which is contrary to the Officers recommendation.

### **1. THE PROPOSAL**

- 1.1 This application seeks full planning permission for the demolition of existing outbuildings, and the erection of 1no. detached dwelling and associated works at Tockington House, Tockington. This is a re-submission of a previously withdrawn application ref. PT18/6001/F.
- 1.2 The site relates to a parcel of land to the rear of the host dwelling. The host dwelling is situated off Upper Tockington Road, and is a large, two storey, detached property. Its materials comprise stone detailing and render elevations with timber windows. It is set within a large plot with front, rear and side gardens. It has an existing access which leads separately to the house and paddock to the rear. The application site is adjacent to open fields to the north and west.
- 1.3 The application site itself is outside of any settlement boundary (albeit the host dwelling is within the settlement boundary of Tockington). Similarly, the application site is adjacent to the Conservation Area of Tockington. It is within the Bristol/Bath Green belt and is in Flood Zone 1. There are a large number of trees at the application site.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework July 2018  
National Planning Policy Guidance
- 2.2 Development Plans  
  
South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4a	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS34	Rural Areas

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP7	Development in the Green Belt
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water and Watercourse Management
PSP21	Environmental Pollution and Impacts
PSP40	Residential Development in the Countryside
PSP43	Private Amenity Space Standards

- 2.3 Supplementary Planning Guidance  
 Development in the Green Belt SPD (Adopted) 2007  
 Design Checklist SPD (Adopted) 2007  
 Residential Parking Standards SPD (Adopted) 2013  
 Tockington Conservation Area SPD

**3. RELEVANT PLANNING HISTORY**

- |     |   |                         |            |
|-----|---|-------------------------|------------|
| 3.1 | PT12/2945/F   | Approve with Conditions | 23.10.2012 |
|     | Erection of detached garage and store   |                         |            |
| 3.2 | PT18/0881/F   | Withdrawn               | 18.04.2018 |
|     | Demolition of existing outbuildings. Erection of 1 no. detached dwelling with detached garage and associated works. |                         |            |

**4. CONSULTATION RESPONSES**

- 4.1 Olveston Parish Council  
No objection
- 4.2 Sustainable Transport  
No objection
- 4.3 Landscape Officer  
No comments received

- 4.4 Lead Local Flood Authority  
No objection.
- 4.5 Highway Structures  
Suggested informatives.
- 4.6 Tree Officer  
Providing development proceeds in accordance with tree report there is no objection.
- 4.7 Archaeology Officer  
A desk-based assessment has been submitted. It is recommended that a condition is imposed to any consent (HC11).
- 4.8 Public Rights of Way  
No objection.
- 4.9 Conservation Officer  
No objections, but would suggest standard large scale details are provided in relation to eaves, verges and ridges. Stone panel and roof material conditions should also be considered and the design of the rooflights should also be amended to reflect the design of conservation rooflights.

#### **Other Representations**

- 4.10 Councillor  
*Matthew Riddle, support comment:*  
*"I am supportive of this application and would like it to go on the Circulated Schedule. The application is for one house, it is within an existing residential curtilage and there is already an existing drive. The new application is very different to the application that was withdrawn last year: 1. It has been simplified into a 'barn' with only a single gable 2. It is smaller, in traditional stone and the garage removed 3. It is closer to the existing house 4. It follows more closely the existing secondary/ back building line"*
- 4.11 Local Residents  
No comments received.

### **5. ANALYSIS OF PROPOSAL**

- 5.1 This application involves the erection of 1no. dwelling at a site which is situated outside of any defined settlement boundary, and within part of the Bristol/Bath Green Belt.

#### ***Rural Areas***

- 5.2 The application site is located in part of the defined 'Rural Areas' of South Gloucestershire and within the open countryside. CS34 sets the vision for the rural areas within South Gloucestershire. The policy aims to protect, conserve and enhance rural areas, from inappropriate development. In addition, it seeks

to protect the unique and valuable setting provided by the rural areas to the urban areas and other settlements in South Gloucestershire.

### **Green Belt**

5.3 The application site is located within part of the Bristol/Bath Green Belt. Policy CS5 of the Core Strategy sets out that this type of development within the Green Belt will need to comply with the provisions of the NPPF or relevant local plan policies. CS34 of the Core Strategy provides the vision for rural areas, it aims to protect designated Green Belt areas from inappropriate development.

5.4 Further to this, the NPPF sets out that local planning authorities should regard the construction of new buildings as inappropriate development in the Green Belt. Paragraph 145 of the NPPF provides exceptions to this. Taking these in turn below;

*Buildings for agriculture and forestry*

The dwelling would not be for agriculture or forestry

*Provision outdoor sport/recreation/cemeteries*

The development would not provide any of the above.

*The extension or alteration of a building*

The development would not involve the extension or alteration of a building

*The replacement of a building provided the new building is in the same use and not materially larger than the one it replaces*

The development does not replace a building.

*Limited infilling in villages*

The agent in their submissions considers that the site complies with this criteria. Officers must assess whether the proposal can be considered 'limited infilling'. The NPPF does not define 'limited infilling' and therefore the Council use the definition of infill which is set out within the Core Strategy. It is defined as; 'a relatively small gap between existing buildings, normally within a built up area'.

The site itself is an area of land to the rear of the host dwelling which is outside (but adjacent to the settlement boundary of Tockington). The application site is directly bound by open fields to the west and north. A paddock/woodland adjoins the eastern boundary of the site. The nearest dwelling would be to the south (the host dwelling), which would still be approximately 20 metres away.

In the first instance, the application site is not considered to be within part of a village. Firstly, the site is not included within the Tockington settlement boundary, and it clearly forms a rural and open setting to this part of Tockington. This is in contrast to the linear nature of development to the south and east of the site.

Notwithstanding the above, and for completeness, Officers will also assess whether the site can be considered limited infill. The agent in their submissions considers that the development is limited infill due to its siting, in a gap which is in line with buildings to the east. However, the nearest dwelling in this direction would be over 35 metres away and would be separated by paddock/woodland area. Further, this fails to demonstrate how the proposed dwelling is between existing buildings. There are no buildings adjacent to the western or northern boundaries of the site. In this way, the site cannot be considered to be in-between existing buildings, and is not infill development.

This assessment has found that the application site would not be located within a village, and would not comprise limited infill. For these reasons it is considered that the site fails to comply with this exception.

- Limited affordable housing for local community needs*

This development does not involve affordable housing

- Limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: not have a greater impact on the openness of the Green Belt than the existing development; or not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*

The site is not considered to be previously developed land.

- 5.5 The above assessment has found that the proposed development would fail to accord with paragraph 145 of the NPPF and as such is considered to represent inappropriate development in the Green Belt. In addition, it is considered that the development of the site would represent encroachment into the countryside and would also materially harm the openness of the Green Belt.
- 5.6 Paragraph 143 of the NPPF is clear in stating that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 goes on to state that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 5.7 No very special circumstances have been put forward as part of this application, and it is considered unlikely that there are any circumstances that

would be considered 'very special' in the context of paragraph 144 of the NPPF, this is due to the high threshold in which very special circumstances represent, and also the nature of the proposed development. As such, an in-principle objection is raised to the proposal as inappropriate development in the Green Belt.

### ***Location of Development***

#### *Spatial Strategy*

- 5.8 Policy CS5 of the Core Strategy establishes the spatial strategy for development in the district. Under this policy, new development is directed to the existing urban areas, market towns, and defined rural settlements. Residential development outside of these locations is strictly controlled. Furthermore, policy CS34 of the Core Strategy seeks to protect the character of the rural areas, with residential development outside of a defined settlement resisted. Policy PSP40 of the Policies, Sites and Places Plan allows only for specific forms of residential development in the open countryside. The proposed development does not fall within any of the allowable forms of development contained within policy PSP40.

#### *Five year Housing Land Supply*

- 5.9 Following the publication in December 2018 of an extract from the Councils Authority Monitoring Report, South Gloucestershire Council can demonstrate a 5 year housing land supply. Policies that restrict the supply of housing should no longer be considered out of date and should be afforded full weight in decision taking. The tilted balance – on the basis of housing supply policies – should no longer be applied.
- 5.10 Under the spatial strategy set out above, development of this nature should therefore be permitted only in the urban areas or defined settlements. The site is not within a defined settlement and nor does the built form in this location represent a village.
- 5.11 It therefore follows that there is an in principle objection to the proposed development as it does not accord with the spatial strategy as expressed in the Development Plan.
- 5.12 Notwithstanding this, and whilst the majority of applications for new residential development outside of settlement boundaries should be resisted in accordance with the Council's spatial strategy, the Local Planning Authority do consider that it may be suitable, in a few circumstances, to recommend approval of dwellings outside of the settlement boundary.
- 5.13 This will only apply when the site lies close to the edge of the defined settlement boundary and has a direct relationship with it (for example, may be linked to the settlement boundary by other buildings, or have good footpath links to the settlement boundary). Essentially, it should read as a natural extension to the settlement boundary. However in the interests of the Council's

overall spatial strategy for new housing, this should only apply to very small development proposals of 1-2 dwellings.

#### *Relationship with Settlement Boundary*

- 5.14 In this instance, the application site is adjacent to the settlement boundary of Tockington. However, the site forms an open green area to the rear of the host dwelling that leads to open fields to the north and west. This contributes to the rural setting of Tockington and was likely not included within the settlement boundary for this reason. Development on this site would be backland in nature. Therefore, it is not considered that this development would form one of the few cases where development could be allowed. As such, the location of development is unacceptable in principle.

#### ***Summary of Principle of Development***

- 5.15 It has been identified that the development would constitute inappropriate development within the Green Belt, and its location would be unacceptable in principle. Notwithstanding this, detailed matters are discussed below.
- 5.16 Design and Visual Amenity  
Policy CS1 only permits new development where the “highest standards” of site planning and design are achieved. This policy requires that siting, overall layout, density, form, scale, height, massing, detailing, colour and materials, are informed by, respect and enhance the character, distinctiveness and amenity of both the site and the locality.
- 5.17 Plans show that the development would involve the erection of 1no. dwelling which would be situated 20 metres north (to the rear) of the host dwelling. The existing access to a paddock area to the west would be altered and utilised. The dwelling would be situated away from the rear boundary of the site, and near to trees along the eastern boundary.
- 5.18 The dwelling itself would be 1.5 storeys, and would have front and rear feature gables with floor to ceiling glazing, and a pitched roof design. External materials would comprise pennant stone walls, Cotswold stone roof tiles alongside black aluminium fenestrations. Its design would be similar to the host dwelling, and it would utilise materials that are in-keeping with the surrounding area.
- 5.19 In terms of landscaping, no details have been provided of soft and hard landscaping at the site, including boundary treatments. As such, it is recommended that a landscaping scheme is conditioned.
- 5.20 Given the above, and subject to conditions to ensure materials are agreed, and that a landscaping scheme is submitted for approval, no objection is raised in relation to design and visual amenity.
- 5.21 Residential Amenity  
Policy PSP8 of the Policies, Sites and Places Plan outlines that development proposals will be acceptable provided that they do not create unacceptable



living conditions or have an unacceptable impact on the residential amenity of the occupiers of the development or of nearby properties. Unacceptable impacts could result from (but are not restricted to); loss of privacy and overlooking; overbearing and dominant impact; loss of light; noise or disturbance; and odours, fumes or vibration. In order to be acceptable, any development proposal must be compatible with its immediate surroundings.

5.22 The proposed dwelling would be situated approximately 20 metres north of the rear boundary of the host. 2no. windows would face toward the existing dwelling. The Councils Amenity and Living Conditions Technical Advice Note sets out that there should be at least 20 metres separation distance for two storey dwellings to ensure that harmful overlooking does not occur. As such, the separation distance is considered acceptable. It is not considered that any other harmful residential amenity impacts would occur to the host dwelling, nor to other dwellings, which are a minimum of 35 metres away.

5.23 Moving on to the future occupants themselves, the living standards are considered acceptable, with all the main living areas provided with sufficient outlook and natural light. The plot would be large, and in terms of private amenity space standards, they would have well in excess of that expected as part of PSP43.

5.24 Given all of the above, it is considered that the development would be acceptable with regards to residential amenity.

5.25 Parking and Highway Safety

The existing dwelling has an access off Upper Tockington Road which leads separately to the existing dwelling and to a paddock to the rear of the site. The access that currently leads to the paddock would be extended to an area of hardstanding for the proposed dwelling. The Highways Authority have reviewed this arrangement and have not raised any concerns.

5.26 In terms of parking provision, there would be no alteration to the parking provision of the existing dwelling. The proposed dwelling would have 4 bedrooms. PSP16 sets out that for a property with this number of bedrooms, at least 2no. off-street parking spaces should be provided. An area of hardstanding would be created just north of the proposed dwelling. This area measures 12 metres by 4 metres and is therefore considered sufficient to provide at least 2 car parking spaces in accordance with the dimensions expected in PSP16. It is therefore considered that the parking provision is acceptable. A condition is recommended to ensure it is in place prior to first occupation of the dwelling.

5.27 Heritage

The application site is adjacent to the Tockington Conservation Area. Policies CS9 and PSP17 seek to preserve and where possible enhance Heritage Assets, including Conservation Areas. It is considered that the design of the dwelling appears as a converted barn/mews development. The proposed materials are high quality which will help reinforce the rural vernacular character of the conservation area. As such, the conservation officer considers that whilst the proposed scheme would increase the urban feel of the existing

- curtilage by the introduction of built form, it is considered that it would not harm the setting of the conservation area. This is subject to recommended conditions including large scale details of eaves and verges, and sample panels of stone masonry/stone slates.
- 5.28 In terms of archaeology, the site lies in close proximity to areas designated as the core of the historic settlement which may include Saxon occupation. There are a number of listed buildings near to the site. An archaeological desk based assessment was submitted alongside the application. This concludes that there is a medium to high archaeological potential for Anglo-Saxon, medieval and post-medieval remains to survive. The Archaeological officer has therefore recommended that a condition is imposed for a programme of archaeological work.
- 5.29 Trees  
There are a large number of trees at the application site, accordingly, a tree survey report and tree protection plan was submitted alongside the application. This sets out that 39 trees and three tree groups were surveyed. It is proposed to retain and protect all existing trees throughout the proposed development. It also sets out ways that they would be protected and monitored throughout the development. The tree officer has reviewed this document, and confirms that no objection is raised subject to a condition to ensure that the development proceeds in accordance with the tree survey report and tree protection plan.
- 5.31 Other matters  
The support comments from the Councillor are noted, as are the changes to the design, siting and scale of the proposal. However, this report has assessed that there is a principle objection to this location for residential development. The alterations do not overcome this objection.
- 5.32 Equalities  
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.
- 5.33 With regards to the above this planning application is considered to have a neutral impact on equality.
- 5.34 Overall Planning Balance  
This assessment has found that the proposal would represent inappropriate development in the Green Belt. Paragraph 143 states that inappropriate development (in the Green Belt) is, by definition harmful and should not be approved except in very special circumstances. Very special circumstances do

not exist. It is also considered that the development would represent encroachment into the countryside and would have a harmful impact on the openness of the Green Belt in this location. The proposed development would also result in 1no. dwelling at a location that is unsupported by the spatial strategy. It is not considered that the location would form a natural extension to the settlement boundary. Substantial weight is given against the proposal for these reasons.

5.35 The benefits of the development would be limited, with the contribution of 1no. new dwelling towards housing supply in South Gloucestershire failing to outweigh the harm arising from the location of the development; particularly in the context of the Council's current housing land supply position.

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

## 7. **RECOMMENDATION**

7.1 That the application be **REFUSED** for the reasons below.

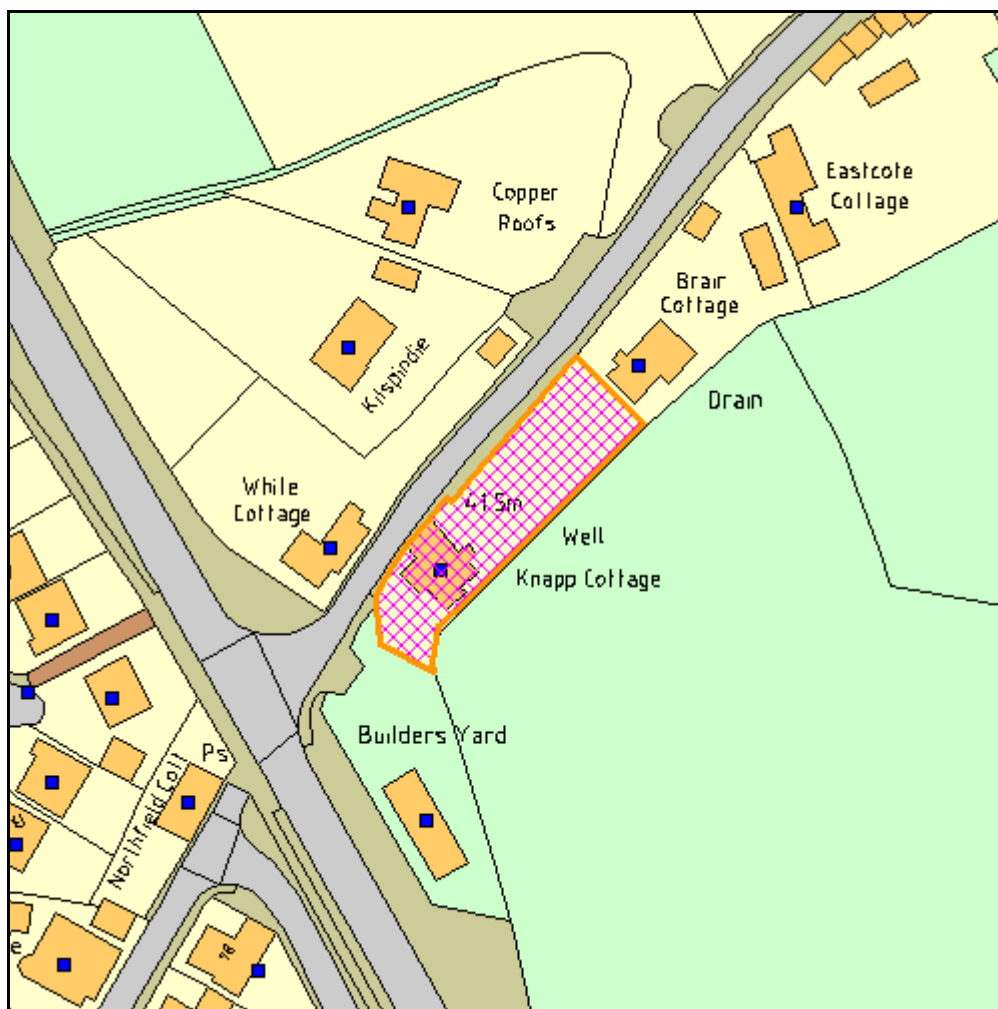
**Contact Officer:** Lucy Paffett  
**Tel. No.** 01454 863436

1. The site is located within the Bristol/Bath Green Belt and the proposal does not fall within the limited categories of development normally considered appropriate within the Green Belt. The applicant has not demonstrated that very special circumstances apply, such that the normal presumption against development in the Green Belt should be overridden. Furthermore, the development would result in significant harm to the openness of the Green Belt and would represent encroachment into the countryside. The proposal is therefore contrary to the provisions of Policies CS4A, CS5 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP7 of the South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2017; the Development in the Green Belt SPD (Adopted) 2007; and the provisions of the National Planning Policy Framework (July 2018).

2. The application site is outside of any defined settlement and therefore in the open countryside. Defined settlements establish locations which the local planning authority consider suitable, in the spatial strategy, for sustainable development. The proposal conflicts with the locational strategy, the site is not considered to relate well to any defined settlements, and the proposal does not contain any of the limited forms of residential development acceptable in the open countryside. The proposal is therefore not a sustainable form of development and conflicts with Policies CS5 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP40 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework, July 2018.

**CIRCULATED SCHEDULE NO. 08/19 – 22 FEBRUARY 2019**

<b>App No.:</b>	PT18/6381/F	<b>Applicant:</b>	Mr Dale Curtis
<b>Site:</b>	Knapp Cottage Crossways Lane Thornbury Bristol South Gloucestershire BS35 3UE	<b>Date Reg:</b>	31st December 2018
<b>Proposal:</b>	Erection of first floor extension with external staircase to existing detached garage to form annex ancillary to the main dwelling house.	<b>Parish:</b>	Thornbury Town Council
<b>Map Ref:</b>	365015 190483	<b>Ward:</b>	Thornbury North
<b>Application Category:</b>	Householder	<b>Target Date:</b>	22nd February 2019



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PT18/6381/F

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

## **REASON FOR REFERRING TO CIRCULATED SCHEDULE**

This application is referred to circulated schedule due to an objection received from Thornbury Town Council which is contrary to the Officers' recommendation.

### **1. PROPOSAL AND SITE DESCRIPTION**

- 1.1 This application seeks full planning permission for the erection of a first floor extension with external staircase to an existing detached garage to form annexe ancillary to the main dwelling, at Knapp Cottage near Thornbury.
- 1.2 The host dwelling relates to a detached, two storey cottage which has rendered elevations, upvc fenestrations and a pantile roof. It is set within a fairly large plot with front and rear gardens as well as parking on hardstanding alongside the existing detached garage. The site is bound by open fields to the south eastern boundary. The surrounding area has a fairly informal, rural character. Stone walls and vegetation form boundary treatments along this part of Crossways Lane.
- 1.3 The site itself is outside, but adjacent to the defined area of Thornbury. As such, it is in the open countryside and defined Rural Areas of South Gloucestershire. The site is in Flood Zone 3b, an area at the most risk of flooding.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

National Planning Policy Framework Feb 2019  
National Planning Policy Guidance

#### 2.2 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  
CS15 Distribution of Housing  
CS16 Housing Density  
CS17 Housing Diversity  
CS34 Rural Areas

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

PSP1 Local Distinctiveness  
PSP2 Landscape  
PSP8 Residential Amenity

PSP11	Transport Impact Management
PSP16	Parking Standards
PSP20	Flood Risk, Surface Water and Watercourse Management
PSP38	Development within Existing Residential Curtilages
PSP40	Residential Development in the Countryside
PSP43	Private Amenity Space

- 2.3 Supplementary Planning Guidance  
 South Gloucestershire Design Checklist (Adopted 2007)  
 Residential Parking Standard SPD (Adopted) December 2013

### 3. **RELEVANT PLANNING HISTORY**

- 3.1 PT01/3290/F Approve with Conditions 21.12.2001  
 Erection of extension to front porch.
- 3.2 PT04/0921/F Approve with Conditions 07.04.2004  
 Erection of two storey rear extension to form utility room with bedroom over.  
 Installation of two dormers in rear elevation and erection of rear conservatory.
- 3.3 PT11/0681/F Approve with Conditions 07.04.2011  
 Erection of detached double garage.
- 3.4 PT14/2825/F Approve with Conditions 10.09.2014  
 Replacement of existing conservatory roof with tiled roof.

### 4. **CONSULTATION RESPONSES**

- 4.1 Thornbury Town Council  
 Objection. The proposals are outside of the development boundary and Council is concerned that this appears to be a separate dwelling which could be used for letting purposes.
- 4.2 Sustainable Transport  
 No objections
- 4.3 Lead Local Flood Authority  
 No objection

#### **Other Representations**

- 4.4 Local Residents  
 No comments received

### 5. **ANALYSIS OF PROPOSAL**

- 5.1 Annex Test  
 For a proposal to be an annexe it should only contain ancillary accommodation to the main dwelling and have some form of functional and physical reliance upon the main dwelling. In this instance, the proposal would have some elements of principal living accommodation; a bedroom and a bathroom. It is

also noted that there would be an office provided. In this way it does appear that it would be required to utilise the kitchen and other living facilities at the main property. It is also noted that the proposed annex would be located in the rear garden, approximately 5 metres from the main dwelling. It would also share an access, parking and services. As such, it is considered that there would be a physical reliance on the main property. Overall therefore, Officers are satisfied that the annexe would be used ancillary to the main house.

#### 5.2 Principle of Development

The development proposes a first floor extension with an external staircase to form an annex ancillary to the main dwelling and within the existing residential curtilage. This type of development is acceptable in principle as set out in PSP38. This is subject to considerations of visual amenity, residential amenity and highway safety. These detailed matters will be discussed below.

#### 5.3 Design and Visual amenity

The existing single storey detached garage sits approximately 5 metres to the north east of the main property, and off an area of hardstanding. Plans show that a first floor extension would be introduced to the structure to facilitate an annex, incorporating a bedroom, bathroom and office.

5.4 The footprint of the structure would remain the same. Plans show that the first floor extension would increase the height of the structure by 2.5 metres, taking the total height to 5.5 metres. It would have a half hipped roof design. 2no. hipped gable dormer windows would be introduced to the front elevation. An external staircase leading to an entrance door would be introduced to the east (side) elevation. 2no. rooflights are proposed to the rear elevation.

5.5 Its materials would comprise timber cladding, reclaimed clay pan roof tiles and upvc fenestrations. The staircase would also be formed of timber. Whilst timber materials are not found on the main property itself, it is not considered that it would appear out of place.

5.6 Overall, the design of the proposal is considered acceptable and it is not thought that it would be harmful to the host or the surrounding area. No objections are raised to this regard.

#### 5.7 Residential Amenity

The property is within a group of buildings and does have a number of neighbours. It is estimated that the annex would be a minimum of 21 metres from these properties. As such, whilst it is likely to be visible to occupiers, it is not considered that it would result in harmful impacts to their residential amenity.

5.8 The development would not increase the footprint of the existing garage and therefore does not impact on the private amenity space provision at the site.

#### 5.9 Transport and Parking

PSP16 sets out parking standards based on the number of bedrooms at a property. From research of previous applications, it appears that the main dwelling has 4 bedrooms. This development would introduce an additional bedroom at the site, taking the total number to 5. PSP16 sets out that for this



number of bedrooms, at least 3no. off-street parking spaces should be provided. Plans show that the garage would continue to provide 2no. parking spaces, in addition to a large area of hardstanding directly to the rear of the property. Accordingly, the parking provision at the site is considered acceptable and no objections are raised.

5.10 Flood Risk

The site is located in Flood Zone 3b, which is an area at most risk of flooding. The environment agency provide standing advice for minor extensions (published 2012). This sets out that floor levels should be either no lower than existing floor levels or 300mm above the estimated flood level. This development involves a first floor extension above a garage. Its floor level would be 3 metres above ground level. Accordingly, it is not considered that the development would increase flood risk at the site, and therefore is found to be acceptable to this regard.

5.11 Other matters

Whilst the concerns of the Town Council are noted, this assessment has found that the development would comprise an annex which has a physical reliance on the main dwelling. If at any time the annexe is proposed to be used as a dwellinghouse, separate planning permission would be required.

5.12 Equalities

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

5.13 With regards to the above, this planning application is considered to have a positive impact on equality. The development would improve access for a disabled person throughout the site.

## 6. CONCLUSION

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

6.2 The recommendation to **GRANT** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and the South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2017 set out above, and to all the relevant material considerations set out in the report.

## 7. RECOMMENDATION

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

**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).

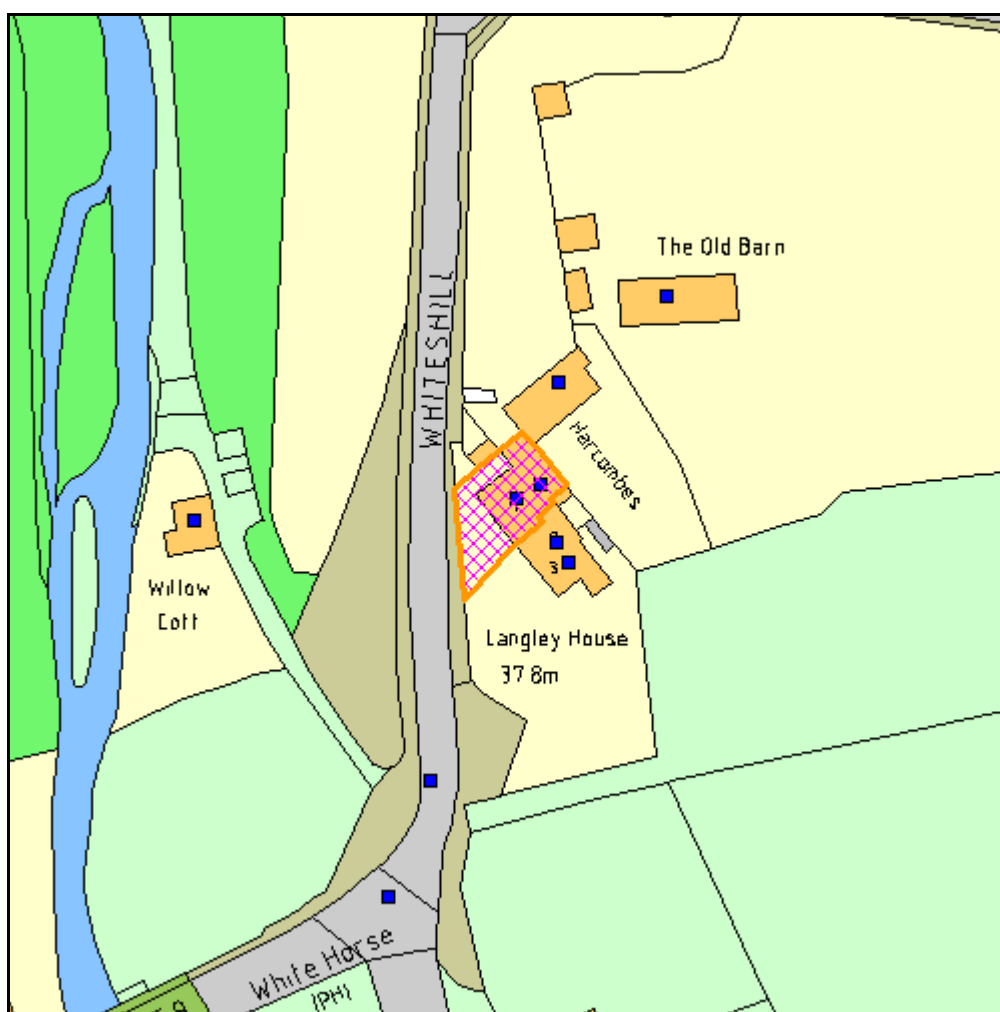
2. The annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Knapp Cottage, Crossways Lane, Thornbury, Bristol, South Gloucestershire, BS35 3UE.

Reason

The development has been permitted on the particular circumstances of the case and the development would be unsuitable for use as a separate residential dwelling because further assessment in relation to design, amenity, transport and flooding would be required against policies CS1, CS4a, CS5, CS8, CS15, CS16, CS17 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; policies PSP1, PSP7, PSP8, PSP11, PSP16, PSP20 and PSP38 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the provisions of the revised National Planning Policy Framework.

**CIRCULATED SCHEDULE NO. 08/19 – 22 FEBRUARY 2019**

<b>App No.:</b>	PT18/6734/F	<b>Applicant:</b>	Mr Savory
<b>Site:</b>	Flat 1 Langley House Whiteshill Hambrook Bristol South Gloucestershire BS16 1SD	<b>Date Reg:</b>	7th January 2019
<b>Proposal:</b>	Erection of a first floor side extension to form additional living accommodation.	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	364512 179123	<b>Ward:</b>	Winterbourne
<b>Application Category:</b>	Householder	<b>Target Date:</b>	4th March 2019



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

## **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for the erection of a first floor side extension to form additional living accommodation Flat 1 Langley House, Whiteshill, Hambrook.
- 1.2 The application site relates to a ground floor flat located within Langley House, a former village hospital that has now been sub-divided into three separate flats. This application relates to flat one, located on the north western corner of the building.
- 1.3 'Harcobes' a grade II listed building is located immediately north of the host site. The site also falls within the Bristol to Bath Green Belt.

## **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework  
National Planning Policy Guidance

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

CS1 High Quality Design

CS4a Presumption in Favour of Sustainable Development

CS5 Location of Development

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

PSP1 Local Distinctiveness

PSP7 Development in the Green Belt

PSP8 Residential Amenity

PSP11 Transport

PSP16 Parking Standards

PSP17 Heritage Assets and the Historic Environment

PSP38 Development within Existing Residential Curtilages

PSP43 Private Amenity Standards

- 2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007

Residential Parking Standards SPD (Adopted) 2013

### **3. RELEVANT PLANNING HISTORY**

- 3.1 P91/1313 – Refusal - 24.04.1991  
Erection of detached dwelling with garage, construction of car parking area to provide six car parking spaces. Alterations to existing vehicular and pedestrian access (outline)
- 3.2 P90/2375 – Approved - 01.10.1990  
Construction of driveway and hard standing
- 3.3 P87/1086 – Refusal - 22.04.1987  
Construction of vehicular and pedestrian access and car parking area.
- 3.4 N4215 – Objection - 06.02.1978  
Provision of car park and vehicular access.

### **4. CONSULTATION RESPONSES**

#### **4.1 Winterbourne Parish Council**

The comments of the Parish Council are Objection. Members are concerned regarding the placement of skips to take away waste materials and also where will new building materials be stored? There is no parking for developer's vehicles and the Parish Council is vehemently against any part of the above being carried out on the open green space opposite known as Willow Rank.

We would welcome conditions to absolve these problems in the event of planning permission being granted.

Listed Building and Conservation Officer

No Objections

#### **Other Representations**

#### **4.2 Local Residents**

This application received a total of 2 objection letters, these are summarised below.

- The proposal will negatively impact our quiet, peace and enjoyment
- The proposal is too close to the boundary and will impact our right to light (Harcombes)
- I have not been offered any compensation for this proposal
- This proposal will damage my property
- My services come via the entrance to flat one, they could be damaged as a result of this proposal
- Access to my bins is via flat 1
- My outlook and light will be blocked by the proposal (flat 3)
- There is no place for builders to station vehicles, skips. Causing danger to the public.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

Policy PSP38 of the PSP Plan (November 2017) allows the principle of development within residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety. Furthermore, Policy CS1 of the Core Strategy seeks that the siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the application site and its context. The proposal accords with the principle of development subject to the consideration below.

### 5.2 Green Belt

Development within the green belt is strictly limited to retain the open nature of the land. Extensions to existing dwellings can be appropriate provided that they are proportionate to the size of the existing dwelling.

5.3 The South Gloucestershire 'Development within the Green Belt SPD' states that Additions and alterations to buildings in the Green Belt will be acceptable provided they do not result in disproportionate additions over and above the size of the original building. As a general guide, an addition resulting in a volume increase up to 30% of the original building would be likely to be proportionate.

5.4 It has been calculated that the proposed extension represents an increase of approximately 44m<sup>2</sup>. It is not therefore considered that the extension represents a disproportionate addition over and above the volume of the original building. In addition to the above, given that the proposed extension is a first floor addition and is tucked up adjacent to the existing built form, the proposal will maintain the openness of the green belt.

5.5 On balance and weighing up the design, position of the proposed extension and the screening provided on site, it is considered that the proposal can, in this instance, be regarded as being appropriate development in the Green Belt and not disproportionate to the host property. The proposal is therefore acceptable in Green Belt terms

### 5.6 Design and Visual Amenity

The application seeks full planning permission for erection of a first floor side extension to form additional living accommodation.

5.7 The proposed first floor extension will sit atop the existing single storey element and measure approximately 8.8metres wide, have a maximum height of 6.8metres and a depth of 6.2metres. The proposal will introduce 3.no windows to the principal elevation and 3.no windows to the side elevation.

5.8 The proposal will feature a hipped roof design with the ridge and eaves height set substantially lower than the existing built form, this is seen to increase the levels of subservience between the proposed extension and the existing built form. The case officer considers the proposal to be in keeping with the historic

character of the building and believes it will be a modest, respectful addition to the building.

5.9 Heritage

The application site relates to a ground floor flat located within Langley House, a former village hospital that has now been sub-divided into three separate flats. This application relates to flat one, located on the north western corner of the building.

5.10 'Harcobes' a grade II listed building is located immediately north of the host site. The proposal will be located within the footprint of the existing built form 'tucked up' to the existing side elevation and will sit atop the existing single storey element. Due to its siting and the mature tree coverage on the shared boundary, the overall visual impact of this proposal is considered to be limited and would have no adverse impact on the adjacent listed building.

5.11 Residential Amenity

Policy PSP38 of the PSP Plan (November 2017) sets out that development within existing residential curtilages should not prejudice residential amenity through overbearing; loss of light; and loss of privacy of neighbouring occupiers.

5.12 A neighbouring occupier commented that the proposal will negatively impact the quiet, peace and enjoyment of the area. It is recognised that the construction of the proposal and other associated works could cause a degree of disturbance to neighbours during the construction period. That said, a degree of disturbance is to be expected as part of any development, and would not substantiate a reason for refusing the application

5.13 A neighbouring occupier (Harcobes) commented on the loss of sunlight which would occur as a result of the proposal. Having looked at the path of the sun, it is not considered that the extension would have a material impact on the amount of sunlight offered to the neighbouring property. Furthermore, the proposal is first floor structure located some 3metres from the boundary, tucked up adjacent the existing built form with a hipped roof that runs away from the neighbouring property.

5.14 It is noted that the neighbour also objected due to possible encroachment onto their property, bin access and no offer of compensation should damages occur. These concerns are not within the remit of the planning system, and are not given weight in this assessment. However, the grant of planning permission does not confer any private property rights to carry out, or maintain the proposal. Any developer must secure these (where necessary) in addition to a planning consent. A note to this effect is attached to decision notices.

5.15 The concerns raised regarding loss of sunlight and outlook have been taken in to account. With regard to increased overbearing and loss of outlook from neighbouring windows, it is not considered that the proposed first floor extension would have any unacceptable impacts. When applying the 45 degree rule from the south-west facing windows at the immediate neighbour to the

- south-east, the proposed extension would not obscure outlook or result in loss of sunlight.
- 5.16 An objection from both neighbouring occupiers and the local parish raised concerns in regards to access and stationing of vehicles, skips and building materials. The case officer does not consider a construction management plan is relevant due to the scale of the proposed works. Notwithstanding this, informatives will be attached to any consent granted to remind the applicant that the granting of planning permission does not give rights to access or work on land not within their control.
- 5.17 The impact of the proposal on the residential amenity currently enjoyed by the occupiers of neighbouring properties has been considered. Due to the location of the extension, it is not considered that its erection would materially harm the residential amenity at any of the adjoining properties. Due to levels of separation, it is not deemed that the proposed extension would impact upon the residential amenity enjoyed at properties nearby.
- 5.18 The proposal will occupy additional floor space, however sufficient private amenity space will remain following development and there is no objection with regard to this.
- 5.19 The subject property is located within a built up residential area and given the scale and location of the proposed development, the proposal will not result in an unacceptable impact on the residential amenity of its neighbouring occupiers. Therefore, the development is not considered to be detrimental to residential amenity and is deemed to comply with Policy PSP38 of the PSP Plan (November 2017).
- 5.20 Sustainable Transport and Parking Provision  
The proposed development does not affect bedroom numbers, access or current parking provision. Therefore, there are no objections on highways grounds.
- 5.21 Equalities  
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.
- With regards to the above this planning application is considered to have a neutral impact on equality.



## 6. **CONCLUSION**

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

## 7. **RECOMMENDATION**

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

**Contact Officer: Westley Little**  
**Tel. No. 01454 862217**

## **CONDITIONS**

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

Reason

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