



**LIST OF PLANNING APPLICATIONS AND OTHER PROPOSALS
SUBMITTED UNDER THE PLANNING ACTS TO BE DETERMINED BY
THE DIRECTOR OF ENVIRONMENT AND COMMUNITY SERVICES**

CIRCULATED SCHEDULE NO. 09/18

Date to Members: 02/03/2018

Member's Deadline: 08/03/2018 (5.00pm)

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

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

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

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

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

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

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

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

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

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

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

GUIDANCE FOR 'REFERRING' APPLICATIONS

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

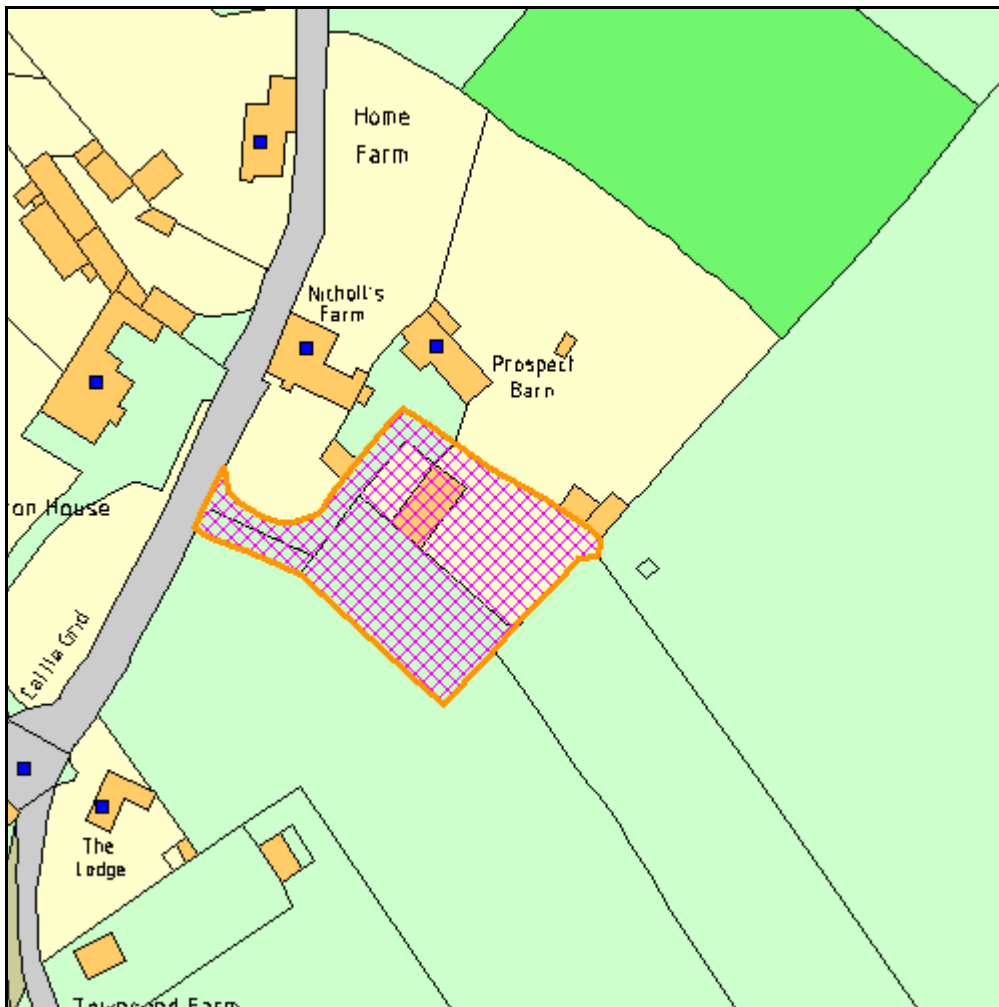
- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s)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

CIRCULATED SCHEDULE - 02 March 2018

ITEM NO.	APPLICATION NO.	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK17/4571/F	Approve with Conditions	The Old Stables Off Bury Lane Bury Lane Doynton South Gloucestershire BS30 5SR	Boyd Valley	Doynton Parish Council
2	PK17/5070/RVC	Approve with Conditions	Aldi Store Bath Road Longwell Green South Gloucestershire BS30 9DE	Longwell Green	Hanham Abbots Parish Council
3	PK17/5413/F	Approve	27A Park Road Staple Hill South Gloucestershire BS16 5LF	Downend	Downend And Bromley Heath Parish Council
4	PK17/5613/F	Refusal	30 Fouracre Avenue Downend South Gloucestershire BS16 6PD	Downend	Downend And Bromley Heath Parish Council
5	PK18/0118/CLP	Approve with Conditions	1 Haydock Close Downend South Gloucestershire BS16 6SP	Emersons	Downend And Bromley Heath Parish Council
6	PT17/5182/F	Approve with Conditions	The Hayloft Camp Road Oldbury On Severn South Gloucestershire BS35 1PT	Severn	Oldbury-on-Severn Parish Council
7	PT17/5419/F	Approve with Conditions	Winterbourne Court Farm Barn Church Lane Winterbourne South Gloucestershire BS36 1SE	Winterbourne	Winterbourne Parish Council
8	PT17/5811/LB	Approve with Conditions	Winterbourne Court Farm Barn Church Lane Winterbourne South Gloucestershire BS36 1SE	Winterbourne	Winterbourne Parish Council
9	PT18/0142/F	Approve with Conditions	35 Braemar Avenue Filton South Gloucestershire BS7 0TF	Filton	Filton Town Council
10	PT18/0300/PNS	No Objection	Cattybrook/Ash Lane Ash Lane Almondsbury South Gloucestershire BS32 4BY	Almondsbury	Almondsbury Parish Council

CIRCULATED SCHEDULE NO. 09/18 – 2 MARCH 2018

App No.:	PK17/4571/F	Applicant:	Ms Louise Denning
Site:	The Old Stables Off Bury Lane Bury Lane Doynton South Gloucestershire BS30 5SR	Date Reg:	
Proposal:	Extension and alterations to existing stables to facilitate conversion to 1no. dwelling and associated works.	Parish:	Doynton Parish Council
Map Ref:	371859 173828	Ward:	Boyd Valley
Application Category:	Minor	Target Date:	12th December 2017



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008. **N.T.S.** **PK17/4571/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is circulated because the officer recommendation conflicts with the view of three households.

1. THE PROPOSAL

- 1.1 The application seeks planning permission to convert a building, originally constructed as a workshop/tractor store and three stables and a tack room with a hay loft over into a dwelling and to attach a single storey garage.
- 1.2 The site is located outside of the Doynton Settlement boundary but within the Doynton Conservation area, Green belt and AONB.
- 1.3 The site forms part of a cluster of buildings which formed part of Nichols Farm and the barn related to the Farm has already been converted.
- 1.4 The application is supported by a Structural condition report, Arborocultural report and Ecological report.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS16	Housing Density
CS17	Housing Diversity
CS34	Rural Areas

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	
PSP10	Active travel routes
PSP17	Heritage assets and the historic environment
PSP19	Wider diversity
PSP40	Residential development in the Countryside
PSP44	Private Amenity space standards

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

3. **RELEVANT PLANNING HISTORY**

- 3.1 P88/1197 Erection of workshop, tractor shed, tool and equipment and log store; erection of stable block comprising two stables, one stable/store and one tackroom with hay loft above. Approved 30.03.1988 (NB this is all one building and is the building now subject of the application)
- 3.2 PK16/6575/F Conversion of existing barn to form 1no new dwelling with access and associated works. Withdrawn

4. **CONSULTATION RESPONSES**

- 4.1 Doynton Parish Council
No comment received

- 4.2 Other Consultees

Conservation

The scheme is not ideal, given inclusion of the garage but is not sufficiently bad so as to justify a refusal. Need to consider the landscape impact which may require a landscape scheme to help enclose and screen views.

As the proposal will result in the formation of a residential curtilage outside of the settlement boundary and within the conservation area, the AONB and Green Belt, to ensure the visual impact of the residential conversion and use of land does not cause any visual harm over-and -above the existing situation, it is suggested that permitted development rights are removed. A materials conditions should include also a stone panel to be approved.

Tree officer

Provided that the works are carried out in accordance with the submitted arboricultural works then there are no objections to this application.

Transportation

In accordance to the Council's parking standard, 2 parking spaces are required for 3 or 4 bed house. The proposed scheme involves creation of a 3-bed house therefore, they need two parking spaces. The plan submitted shows 3 spaces including a visitor's parking space.

In view of this therefore, transportation development Control have no highway objection to this application.

Ecology

There is no ecological objection to this application. It is considered that the development passes the three tests and that a European Protected Species licence is required for the development to be lawful. The recommendations in the Ecological Appraisal and Bat Surveys by Crossman Associates (September, 2017) propose various mitigation measure to ensure no

biodiversity lost and enhancement proposals to ensure biodiversity gain from the development. Detail and proposed conditions are set out in the body of the report.

Highway Structures

No relevant comment

Drainage LLFA

No objection

Archaeology

No objection as there is minimal ground disturbance.

Landscape officer

No landscape objection.

Its location in the Cotswolds AONB means particular attention should be paid to enhancing the natural beauty of the landscape.

In the event of consent being felt to be acceptable a landscape scheme is required to comply with the relevant SGC planning policies related to landscape. Particularly Policy CS1 states “Development proposals will be required to demonstrate that: 6. Ensure soft landscape proposals form an integral part of the design for the site and seek to make a net contribution to tree cover in the locality (particularly in urban areas), and prioritise biodiversity objectives and local food cultivation where possible” . This is supported by policies PSP2 and PSP 3 of the emerging Policies, Sites and Places Plan. Also the aims and objectives of the landscape strategy for Landscape Character Area 6, Pucklechurch Ridge and Boyd Valley, of the SG Landscape Character Assessment with particular attentions to control external lighting to maintain tranquillity and not disturb wildlife.

Other Representations

4.3 Local Residents

Objection comments from three households were received in relation to the following matters:

- Concerns that the building can be seen from Doynton House contrary to the architects submission. The main bedroom on the first floor overlooks the site and the writer can see part of the roof and part of the front wall of the barn. From the second floor bedroom we can see the entirety of the rear netting to the tennis court. Currently they cannot see the surface of the tennis court as this is screened by mature shrubs, but were these to be removed they state that they should then in all likelihood be able to see the whole of the tennis court. The buildings can also be seen from Doynton Houses ground floor lobby.
- The proposal is over development
- Most garages in the village look intrusive.
- Concerns that cars may park on the tennis court.

- Concern that the stretch of road between Bury Lane and Horsepool Road Junction and Close farm is a 'nasty' bit of road for users on foot, horseback or car. Sight is restricted but some drivers' speed is not.
- Concern regarding slow postal delivery of the consultation card (*officers have provided additional time to ensure that residents were not disadvantaged as a result of this matter*)
- Removal of the front wall would mean that the bedroom window would look directly into the front garden of Nicholls Farm
- There would be plenty room for parking at the rear if the garage were removed.
- The proposal would be dangerous because the writer's cars and the those of the new household would all be reversing.
- Plans do not show the limited single access lane. Which is much narrower than shown on drawing 597 S 01 and does not allow passing, neither is there good visibility in both directions onto Bury Lane. The applicant does not own the access onto bury lane such that improvements could be made. This compromises safety of users of Bury Lane.
- the current visual sight lines for exiting traffic are 18m left and 22m right but the requirement for safe access is 54m. Furthermore, there is no opportunity for two way traffic within the drive nor any adequate passing space. In practice, the extension of Prospect Barn alone has led to a significant increase in traffic using the access, mostly due to delivery vehicles. Indeed, we now frequently have to wait on Bury Lane in a dangerous situation waiting for exiting traffic to clear. This is a situation that we have never experienced in the decades of ownership of Nichols Farm. Now, we are potentially faced with a yet further increase in traffic movements. This access is not appropriate for such intensive use and a further overload of the proportion arising from this development would be dangerous not just to us but to the village and public as a whole.
- The existing foul drainage system is not capable of taking the increased flows arising from the proposed development. If this were permitted, it would lead to flooding in our property as the drainage system passes underneath our kitchen. It would also cause problems for our neighbours in Prospect Barn.
- This application taken in conjunction with the recent consent at Prospect Barn would lead to a degradation of the setting and surroundings - more of a concentrated residential cul-de-sac than a rural farmyard.
- Parking should not be allowed to occur in the hammerhead as this is required for large vehicles and emergency vehicles. – Writer suggests parking on the tennis court.
- Concern that the loss of the wall at the front of the site would lead to visual intrusion and loss of privacy from windows on the east side of Nicholls farm.
- There is insufficient space to turn a car in front of the garage and onto their land from the shared access (as shown on plan 597 S 01) tandem parking would also lead to parking on the shared driveway.

- Object to the position of the proposed garage as it does not allow any temporary on-site parking for additional or visiting vehicles and would block the writers access to their own property. Concern about future neighbour disputes arising from access issues.
- Concern about disruption from potential drainage and construction works phase in the shared driveway causing a failure to be able to provide uninterrupted access.
- Concerns about the size and layout which will feel overcrowded.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The National Planning Policy Framework (NPPF) makes a strong presumption in favour of Sustainable Development. In respect of decision making, paragraph 14 of the NPPF sets out that Local Planning Authorities should approve development proposals without delay where they accord with the local development plan, unless other material planning considerations indicate otherwise.

- 5.2 Section 9 of the NPPF states that certain other forms of development are not inappropriate provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in it. These are outlined within paragraph 90 of the NPPF which includes the re-use of buildings provided that the buildings are of permanent and substantial construction. The paragraph 90 of the NPPF is supportive of the principle of the re-use of the building as a type of development that could be considered appropriate development in the Green Belt. As such, the principle of the development is considered acceptable provided that the proposal remains a conversion rather than a rebuild and there is no greater impact on openness. The land to the front and rear of the building is associated with the stable building although it also appears to have had a more ancillary domestic function. The existing tennis courts which appear to be longstanding are also part of the application site and already have a domestic but limited impact on the openness of the green belt.
- 5.3 The South Gloucestershire Local Plan, Core Strategy (adopted) December 2013 together with the South Gloucestershire Policies, Sites and Places Plan (adopted) November 2017 form the adopted local development plan. Policy CS5 of the South Gloucestershire Local Plan; Core Strategy (adopted) December 2013 encourage new residential development into the Urban Areas or in accordance with the provisions of the NPPF.
- 5.4 Policy PSP40 broadly supports the conversion of buildings in the countryside subject to criterion. In this case the building would need to be of permanent and substantial construction, not adversely affect the operation of a rural business or working farm and any extension should not be disproportionate to the original building. Further as the building is redundant or disused as a farm/stable use then consideration also needs to be given to whether it should lead to an enhancement of the buildings immediate setting. These are considered later in the report.

5.5 Five Year Housing Land Supply

At this time, South Gloucestershire Council cannot demonstrate that it has a five year supply of housing land. The proposed development would provide a dwelling towards the current deficit. Furthermore, it is likely that the developer would deliver the proposed dwelling within 5 years. Whilst the amount of housing is relatively modest, the delivery of it would bring a positive benefit to which officers afford modest weight.

5.6 Construction standard

The buildings are formed of natural stone and double roman clay tiles with panels of thick horizontal wavy edge boarding. The application was supported by a Structural survey which indicates that buildings' scale, form, dimensions, structure and condition all suggest its straightforward potential for domestic conversion without significant reconstruction or alteration. Officers have no reason to doubt this having seen the building and the photographs attached with the Survey.

5.7 Transportation

The site is located just outside of Doynton and would use an existing vehicular access to give access to this building from Bury Lane. The vehicle access is currently used by two residences and this stable/workshop/tractor store building. It is clear that the building subject to this application has had little active use in recent years and it appears that Nichols Farm no longer operates as a farm. The change of use from the stable function to a domestic residence would not cause a material increase in vehicle movements onto Bury Lane.

5.8 Neighbours suggest that the access lane is narrower than that shown on the submitted drawings such that vehicles cannot pass, that visibility is restricted onto Bury Lane and that this is dangerous to users of Bury Lane. However officers have to consider that three uses already exist at the site and the change from an extant workshop/stable building to a single dwelling house would produce a similar amount of vehicle movements. As such officers are not persuaded that there would be a severe highway risk as a result of this change of use.

5.9 A three bedroom house required only two parking spaces. This scheme was amended during the application to facilitate the parking of a third car. Adequate parking is therefore shown for the property which is set out on amended drawing 597 P01 B showing a single garage and two parking spaces. The property is, along with turning facilities well off the highway and as such there is no highway objection to the proposal.

5.10 Neighbours have raised concerns that the shared access will be impassable during drain construction works which will give rise to access difficulties to the other two dwellings which use the access. Whilst a scheme of drainage is required by the planning application, access rights are a civil matter which should be dealt with by the landowners and over which South Gloucestershire Council have no authority.

5.11 Design

Design considerations are made against policy CS1 which requires 'the highest possible standards of site planning and design.' The design principles contained within policy CS1 of the Core Strategy (Adopted) 2013 state that development proposals will be required to demonstrate that siting, form, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the site and its context.

5.12 The resultant building would be a 3 bedroom part 2 storey house with an extension for a pitched roof garage. The existing building is sound and would retain its double roman clay tile roofing, rubble stone elevations and part timber cladding; new external joinery would be dark framed in keeping with the stained timber cladding so the overall impression of the building would remain muted, vernacular and traditional. Plot boundaries already exist in the form of stone walling, mature hedging and timber fencing; the garage would be built against the east end of the existing building, set back from the existing front elevation and with a proportionately lower clay-tiled roof to match, while its end gable wall to the NE would be stone faced. Access to the garden is via the gated side access along the NE of the garage and boundary fence. The front boundary wall will be partially altered in location to facilitate parking on the frontage of the property. Overall the design of the conversion is considered to be acceptable subject to conditions to achieve a matching stone finish, door and window details and to restrict Permitted development which would detract from the appearance of the building in the Conservation Area. The maintenance of the building to provide an active use is considered to be sufficient to enhance the immediate surroundings of the site in accordance with policy PSP40.

5.13 Impact on Heritage

The application site lies within the Doynton Conservation Area. There are a number of listed buildings lying to the west of the site which centre on the Grade II Doynton House, but due to the presence of adjacent and intervening structures and buildings, there is negligible inter-visibility between these designated heritage assets and the subject building. Historic cartographic evidence also confirms that the application site formed part of the Nicholl's farm and so there is no historic association with Doynton House.

5.14 The first OS Map and indeed the 1840 Tithe record a building of similar footprint where the subject building now stands. However, as noted within the DAS, an application in 1988 sought consent for a replacement building under reference P88/1197.

5.15 As the building and site has little presence within the Doynton Conservation Area in views from Bury Lane, subject to a good design its historic character and heritage significance should be preserved.

5.16 It is acknowledged that the subject building may not be an historic vernacular building whose functional use and character needs to be preserved. To this end the ideal scenario in terms of the building itself would be for the garage to be removed or relocated to the rear garden but this has not been forthcoming from the agent.

- 5.17 Whilst the building may be glimpsed from public vantage points and the listed building known as Doynton House the proposed alterations to facilitate conversion and the garage are not considered to cause harm to the conservation area.
- 5.18 It is however considered necessary that permitted development rights to amend the building or materially alter the domestic curtilage forthcoming with this application are restricted. A standard material condition and one requiring the provision of a stone panel are sought by the conservation officer but it is considered that a materials to match condition is adequate together with details of doors and windows given that stone walling is already at the property which can be matched.
- 5.19 Impact on Landscape/AONB/trees
Although from Bury Lane the site may be secluded in nature with limited public views, the site is nevertheless having its residential use intensified. With this in mind it is noted that the area behind the building has clearly been used in domestic form given its planting and hard landscaping which indicates that it has been used as domestic garden, further the tennis courts which form part of the curtilage of the site are already available for use. Existing holly and silver birch trees within the site are not proposed to be removed. The tree officer has looked at the Arbolocultural report submitted and agreed with the method statement to protect the two trees, close to the proposed garage which belong to the neighbour. The tennis courts and the garden are edged with mixed or beech hedging already and as such no further landscaping is considered necessary.
- 5.20 The Council has a duty to consider the impact or setting of the AONB in development proposals. In this instance the building is to be refenestrated and a garage added but the land surrounding the building is unlikely to be altered such that it would affect the AONB. The site is already well screened, and domesticated but a condition limiting permitted development, given that this application confirms the tennis courts as domestic curtilage is further justified by the AONB designated.
- 5.21 Ecology
The site is approximately 0.2 hectares in area. It includes a part two storey building faced in rubble stone with double roman clay tile roofs and part timber. The site has a 'front garden' or yard enclosed by stone walling, stone piers and boarded fencing, and small paddock area of approx. 650sqm with mature hedges to 3 sides on the SW, NE and SE boundaries, timber fencing along the NE side, and an existing tennis court to the southwest of the existing building.
- 5.22 This application is supported by an Ecological Appraisal and Bat Surveys by Crossman Associates (September, 2017) and no statutory or non-statutory sites for nature conservation will be affected by the proposal.

- 5.23 Various habitats were found on site and in particular bats were found to be roosting within the internal void of the northern room. Specifically The site has been assessed has containing a lesser horseshoe satellite roost and a brown long-eared bat maternity roost.
- 5.24 In Britain, all bats are protected under the Wildlife & Countryside Act 1981 (as amended by the CROW Act 2000) and the EC Habitats Directive 1992, implemented in Britain by the Habitat Regulations 2010. Furthermore, some bats are priority species nationally, being listed on the UK Biodiversity Action Plan and under Section 41 of the NERC Act 2006 as a species of principal importance for biological diversity in Britain; as well as being included on South Gloucestershire's own Biodiversity Action Plan.
- 5.25 As European Protected Species (EPS), a licence under Regulation 53/56 of the 2010 Habitat Regulations is required for development to be lawful. Judicial reviews have directed that surveys for bats cannot be left to planning Conditions; and that where bats are present, planning authorities should be applying the same 'tests' to which licence applications are subject to under Regulation 53/56 of the Habitat Regulations 2010.

Satisfying these 'tests' necessitates providing the detail of a mitigation strategy prior to determining the application.

The three 'tests' are:-

- For the purposes of preserving public health or public safety or other imperative reasons of overriding public interest including those of social or economic nature and beneficial consequences of primary importance for the environment;
- There is no satisfactory alternative to the work specification;
- The action authorised will not be detrimental to the maintenance of the population of the species at a favourable status in their natural range.

The first 'test' is satisfied in that development is regarded as being of 'overriding public interest of an 'economic nature'.

Regarding the second 'no satisfactory alternative' test, the recommendations made in Section 4 of the Ecological Appraisal and Bat Surveys by Crossman Associates (September, 2017) contains a thorough mitigation strategy detailing how the bat roosts will be safeguarded and mitigated, thereby maintaining the continued ecological functionality of the roosts within the development. These includes the retention of the main bat roost within its current location with modifications to enhance the bat roosting potential and ensure minimal disturbance once converted to a dwelling. Six Kent bat boxes will also be incorporated into the roost to provide alternative roosting opportunities for other species. There will also be a tool box talk for contractors and works will be carried out at the appropriate time of year. In addition, a 'soft' approach to the renovation works will be carried out and a temporary roost (bat box) will be in place if bats are found outside the maternity/main activity season. Such works will be supervised by an ecologist or ecological clerk of works (if appropriate). A bat friendly lighting scheme will be also be implemented.

Regarding the third 'favourable status' test, it is considered that the replacement provisions described in the Section 4 of the Ecological Appraisal and Bat Surveys by Crossman Associates (September, 2017) should enable lesser horseshoe and brown long-eared bats to continue to roost on site; and that, subject to appropriate mitigation measures being implemented in full (including monitoring), it is considered that development would not be 'detrimental to the maintenance of the species at a favourable status in their natural range'.

- 5.26 **Moving to other species** the small waterbody on site is not considered suitable as a breeding site for Great Crested newts and there are no other known suitable ponds within 500m of the site. The native species hedgerow which runs along the south-east boundary connects to a block of woodland are considered suitable for dormice, however the hedgerow will remain unaffected by the development.

There are nesting opportunities on site in the hedgerows and building. The survey of the building found swallow nests in the building and the site is considered to have suitable habitat for species such as slow worm. A mitigation strategy was put forward with the application and is accepted by the ecology officer. There were no badger setts or further evidence of badgers using the site.

Overall therefore subject to conditions securing bat and bird mitigation measures during and post works as set out in the Ecological survey, together with details of the exact location of the six proposed bat boxes and alternative swallow nesting sites, and an ecologically friendly lighting plan being submitted for approval there is no ecological objection to the development.

5.27 Drainage

The proposal advises that the property will connect to mains drainage. No objection is raised by the Lead Local Flood Authority on this basis as it is an acceptable means of drainage. The route to connect to mains drainage is through land in shared ownership but this is a civil matter which needs to be negotiated with the other landowners. These landowners were served with notice of the application and as such due process has been followed under the Planning Acts.

5.28 Consideration of likely impact on Equalities

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

It requires equality considerations to be reflected into the design of policies and the delivery of services.

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

5.29 Summary

The proposal to convert this building to other uses is appropriate development within Green belt and the building complies with policy PSP40. As such given that no other material harm is found the application is considered acceptable and will have the added benefit of adding a dwelling to the housing supply.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Karen Hayes
Tel. No. 01454 863472

CONDITIONS

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

Reason

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

2. 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

The site is located in the Doynton Conservation Area, Area of Outstanding Natural Beauty, has particular ecological considerations which could be affected by inappropriate works being undertaken and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; PSP1, PSP17 and PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017 and the National Planning Policy Framework.

3. The development shall be pursued strictly in accordance with the bat mitigation measures described in Section 4 of the Ecological Appraisal and Bat Surveys by Crossman Associates (September, 2017). (This shall also form the basis of the licence application (derogation) under Regulation 53 of the Habitat Regulations 2010.)

Reason

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

4. All works, including avoiding disturbance and/or harm to nesting birds and reptiles and future hedgerow management shall proceed in accordance with the methods laid out in Section 4 of the Ecological Appraisal and Bat Surveys by Crossman Associates (September, 2017). Any deviation from these methods shall be submitted to and agreed in writing by the local planning authority.

Reason

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

5. Prior to occupation, the exact location of the six proposed bat boxes and alternative swallow nesting sites shall be submitted to and agreed in writing by the local planning authority. The development shall then be carried out as agreed, also prior to occupation of the building and maintained thereafter.

Reason

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

6. Prior to commencement of development, details of the lighting scheme following guidance set out in Paragraph 4.35 of the Ecological Appraisal and Bat Surveys by Crossman Associates (September, 2017) shall be submitted to and agreed in writing. The development shall then be carried out as agreed, also prior to occupation of the building and maintained thereafter.

Reason

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

7. The alterations to the front garden wall shall be carried out to match the existing front boundary wall.

Reason

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

8. The stone work to be used externally on the resultant dwelling and garage development hereby permitted shall match that of the existing building in type, colour, texture, size, coursing and jointing.

Reason

The site is located in the Doynton Conservation Area, Area of Outstanding Natural Beauty, and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; PSP1, PSP17 and PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017 and the National Planning Policy Framework.

9. Prior to the commencement of development full details of the fenestration, including the reveals to windows/door openings; comprising plans at a scale of 1:20 of the following items shall be submitted to and agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason

The site is located in the Doynton Conservation Area, Area of Outstanding Natural Beauty, and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; PSP1, PSP17 and PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017 and the National Planning Policy Framework.

10. The works shall be carried out strictly in accordance with the Arborocultural Method Statement (Revision A) by Hillside Trees Ltd submitted 29/9/2017.

Reason

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

11. The development shall be carried out in accordance with the following plans:

Location plan 579 S 01

Existing floor plans 579 S 02
Existing elevations 579 S 03

Proposed Elevations 579 P 03

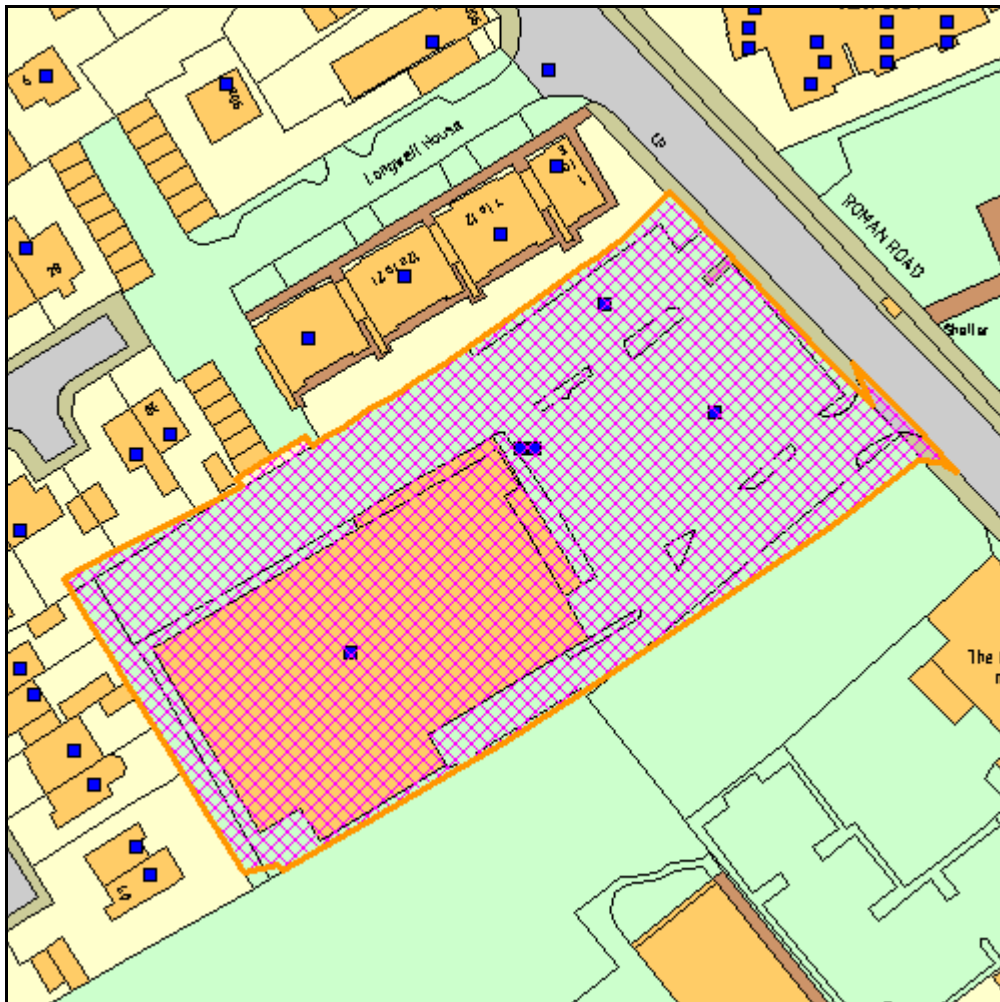
Structural survey
Arborocultural report
Statement of significance. All received 29 September 2017

Proposed Site Plan 579 P 01 B
Proposed floor plans 579 P 02 B
Proposed Section 579 P 04 B
Proposed Parking 579 P 05 A. All received 29 November 2017

Reason
To prevent the need for remedial action.

CIRCULATED SCHEDULE NO. 09/18 – 2 MARCH 2018

App No.:	PK17/5070/RVC	Applicant:	ALDI Stores Ltd
Site:	Aldi Store Bath Road Longwell Green South Gloucestershire BS30 9DE	Date Reg:	21 st November 2017
Proposal:	Variation of condition 5 attached to planning permission PK14/2547/RVC to change delivery hours to now say No deliveries shall be taken at or despatched from the service yard of the store hereby approved outside the hours of 07:00hrs to 22:00hrs Mondays to Saturdays and 07:00hrs to 22:00hrs on Sunday and Bank Holidays.	Parish:	Hanham Abbots Parish Council
Map Ref:	365664 171107	Ward:	Longwell Green
Application Category:	Major	Target Date:	19 th February 2018



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008. N.T.S. PK17/5070/RVC

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule following the receipt of objections from Hanham Abbots Parish Council and 2no. local residents; the concerns raised being contrary to the officer recommendation for approval.

1. THE PROPOSAL

1.1 The application site (0.56ha) is located on the south-western side of the A431 Bath Road, in the heart of Longwell Green, and previously comprised the former Longwell Green Service Station and Garage, and most of the land associated with it. Within the site was a petrol filling station building, within which was a small convenience shop (Spar); a car wash; an extensive area dedicated to used-car sales; and a garage/workshop offering servicing, repairs and MOT's. In addition there were 10no. lock-up garages at the rear of the site. A 2-storey residential property (2 flats) to the rear of the filling station provided accommodation for the manager of the filling station. Vehicular access and egress to/from the site was directly from Bath Road. The site lies within the Longwell Green Parade Local Centre and is bounded to the north by 3-storey blocks of flats i.e. Longwell House; to the North, by the semi-detached residential houses along Williams Close; to the south by the playing field of Longwell Green Primary School and to the south-east by The Crown Public House and car park. A mix of residential and commercial properties (including Tesco Express) as well as All Saints Church, lie opposite the site on Bath Road.

1.2 Planning permission PK13/2310/F was granted to Aldi Supermarkets for the Erection of a retail store (A1) with access, parking, landscaping and associated works. The store is now complete and opened for custom in 2014. The store has a gross building area of 1835sq.m. with net Retail Sales Area of 1,254 sq.m, selling a proportion of comparison goods. Car parking is located to the front of the site and along the northern boundary. There is one vehicular access from Bath Road as well as separate pedestrian access.

1.3 Condition 5 of planning permission PK13/2310/F related to the opening hours for customers of the Retail Store and these were restricted to the following hours:

08:00hrs – 21:00hrs Mon to Sat, 10:00hrs – 17:00hrs Sundays and Bank Holidays (6 hours opening between these hours).

(To comply with the Sunday Trading Act 1994 the retail store would trade for only 6 continual hours between 10:00hrs and 17:00hrs on Sunday and Bank Holidays.)

1.4 The reason given for the restriction of opening hours was given as:

“To protect the residential amenity of neighbouring occupiers in accordance with Policy RT8(B) of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.”

1.5 A subsequent application PK14/2547/RVC was granted consent to vary Condition 5 (now listed as Condition 4) to allow later opening hours of 08.00hrs – 22.00hrs Mon-Sat including Bank Holidays and 10.00hrs-17.00hrs Sundays.

1.6 Condition 5 of PK14/2547/RVC restricts the hours that deliveries are taken or despatched from the service yard of the store and reads as follows:

“No deliveries shall be taken at or despatched from the service yard of the store hereby approved outside the hours of 07:00hrs to 22:00hrs Mondays to Saturdays and 08:00hrs to 20:00 hrs on Sundays and Bank Holidays”

Reason

“To protect the residential amenity of neighbouring occupiers in accordance with Policy RT8(B) of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006”.

1.7 This current application seeks to vary the wording of Condition 5 to allow extended hours for deliveries on Sundays and Bank Holidays. The proposed revised wording of the condition is as follows:

“No deliveries shall be taken at or despatched from the service yard of the store hereby approved outside the hours of 07:00hrs to 22:00hrs Mondays to Saturdays and 07:00hrs to 22:00 hrs on Sundays and Bank Holidays”

i.e. this would allow deliveries one hour earlier in the morning and two hours later into the evening on Sundays and Bank Holidays only.

2. POLICY CONTEXT

2.1 National Guidance

The National Planning Policy Framework (NPPF) 27th March 2012

The National Planning Practice Guidance (PPG) 2014

PPS4 – ‘ Planning for Sustainable Economic Growth’ Practice Guide (retained)

2.2 Development Plans

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

CS1 - High Quality Design

CS5 - Location of Development

CS13 - Non-Safeguarded Economic Development Sites

CS14 - Town Centres and Retailing

South Gloucestershire Local Plan : Policies Sites & Places Plan (Adopted) Nov. 2017

PSP1 - Local Distinctiveness

PSP2 - Landscape

PSP9 - Health Impact Assessments

PSP16 - Parking Standards

PSP20 - Flood Risk, Surface Water and Watercourse Management

PSP21 - Environmental Pollution and Impacts

PSP32 - Local Centres and Parades

- 2.3 Supplementary Planning Guidance
The South Gloucestershire Design Check List (SPD) Adopted Aug 2007
Trees on Development Sites – (SPG) Adopted Nov. 2005.

3. **RELEVANT PLANNING HISTORY**

There have been numerous applications relating to this site, the most relevant being those listed below:

- 3.1 K3464/4 - Demolition of cottages nos. 108-116 (inc) Bath Road and conversion of house at no.106 Bath Rd. into 2 no. flats.
Approved 13 April 1987
- 3.2 K3464/12 - Use of land at rear of petrol filling station for the display of vehicles for sale and associated parking, relocation of bottled gas compound.
Approved 23 March 1992
- 3.3 P98/4630 - Redevelopment of filling station involving new sales building, extended canopy, new pump islands, relocated car wash, jet wash, extended vehicle sales area, and extension to workshop.
Approved 5 Jan 1999
- 3.4 PK09/5572/O - Demolition of existing building to facilitate the erection of a neighbourhood food store (Class A1) and 2no. units for restaurant and café use (Class A3) (Outline) with access and siting/layout to be determined. All other matters to be reserved.
Withdrawn 14 Jan 2010
- 3.5 PK09/057/SCR - Demolition of existing building to facilitate the erection of a neighbourhood food store (Class A1) and 2no. units for restaurant and café use (Class A3) (Outline) with access to be determined. All other matters to be reserved. (Screening for PK09/5572/O).
Environmental Impact Assessment not required 22 Oct 2009.
- 3.6 PK10/3075/O - Demolition of existing building to facilitate the erection of a retail store (Class A1) and 2no. units for mixed A1/A2 use with car parking and associated works, outline application with access, siting/layout, scale and landscaping to be determined with all other matters reserved. (Resubmission of PK09/5572/O)
Approved 14th Oct. 2011
- 3.7 PK13/2310/F - Erection of Retail Store (Class A1) with access, parking, landscaping and associated works.
Approved 21 Feb. 2014
- 3.8 PK14/2547/RVC - Variation of Condition 5 attached to planning permission PK13/2310/F to alter opening hours to 08.00hrs – 22.00hrs Mon to Sat including Bank Holidays and 10.00hrs – 17.00hrs Sundays.
Approved 19 Sept. 2014

4. **CONSULTATION RESPONSES**

4.1 Hanham Abbots Parish Council

Objection : We see no reason to amend the existing condition attached to the original planning permission, which was there for the benefit of nearby residents.

Oldland Parish Council

No response

4.2 Other Consultees

Transportation D.C.

No objection

Lead Local Flood Authority

No objection

Avon Wildlife Trust

No response

The Coal Authority

No response

Police Community Safety Officer

No response

Hanham District Green Belt Conservation Society

No response

Wessex Water

No response

Other Representations

4.3 Local Residents

2no. letters/e-mails of objection have been received from local residents. The concerns raised are summarised as follows:

- 10pm is far too late for deliveries in a residential area where there are old people dwellings near the site.
- 7am deliveries are also unacceptable as this is usually a quiet time of the day, especially on Sundays, so the noise will be far more noticeable at this time.
- The noise assessment only recommended noise reduction measures, they should be mandatory. A recommendation has no power of enforcement. How will residents be able to complain if it is only a recommendation?
- The lorries would be arriving at times where we would usually have a break from the day to day hustle and bustle of the supermarket, we therefore feel the current times are adequate.

- The employees of Aldi already make considerable noise when arriving and leaving the premises. This includes noisy car engines and playing loud music. Loud chatter. This starts an hour before opening times, and an hour after the store has closed. This would be even earlier/later in the day if the delivery hours were to change.
- Sunday's are a day of rest, and we object to the changes in these hours as deliveries would disturb our peace on a Sunday, especially when we are sat in our garden.
- Currently during Christmas periods, Aldi have a refrigerated container parked to the side of the store, where there is parking, and the clatter of the trolleys going up and down the ramp, at times goes on until 1am in the morning, and the new shift can start as early as 4am in the morning, which again disturbs our peace and wakes us at an unacceptable hour. The humming of the refrigerated container goes on all night, which makes it impossible to sleep.
- The store has got noisier and noisier over the years.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

It is merely proposed to vary the wording of Condition 5 to extend the hours for deliveries to/from the store on Sundays and Bank Holidays. Having regard to the reason for the condition, officers must assess this proposal having specific regard to the impact on residential amenity.

Analysis

- 5.2 The scope of a variation/removal of condition application (section 73 application) is more limited than a full planning application. The Local Planning Authority may only consider the question of the condition(s), and cannot revisit or fundamentally change the original permission. It may be decided that the permission should be subject to the same conditions as were on the original permission; or that it should be subject to different conditions; or that permission may be granted unconditionally. There is a right of appeal in the usual way against any conditions imposed.
- 5.3 In assessing this application it is necessary to consider whether or not the relevant condition no.5 or any variations thereto, satisfy the requirements of planning conditions as set out in the National Planning Policy Framework (NPPF). The NPPF requires all planning conditions to pass six tests, these being that conditions should be necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable.
- 5.4 Policy CS4 of The South Gloucestershire Local Plan Core Strategy replicates the NPPF in enforcing the presumption in favour of sustainable development. In accordance with para.187 of the NPPF, 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'. NPPF Para.187 states that Local Planning Authorities should look for solutions rather than problems and decision-takers at every level should seek to approve applications for sustainable development where possible.

Justification for Varying Condition 5.

- 5.5 The applicant has stated that ALDI Longwell Green has established itself as a successful store but in a competitive market place, ALDI must evolve to meet consumer demand. Given the change in the pattern of retailing over time and the desire for customers to purchase fresh produce with maximum product life, this requires a flexible system of stock management and distribution.
- 5.6 The sheer volume of stock that the store handles means that ALDI needs to be as efficient as possible at restocking when the store is at its quietest. This is to enable the store to provide the best service and shopping environment to its customers. It is apparent that the store does not currently have the level of flexibility for the successful operation of the store to meet customers demand, and therefore extended delivery hours are required.

Analysis

- 5.7 In order to assess the impact of the proposal on the amenities of nearby residents, a noise impact assessment has been carried out by Sharps Redmore Acoustic Consultants dated 13th Sept. 2017, which details the results of a noise survey undertaken at the store.
- 5.8 It is noted that the service yard is located on the southern side of the ALDI store. The closest properties to the service yard are approximately 60 metres to the north at Longwell House which is a 3-storey block of flats.
- 5.9 The proposal would merely bring the time period for deliveries to the store on Sundays and Bank Holidays in line with the existing permitted delivery times for Mondays – Saturdays. During the Sunday noise survey, the noise climate was observed to be dominated by local road traffic using Bath Road.
- 5.10 The noise levels from delivery activity at ALDI stores is well documented and the acoustic report para.4.9 states that in the context of the WHO guideline noise values the significance of the impact would be low for deliveries occurring from 0700 and 2200 hrs on Sundays and Bank Holidays.
- 5.11 The second key contextual consideration is how the predicted delivery activity noise levels compare to the existing ambient noise climate to consider the change in ambient noise level. The impact classification in the context of change in noise level for delivery activity occurring between 0700 hrs and 2200 hrs on a Sunday is low.
- 5.12 The report concludes that overall the assessment objectively demonstrates that when considered in context, deliveries could be made between 0700 and 2200 hours on Sundays and Bank Holidays, without associated noise giving rise to significant adverse impact, which meets the test under paragraph 123 of the NPPF.

Transportation Issues

- 5.13 Officers have concluded that given the location of the site, within a predominantly commercial area, it is unlikely that extending the delivery hours will generate a significant number of additional trips to the store. Instead, officers believe that it is likely that the same number of deliveries will be spread over a longer period. Officers would be more concerned about this proposal should it be intended to extend the stores opening hours (which it is not) to match the delivery period. However, under the prevailing circumstances, there are no highways or transportation concerns about this application

Impact on Residential Amenity

- 5.14 The current application merely seeks to vary condition 5 to allow a modest increase in the delivery hours on Sundays and Bank Holidays only.
- 5.15 If the current application is approved, all relevant other conditions attached to PK14/2547/RVC would be carried over and these include conditions to protect residential amenity which include controls on opening hours; noise levels emitted from plant; lighting scheme and overnight parking of refrigeration lorries.

Planning Balance

- 5.16 Officers are mindful of the NPPF support for sustainable economic development and the need to boost the economy. Furthermore, conditions should be reasonable and in this case an over restrictive condition has the potential to adversely affect the successful operation of the store.
- 5.17 The proposed extension to delivery times as proposed only relates to Sundays and Bank Holidays and would be no different to the delivery hours already permitted for weekdays. The extended hours would provide benefits in allowing the store to operate on a more efficient basis, thus making it more viable which in turn adds to the vitality of the Local Centre. There would also be a benefit for customers in meeting their desire to purchase fresh produce with a maximum product life.
- 5.18 The extended delivery hours would not have a significant impact in terms of noise for occupants of the nearest residential dwellings to the North. Regard has been had to the NPPF advice in paragraph 123 which states that planning decisions should avoid noise giving rise to “significant adverse impacts” on health and quality of life. It is considered that the amended condition would retain the safeguards over the night time where impact from noise is likely to have most impact. The technical evidence submitted suggests the impact would not give rise to such a significant adverse impact. Officers are therefore satisfied that the benefits of the proposal outweigh any harm to residential amenity.
- 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 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. 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 South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

7.1 That a variation of Condition 5 is permitted to read as follows:

“No deliveries shall be taken at or despatched from the service yard of the store hereby approved outside the hours of 07:00hrs to 22:00hrs Mondays to Saturdays and 07:00hrs to 22:00 hrs on Sundays and Bank Holidays”

Reason

“To protect the residential amenity of neighbouring occupiers in accordance with Policy PSP21 of the South Gloucestershire Local Plan Policies Sites and Places Plan (Adopted) Nov 2017 and para. 123 of the NPPF.

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CONDITIONS

1. The Travel Plan approved 11 Sept. 2014 shall be implemented (maintained operational) at all times.

Reason

To promote sustainable means of travel in the interests of highway safety and the amenity of the area, to accord with Policy PSP11 of the South Gloucestershire Local Plan Policies Sites and Places Plan (Adopted) Nov. 2017.

2. The car parking plus turning areas as shown on the approved Proposed Site Plan Nos 110435 P(1)08 Rev E received 25 Oct. 2013 shall be maintained satisfactorily on site and used only in conjunction with the site's purpose.

Reason

In the interests of highway safety in accordance with Policies PSP11 and PSP16 of The South Gloucestershire Local Plan Policies Sites and Places Plan (Adopted) Nov. 2017.

3. The staff and customers cycle parking facilities as approved 11 Sept. 2014, shall be maintained as such at all times.

Reason

To ensure the satisfactory provision of secure cycle parking facilities and to promote alternative uses to the car in the interests of sustainability, in accordance with Policy PSP16 of The South Gloucestershire Local Plan Policies Sites and Places Plan (Adopted) Nov. 2017.

4. The retail store hereby approved shall not be open to customers outside of the following hours:

08:00hrs - 22:00hrs Monday to Saturday including Bank Holidays and 10:00hrs - 17:00hrs Sundays.

Reason

To protect the residential amenity of neighbouring occupiers in accordance with Policy PSP21 of The South Gloucestershire Local Plan Policies Sites and Places Plan (Adopted) Nov. 2017.

5. No deliveries shall be taken at or despatched from the service yard of the store hereby approved outside the hours of 07:00hrs to 22:00hrs Mondays to Saturdays and 07:00hrs to 22:00hrs on Sundays and Bank Holidays.

Reason

To protect the residential amenity of neighbouring occupiers in accordance with Policy PSP21 of The South Gloucestershire Local Plan Policies Sites and Places Plan (Adopted) Nov. 2017 and para. 123 of the NPPF.

6. The level of noise emitted from the plant (either within or on the building hereby approved) shall not exceed 33 dB(A) (5 minutes LAeq) between 23.00 hours and 07.00 hours and 38 dB(A) (1 hour LAeq) at any time as measured at the facade of the rear elevation of 40 Williams Close, Longwell Green or any other noise sensitive facade. The measurements and assessments shall be made in accordance with the provisions of British Standard 4142:1997.

Reason

To protect the residential amenity of neighbouring occupiers in accordance with Policy PSP21 of The South Gloucestershire Local Plan Policies Sites and Places Plan (Adopted) Nov. 2017 and para. 123 of the NPPF.

7. The retail unit hereby permitted shall be operated at all times in full accordance with the lighting scheme for the car park, building and servicing areas as approved 11 September 2014.

Reason

To reduce light pollution in the interests of residential amenity and the environment in general in accordance with Policy PSP21 of The South Gloucestershire Local Plan Policies Sites and Places Plan (Adopted) Nov. 2017.

8. Prior to its first use, all mechanical plant and equipment shall be enclosed in sound insulating material, mounted and located to minimise the transmission of structure borne sound in accordance with a scheme to be submitted to and approved by the Local Planning Authority and thereafter maintained as such.

Reason

To mitigate against possible noise disturbance to local residents and to accord with Policy PSP21 of The South Gloucestershire Local Plan Policies Sites and Places Plan (Adopted) Nov. 2017 and para. 123 of the NPPF.

9. There shall be no overnight parking of refrigeration lorries on the site that is the subject of this permission.

Reason

To protect the residential amenity of neighbouring occupiers in accordance with Policy PSP21 of The South Gloucestershire Local Plan Policies Sites and Places Plan (Adopted) Nov. 2017 and para. 123 of the NPPF.

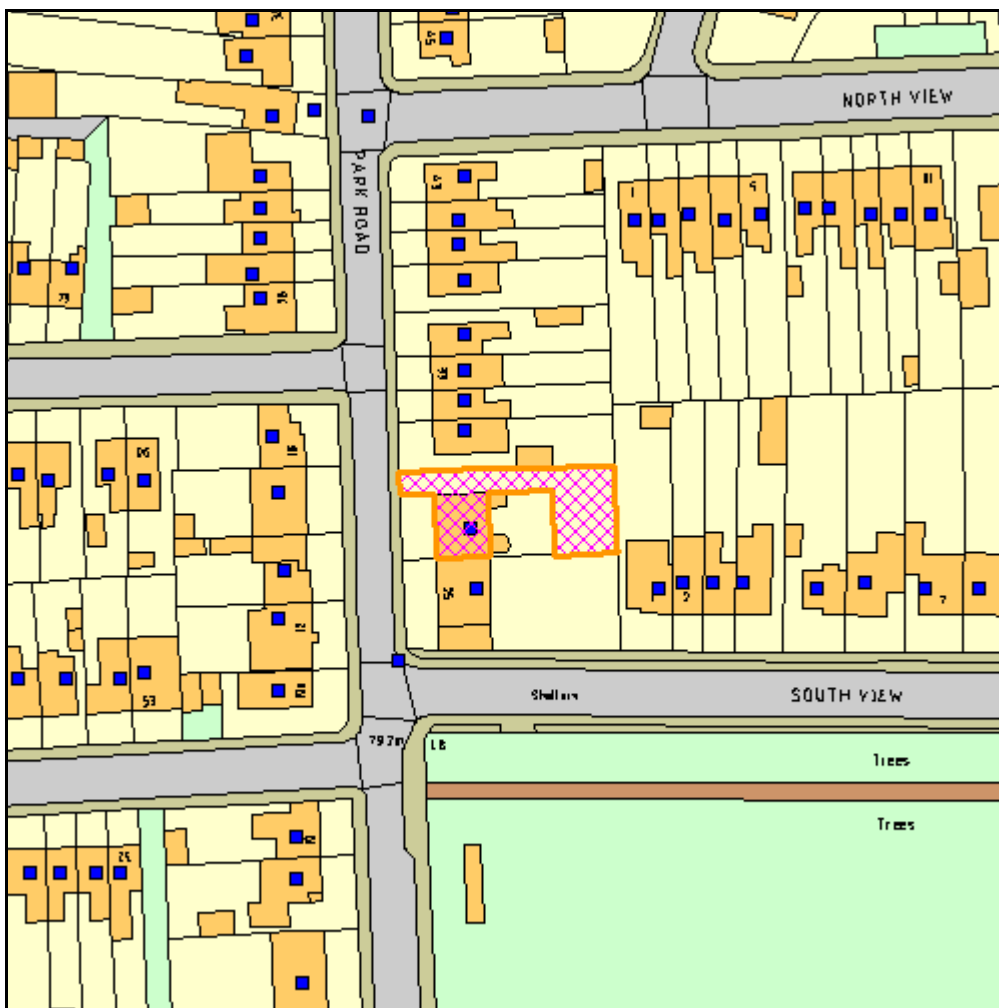
10. The development hereby approved shall be used as a Class A1 food retail store only. This shall be restricted to 'limited product line deep discount retailing', and shall be used for no other purpose falling within Class A1 of the Town and Country Planning (Use Classes) Order 1987. 'Limited product line deep discount retailing' shall be taken to mean the sale of no more than 2,000 individual product lines. No increase in the number of product lines shall be permitted until such time as details have been submitted to and approved in writing by the Local Planning Authority. The net retail floorspace of the supermarket hereby approved shall not exceed 1,254 sq.m. The proportion of retail floor area to be used for the sale of comparison goods shall not exceed 20% (251sq.m.) of the net retail floor area.

Reason

To ensure that the development would be in accordance with the scale and function of the Local Centre in accordance with Policy CS14 of The South Gloucestershire Local Plan Core Strategy Adopted) Dec. 2013 and Policy PSP32 of The South Gloucestershire Local Plan Policies Sites and Places Plan (Adopted) Nov. 2017.

CIRCULATED SCHEDULE NO. 09/18 – 2 MARCH 2018

App No.:	PK17/5413/F	Applicant:	Stephen West
Site:	27A Park Road Staple Hill Bristol South Gloucestershire BS16 5LF	Date Reg:	13th December 2017
Proposal:	Erection of detached garage (amendment to previously approved scheme PK12/0354/F) (retrospective)	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	365348 176191	Ward:	Downend
Application Category:	Householder	Target Date:	6th February 2018



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008. **N.T.S.** **PK17/5413/F**

REASONS FOR REPORTING TO CIRCULATED SCHEDULE

This application is to appear on the Circulated Schedule due to the receipt of an objection from a local resident, contrary to the Planning Officer's recommendation.

1. THE PROPOSAL

- 1.1 The application seeks retrospective planning permission for the erection of a detached garage to the rear of No. 27A Park Road, Staple Hill.
- 1.2 The application property is a two storey semi-detached dwelling. The property is located in the residential area of Staple Hill, situated within the Bristol East Fringe urban area.
- 1.3 The application seeks amendments to a previous approved application for the detached garage PK12/0354/F. During the construction of this permission alterations were made to make the garage materially different to that approved. The siting and dimensions (footprint and height) are approximately the same to that previously approved, with the changes being the orientation of the approved ridge line and amendments to the window and door configurations.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

- CS1 High Quality Design
- CS4a Presumption in Favour of Sustainable Development
- CS5 Location of Development
- CS8 Improving Accessibility

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

- PSP1 Local Distinctiveness
- PSP8 Residential Amenity
- PSP16 Parking Standards
- PSP20 Flood Risk, Surface Water and Watercourse Management
- PSP38 Development within Existing Residential Curtilages, Including Extension and New Dwellings

3. RELEVANT PLANNING HISTORY

- 3.1 PK12/0354/F – Erection of detached garage – Approved with conditions 25th April 2012

4. CONSULTATION RESPONSES

4.1 Downend and Bromley Heath Parish Council

No comment received

4.2 Other Consultees

Sustainable Transport

No objection as there is very little difference from the previous scheme, of which no objection was raised to that version.

Other Representations

4.3 Local Residents

One objection received (summarised below) -

- Soak away not as per building regulations
- No sound insulation
- Revised windows will be overlooking
- Scale of garage size in comparison to others in vicinity
- Garage overshadows/overbears neighbouring property.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The principle of development for a detached garage has been established under the previous permission, granted under reference PK12/0354/F. The question for this application is whether the changes from the scheme approved under that permission are acceptable, and these are considered against the relevant policy and other considerations in the following sections.

5.2 This application is principally being assessed under PSP38 Developments within Existing Residential Curtilages, Including Extension and New Dwellings demonstrating that developments are acceptable providing they respect the host property in terms of design, do not prejudice amenities of neighbours, provide acceptable parking provisions and do not prejudice highway safety, and would not prejudice provisions of adequate private amenity. The development is also being assessed under CS1 High Quality Design demonstrating that the development respects and enhances the character and amenity of both the site and its context. There is no 'in principle' objection provided no adverse impacts are found under the above considerations.

5.3 Design/Visual amenity

The siting of the garage and the footprint have already been established in the previously approved scheme with only a slight variation due to building methods, the overall height is the same and the size of this proposal is

ITEM 3

materially the same to that previously approved. The main alteration regarding the design is the change in orientation of the ridge line. The previous scheme had the ridge running front to back, whereas this proposal has the ridge running from side to side. This ridge line is more in line with that of the host dwelling, and although it differs from other detached buildings within the surroundings, due to the garage being set back from the highway, the impact this change has is minimal.

5.4 Objections were raised over the size of the garage. However, as discussed previously, the dimensions are similar to that of the previously approved scheme and this proposal is in the same location.

5.5 Due to the proposals being in keeping with the street scene, being of modest size and set back from the highway, and respecting the host dwelling in design and finish the proposals satisfy the requirements as set out in policies CS1 and PSP38.

5.6 Residential Amenity

The main issues to consider with this scheme are the alterations to the window arrangements, as a ground floor window is proposed on a side elevation to the rear of the garage alongside the boundary with No.1 South View, and the 'Bullnose' window is proposed under the ridge, on the same side elevation. Objections were raised that these windows will be overlooking neighbouring properties. As this is a single storey structure there would be no adverse overlooking issues to the nearest neighbouring property. The boundary treatments in place (a stone boundary wall of approximately 1.5 metres in height) would prevent views from the rear window closest to the boundary with No. 1 South View, and the garage is located over 6 metres away from the main rear elevation of this property. It is also important to note that if a lower garage were to be constructed under permitted development, there would be no conditions attached to the positioning of the windows of a single storey structure. Also, the owner has stated that all windows are to be opaque which would prevent further overlooking. The proposed 'bullnose' window is to be inserted to improve the internal light, and due to its high positioning and lack of internal first floor, overlooking from this would not be an issue.

5.7 Issues were raised stating the garage would be overshadowing/overbearing, however this was considered during the previous scheme and deemed acceptable. The alterations subject to this application would reduce any overshadowing, with the ridge now running in line with the boundary of No. 1 South View, setting the ridge further away from that property. The objector has also raised an issue regarding the installation of sound insulation. However the building is detached and to be used for purposes incidental to the host dwelling. Nothing in the application suggests it will be used for a noisy activity, and sound insulation is not ordinarily a requirement for such a building. Without specific justification there is no reason to require sound insulation in this case.

5.8 As no detrimental impact on neighbouring properties has been identified, the proposals satisfy the requirements as set out in the policies PSP8 and PSP38.

5.9 Sustainable Transport

As there is no change to the scheme that would alter any parking or highway safety issues at the site, which was already assessed and deemed acceptable in the previous scheme, the Council's Highways Officer has raised no objections. Therefore, this proposal satisfies the requirements as set out in the policies PSP16 and PSP38.

5.10 Other Matters

The objector has raised a concern over the drainage not complying with Building Regulations. This is not a material planning consideration, and any compliance with Building Regulations would be assessed under Building Regulations approval.

5.11 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.

5.12 No material considerations that are considered to engage the Public Sector Equality Duty have been identified through the assessment of the planning application.

6. CONCLUSION

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

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

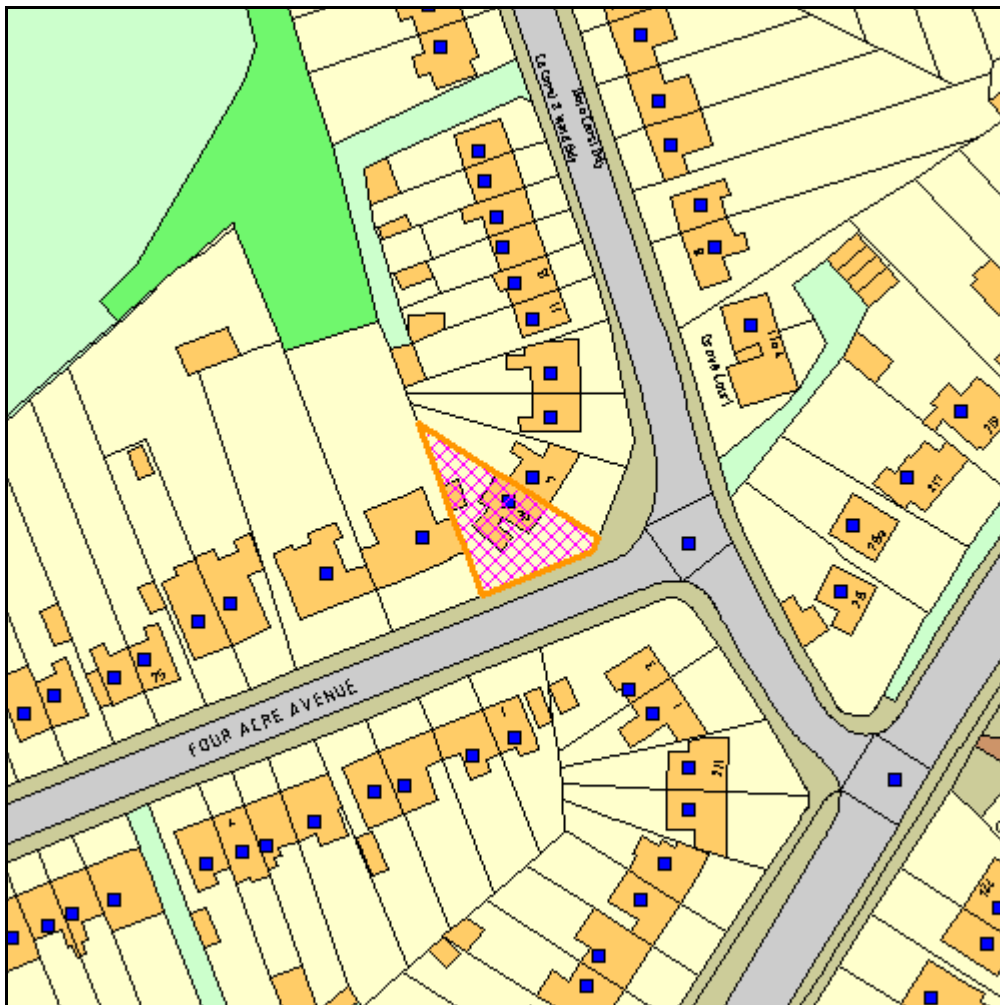
7. RECOMMENDATION

7.1 That planning permission is granted.

Contact Officer: Aaron Bush
Tel. No. 01454 863117

CIRCULATED SCHEDULE NO. 09/18 – 2 MARCH 2018

App No.:	PK17/5613/F	Applicant:	Mr Jones
Site:	30 Fouracre Avenue Downend Bristol South Gloucestershire BS16 6PD	Date Reg:	12th December 2017
Proposal:	Demolition of existing garage and erection of 1no detached bungalow with access and associated works.	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	365411 177758	Ward:	Downend
Application Category:	Minor	Target Date:	29th January 2018



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008. **N.T.S.** **PK17/5613/F**

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application has received comments in both support and objection. As such, according to the current scheme of delegation must be placed on the Councils Circulated Schedule for members.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the demolition of an existing garage and the erection of 1no. detached bungalow with associated works within the residential curtilage of 30 Fouracre Avenue.
- 1.2 The host dwelling is a two storey semi-detached dwelling located within the settlement boundary of Downend.

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 Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS15 Distribution of Housing
CS16 Housing Density
CS17 Housing Diversity

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

PSP1 Local Distinctiveness
PSP8 Residential Amenity
PSP11 Transport Impact Management
PSP16 Parking Standards
PSP38 Development within Existing Residential Curtilages
PSP43 Private Amenity Space Standards

- 2.3 Supplementary Planning Guidance
Design Checklist SPD (Adopted) 2007
Residential Parking Standards SPD (Adopted) 2013
Waste Collection: Guidance for New Development SPD (Adopted) January 2015

3. RELEVANT PLANNING HISTORY

- 3.1. None

4. CONSULTATION RESPONSES

- 4.1 Downend and Bromley Heath Parish Council
None received.

Emersons Green Town Council

“Members are concerned that the proposed dwelling might be an overdevelopment of the site and would seek the views of the Downend and Bromley Heath Parish Council.”

- 4.2 Other Consultees

Highway Structures

“The Highway Structures team has no comment.”

Lead Local Flood Authority

“No objection.”

Sustainable Transport

“No objection subject to a parking condition.”

Other Representations

- 4.3 Local Residents

One letter of objection was received which related to overdevelopment of the site; poor design; overbearing impact; and access/parking.

Two letters of support were received. Both stated “I fully support these plans.”

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development

Paragraph 14 of the NPPF states that proposals that accord with the development plan should be approved without delay. Policy CS5 sets out the locational strategy for development in the district. New development is directed towards existing urban areas and defined settlements. As the site is located within the settlement boundary of a community on the north fringe of Bristol, development is supported in this location. As such, based solely on the location of the site, the principle of the development is acceptable.

- 5.2 Notwithstanding this, it is recognised that, at present, the local planning authority is unable to demonstrate a five-year supply of deliverable housing land. Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. However as the application site falls within the defined settlement boundary on the north fringe of Bristol, the principle of development is acceptable under the provisions of policy CS5. As policy CS5 is not seeking to restrict the supply of housing, it can be afforded full weight in this case.

- 5.3 Whilst the principle of the proposed development is acceptable under the provisions of policy CS5, the impacts of the development require further assessment to identify any potential harm. The harm identified will then be balanced against the benefits of the proposal. The further areas of assessment are; design and visual amenity, residential amenity, and transportation.
- 5.4 Design and Visual Amenity
The area is dominated by semi-detached pairs with bay windows and hipped roofs. However, there are also terraces, apartments and bungalows in the wider area. Many of the properties benefit from alterations including side extensions and loft conversions. The site itself is a semi-detached property located in a corner plot. The site is 338m² and is in a triangular shape with the host dwelling occupying the larger side of the plot. It is proposed to construct a two bedroom chalet style bungalow in the small garden to the west of the host dwelling. A single garage would be demolished to facilitate the build.
- 5.5 The Case Officer has serious concerns regarding the proposal, believing it to be an overdevelopment of the site. The site is not suitable for an additional property and this is reflected in the contrived design. The ground floor of the proposed bungalow would be in a triangular shape in order to fit in the plot; and the first floor would be a gable roof design with a hipped element, and front and rear dormers. This design does not reflect the well-proportioned properties in the vicinity. Also, the siting of the proposal, show-horned between a semi-detached pair and detached bungalow would be unique and would look incongruous on the street scene to the detriment of the site and its surroundings. It is noted that many of the design elements in the proposed bungalow are present on the properties in the immediate area. However, this proposal incorporates all of these design elements in one small poorly designed property. Moreover, the Case Officer also has concerns regarding the buildability of the proposal if approved.
- 5.6 An additional symptom of the overdevelopment of the site is the lack of private amenity space available for the proposed bungalow. Policy PSP43 requires that a minimum of 50m² is provided for a two bed dwelling. This space should be functional, safe, easily accessible, and as a minimum accommodate a table and chairs; storage; and an area for drying washing. The application proposes just 18m² of private outside amenity space; this is significantly below the standards advocated by PSP43 and would lead to detrimental living conditions for the inhabitants of the new property.
- 5.7 The proposal is considered to be an overdevelopment of the site. This is reflected in the contrived design, lack of private amenity space and appearance in relation to the site and its surroundings. The proposal fails to meet the high quality design expected by the NPPF; policies CS1, CS16 and CS17 of the Core Strategy; and PSP38 of the PSP Plan. As such the proposal is contrary to the Development Plan.

5.8 Residential Amenity

Policies PSP8 and PSP38 of the adopted PSP Plan 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

5.9 The new dwelling will be built in the side garden of 30 Fouracre Avenue.

Despite the contrived plot, as the proposal is a chalet style bungalow set between a bungalow and a two storey semi-detached house, it is unlikely that a detrimental overshadowing impact will occur to either neighbours to the north and west. Also, as the bungalow would only contain windows that look out onto the street; and out over the rear gardens on both ground and first floors. It is also unlikely that a detrimental loss of privacy would result as a result of this dwelling.

5.10 However, as noted in point 5.5, the new dwelling will have just 18m² of private amenity space which is contrary to policy PSP43; Policy PSP38 also requires 'adequate amenity space' be provided post development. While PSP38 does not assign figures to 'adequate amenity space'; it is considered that by proxy of PSP43, the property is also contrary to policy PSP38 in regards to a lack of private amenity space. As such the proposal is contrary to the Development Plan.

5.11 Transport

PSP16 sets the parking requirements for new development; a two bedroom property requires 1.5 off-street parking spaces within the boundary of the property. These spaces should meet South Gloucestershire standards and be safe to access.

5.12 Two parking spaces would be provided within the boundary of the property which would be safe to access. These parking spaces meet the requirements of PSP16; and subject to a condition ensuring the provision of the spaces there would be no transport objections. As such the proposal accords with the Development Plan.

5.13 Drainage

Additional drainage details were requested by the Case Officer in regards to the location of the proposed soakaway. This information was provided and the Lead Local Flood Authority raised no objection.

5.14 Equalities

The Equality Act 2010 protects people from discrimination in the workplace and in wider society. 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.

5.15 Planning Balance

The application has one clear and tangible benefit; this is the addition of 1no. dwelling to South Gloucestershire housing stock. However, as assessed above, the proposed scheme represents poor design by virtue of its siting, scale and appearance. The development would result in a cramped and contrived form of development to the detriment of the site and its surroundings. Additionally, the application site would provide insufficient amenity space for the proposed dwelling to the detriment of the living conditions of future occupants. On balance therefore the addition of 1no. new dwelling does not outweigh the harm identified in this report and the application 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 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 **REFUSED** subject to the refusal reasons set out in the Decision Notice.

Contact Officer: David Ditchett
Tel. No. 01454 863131

REFUSAL REASONS

1. Design

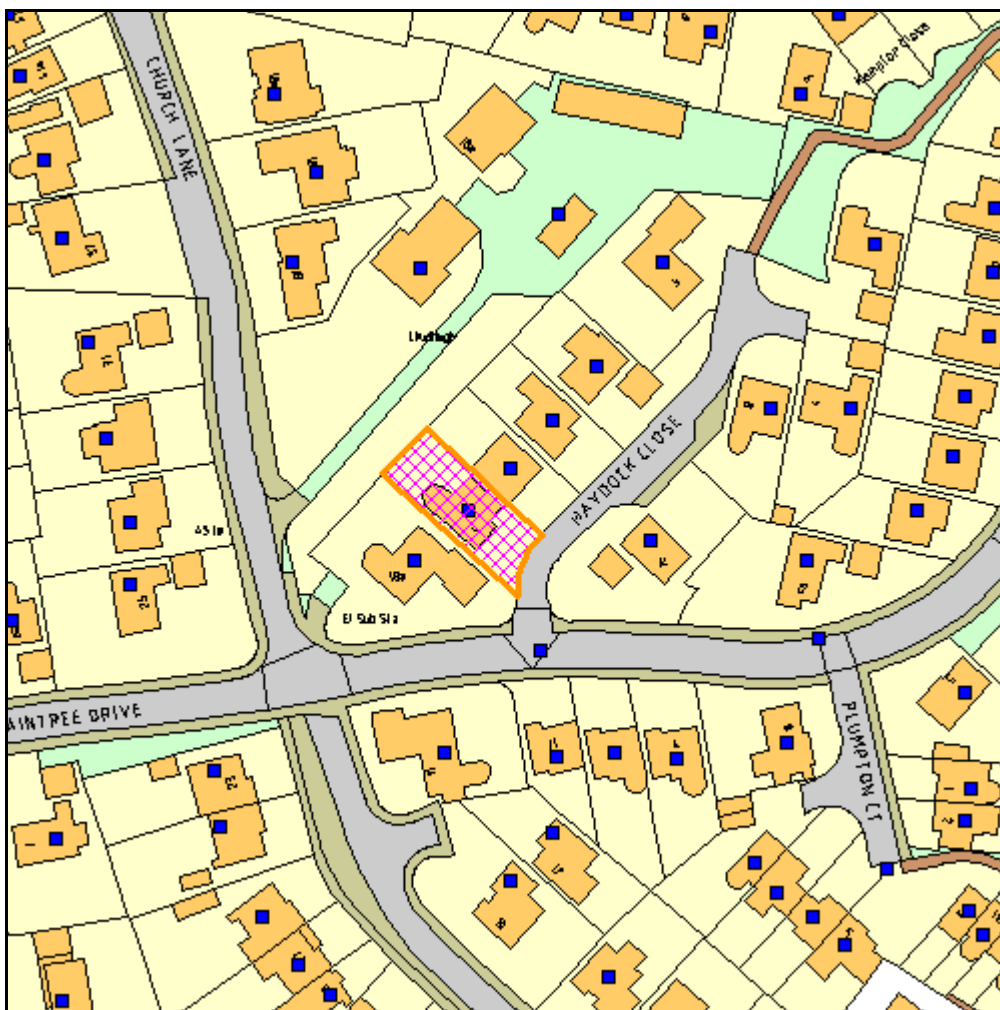
The proposed scheme represents poor design by virtue of its siting, scale and appearance. The development results in a cramped and contrived form of development. This is contrary to Policy PSP38 of the South Gloucestershire Local Plan Policies, Sites and Places Plan (Adopted) November 2017 and Policies CS1, CS16 and CS17 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013. Furthermore, the proposal is contrary to the core planning principles in paragraph 17 of the NPPF which also seeks to secure high quality design.

2. Amenity

The application site would provide insufficient amenity space for the proposed dwelling to the detriment of the living conditions of future occupants. This is contrary to Policies PSP38 and PSP43 of the South Gloucestershire Local Plan Policies, Sites and Places Plan (Adopted) November 2017 and the core planning principles in paragraph 17 of the NPPF which also seeks to secure a good standard of amenity.

CIRCULATED SCHEDULE NO. 09/18 – 2 MARCH 2018

App No.:	PK18/0118/CLP	Applicant:	Mr Chris Wood
Site:	1 Haydock Close Downend Bristol South Gloucestershire BS16 6SP	Date Reg:	17th January 2018
Proposal:	Proposed removal of window and installation of bi-fold doors, erection of bike shed and installation of 3no. velux windows to provide additional living accommodation.	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	365822 178237	Ward:	Emersons Green
Application Category:		Target Date:	8th March 2018



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008. **N.T.S.** **PK18/0118/CLP**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed removal of a window and installation of bi-fold doors, erection of a bike shed and the installation of 3no. velux windows at no. 1 Haydock Close, Downend, would be lawful.
- 1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based solely on the facts presented.
- 1.3 The originally submitted proposal also included the conversion of the existing garage at the property to form ancillary living accommodation. However a restriction on permitted development rights at the property required the garage to be retained for the garaging of private motor vehicles and other uses incidental to the enjoyment of the dwellinghouse. In this respect, the conversion of the garage to form ancillary living accommodation requires express planning permission. The applicant was made aware of this, and subsequently submitted revised plans on 21st February 2018, excluding the proposed garage conversion from the proposal.

2. POLICY CONTEXT

2.1 National Guidance

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

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

3. RELEVANT PLANNING HISTORY

3.1 K4989/13

ERECTION OF 16 NO 4 BED. DETACHED DWELLINGS, GARAGES, ESTATE ROADS AND ASSOCIATED WORKS (Previous ID: K4989/13)

Approved: 09.03.1989

Conditions 3, 7 and 10 attached to this permission restricted the future permitted development rights of the dwellings. The conditions are outlined in full below:

- Condition 3: *The garages hereby permitted shall be used for the garaging of private motor vehicles and for other uses incidental to the enjoyment of the dwellinghouses only and shall not be used for any business or commercial purposes.*
- Condition 7: *Notwithstanding the provisions of the Town and Country Planning general Permitted Development Order, no walls, fences or other means of enclosure shall be erected, positioned or placed in front of a wall of a dwelling which fronts onto a highway unless it is in accordance with the guidelines attached to this permission.*
- Condition 10: *Notwithstanding the provisions of the Town and Country Planning general Permitted Development Order 1977 as amended, the dwellinghouses of plots 260, 261, 270 and 271 shall not be extended without the prior permission of the Local Planning Authority.*

4. CONSULTATION RESPONSES

- 4.1 Downend and Bromley Heath Parish Council
No objection

Other Representations

- 4.2 Local Residents
No comments received

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Site Location Plan
(Received by Local Authority 16th January 2018)
- Combined Proposed Plans
(Received by Local Authority 21st February 2018)

6. ANALYSIS OF PROPOSAL

- 6.1 Principle of Development
The application for a Certificate of Lawfulness is purely an evidential test and is a formal way of establishing whether or not the proposed development can be implemented lawfully without the need for planning permission. Accordingly there is no consideration of planning merit, the application is based on the facts presented. The submission is not an application for planning permission and as such the development plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted.

If the evidence submitted demonstrates that the proposed use is lawful, on the balance of probabilities, the Local Planning Authority must grant a certificate confirming that the proposed development is lawful.

- 6.2 The key issue in this instance is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class A of the GPDO (2015). It should be noted that whilst conditions attached to a previous consent do restrict the permitted development rights at the property, the conditions do not restrict any of the works proposed under this application.
- 6.3 The proposed development consists of the erection of a bike shed, the replacement of a rear window with bi-fold door, and the insertion of 3no. velux windows at the rear elevation of the property.
- 6.4 The erection of the bike shed and insertion of bi-fold doors would fall within Schedule 2, Part 1, Class A, which allows for the enlargement, improvement or other alteration of a dwellinghouse, provided it meets the criteria as detailed below:

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

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

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

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

As a result of the works, the total area of ground covered by buildings would not exceed 50% of the total area of the curtilage.

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

The height of the proposed bike shed would not exceed the height of the highest part of the roof of the existing dwellinghouse.

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

The height of the eaves of the proposed bike shed would not exceed the height of the eaves of the existing dwellinghouse.

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

The proposed bike shed would not extend beyond a wall forming the principal elevation of the original dwellinghouse, or wall fronting a highway and forming a side elevation of the original dwellinghouse.

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

The proposed bike shed would not extend beyond the rear wall of the original dwellinghouse.

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

The proposed bike shed would not extend beyond the rear wall of the original dwellinghouse.

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

The proposed bike shed would not have more than a single storey.

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

The proposed bike shed would be within 2 metres of the boundary. However the eaves would be set at approximately 2.3 metres. As such the proposal meets this criterion.

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

The proposed bike shed would extend beyond a wall forming a side elevation. However the bike shed would have a maximum height of approximately 3.5 metres, would only have a single storey, and would measure approximately 0.9 metres in width. As such the proposal meets the above criteria.

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

The proposal does not include any of the above.

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

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

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

Conditions

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

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

The proposed bike shed would be finished in brick to match the existing dwelling. It is considered that the materials used in the external finish of the bi-fold doors would be sufficiently similar in appearance as to meet this criterion.

- (b) **Any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be—**
(i) **obscure-glazed, and**
(ii) **non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and**

Not applicable.

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

Not applicable.

6.5 The insertion of the proposed velux windows would fall within Schedule 2, Part 1, Class C, which permits any other alterations to the roof of a dwellinghouse, provided it meets the criteria below:

C.1 Development is not permitted by Class C if –

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

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

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

The applicant has confirmed that the velux windows would not protrude more than 0.15m.

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

The proposed velux windows would not be higher than the highest part of the original roof.

- (d) **It would consist of or include –**
- i) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or**
 - ii) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment.**

The proposal would not involve any of the above.

Conditions

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

- (a) obscure-glazed; and**
- (b) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.**

The velux windows would be located on rear elevation and therefore this criteria is not relevant.

7. RECOMMENDATION

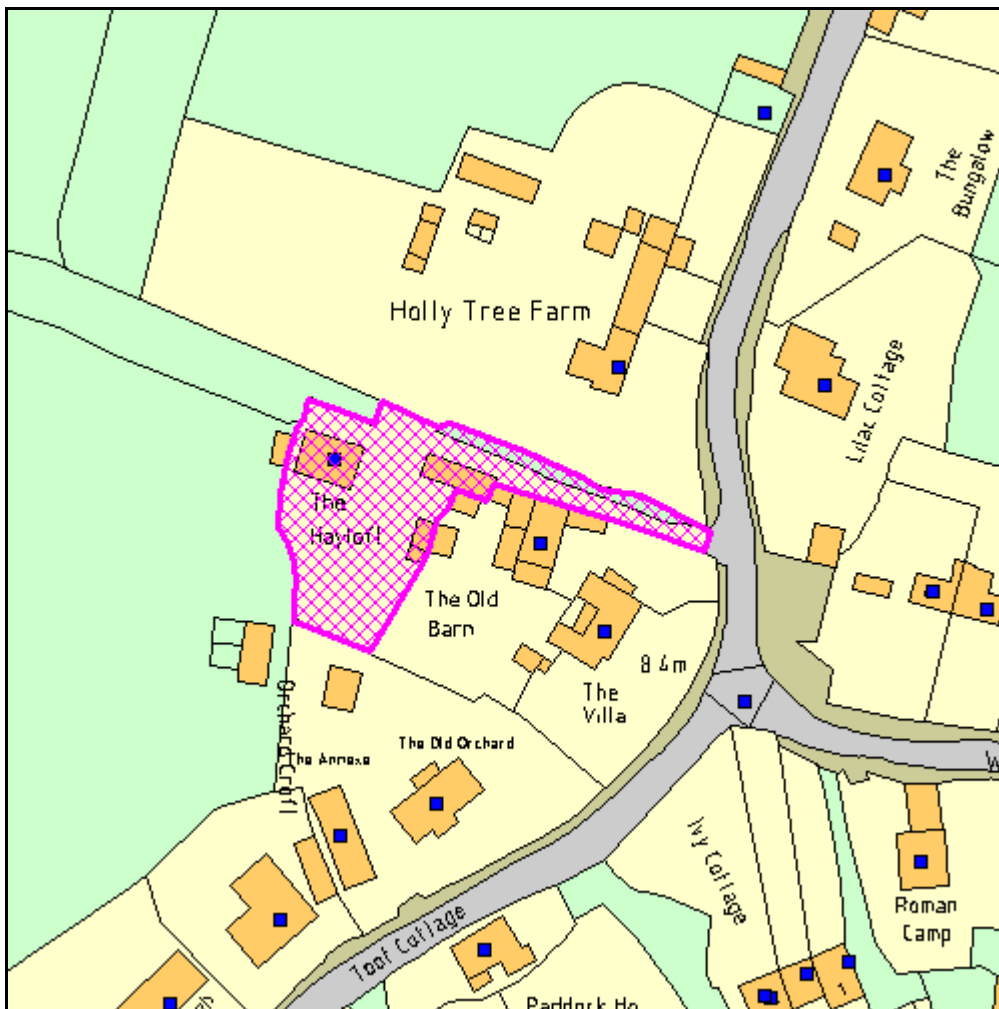
7.1 That a certificate of Lawfulness for Proposed Development is **granted** for the reasons listed below:

Evidence has been provided to demonstrate that on the balance of probabilities the proposed works would fall within the permitted rights afforded to householders under Schedule 2, Part 1, Classes A and C of the Town and Country Planning General Permitted Development Order 2015.

Contact Officer: Patrick Jackson
Tel. No. 01454 863034

CIRCULATED SCHEDULE NO. 09/18 – 2 MARCH 2018

App No.:	PT17/5182/F	Applicant:	Mr and Mrs C. Johnson
Site:	The Hayloft Camp Road Oldbury On Severn Bristol South Gloucestershire BS35 1PT	Date Reg:	9th January 2018
Proposal:	Conversion of existing detached garage to form residential annexe ancillary to main dwelling. Installation of 2no dormers to south elevation of main dwelling.	Parish:	Oldbury-on-Severn Parish Council
Map Ref:	361018 192913	Ward:	Severn
Application Category:	Householder	Target Date:	28th February 2018



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008. N.T.S. PT17/5182/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application has been subject to representations contrary to the findings of the following report. Accordingly under the current scheme of delegation, it is required to be taken forward under circulated schedule.

1. THE PROPOSAL

- 1.1 The proposal seeks permission for the change of use of an existing garage to form an annexe and for the introduction of 2no dormer windows to the main dwelling.
- 1.2 Nothing except the proposed dormers is proposed in terms of operational development.
- 1.3 The annexe is part of a larger building, part of which appears to be under the ownership of the neighbouring property. This structure has rubble elevations and a gabled roof. To the rear is a dormer window.
- 1.4 The site is located within the residential area of Oldbury on Severn and within Floodzones 2 and 3.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Policy Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

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

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

2.3 Supplementary Planning Guidance

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

3. RELEVANT PLANNING HISTORY

- 3.1 PT17/3520/CLE – Approval – 19/09/2017 – Application for a certificate of lawfulness for existing alterations to rear windows, erection of rear conservatory and front porch.

- 3.2 PT05/3132/F – Approval – 02/02/2006 – Alterations to existing annexe to form new dwelling.
- 3.3 P99/1914 – Approval – 01/10/1999 – Installation of velux windows to facilitate conversion of roof space above existing stable/garage to ancillary residential accommodation.
- 3.4 P96/1311 – Approval – 03/06/1996 - Erection of detached outbuilding to form garage and stables with storage area over
- 3.5 P90/2717/L – Listed Building Consent – 10/01/1981 – Insertion of window in place of door. Alterations to windows
- 3.6 P89/1369/L – Listed Building Consent – 13/04/1989 – Works of minor demolition and alterations to facilitate conversion of barn to form separate dwelling

4. **CONSULTATION RESPONSES**

4.1 Oldbury on Severn Parish Council

Oldbury on Severn Parish Council have no objection to this development, but would wish assurance that the method of foul sewage disposal will be confirmed prior to the decision being issued, and that the requirement for a flood risk assessment should be considered.

4.2 Other Consultees

Archaeological Officer
No Comments

Transport Officer

No objection subject to condition requiring the parking spaces to be permanently retained.

Drainage and Flood Risk

Requested some additional information. This is discussed in the design section of the report.

Public Rights of Way

If the application is permitted we would request that additional signage is installed warning drivers of the use of the lane by users of the footpath. The applicant must also be aware that they cannot alter the surface of the footpath without prior agreement from the Council and that there may be no interference with the footpath while development is in progress or afterwards. There must also be no diminution in the width of the way available for use by the public, no building materials to be stored upon it, vehicle movements to not interfere with the use of the footpath by the public, no additional barriers and the safety of the public to be ensured at all times.

Transport Officer

On balance, we do not think this proposal raises any material highways or transportation concerns and have no objection to this application.

Other Representations

4.3 Local Residents

Two comments have been received indicating neither support nor objecting to the proposal, however the contents of these comments suggests objection. These comments primarily indicate concern over the access and a potential increase in traffic though comments do also refer to the erection of a steel structure in a field nearby and that privacy may be affected. Furthermore one of the comments considers that this may set a precedent and refers to the history on the site.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy PSP38 is supportive of development within existing residential curtilages. This support is subject to the proposal respecting the existing design of the property and that it does not prejudice the residential and visual amenity; adequate parking provision; and has no negative effects on transportation. 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.

5.2 Design and Visual Amenity

The proposal consists of the change of use of an outbuilding used as a garage and store to an annexe suited for living accommodation. Permission is only required for this change of use as it would result in the loss of garage space which was restricted by condition under an earlier application. The conversion would also involve the removal of the garage doors and the introduction of south facing French doors as well as the apparent introduction of a rooflight. Comments have suggested the rooflight has not been included as part of the application, however it is shown on the plan and the application is for works to convert the existing garage and these other alterations are considered to be part of the proposal, therefore it has been seen as reasonable to assess the impact of this to regularise the alteration. It should be noted that it is possible to retrospectively apply for planning permission and the assessment would remain the same. In terms of the impact on design the rooflight is not considered to result in harm to the character of the area of the host property and no objection is raised in this respect. The other works to convert the garage would be considered improve the appearance of the structure and no objection is raised in relation to this.

5.3 It is noted by the Lead Local Flood Authority that whilst there is no objection to the conversion per se, they question the flood resilience measures to be incorporated. Further information was provided and no objection was raised by the LLFA with regard to floor levels but they did request further resilience measures. Whilst it is acknowledged the ground floor would be providing living accommodation, the use has not changed and the building is an existing

- structure in a residential use. It should also be made clear that normally these works would not require planning permission and therefore it has been seen as unreasonable to require these measures as part of the planning application. Other regulations would be seen to suitably control such works and information will be attached to the decision notice to that effect.
- 5.4 The proposal also seeks to introduce 2no rear dormers to increase the size of the first floor living accommodation on the main dwelling. This is not an unusual alteration for a bungalow and would be of a similar design to other dormers nearby, including those to the east of the site. As a result the proposal is not considered to result in harm to the appearance of the host dwelling or the general character of the area.
- 5.5 Given the limited scope of the external alterations the proposal is considered to have an acceptable standard of design and is therefore seen to accord with the provisions of PSP1, CS1 and PSP43 of the adopted development plan.
- 5.6 Residential Amenity
Policy PSP38 of the Policies Sites and Places DPD gives the Council's view on development within the residential curtilage of existing dwellings. Proposals should not prejudice the residential amenity (through overbearing, loss of light and loss of privacy) of neighbouring occupiers as well as the private amenity space of the host dwelling.
- 5.7 The proposal is very limited in terms of additional built form and only includes the introduction of 2no dormers to the rear elevation of the host dwelling. These structures themselves would not be seen to result in any impact on the amenity of neighbours as a result of overbearing or the associated loss of light and no objection is raised with respect to this. It is noted that comments have been received concerned with the introduction of new windows at the property, where such windows have been restricted by condition under the original permission for the use of the property as a dwelling. The purpose of the restriction is to allow consideration of the impact under a full application, which is that submitted. If the proposal would accord with the current adopted development plan, permission should be granted and special consideration is not given to the existence of this condition, only that the works would require planning permission. The proposal would be in excess of 20 metres from any structure to the south of the property and as a result would not be considered to have an unacceptable impact on privacy. As a result the impact of these windows is acceptable. The proposal also includes the introduction of a rooflight to the north slope of the annexe roof. There is only a small outbuilding structure to the north and the window would be in excess of 1.7 metres from the room in which it is situated and would therefore not be providing a primary outlook. Consequently this window would be seen to have an adverse impact on the amenity of neighbours and is accordingly seen as acceptable.
- 5.8 Given the proximity of the proposed annexe to the host dwelling, were it independently occupied, it would likely have a harmful impact on the amenity of the host dwelling and to a degree its neighbours. Furthermore commercial activities being carried out would have a similar adverse impact. As a result a

- condition will be attached requiring that the annexe remains ancillary to the host dwelling.
- 5.9 The proposal would not utilise any additional floor space and sufficient outdoor amenity space will remain following development. The subject property is located within a village and given the scale and location of the proposed development will not result in an unacceptable detrimental impact on the residential amenity of its neighbouring occupiers, meaning the proposal is in accordance with PSP38 of the adopted Policies Sites and Places DPD.
- 5.10 Sustainable Transport, Public Rights of Way and Parking Provision
The proposed annexe is currently being used as a garage and a condition was attached to the original permission for the use of The Hayloft as a dwelling to keep the space for the provision of parking space. Nevertheless the property is served by a relatively large area of gravel suitable for the parking of vehicles and in excess of 3 parking spaces would remain following development. As a result the proposal would be seen to accord with PSP16 (Parking Standards).
- 5.11 It is noted that there is a public right of way running past the site. Comments from the PROW officer suggest that the proposal would have an adverse impact on this right of way and additional signage should be provided and local residents have also raised concerns over the impact on the path. Comments have also suggested that the proposal would compound highway safety and traffic issues. It should again be made clear that a condition will be attached requiring the annexe remains ancillary to the dwelling and therefore it is not expected the planning unit would be occupied by any additional individuals. Therefore the proposed change of use would have no impact on the PROW or likely traffic generation. Furthermore the change of use would not normally require planning permission and therefore it has been seen as unreasonable to attach a condition to provide the suggested signage. Information will be attached to the decision notice with regard to the public right of way.
- 5.12 Lastly comments have suggested the traffic situation has been exacerbated by a steel structure erected in a field nearby. This does not form part of the proposal site or that proposed. Each planning application must be considered on their own merits and consequently consideration of the impact of this structure is not relevant to the assessment of the application at hand.
- 5.13 Consideration of likely impact on Equalities
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services. With regards to the above this planning application is considered to have a neutral impact on equality.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to **grant** permission has been taken having regard to the policies and proposals in the South Gloucestershire Policies Sites and Places DPD (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 **APPROVED** subject to the conditions attached to the decision notice.

Contact Officer: Hanni Osman
Tel. No. 01454 863787

CONDITIONS

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

Reason

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

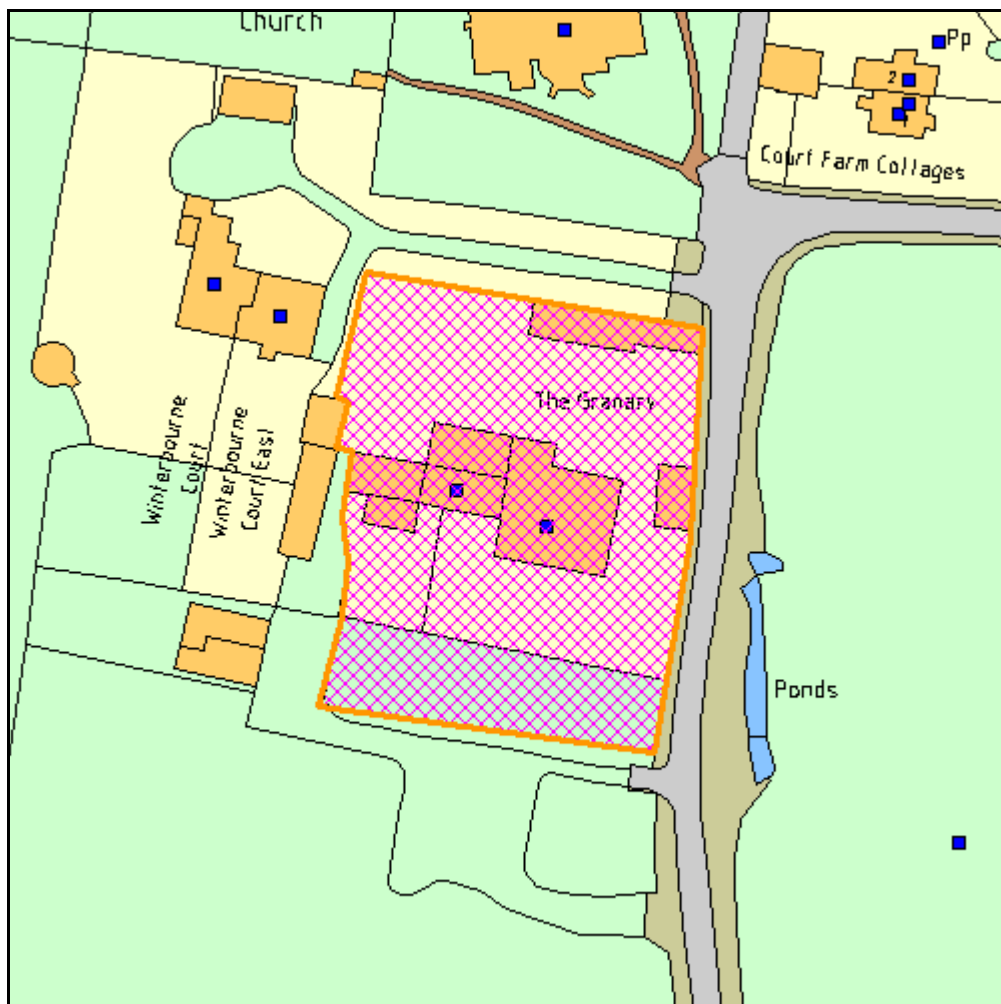
2. The annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as The Hayloft, Camp Road, Oldbury on Severn.

Reason

To protect the amenities of the occupiers of nearby dwelling houses and the host dwelling, and to accord with Policies PSP8 and PSP38 of the South Gloucestershire Policies Sites and Places DPD (adopted) November 2017; and the provisions of the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 09/18 – 2 MARCH 2018

App No.:	PT17/5419/F	Applicant:	Mrs Sue Parsons Winterbourne Medieval Barn Trust
Site:	Winterbourne Court Farm Barn Church Lane Winterbourne South Gloucestershire BS36 1SE	Date Reg:	29th December 2017
Proposal:	Demolition of redundant derelict modern structures. Restoration and refurbishment works at Winterbourne Court Farm Barns, including, extension works to Cow Byres, refurbishment of West Barn, construction of Southern Link structure alterations to parking and external works.	Parish:	Winterbourne Parish Council
Map Ref:	364121 180930	Ward:	Winterbourne
Application Category:	Minor	Target Date:	9th February 2018



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008. N.T.S. PT17/5419/F

INTRODUCTION

This application has been referred to the Circulated Schedule due to the receipt of objection from the Winterbourne Parish Council.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the demolition of redundant structures, the restoration and refurbishment works at Winterbourne Court Farm Barns, the extension works to Cow Byres, refurbishment of West Barn, construction of Southern Link structure, alterations to parking and external works.
- 1.2 The existing host building and outbuildings are currently used as a heritage and educational centre. This proposal does not seek a change of use. Court Farm Barn is a grade II* listed building and this planning application is accompanied by an application for listed building consent (PT17/5811/LB). It is located outside of the defined settlement of Winterbourne within the Winterbourne Conservation Area. The site is also within the Bristol and Bath Green Belt. Two accesses are currently provided from Church Lane.
- 1.3 It is also noted that this application is submitted in conjunction with a bid to the Heritage Lottery Fund for grant funding, prepared on behalf of the Winterbourne Medieval Barn Trust in association with South Gloucestershire Council.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Practice Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4a	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS9	Managing the Environment and Heritage
CS23	Community Infrastructure and Cultural Activity

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
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP18	Statutory Wildlife Sites:
PSP19	Wider Biodiversity

PSP20 Flood Risk, Surface Water and Watercourse Management
PSP21 Environmental Pollution and Impacts

- 2.3 Supplementary Planning Guidance
Church Lane, Winterbourne Conservation Area SPD (Adopted) April 2006
Landscape Character Assessment – Earthcott Vale LCA10

3. RELEVANT PLANNING HISTORY

The site is subject to a number of planning applications in the past, and the following applications were the most recent and relevant to the determination of this applications.

- 3.1 PT17/5811/LB (Associated listed building application)
Demolition of redundant derelict modern structures. Restoration and refurbishment works at Winterbourne Court Farm Barns, including, extension works to Cow Byres, refurbishment of West Barn, construction of Southern Link structure, alterations to access, parking and external works.
- 3.2 PT16/2421/LB
External and internal alterations to convert cart shed into educational workshop. Approved 09.09.2016
- 3.3 PT16/2673/F
Restoration and repairs to shed interior and alterations to exterior. Approved 09.09.2016
- 3.4 PT05/0023/F Approve with Conditions 27/06/2005
Change of use of agricultural barn to community heritage centre.

4. CONSULTATION RESPONSES

- 4.1 Winterbourne Parish Council
Objection. The Parish Council feel that the building and its surrounds need to be led into the 21st century and beyond. However, great concern has been raised by the representatives who came to the Planning Meeting regarding the rebuilding of the cow byre. Rob Govier, who is a Trustee of the barn voiced his concerns. He operates Winterbourne Willows from the existing cow byre, together with 2 other local organisations. These tenants are of the opinion that the byre does not need modernisation as their crafts are more suited to the building in its current state. It would appear the current tenants have not been consulted regarding the new plans and rural craft needs are not met by this proposal.
- 4.2 Historic England
No objection to the revised proposal.
- 4.3 Conservation Officer
No objection subject to conditions securing the details and specifications of the proposed works.

- 4.4 Archaeology Officer
No objection subject to a condition seeking a programme of archaeological work.
- 4.5 Sustainable Transport
No objection subject to conditions seeking a revised general parking layout and event parking layout, an Event Car Parking Management Plan, the provision of proposed cycle parking spaces and the implementation of Travel Plan
- 4.6 Landscape Officer
Raised concerns regarding the proximity of the proposed car park spaces to the hedges along the southern boundary of the site.
- 4.7 Arboricultural Officer
No objection subject to condition seeking a tree survey in accordance with BS5837:2012 to include Arboricultural Method Statement, Tree Constraints Plan and Tree Protection Plan.
- 4.8 Ecology Officer
No objection subject to conditions securing a method statement for roosting bats, the specifications of any proposed bat roost compensation and nesting boxes.
- 4.9 Highway Structures
No comment.
- 4.10 Lead Local Flood Authority
No objection

Other Representations

- 4.11 Local Residents
None received

5. ANALYSIS OF PROPOSAL

- 5.1 This application seeks planning permission for carrying out works to a listed building, which is primarily used as an educational centre. The works include the restoration to the main building and the extension to the outbuildings.
- 5.2 Principle of Development
Of key importance in establishing the principle of development is the heritage classification of the building. Court Farm Barn is a grade II* complex of barn buildings dating from the sixteenth century or earlier. In accordance with the adopted Core Strategy and the National Planning Policy Framework, the development proposals need to demonstrate the special historic and architectural interest of the building and the character of the conservation area are adequately preserved.

5.3 In addition, the site is within the Bristol / Bath Green Belt, Paragraph 89 of the National Planning Policy Framework states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt, and one of the Exceptions to this is 'the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.'

5.4 Green Belt

The building has been subject to some alterations in the past, it is however considered that the proposed works would not result in disproportionate additions over and above the size of the original building. The proposal is to remove the existing unsightly additions and replace with extensions with appropriate design and scale. The cumulative scale of the proposed link structure, lobby and store would not be significantly larger than the scale of the existing unsightly structures. Officers note that the proposed extension to the existing outbuilding is not small in floor area, however, it would be single storey structure and be in keeping with the scale including the height of the existing outbuilding and it would not project beyond the frontage of the building. Hence, officers consider that the proposed extensions would not result in disproportionate additions over and above the size of the original building. The proposal also involves a number of alterations to the existing parking arrangement. Given that the proposal would provide a compact parking arrangement within the site in order to reinstate and conserve the setting of this listed building and the openness of the Green Belt, as such, there is no objection from the green belt perspective.

5.5 Heritage and Design

Court Farm Barn is a Grade II* listed structure with its origins in the sixteenth century. The site can also be considered to form part of the setting of a number of other designated heritage assets, which include the Grade I listed St Michaels Church to the north. The site is also located within the Winterbourne Conservation Area.

5.6 The proposal is to demolish the existing derelict modern structure on the north elevation and to erect an infilling extension and a single storey link structure on the southern elevation. In addition, it is proposed to change the existing parking layout in order to allow the setting of the listed building to be reinstated. A single storey extension is proposed to the west elevation of the outbuilding.

5.7 During the course of the application, a revised proposal was submitted to address the Listed Building and Conservation Officer's concerns. It is considered that the revised proposal has adequately addressed the main issues, subject to the conditions seeking details of new external lighting, free-standing signage, cycle racks, air source heat pump screens, parking space demarcation and samples of all external hard surfacing materials, there is no heritage objection to the proposal.

5.8 Archaeological Issues

From the archaeological perspective, the evaluation works has been carried out and demonstrated that the significance of the archaeology of the site. As archaeology is likely to survive in areas of the proposed building activity, subject to a condition seeking a programme of archaeological works, there is no archaeological objection.

5.9 Traffic and Transport

The proposal includes some refurbishment and an increase in size of the building floor areas from 520 square metres to 693 square metre. General day-to-day activities associated with the proposal will only generate a modest increase in traffic on Church Lane which would not have a significant impact on highway safety. The holding of major events at the site attracts significant numbers of visitors and these are likely to increase with the improvements proposed. Church Lane is of varying width with limited passing opportunities and is not suitable for any significant increase in traffic. The traffic associated with major events would have to be carefully managed with the use of additional temporary car parks, signage, marshalling and transport from any remote car park such as the one at Winterbourne Academy. Therefore it would be necessary to impose a planning condition to secure a suitable event car parking management plan. In addition, Church Lane does not have any footways for much of its length and is not suitable for walking to the site. It is however suitable to cycle to the site and this should be encouraged through the Travel Plan and on-site cycle parking.

5.10 The Highway Officer originally raised concerns regarding the parking issues for major events, the size of parking spaces and manoeuvring areas. Officers have reviewed the revised parking layout including the details regarding the use of the existing parking arrangement, and considered the addressed the majority of the highway concerns, it is considered that it would be necessary to impose planning conditions seeking detailed parking arrangement for general day-to-day activities, major events, and their management plan.

5.11 Landscape and Arboricultural Issues

The Council Landscape Officer raised concerns regarding the proximity of the parking to the hedge on the southern boundary. The particular concern would be the bother harm to the roots of hedge due to the construction of the hard surface and the aesthetics of having the parking so close. Given the size of the site, your case officer considers that the proposed parking spaces can be rearranged. Hence, there is no landscape objection to the proposal subject to a condition seeking the submission and the approval of a detailed landscape plan including a five year maintenance schedule.

5.12 Ecology

The site consists of a yard with several buildings including a medieval barn and other former agricultural buildings. The yard and buildings, as well as the surrounding landscape have remained relatively unaltered since its establishment. The site lies to the north-east of Bristol on the outskirts of the village of Winterbourne. The surrounding land-use is mixed agriculture, composed of a network of fields and hedgerows. There are no statutory or

non-statutory designated sites within the site. The closest is Monk's Pool and Bradley Brook SNCI, approximately 250m from the site. An Ecological Appraisal and Bat Survey (BSG Ecology, November 2017) has been submitted alongside this application.

- 5.13 The Survey Report has been carefully reviewed by the Council Ecology Officer. The survey identified the building was occasionally used by low numbers of brown long-eared bats, barn owl pellets were found in the lean-to against the main barn, and a single little owl was observed of nesting was identified during the survey, it is noted that there is suitable habitats for swift, swallow or house martin in the area. A pond is located at the south eastern corner of the site, however, it is identified that the pond is unlikely to support great crested newt.
- 5.14 Given the above, there are no ecological objection to the proposal subject to condition securing a method statement for roosting bats, specifications of any proposed bat roost compensation and nesting boxes.
- 5.15 Drainage and Flood Risk
The applicant submitted drainage details of the scheme. The Council Drainage Engineer has reviewed the submitted details and raised no drainage objection to the proposal.
- 5.16 Residential Amenity
The site is surrounded by a group of residential properties, given that the proposed extensions and alterations would be modest in scale and the primary use of the main building and outbuildings would not be changed, it is considered that the proposal would not cause any harm to the amenity of the residential properties, therefore, there is no objection from the residential amenity perspective.
- 5.17 Other matters
Concerns were raised regarding the necessity of rebuilding the cow byre. The applicant advised the proposed alternations would provide flexibility for the future use. Given the proposal would not change the primary use of the site and the necessity for the proposal change is not planning material consideration, therefore such objection would not warrant a refusal of this application.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan: 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 It is recommended that planning permission is GRANTED subject to the following conditions:

Contact Officer: Olivia Tresise
Tel. No. 01454 863761

CONDITIONS

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

Reason

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

2. Detailed Design

The detailed design including materials and finishes of the following items shall be approved in writing by the local planning authority before the relevant parts of the work are commenced:

- a. All new external lighting
- b. All new external free-standing signage
- c. Cycle racks
- d. Air Source Heat Pump screens
- e. Parking space demarcation

The works shall thereafter be implemented strictly in accordance with the agreed details.

Reason

To safeguard the special architectural and historic character of the building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy PSP17 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 National Planning Policy Framework.

3. Samples of external hard surfacing materials

Samples of all external hard surfacing materials including a sample panel of the proposed new stone paving showing layout pattern, jointing and pointing shall be provided on site and approved in writing by the local planning authority before the relevant parts of the work are commenced.

Reason:

To safeguard the special architectural and historic character of the building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy PSP17 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 National Planning Policy Framework.

4. Method Statement for roosting bats (Pre-commencement condition)

No development shall take place (including any demolition, ground works, site clearance) until a method statement for roosting bats has been submitted to and approved in writing by the local planning authority. The works shall be carried out strictly in accordance with the approved details from the start of renovation and shall be retained in that manner thereafter.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of wildlife habitats, 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. This is a pre-commencement condition to avoid any unnecessary remedial work.

5. Specifications for bat roost compensation (Pre-commencement condition)

No development shall take place (including any demolition, ground works, site clearance) until the specifications of any proposed bat roost compensation has been provided to the local planning authority for approval in writing. Development shall be carried out in accordance with the approved details.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of wildlife habitats, 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. This is a pre-commencement condition to avoid any unnecessary remedial work.

6. Specifications for nesting boxes (Pre-commencement condition)

No development shall take place (including any demolition, ground works, site clearance) until the specifications of nesting boxes (for swallow, house martin and/or house sparrow) has been provided to the local planning authority for approval in writing. Development shall be carried out in accordance with the approved details.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of wildlife habitats, 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. This is a pre-commencement condition to avoid any unnecessary remedial work.

7. General Parking Layout (Pre-commencement condition)

Notwithstanding the submitted drawing P04 Revision B, the development shall not be commenced until a revised general parking layout has been submitted to and agreed in writing by the Local Planning Authority. The parking layout shall include 18 standard spaces and 2 disabled spaces which are to be provided prior to the development being brought into use.

Reason

In the interest of highway safety and to accord with Policy PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017) and Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013). This is a pre-commencement condition to avoid any unnecessary remedial work.

8. Event Car Parking Layout (Pre-commencement condition)

Notwithstanding the submitted drawing, P05 Revision A, the development shall not be commenced until a revised Event Car Park layout has been submitted to and agreed in writing by the Local Planning Authority. The Event car park layout shall include a minimum of 55 standard spaces and 3 disabled spaces which are to be provided prior to any event taking place after the development has been brought into use.

Reason

In the interest of highway safety and to accord with Policy PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017) and Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013). This is a pre-commencement condition to avoid any unnecessary remedial work.

9. Event Car Parking Management Plan (Pre-commencement condition)

The development shall not be commenced until an Event Car Parking Management Plan (ECPMP) has been submitted to and approved in writing by the Local Planning Authority. The ECPMP shall include as a minimum the following details:

- a. A one-way access and egress traffic arrangement for Church Lane including on-site signage and details published on the Medieval Barns web site.
- b. Measures to prevent parking along Church Lane, including off-site parking arrangement for major events, shuttle mini bus / coach service from remote off-site car parking and dropping off arrangement.

The approved ECPMP shall be implemented for each event taking place on the site.

Reason

In the interest of highway safety and to accord with Policy PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017) and Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013). This is a pre-commencement condition to avoid any unnecessary remedial work.

10. Provision of cycle parking spaces

The development shall not be brought into use until 13 cycle parking spaces have been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason

To promote sustainable transport choices and to accord with PSP16 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017) and Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

11. Implementation of Travel Plan

The submitted Travel Plan Revision B prepared by West Waddy ADP dated November 2017 shall be implemented upon the development being brought into use.

Reason

In the interest of highway safety and to promote sustainable transport choices and to accord with PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017) and Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

12. Programme of archaeological investigation and recording (Pre-commencement condition)

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

Reason

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

13. Arboricultural Details and Landscaping Scheme (Pre-commencement condition)

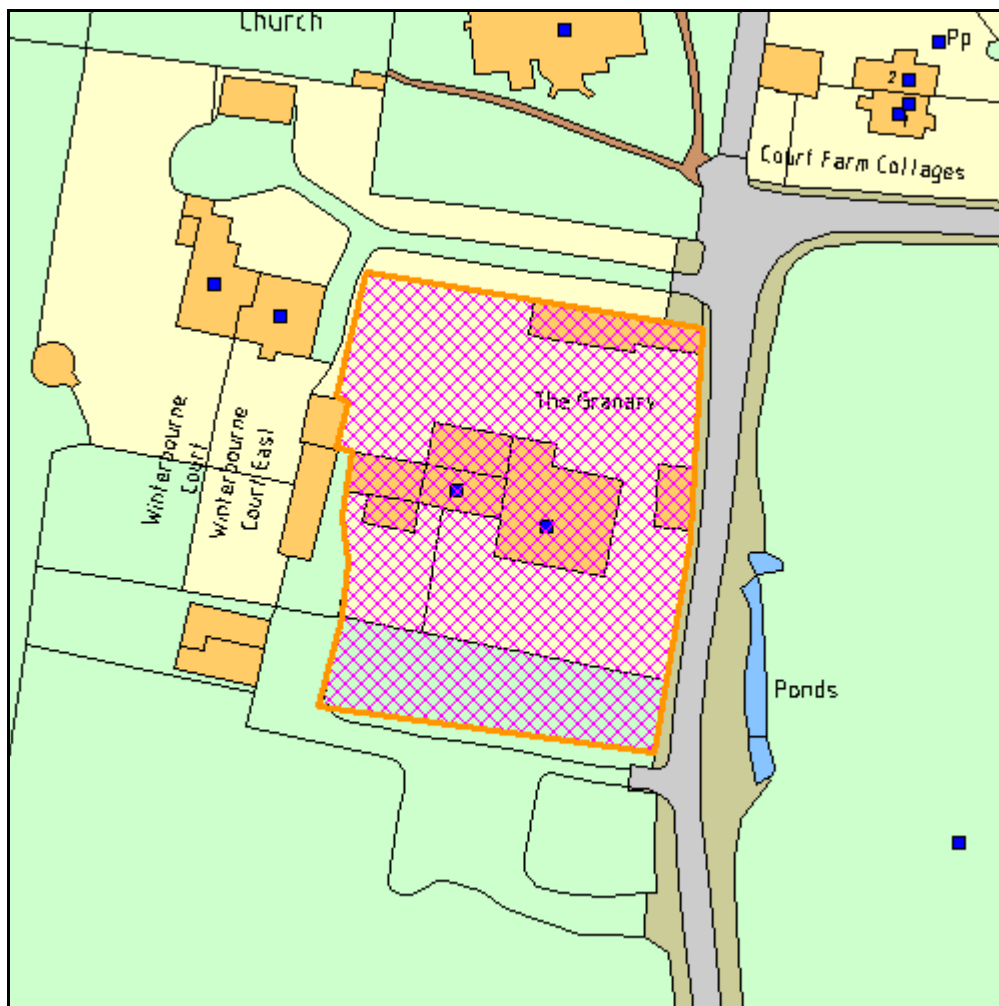
Prior to the commencement of development, a tree survey shall be carried out in accordance with BS5837:2012 to include an Arboricultural Method Statement, Tree Constraints Plan and Tree Protection Plan. In addition, a scheme of landscaping, which shall include details of all existing trees and hedgerows 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, areas of hard surfacing and five year of landscaping maintenance scheme shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

Reason

To ensure the works are carried out in an appropriate manner, in the interests of the health and visual amenity of the tree and to safeguard the landscape character of the locality and to accord with Policy PSP2 and PSP3 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017) and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013). This is a pre-commencement condition to avoid any unnecessary remedial work in future.

CIRCULATED SCHEDULE NO. 09/18 – 2 MARCH 2018

App No.:	PT17/5811/LB	Applicant:	Mrs Sue Parsons
Site:	Winterbourne Court Farm Barn Church Lane Winterbourne South Gloucestershire BS36 1SE	Date Reg:	29th December 2017
Proposal:	Demolition of redundant derelict modern structures. Restoration and refurbishment works at Winterbourne Court Farm Barns, including, extension works to Cow Byres, refurbishment of West Barn, construction of Southern Link structure, alterations to access, parking and external works.	Parish:	Winterbourne Parish Council
Map Ref:	364121 180930	Ward:	Winterbourne
Application Category:	Minor	Target Date:	9th February 2018



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008.

N.T.S.

PT17/5811/LB

INTRODUCTION

This application has been referred to the Circulated Schedule due to the receipt of objection from the Winterbourne Parish Council.

1. THE PROPOSAL

- 1.1 This application seeks listed building consent for the demolition of redundant structures, the restoration and refurbishment works at Winterbourne Court Farm Barns, the extension works to Cow Byres, refurbishment of West Barn, construction of Southern Link structure, alterations to parking and external works.
- 1.2 The existing host building and outbuildings are currently used as a heritage and educational centre. This proposal does not seek a change of use. Court Farm Barn is a grade II* listed building and this planning application is accompanied by an application for planning permission (PT17/5419/F). It is also situated within the Winterbourne Conservation Area.
- 1.3 It is also noted that this application is submitted in conjunction with a bid to the Heritage Lottery Fund for grant funding, prepared on behalf of the Winterbourne Medieval Barn Trust in association with South Gloucestershire Council.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework (March 2012)
Planning (Listed Building and Conservation Areas) Act 1990

3. RELEVANT PLANNING HISTORY

The site is subject to a number of planning and listed building applications in the past, and the following applications were the most recent and relevant to the determination of this applications.

- 3.1 PT17/5419/F (Associated planning application)
Demolition of redundant derelict modern structures. Restoration and refurbishment works at Winterbourne Court Farm Barns, including, extension works to Cow Byres, refurbishment of West Barn, construction of Southern Link structure, alterations to access, and external works.
- 3.2 PT16/2421/LB
External and internal alterations to convert cart shed into educational workshop. Approved 09.09.2016
- 3.3 PT16/2673/F
Restoration and repairs to shed interior and alterations to exterior. Approved 09.09.2016

- 3.4 PT05/0023/F Approve with Conditions 27/06/2005
Change of use of agricultural barn to community heritage centre.

4. CONSULTATION RESPONSES

4.1 Winterbourne Parish Council

Objection. The Parish Council feel that the building and its surrounds need to be led into the 21st century and beyond. However, great concern has been raised by the representatives who came to the Planning Meeting regarding the rebuilding of the cow byre. Rob Govier, who is a Trustee of the barn voiced his concerns. He operates Winterbourne Willows from the existing cow byre, together with 2 other local organisations. These tenants are of the opinion that the byre does not need modernisation as their crafts are more suited to the building in its current state. It would appear the current tenants have not been consulted regarding the new plans and rural craft needs are not met by this proposal.

4.2 Historic England

No objection to the revised proposal.

4.3 Listed Building and Conservation Officer

No objection subject to conditions securing the details and specifications of the proposed works.

Other Representations

4.4 Local Residents

None received

5. ANALYSIS OF PROPOSAL

5.1 This application seeks listed building consent to carry out works including the demolition of the existing unsightly modern structure, the restoration to the main building and the extension to the outbuildings.

5.2 Principle of Development

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

5.3 Assessment of Impact on Heritage Asset

Court Farm Barn is a Grade II* listed structure with its origins in the sixteenth century. The site can also be considered to form part of the setting of a number of other designated heritage assets, which include the Grade I listed St Michaels Church to the north. The site is also located within the Winterbourne Conservation Area.

5.4 The proposal is to demolish the existing derelict modern structure on the north elevation and to erect an infilling extension and a single storey link structure on the southern elevation. In addition, it is proposed to change the existing parking layout in order to allow the setting of the listed building to be reinstated

and a single storey extension is proposed to the west elevation of the outbuilding. Details and specifications were also submitted to install underfloor heating, ventilation, electrical distribution and lighting, domestic water services.

5.5 During the course of the application, the Listed Building and Conservation Officer raised concerns regarding the detailed design of the proposed extensions and the proposed alternations to the main building. To address these concerns, a revised proposal was submitted. The Officers have reviewed the proposal and considered that the submitted details has addressed the majority of the concerns. The outstanding elements would be the proposed mechanical and electrical systems, which can be safeguarded by imposing a condition seeking further details prior to the commencement of the scheme. Hence, subject to the appropriate conditions, there is no heritage objection to the proposal.

5.6 Other matters

It is noted that the concerns raised by the Parish Council, given that the necessity of the proposed extensions and alterations would not be planning material consideration. The submitted details have also been considered by the Council Conservation Officer, therefore such objection would not warrant a refusal of this application.

6. RECOMMENDATION

6.1 It is recommended that listed building consent is GRANTED subject to the following conditions:

Contact Officer: Olivia Tresise
Tel. No. 01454 863761

CONDITIONS

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

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

2. Following the removal of roof coverings to facilitate the connection of the new south link to the Main Barn, full details of the proposed method of connection of the new rafters and roof structure to the historic roof structure, including details of any works to historic fabric, shall be submitted to and approved in writing by the local planning authority. The works shall thereafter be implemented strictly in accordance with the agreed details.

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

3. A detailed specification for any additional proposed structural works not expressly permitted by this permission shall be submitted to the Council for approval prior to the commencement of the relevant works. No works shall be commenced until the Council has given written approval for the submitted details, and the works shall be constructed exactly in accordance with the details so approved.

Reason

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

4. Notwithstanding the submitted information, full details of the following M&E systems shall be submitted to and approved in writing by the local planning authority before the relevant parts of the work are commenced. The works shall thereafter be implemented strictly in accordance with the agreed details.
 - a. Underfloor Heating to main barn including a method statement for the installation of the pipework through any historic fabric.
 - b. Ground floor ring main and lighting circuits for the Main Barn and historic South Barn to include all cable routes, trunking, methods of fixing and position of switches and associated fittings.
 - c. Fire Alarm system including the design and positioning of all wired sensors, call points, smoke detectors and associated cable routes.
 - d. Security Alarm including the design and positioning of all sensors, alarm box and associated cable routes.
 - e. Hearing Induction Loop to Main Barn
 - f. Lightning Protection
 - g. Light fittings to all areas.

Reason

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

5. The detailed design including materials and finishes of the following items shall be approved in writing by the local planning authority before the relevant parts of the work are commenced:
 - a. West Barn Screen Door (north elevation) including treatment of the stone arch.
 - b. All new windows including reveals, cills, lintels and ironmongery
 - c. All new doors including reveals, lintels, architraves and ironmongery
 - d. Ventilation louvres to the West Barn
 - e. Staircase, balustrade and internal glazed screen to West Barn
 - f. All new guttering including methods of fixing.
 - g. South link glazed screen including mullions, cill and internal profiles.

The design and details shall be accompanied by elevations and section drawings to a minimum scale of 1:5 with full size moulding cross sections. The works shall thereafter be implemented strictly in accordance with the agreed details.

Reason

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

6. Notwithstanding previously submitted details, and prior to commencement of the relevant phase of works, a schedule and samples of all internal floor, wall and ceiling finishes shall be submitted to, or provided on site, and approved in writing by the local planning authority.

Reason

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

7. Sample panels (minimum of 1m²) of the following items shall be provided on site and approved in writing by the local planning authority before the relevant parts of the work are commenced:
 - a. Proposed stone floor in the Main Barn to include layout pattern, jointing and pointing.
 - b. Lime mortar pointing
 - c. Proposed new stonework showing stone, coursing, jointing and pointing.

The works shall thereafter be implemented strictly in accordance with the agreed samples.

Reason

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

8. Samples of all new external cladding (demonstrating profile and finish), walling stone, roof tiles and oak framing materials shall be submitted to and approved in writing by the local planning authority. The works shall thereafter be implemented strictly in accordance with the agreed samples.

Reason

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

9. Specifications for all new lime pointing mortars, plasters and renders shall be submitted to and approved in writing by Local Planning Authority. The works shall thereafter be implemented strictly in accordance with the agreed details.

Reason

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

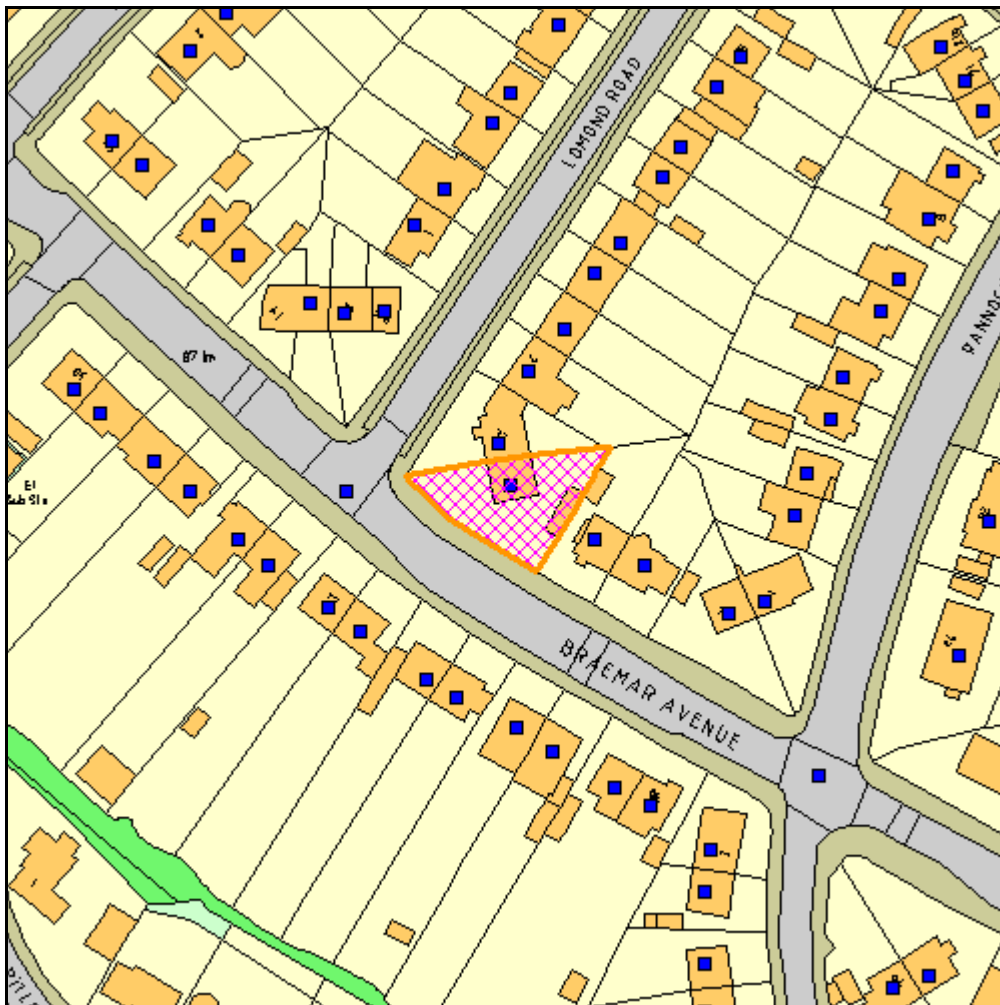
10. Prior to the commencement of the development hereby approved, the developer shall appoint an archaeological contractor who will prepare and submit a Written Scheme of Investigation for a Building Recording to Historic England Level 2 standards, for written approval by the Local Planning Authority. Thereafter the approved programme of work shall be implemented in all respects unless the Local Planning Authority agrees to any variation in writing. This work will provide a record of the historic building fabric uncovered during the renovation and alteration works hereby approved.

Reason

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

CIRCULATED SCHEDULE NO. 09/18 – 2 MARCH 2018

App No.:	PT18/0142/F	Applicant:	Mr P Whiteway
Site:	35 Braemar Avenue Filton Bristol South Gloucestershire BS7 0TF	Date Reg:	15th January 2018
Proposal:	Sub-division of existing dwelling to form 4 new flats and associated works.	Parish:	Filton Town Council
Map Ref:	359641 178365	Ward:	Filton
Application Category:	Minor	Target Date:	8th March 2018



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008. **N.T.S.** **PT18/0142/F**

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application has been referred to the circulated schedule for determination as a comment of objection, contrary to the officer recommendation, has been received.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the subdivision of the existing end terrace house into 4 one-bedroom flats.
- 1.2 The application site is within the existing urban area of the north fringe of Bristol. No further land use designations cover the site. Access to the site is gained from the Braemar Avenue, which is a category 'C' highway.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
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
CS25 Communities of the North Fringe of Bristol

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

PSP1 Local Distinctiveness
PSP8 Residential Amenity
PSP11 Transport Impact Management
PSP16 Parking Standards
PSP38 Development within Existing Residential Curtilages
PSP39 Residential Conversions, Subdivision and HMOs
PSP43 Private Amenity Space Standards

- 2.3 Supplementary Planning Guidance
Design Checklist SPD (Adopted) 2007
Residential Parking Standards SPD (Adopted) 2013
Waste Collection SPD (Adopted) 2015 (updated 2017)
CIL and S106 SPD (Adopted) 2015

3. RELEVANT PLANNING HISTORY

- 3.1 PT17/4846/F

Sub-division of existing dwelling into 2 no. dwellings with new access and associated works

Approved

29.11.2017

3.2 PT14/2561/F

Erection of two storey side extension to provide additional living accommodation

Approved

28.08.2014

4. CONSULTATION RESPONSES

4.1 Filton Parish Council

Objection:

- Concerns with parking
- Overintensive

4.2 Highway Structures

Attach informative advising applicant what to do if the application includes a structure that supports the highway or land above a highway, or a boundary wall alongside the public highway or open space land

4.3 Lead Local Flood Authority

No objection

4.4 Sustainable Transport

Condition access and parking areas to be completed in accordance with approved drawing and the provision of cycle parking, plus attach an informative advising of applicant what to do if they want to alter the existing vehicle crossover

4.5 Archaeology Officer

No objection

4.6 Tree Officer

No comment

Other Representations

4.7 Local Residents

None received

5. ANALYSIS OF PROPOSAL

5.1 This application seeks to subdivide an existing end terrace house into 4 flats. The application site is on Braemar Avenue, Filton in the north fringe.

5.2 Principle of Development

The site is within the existing urban area of the north fringe where, under policy CS5, development is directed. Policy PSP39 would allow for the subdivision of residential purposes into small units and therefore the proposed development is acceptable in principle.

5.3 Design, Layout and the Efficient Use of Land

The only notable change to the external appearance of the building would be to the positions of the windows at first and ground floor level. It is also indicated that a front door will be installed. The elevations would remain rendered.

5.4 Development in the vicinity of the application site is predominantly two, storey semi-detached dwellings of a traditional character and appearance that share the same building line. The dwellings along Braemar Avenue display a recognisable level of uniformity, including single storey front bay windows and a consistent roof form. It is considered that the opening arrangements proposed for the subdivision would result in it having a satisfactory visual relationship with both the original dwelling and its attached neighbour, thereby preserving the overall character and appearance of the locality.

5.5 Layout of the proposal is broadly fixed due to this being a conversion. With access straight off Braemar Avenue, parking would be provided both at the front and rear of the properties.

5.6 The resulting units are small – the bathrooms for flats 1 and 2 are partially under the stairs – but given all main living spaces are served by windows, it is considered they could be comfortably used and would not feel cramped.

5.7 It is therefore considered that the proposal would make efficient use of an existing building in a sustainable location in the urban area.

5.8 Living Conditions and Amenity

The two areas for consideration here are the living conditions of the proposed units and the general impact on the residential amenity of these units given the site's location and constraints.

5.9 As identified above, the units are small but it is considered they are capable of providing satisfactory living conditions.

5.10 Policy PSP43 requires the provision of private amenity space. The level of provision is defined by the size of the unit (measured in number of bedrooms). The policy states 'as a guide' provision measured in square metres of: 5 square metres for a 1-bedroom flat and 5 square metres plus shared communal space for 2+-bedroom flats.

5.11 Ground floor flats 1 and 2 are the only two units that would have direct access to outdoor space. Both flats will have triangular 47 square metre back gardens.

- 5.12 While specific private amenity space would not be provided for upper floor flats 3 and 4, there is public open space within walking distance of the site which could provide space for outdoor recreation and leisure. The harm that would result from the level of provision for individual units on site would not outweigh the overall benefit of the provision of additional housing in this sustainable location.
- 5.13 Overall, it is not considered that the proposal would have a significant detrimental impact on residential amenity and no objection is raised in this regard.
- 5.14 Access and Transport
The access and parking arrangements are the same as the approved subdivision into two 3-bedroom dwellings (PT17/4846/F) and the parking standard of 4 spaces is also the same. However, one covered and secure cycle parking space (store) is required for each flat. To be accessible these would need to be located to the front of the building. As such, no transport objection is raised but conditions will be attached to ensure the access and parking areas are completed in accordance with the approved drawings and said cycle facilities are secured.
- 5.15 Officers note the comments from the Parish Council regarding potential increased parking pressure. However, the Highway Officer does not raise an objection to the development on this basis.
- 5.16 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.
- 5.17 With regards to the above this planning application is considered to have a neutral impact on equality.
- 5.18 Other Matters
Concerns raised through the public consultation exercise are normally addressed in the main body of the report, where possible, but any that are not are included below.
- 5.19 Having regards to the above factors and all submissions on this scheme Officers consider the proposal to be satisfactory. It would provide 4 further units of living accommodation in a sustainable location without any adverse impact and planning permission can hereby be granted. Officers therefore consider the proposal is a sustainable form of development and conclude that it would not

lead to an over-intensive use of the property to the detriment of the character of the area and the amenity of occupiers.

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

Contact Officer: Helen Braine
Tel. No. 01454 863133

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 be implemented strictly in accordance with the following documents:

Received 11.01.2018:

Site Location Plan

Proposed Plans (PLN-1)

Reason

For the avoidance of doubt.

3. The flats hereby approved shall not be occupied until the access and parking areas have been completed in accordance with the approved plans. Thereafter, these areas shall be retained for access purposes only, kept free of obstruction and available for the parking of vehicles associated with the development.

Reason

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

4. The flats hereby approved shall not be occupied until details of one covered and secure cycle parking space for each unit have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason

In the interests of promoting sustainable transport choices and to accord with Policy PSP16 of the South Gloucestershire Local Plan Policies, Sites and Places Plan (Adopted) November 2017; and, the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 09/18 – 2 MARCH 2018

App No.:	PT18/0300/PNS	Applicant:	Network Rail
Site:	Cattybrook/Ash Lane Ash Lane Almondsbury South Gloucestershire BS32 4BY	Date Reg:	23rd January 2018
Proposal:	Request for Prior Approval under Part 18 Class A to Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 the removal of existing footbridge and erection of replacement to the east of its present location.	Parish:	Almondsbury Parish Council
Map Ref:	358679 183220	Ward:	Almondsbury
Application Category:	Prior Notification	Target Date:	15th March 2018



© South Gloucestershire Council 2007.all rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2008.

N.T.S.

PT18/0300/PNS

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application has been referred to the circulated schedule as a general comment has been received. While this comment does not per se object to the application, in the interests of decision making, this application has been referred for determination as if a comment of objection had been received.

1. THE PROPOSAL

- 1.1 This application seeks the Local Planning Authority's prior approval for the installation of a replacement footbridge across the South Wales Mainline Railway near Almondsbury. The application has been submitted by Network Rail who consider the development to benefit from 'permitted development' rights afforded to statutory undertakers by virtue of Part 18 of the Second Schedule of the Town and Country Planning (General Permitted Development) (England) Order 2015. As part of the Order, the Authority's prior approval must be given.
- 1.2 The replacement bridge is required to gain sufficient clearance beneath the structure for the installation of overhead line equipment; overhead line equipment is being installed as part of the electrification of the Great Western Mainline. The project to which these works are connected is therefore of national significance.
- 1.3 This is not a planning application and the proposal cannot be assessed on planning merit. This is an application for the prior approval, which may only be assessed in accordance with the considerations set out in the permitted development regulations.

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning Act 1990
Highways Act 1980
The Countryside and Rights of Way Act 2000
The Town and Country Planning (General Permitted Development) (England) Order 2015: Schedule 2; Part 18; Class A
The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

3. RELEVANT PLANNING HISTORY

- 3.1 There is no planning history on this site

4. CONSULTATION RESPONSES

- 4.1 Almondsbury Parish Council
None received

Internal Consultees

4.2 Environmental Protection

Works are likely to take place at night and the applicant is required to gain a warrant under section 61 of the Control of Pollution Act 1974. It has been indicated that this is in progress. An informative should be included on means by which to limit impact of development on nearby occupiers.

4.3 Highway Structures

No comment

4.4 Public Rights of Way

No objection. Proposal will affect OAY58. The removal of the bridge should not take place until a temporary bridge is in place. A diversion order is required.

4.5 Sustainable Transport

No objection

Other Representations

4.6 Local Residents

One comment has been received from a local resident which raises the following points:

- List of properties affected by development
- Concern over communication by contractor prior to works commencing; letter given on day of arrival
- Limited communication; not all residents informed
- Bridge replacement not until March but preparatory works underway
- Health and Safety unit installed; contractors to be on site for a considerable time
- Lack of consideration to local residents
- Concern over impact on road surface
- Mud on road
- Conflict between users of highway
- Mud runoff is affecting private property and washing away drive gravel and damaging internal decoration

5. ANALYSIS OF PROPOSAL

5.1 This application seeks the prior approval of the local planning authority for a replacement footbridge over the South Wales Mainline near Almondsbury.

5.2 Principle of Development

Class A of Part 18 of the Order permits development authorised under local or private Acts of Parliament, where that Act designates specifically the nature of the development authorised and the land upon which it may be carried out. Should the proposal fulfil the criteria, then it would be permitted development and the principle established. The local planning authority may only consider those matters deemed relevant by virtue of the Order itself.

- 5.3 EIA Development
Article 3(10) of the Order, which prevents the undertaking of permitted development unless the appropriate screening opinion has been issued, does not apply to development under Class A of Part 18.
- 5.4 Prior Approval
The planning authority's prior approval is required with regard to whether the development ought to be carried out elsewhere and whether the design and external appearance is acceptable.
- 5.5 As this is for a replacement footbridge, although the replacement bridge would be on a slightly different alignment, it would not be reasonable for the development to be carried out elsewhere.
- 5.6 The proposed bridge be fairly typical in appearance. It would not appear wholly out of place in its context and officers do not consider that amendments are required to its appearance to ensure that the development does not have an adverse impact on the amenity of the locality.
- 5.7 Overall, the proposal is acceptable and the prior approval of the local planning authority should be given.
- 5.8 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.
- 5.9 With regards to the above this planning application is considered to have a neutral impact on equality.
- 5.10 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.
- 5.11 The local planning authority is required to consult in accordance with its Statement of Community Involvement. In addition to this, a site notice was erected. It is a matter for the contractor as to the level of pre-planning engagement undertaken. Any mud on the road would be an issue under the Highways Act and the highway authority would be best placed to respond to resident's concerns.

5.12 Although it is noted that this development would lead to disruption, it would be temporary in nature and the public benefits would outweigh any short-term harm.

6. CONCLUSION

6.1 The recommendation to grant prior approval 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 authority's prior approval is GRANTED.

Contact Officer: Griff Bunce
Tel. No. 01454 863438