



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

**CIRCULATED SCHEDULE NO. 37/18**

**Date to Members: 14/09/2018**

**Member's Deadline: 20/09/2018 (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](mailto: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:

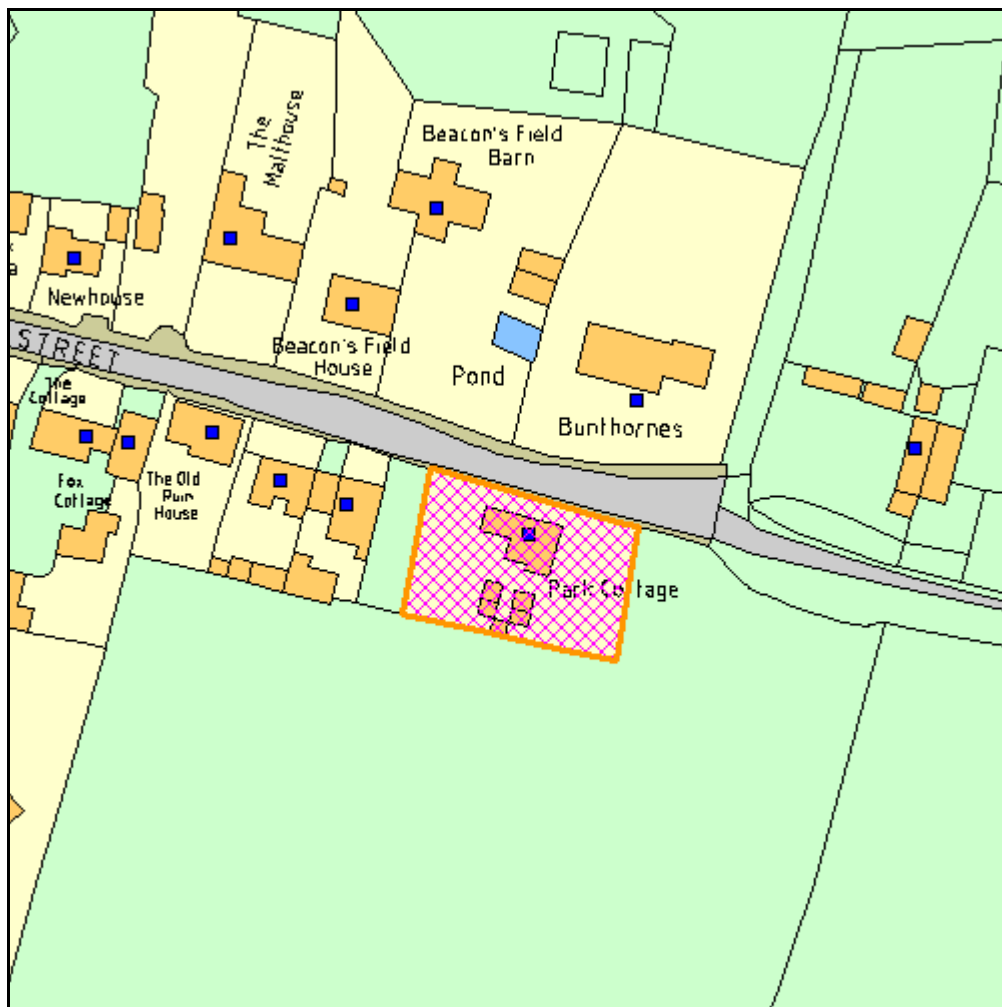
- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s) 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](mailto: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 - 14 September 2018

ITEM NO.	APPLICATION NO.	RECOMMENDATION	LOCATION	WARD	PARISH
1	<b>PK18/1506/F</b>	Approve with Conditions	Park Cottages Park Street Hawkesbury Upton Badminton South Gloucestershire GL9 1BA	Cotswold Edge	Hawkesbury Parish Council
2	<b>PK18/2381/O</b>	Approve with Conditions	Land At Poplar Cottage Poplar Lane Wickwar Wotton Under Edge South Gloucestershire GL12 8NS	Ladden Brook	Wickwar Parish Council
3	<b>PK18/2699/RVC</b>	Approve with Conditions	Land Between Westerleigh Road At Kidney Hill And Broad Lane Westerleigh South Gloucestershire	Westerleigh	Westerleigh Parish Council
4	<b>PK18/2889/F</b>	Approve with Conditions	Blue Lodge Farmhouse Lodge Road Wick South Gloucestershire BS30 5TX	Boyd Valley	Wick And Abson Parish Council
5	<b>PK18/2977/F</b>	Approve with Conditions	71 Marshfield Road Tormarton Badminton South Gloucestershire GL9 1JF	Cotswold Edge	Tormarton Parish Council
6	<b>PK18/3173/F</b>	Approve with Conditions	9 Kimberley Close Downend South Gloucestershire BS16 6QX	Emersons Green	Emersons Green Town Council
7	<b>PK18/3599/CLP</b>	Approve with Conditions	9 Wainblade Court Yate South Gloucestershire BS37 7DH	Yate North	Yate Town Council
8	<b>PT18/0119/F</b>	Refusal	Beluga House Whale Wharf Lane Littleton Upon Severn South Gloucestershire BS35 1NP	Severn	Aust Parish Council
9	<b>PT18/1512/F</b>	Split decision See D/N	Bibstone Farmhouse Tortworth Road Cromhall South Gloucestershire GL12 8AE	Charfield	Cromhall Parish Council

**CIRCULATED SCHEDULE NO. 37/18 – 14 SEPTEMBER 2018**

<b>App No.:</b>	PK18/1506/F	<b>Applicant:</b>	Mr And Mrs Ricky Nelmes
<b>Site:</b>	Park Cottages Park Street Hawkesbury Upton Badminton South Gloucestershire GL9 1BA	<b>Date Reg:</b>	12th April 2018
<b>Proposal:</b>	Erection of two storey rear extension to provide additional living accommodation.	<b>Parish:</b>	Hawkesbury Parish Council
<b>Map Ref:</b>	378267 186904	<b>Ward:</b>	Cotswold Edge
<b>Application Category:</b>	Householder	<b>Target Date:</b>	4th June 2018



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 100023410, 2008. **N.T.S.** **PK18/1506/F**

## **REASONS FOR REPORTING TO CIRCULATED SCHEDULE**

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

### **1. THE PROPOSAL**

- 1.1 The applicant seeks planning permission for the erection of a two storey rear extension at Park Cottages, Park Street Hawkesbury Upton.
- 1.2 The host dwelling is locally listed, located inside of the defined settlement boundary, within the Cotswolds Area of Outstanding Natural Beauty and within the Hawkesbury Conservation Area.
- 1.3 Strong objections were raised with the initial proposal such that two rounds of revisions were sought. Owing to the substantial revisions, additional consultations were requested.
- 1.4 Of note is application PK18/1532/O, an outline application for 21no residential dwellings approved on 28<sup>th</sup> June 2018 which is located directly south of the site.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance and Regulations**

National Planning Policy Framework July 2018  
National Planning Policy Guidance

#### **2.2 Development Plans**

##### **South Gloucestershire Local Plan Core Strategy (Adopted) December 2013**

CS1 High Quality Design  
CS4A Presumption in Favour of Sustainable Development  
CS5 Location of Development  
CS8 Improving Accessibility  
CS9 Managing the Environment and Heritage

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

PSP1 Local Distinctiveness  
PSP2 Landscape  
PSP7 Development in the Green Belt  
PSP8 Residential Amenity  
PSP16 Parking Standards  
PSP17 Heritage Assets and the Historic Environment  
PSP38 Development within Existing Residential Curtilages  
PSP43 Private Amenity Space Standards

#### **2.3 Supplementary Planning Guidance**

Design Checklist SPD (Adopted) 2007

### 3. RELEVANT PLANNING HISTORY

- 3.1 PK18/1532/O  
Approve with Conditions (28.06.2018)  
Outline planning application for 21 no. residential dwellings (Use Class C3) with access and layout to be determined. All other matters reserved. (Re submission of PK17/2722/O)
- 3.2 PK17/2630/TCA  
No objection (30.06.2017)  
Felling of conifer trees situated within a conservation area

### 4. CONSULTATION RESPONSES

4.1 Hawkesbury Parish Council

*Initial comment*

“The Parish Council has no objection to renovating the cottage in principle, but the scale is too large.”

*Updated comment*

“No Objection to the revised planning application.”

Conservation Officer

*Initial comment*

“By reason of scale and massing, the proposed scheme of extension can be considered to be disproportionate and harmful to the historic character and proportions of the host building. Rather than a complementary and subservient addition, the proposed extension would completely dominate the host building to the point the historic character and evolution of the building would be completely compromised.

Along with harming the character of the building itself, it is considered that the resultant building (if approved) would also harm the character and appearance of the conservation area, which in this location is characterised by modest vernacular buildings.”

*Updated Comment*

As discussed, the significant revisions that have been made to the design and scale of the scheme of extension have addressed the previous concerns about demonstrable harm to the character and appearance of the conservation area the resultant building would have caused.

Although I would still advise that the extension remains disproportionate in scale to its host, this is a design matter for the case officer to pursue as with the considered harm to the conservation area now alleviated, there are no heritage objections that could now be substantiated.

Conditions requiring samples of all surface materials including tiles are recommended.”

Archaeology Officer

*Initial comment*

“No objection but a HC11 condition for a programme of archaeological work should be applied to any consent granted.

*Updated comment*

“No objection provided a HC11 condition is attached as per previous comments.”

Sustainable Transport

More information is requested.

**Other Representations**

4.2 Local Residents

None received.

Interested party

Comments were received on behalf of ‘Lone Star Land’. The company has interests in the land to the rear of the site where permission for 21no dwellings was granted on 28<sup>th</sup> June 2018 (PK18/1532/O).

*Initial comment*

An objection was received relating to the lack of a heritage statement; scale, form, plot coverage; roof scape; and materials proposed.

*Updated comment*

Stated that the revised proposal was a “massive improvement on the original scheme” but raised concerns regarding the separation distances between the extension and plots 20 and 21 of the development PK18/1532/O resulting in overlooking and loss of privacy issues; whether permitted development rights should be removed; an issue with site ownership and the red line on the block plan; and controlling materials via a condition.

**5. ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Policy CS9 of the South Gloucestershire Core Strategy aims to ensure that heritage assets are conserved, respected and enhanced in a manner appropriate to their significance. Similarly policy PSP17 will only permit development within a Conservation Area where it would preserve or enhance the character or appearance of the Area. Additionally, the site is located within the Cotswold AONB. Policy PSP2 permits development providing that they conserve and where appropriate enhance the quality, amenity, distinctiveness and special character of the landscape.

5.2 Policy PSP38 allows development within residential curtilages subject to considerations of visual amenity, residential amenity and highway safety. Furthermore, Policy CS1, which is echoed by PSP38 seeks that the siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the

application site and its context. The proposal accords with the principle of development subject to the consideration below.

5.3 Design and Impact on the Conservation Area

The host dwelling is a modest two storey locally listed detached cottage located at the eastern end of Park Street. Two and single storey extensions have been added to the property historically. However, these extensions have resulted in a discordant and somewhat convoluted overall design. It is proposed to demolish these later additions and add a twin gabled two storey rear extension to the property. While the proposed rear extension would dominate the modest cottage in terms of its size, the addition would not extend beyond any side elevations or above the current ridge line. Therefore, the attractive frontage would remain; and from most public views offered along Park Street the property would still be viewed as a modest cottage. Thereby preserving the main elements of this locally listed building that positively contribute to the area.

5.4 Notwithstanding the above, if approved, the cottage would become a large detached house. However, when considering the location of the site in relation to surrounding existing properties, of which several are large and detached. Namely, Bunthorne's (directly to the north) and Beacons Field House and Beacons Field Barn (immediately north-west). In addition to the proposed plots 20 and 21 recently approved under application PK18/1532/O which are also large and detached. It is not thought that in this context the additions to the host dwelling would result in detrimental harm to surrounding properties or the wider Conservation Area; as such it preserves the character of the Conservation Area.

5.5 Heritage

Park Cottages is a locally listed building. Paragraph 197 of the NPPF (July 2018) states where a development proposal effects the significance of a non-designated heritage asset, a balanced judgment is required having regard of any harm or loss of heritage asset. As discussed, despite its scale, it is considered that the asset would be preserved.

5.6 Residential Amenity

Policies PSP8 and PSP38 of the 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.

5.7 When considering the location of the host dwelling and its proposed additions in relation to existing properties in the area, sufficient separation distances exist to not result in any harm to the amenity issues highlighted above.

5.8 However, the new Juliet balconies to the rear of the extension do have the potential to affect the potential occupiers of plots 20 and 21 of the recently approved PK18/1532/O in terms of overlooking and a loss of privacy. The Councils Technical Advice Note 'Assessing Residential Amenity' states that where windows serving primary living accommodation face each other, a 20m separation distance should be sought. If approved, the new Juliet balconies would be around 18m from the windows of the rear gable elevation of plot 21 (it is important to note that when assessing amenity, Juliet balconies are



considered more like a window rather than a traditional balcony that permits external access). This distance is below the 20m advised. However, there are some caveats to this, the host dwelling and plots 20 and 21 share an oblique relationship. Council advice notes that where an oblique relationship is present between dwellings, the separation distance may be reduced without a detrimental impact on privacy. Additionally, plans supplied with application PK18/1532/O show that plot 21 and the existing dwelling have a separation distance of 19m; and plot 20 and The Old Bakery have a separation distance of just 16.7m. It is acknowledged that the weight applied to 21 new dwellings to South Gloucestershire housing stock is significantly higher than a two storey rear extension, nonetheless the type of separation distances being proposed have already been found to be acceptable in the area. Moreover, views from plot 20 to the host dwelling would be negated by the proposed triple garage located between the host dwelling and plot 20. Finally, while the layout of application PK18/1532/O has been approved, these properties are not yet built, such that there is a possibility that changes to the layout may occur in the future. For all of the reasons above it is not thought that a refusal reason could be sustained in regards to a loss of privacy or overlooking impact to the occupiers of the proposed plots 20 or 21.

#### 5.9 Transport

A garage, driveway, and parking area would be present at the property post development. This provision exceeds the requirements of PSP16. As such there are no transport objections.

#### 5.10 Equalities

This planning application is considered to have a neutral impact on equality.

#### 5.11 Archaeology

The site is located in an archeologically sensitive area. This will be dealt with by condition.

#### 5.12 Other Matters

A statement of significance was submitted during the application process. The ownership of the site was queried and confirmed by the agent such that submitted plans showing the red line are correct. In regards to whether permitted development rights should be removed, this should only normally be done if there are specific circumstances that require it. Owing to the current proposal and its location within the Conservation Area, little further could be constructed without express permission from the Council, such that restricting permitted development rights is not deemed necessary.

## 6. CONCLUSION

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

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

## **7. RECOMMENDATION**

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

**Contact Officer: David Ditchett**  
**Tel. No. 01454 863131**

## **CONDITIONS**

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

Reason

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

2. Prior to the 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 order to ensure the adequate protection of archaeological remains, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework. This is required prior to commencement as archaeological remains cannot be protected retrospectively.

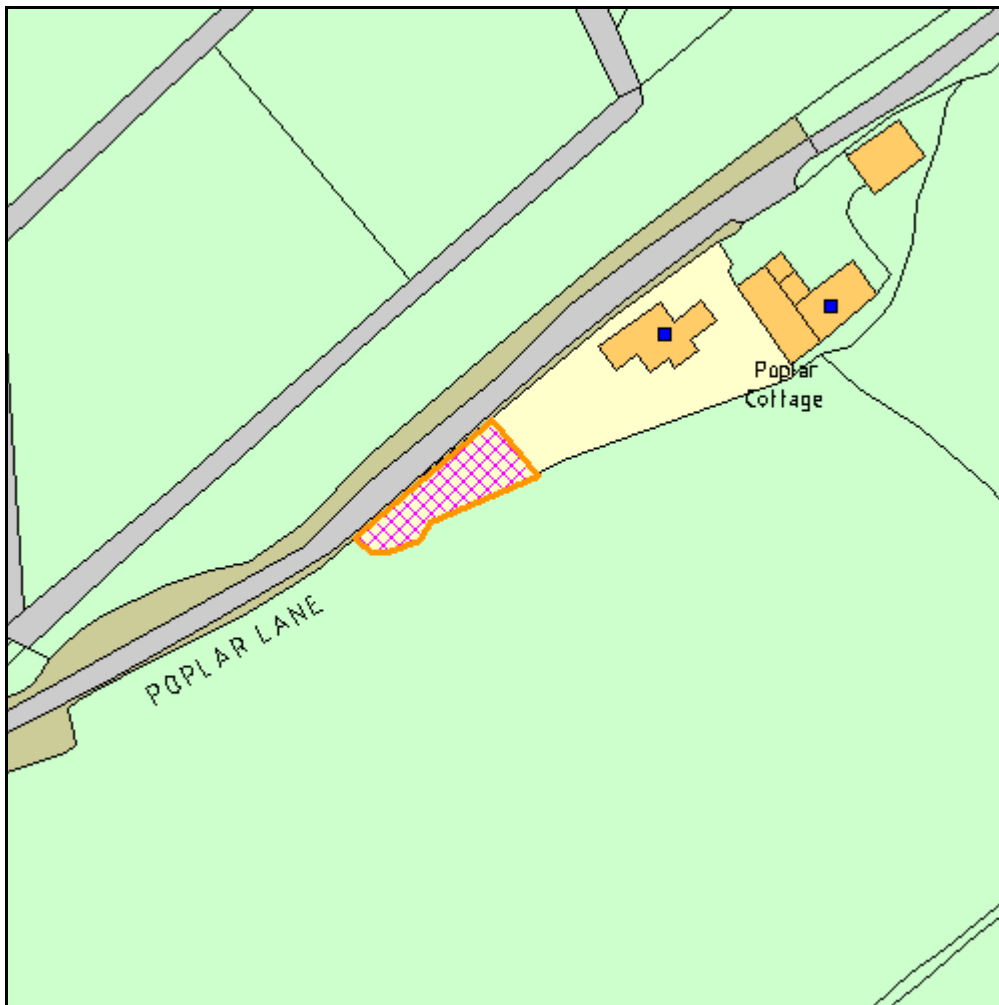
3. Prior to the commencement of the relevant part of the development, samples of external materials to include render, glazing bars, tiles, brickwork and stonework shall be submitted to the Council for approval. Development shall be carried out in accordance with the agreed samples.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework. This is required prior to the relevant part of development in order to protect the significance of the locally listed building.

**CIRCULATED SCHEDULE NO. 37/18 – 14 SEPTEMBER 2018**

<b>App No.:</b>	PK18/2381/O	<b>Applicant:</b>	Mr Andrew Bunnett
<b>Site:</b>	Land At Poplar Cottage Poplar Lane Wickwar Wotton Under Edge South Gloucestershire GL12 8NS	<b>Date Reg:</b>	23rd May 2018
<b>Proposal:</b>	Erection of 1no. dwelling (outline) with access, layout and scale to be determined. All other matters reserved.	<b>Parish:</b>	Wickwar Parish Council
<b>Map Ref:</b>	372891 187880	<b>Ward:</b>	Ladden Brook
<b>Application Category:</b>	Minor	<b>Target Date:</b>	18th July 2018



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 100023410, 2008. **N.T.S.** **PK18/2381/O**

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

The application is circulated because concerns raised during the application process conflict with the officer recommendation.

### **1. THE PROPOSAL**

- 1.1 The application is for the erection of a new house to the southwest of Poplar Cottage. Access, layout and scale are to be determined, whilst appearance and landscaping are to be reserved for future consideration.
- 1.2 The site is located outside of the settlement boundary for Wickwar (but it borders Poplar Lane to the north where it joins the B4060).
- 1.3 The application has been amended during its course to deal with drainage, transport and ecology matters.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

National Planning Policy Framework July 2018  
Planning Practice Guidance

#### 2.2 Development Plans

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

CS1	High Quality Design
CS2	Green Infrastructure
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS15	Distribution of Housing
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	Trees and Woodland
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP18	Statutory Wildlife Sites
PSP19	Wider Biodiversity
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  
CIL and S106 SPD (Adopted) 2015  
Waste Collection SPD (Adopted) 2015 (updated 2017)

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

The site has been subject to a large number of planning applications in the past but the following are most relevant:

- 3.1 PRE18/0086  
Erection of detached house with associated parking.  
25.04.2018

### 4. **CONSULTATION RESPONSES**

- 4.1 Wickwar Parish Council  
Objection
- inappropriate development outside settlement boundary

4.2 Other Consultees

Lead Local Flood Authority  
No objection

Sustainable Transport  
Objection

- no parking shown for host dwelling

Ecology Officer  
No objection

- conditions requiring works to proceed in accordance with preliminary ecological appraisal and the provision of bird and bat boxes/tubes

#### **Other Representations**

- 4.3 Local Residents  
None received

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

- 5.1 This application seeks outline planning permission for the erection of 1 dwelling to the southwest of Poplar Cottage, Wickwar. Access, layout and scale are to be determined. All other matters are reserved.

- 5.2 Principle of Development  
Policy CS5 and CS34 establish the locations in the district where development is directed. Under the locational strategy, development in the first instance is directed to the existing urban areas and defined settlements. The application site is outside any of these designations and therefore would not be supported. Residential development in the countryside is strictly controlled by policy

- PSP40. Under this policy, certain forms of residential development would be permitted in the open countryside, none of which the proposed development would comply with.
- 5.3 However, at present the local planning authority cannot demonstrate a 5-year supply of deliverable housing land. In accordance with national guidance, applications should be considered in the context of the presumption in favour of sustainable development. This is set out paragraph 11 of the NPPF and states that planning permission should be approved unless the adverse impacts of doing so significantly and demonstrably outweigh the benefits of the proposal or the proposal conflicts with the NPPF when reads as a whole or extant policies in the development plan.
- 5.4 The presumption in favour of sustainable development applies to this application. Therefore, this application must be determined on an analysis of the impacts of the development. Only where the benefits of development are significantly and demonstrably outweighed should planning permission be refused.
- 5.5 Site Sustainability  
As stated, part of Poplar Lane is adjacent to the defined settlement and the application site is located right at its end. Should the site have been located within the settlement boundary, the proposal would accord with the locational strategy and no principle objection raised. Although classified as a village, Wickwar has 3 dedicated community centres, a post office, pub, retail shop and a small-scale food store. Employment opportunities also exist at two safeguarded employment areas within the village and bar Sundays, there are frequent public transport connections to Yate and Wotton-under-Edge.
- 5.6 Future occupiers would have about a 4 minute cycle or 11 minute walk (although there is no footway along the lane) to the village centre. It is therefore considered that despite not being located within the settlement boundary itself, the site is sustainable. Furthermore, Officers are aware two large scale residential schemes for 170 dwellings in total (PK17/5966/RM; PK17/4552/O (albeit this is a resolution to approve with the section 106 being completed shortly)) were approved to the south of the lane. It could not therefore be argued that this new home would be isolated. This factor weighs in favour of granting planning permission.
- 5.7 Design and Amenity  
The site currently forms part of the residential curtilage of Poplar Cottage and bar the northwestern and eastern sides, is surrounded by open agricultural land.
- 5.8 The proposal seeks to deal with the siting and form of the new dwelling and this proposal would take the form of a large gabled house following the building line along the lane. The materials are proposed to be stone to the principal elevation and render to all the others and the roof would be covered in tiles matching the cottage. An extensive parking area would be to the side. Architecturally the building would fit with the local vernacular and general character of the area.

5.9 In terms of occupier amenity, residents of both properties would have access to over 70sqm of amenity space, which exceeds the minimum requirements of policy PSP43. Furthermore, although appearance is reserved, if this design is carried forward, it is not considered the proposal would adversely affect the host occupiers. However, at approximately 22 metres distant, this would be unlikely anyway.

5.10 Access and Parking

Submitted plans show that the new dwelling will use an existing vehicular access onto the lane and two parking spaces will be provided. This level of parking complies with the Council's parking standards for a dwelling of this size.

5.11 The local highway authority have concerns that there is insufficient detail submitted to be certain there would still be adequate parking available for host occupiers. However, the case officer is of the view that the drawings submitted by the applicant amply demonstrate that an acceptable level of parking can be achieved and provides sufficient information to enable the application to be determined.

5.12 Accordingly, there is no basis for a transportation objection to this development.

5.13 Ecology

A preliminary ecological appraisal (Smart Ecology; August 2018) was submitted in support of the planning application. Findings are summarised as follows –

***Designated sites for Nature Conservation (European Sites SSSI's and local sites (Sites of Nature Conservation Interest or Regionally Important Geological Sites))***

No statutory or non-statutory sites for nature conservation will be affected by the proposal.

***Habitats (including habitats of principle importance (Priority Habitats) Section 41 Natural Environment and Rural Communities (NERC) Act 2006):***

**Amenity grassland** – approximately 230m<sup>2</sup>

**Native species rich hedgerow** – intact and along the southern and western boundaries. Assessed as Priority Habitat but does not qualify as an important hedgerow under the Hedgerows Regulations.

**Species poor hedgerow** – defunct along the northern hedgerow. This also qualifies as Priority Habitat but does not qualify as an important hedgerow under the Hedgerows Regulations.

**Introduced shrub** – a short section of laurel is also present along the northern boundary.

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

- **Bats** – there are no buildings or trees on or adjacent to the site, therefore there are no potential roosting sites for bats.

The southern and western boundary hedgerows have potential to be used for foraging and commuting bats but the northern site boundary has poor connectivity, so is unlikely to be used for commuting.

- **Great crested newt (GCN)** – there was one pond approximately 260m west of the site. A Natural England Rapid Risk Assessment was conducted which indicated that even if GCNs were present in the pond it is highly unlikely that the proposed development would result in an offence being committed if the appropriate mitigation is put in place.
- **Hazel dormouse** – the southern and western boundary hedgerows were assessed as a sub-optimal foraging habitat for dormice. However, the hedgerow does have connectivity to woodland in the area and wider connectivity to Lower Woods, which has a known dormouse population. Therefore, the presence of dormice in the hedgerow cannot be ruled out. The same assessment was made for the northern hedgerow boundary.

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

- **Nesting birds** – the hedgerows on site have potential to be used by nesting birds.
- **Reptiles** – there is some potential for reptiles using the rubble piles etc. close to the hedgerows.

***Badger Act 1992:***

The site provides a small foraging area for badgers but no signs of badgers were recorded on site. However, a badger latrine was present along the base of the hedgerow approximately 20m east of the site along Poplar Lane indicating that badgers are active in the area.

***Biodiversity enhancements and biodiversity gain (NPPF and PSP19)***

Section 6.3 of the appraisal details the enhancement measures to be taken forward. These include new hedgerow planting, installing bat tubes and bird nesting boxes.

- 5.14 Officers conclude that there is no ecological objection to the application. However, to minimise any further risks to protected and local species, a condition will be imposed to ensure compliance with the appraisal. In order to achieve some biodiversity gain, a condition will also be applied requiring the provision of two bird and bat boxes/tubes.



#### 5.15 Impact on Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. As a result of that Act the public sector Equality Duty came into force. Among other things, the Equality Duty requires that public bodies to have due regard to the need to: eliminate discrimination; advance equality of opportunity; and, foster good relations between different groups when carrying out their activities.

5.16 Under the Equality Duty, public organisations must consider how they could positively contribute to the advancement of equality and good relations. This should be reflected in the policies of that organisation and the services it delivers.

5.17 The local planning authority is statutorily required to apply the Equality Duty to its decision taking. With regards to the Duty, the development contained within this planning application is considered to have a neutral impact.

#### 5.18 Overall Planning Balance

The proposal, if permitted, would have the benefit of the provision of 1 additional residential unit towards overall housing supply in the district. The site is also considered to be sustainable. Therefore, this benefit has moderate weight.

5.19 There is the potential for harm to local ecology, but subject to condition, this would be limited and somewhat compensated too.

5.20 The harms which would result from development therefore do not significantly and demonstrably outweigh the benefits and it follows, that under the presumption in favour of sustainable development, planning permission should be granted.

### 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 following conditions:

**Contact Officer: Helen Braine**  
**Tel. No. 01454 863133**

## **CONDITIONS**

1. Approval of the details of the appearance of the building and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason

This is an outline permission only and the reserved matters shall be made to the Local Planning Authority.

2. Plans and particulars of the reserved matters referred to in the condition above, relating to the appearance of any buildings to be erected and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason

This is an outline permission only and the reserved matters shall be made to the Local Planning Authority.

3. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason

This is an outline permission only and the reserved matters shall be made to the Local Planning Authority.

4. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason

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

5. The reserved matters, as required by condition 2, shall not bring forward development that exceeds a maximum height of 6.2 metres, as shown on plan Proposed Elevations (received 21.05.2018).

Reason

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

6. All works shall proceed in accordance with the recommendations in Section 6 of the Preliminary Ecological Appraisal by Smart Ecology (August 2018). This includes avoiding disturbance and/or harm to nesting birds, bats, badgers and hedgehogs, amphibians and reptiles, installing bird and bat boxes and new hedgerow planting. Any deviation from these methods shall be submitted to the local planning authority for approval in writing.

Reason

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

7. Prior to occupation, the location and type of two bird boxes and two bat boxes/tubes shall be submitted to the local planning authority for approval in writing. All works shall take place in accordance with the approved details.

Reason

In the interests of biodiversity gain and to accord with the National Planning Policy Framework; Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and Policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

8. The development shall be implemented strictly in accordance with the following documents:

Received 21.05.2018:

Planning Statement  
Proposed Elevations  
Proposed Ground Floor Plan  
Proposed First Floor Plan

Received 10.07.2018:

Water Treatment Details  
Parking Plan (amended)  
Site Plan (amended)

Received 08.08.2017:

Preliminary Ecological Appraisal

Reason

For the avoidance of doubt.

**CIRCULATED SCHEDULE NO. 37/18 – 14 SEPTEMBER 2018**

<b>App No.:</b>	PK18/2699/RVC	<b>Applicant:</b>	South Gloucestershire Council
<b>Site:</b>	Land Between Westerleigh Road At Kidney Hill And Broad Lane Westerleigh	<b>Date Reg:</b>	12th June 2018
<b>Proposal:</b>	Variation of condition 6 attached to planning permission PK10/0404/R3F drawing number T002-015-429	<b>Parish:</b>	Westerleigh Parish Council
<b>Map Ref:</b>	369316 179162	<b>Ward:</b>	Westerleigh
<b>Application Category:</b>	Major	<b>Target Date:</b>	10th September 2018



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**N.T.S. PK18/2699/RVC**

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

This application has been referred to the Circulated Schedule because the application has been submitted on behalf of South Gloucestershire Council and a representation has been received from a local resident which is contrary to the officer recommendation; and as such, under the Council's Scheme of Delegation, must be determined via the Circulated Schedule.

### **1. THE PROPOSAL**

- 1.1 Full planning permission PK10/0404/R3F was granted for the construction of a new shared use cycle/pedestrian and part equestrian path between the existing Bristol & Bath Railway Path at Coxgrove Hill to Shire Way, Yate. The approved route is approximately 3 miles long. The width of the cycle path/bridle way corridor would vary between 5 and 10 metres depending on the requirements for each section. The minimum width of the path would be 3m. Generally the cycle path would be a 220mm deep paved layer. In some sections a parallel grass verge would be provided for equestrian use. Appropriate stock or other fencing would be provided to delineate the boundary of the path and retain animal stock.
- 1.2 The route starts in the south at Coxgrove Hill and runs generally north along the disused railway before passing under the M4 and following the edge of farmland adjacent to the rail sidings. It then uses the Westerleigh level crossing located on a restricted rail line, and traverses an overgrown hill and short length of dismantled railway to reach Westerleigh Road. This section has already been constructed and is now in use.
- 1.3 From Westerleigh Road to its junction with Nibley Lane at Yate, the route runs over agricultural land, existing tracks and public highway, before terminating at Shire Way, Yate.
- 1.4 The southern part of the route from Coxgrove Hill to Westerleigh Road was previously granted permission in Sept. 2002 (see PK02/1373/F) but this permission lapsed due to lack of funding. In 2008 however the situation changed when South Gloucestershire Council along with Bristol City Council, were given Cycling City status, with the aim of doubling the number of regular cyclists in Greater Bristol by 2011. The proposal forms part of Route 15, the Mangotsfield to Yate Cycle Path, the preferred route of which has been derived from historic consultations with landowners, route location and more recent design work.
- 1.5 A subsequent permission PK13/3875/F slightly amended the section from Westerleigh Road to Broad Lane to provide a different link at the northern end to Broad Lane this section has now been constructed. This section has also now been constructed and is relevant to this current application.
- 1.6 The current application is retrospective in nature as it seeks to vary Condition 6 of the original permission PK10/0404/R3F, in order to regularise some relatively minor works which were not originally envisaged (see below). Condition 6 reads as follows:

“A suitably-experienced and/or qualified and licensed ecological consultant shall be appointed to oversee all works relating to ecology on those sections of the cycle path between Coxgrove Hill and the M4 Bridge (Disused Railway, Shortwood Farm to Lyde Green Farm SNCI) and between Westerleigh Road and Broad Lane to ensure that the works are as agreed with the Council and depicted on drawings number T002-015-020B and T002-015-021A.”

Reason

To protect the ecology of the area in accordance with Policies L8 and L9 of the South Gloucestershire Local Plan (Adopted) 6<sup>th</sup> Jan 2009.

## **2. POLICY CONTEXT**

### **2.1 National Policy**

The National Planning Policy Framework (NPPF) July 2018  
The National Planning Practice Guidance (NPPG) 2014

### **Development Plans**

### **2.2 The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013**

CS1 - High quality designs  
CS7 - Strategic Transport Infrastructure

### **2.3 The South Gloucestershire Local Plan Policies, Sites and Places Plan Adopted Nov 2017**

PSP2 - Landscape  
PSP3 - Trees and Woodland  
PSP7 - Development in the Green Belt  
PSP8 - Residential Amenity  
PSP10 – Active Travel Routes  
PSP11 - Transport Impact Assessment  
PSP19 - Wider Biodiversity  
PSP20 - Flood Risk, Surface Water and Watercourse Management

### **2.4 Supplementary Planning Guidance**

The South Gloucestershire Landscape Character Assessment SPD (adopted) NOV 2014 - Character Area 12 : Westerleigh Vale & Oldland Ridge.  
The South Gloucestershire Design Check List (SPD) Adopted August 2007.  
Trees on Development Sites Adopted Nov. 2005.  
Development in the Green Belt (SPD) June 2007.

## **3. RELEVANT PLANNING HISTORY**

- 3.1 PK02/1373/F - Change of use from railway sidings and agricultural land to shared use path as extension to national cycle network.  
Approved 30<sup>th</sup> Sept. 2002.
- 3.2 PK10/0404/R3F - Change of use from agricultural land to shared use path as extension to national cycle network.  
Deemed Consent 4<sup>th</sup> November 2010

- 3.3 PK13/3875/F - Link of shared use path in highway verge to connect field edge path with Broad Lane and associated works.  
Approved 14 Feb 2014
- 3.3 PK14/4846/R3F - Change of Use from Railway Verge to shared use path as extension to national cycle network.  
Deemed Consent 24 April 2015
- 3.4 PK16/3612/R3F - Link of shared use path in highway verge to connect field path with Westerleigh Road at Kidney Hill and associated works (Amendment to previously approved PK13/3612/R3F).  
Deemed consent 5 Aug 2016

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

4.1 Doddington Parish Council  
No response

Pucklechurch Parish Council  
No response

Emersons Green Parish Council  
No objection

Westerleigh Parish Council  
No response

4.2 Other Consultees

Transportation D.C.  
No objection

Fisher German LLP  
No objection

PROW  
PROW have no objection to the proposed development but due to the reduced width of the path the 500 mm margin must be suitable for use by horseriders if they need to avoid cyclists.

Open Spaces Society  
No response

Commons Stewardship Officer  
No response

Police Community Safety Officer  
No response

The Tree Officer  
No objection

Landscape Officer

No comment

Ecology Officer

No objection

Wessex Water

No response

Network Rail

No objection

## **Other Representations**

### 4.3 Local Residents

1 letter of objection was received from an occupant of Chedworth, Yate. The concerns raised are follows:

I object to this development as on the road where I live there is not enough room for a shared cycle path and pedestrian access. This would lead to persons being injured by cyclists hitting pedestrians.

There will also be an unacceptable level of disruption caused by building works undertaken by the council. The local residents have already endured and continue to endure budding works by network rail.

Complaints have been made to the council who are not enforcing the mess which has been left. Also on the attached plan there is no mention of South Glos. Council owning the land so who is able to say that this cycle path can be used.

*This application does not relate to the section near Chedworth.*

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The acceptance in principle of the development has already been established with the grant of PK10/0404/R3F. This application merely seeks to vary condition 6 of that permission to substitute a plan no. T002-015-429 referred to in the condition to take account of certain minor amendments that cannot be addressed in an NMA. The works did not affect Chedworth.

### 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.6 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 In accordance with para. 38 of the NPPF, 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'.

Justification for the Revised Wording

- 5.5 The applicant states on the application form that Condition 6 includes reference to the works between Westerleigh Road and Broad Lane being as depicted on drawing number T002-015-021A. The purpose of this submission is to change this condition to refer to a more recent drawing for this section of the route (drawing number T002-015-429), which reflects slight changes that have been required during the construction phase to address issues that have arisen as the scheme has progressed.
- 5.6 The purpose of this submission is to vary condition 6 to refer to drawing number T002-015-429 for the Westerleigh Road to Broad Lane (Phase 4a) section of the path. During construction of this section, the following minor amendments have been required which are shown on drawing number T002-015-429.

- Path alignment at culvert

During construction, the western headwall of the existing culvert under Westerleigh Road was found to be defective (large crack). To maintain safety during the installation of the new adjacent culvert, temporary works were required to support the existing new culvert to minimise risk of it failing. The temporary works took up space, which resulted in the new culvert and headwalls being located slightly further into the field than originally envisaged.

This resulted in a slight change in the alignment of the new path, as is depicted on drawing T002-015-429.

- Path width at culvert

The path is for shared use by pedestrians, cyclists and equestrians. Along the majority of the path there is additional space between the path and roadside hedge to provide sufficient space to allow different users to pass safely. Without the verges, the 2 metres nominal width of the path is insufficient. The culvert creates a pinch point and for this reason the path has been increased to 4 metres in the vicinity of the culvert to allow users to pass safely.

- Type 1 strip (500mm wide) adjacent to path

A 500mm wide strip comprising a Type 1 aggregate surface has been provided along the edge of the path to facilitate maintenance vehicles (for operations

such as sweeping, grass cutting, hedge trimming). This is because the width of the path at 2 metres is too narrow to allow such vehicles to access the path to carryout maintenance activities.

The original planning condition 6 refers to a layout shown on drawing number T002-015-021A. This application is to update the reference in the planning condition to a more up to date drawing, drawing number T002-015-429.

5.6 The revision proposed would have no significant adverse effects over and above the plan previously approved.

5.7 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.

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

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

7.1 That condition 6 (now Condition 2) of planning permission PK10/0404/R3F be varied to substitute plan no. T002-015-021A with drawing no. T002-015-429.

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

## **CONDITIONS**

1. Immediately prior to the commencement of the outstanding development phases from Broad Lane to Shire Way hereby approved, a destructive search of any suitable habitat on the route of the cycle path for reptiles/slow-worms shall be carried out by a suitably qualified person and any animals found relocated to suitable habitat nearby .

### Reason

To protect the ecology of the area in accordance with Policy PSP19 of The South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) Nov 2017.

2. A suitably-experienced and/or qualified and licensed ecological consultant shall be appointed to oversee all works relating to ecology on those sections of the cycle path between Coxgrove Hill and the M4 Bridge (Disused Railway, Shortwood Farm to Lyde Green Farm SNCI) and between Westerleigh Road and Broad Lane to ensure that the works are as agreed with the Council and depicted on drawings number T002-015-020B and T002-015-429.

### Reason

To protect the ecology of the area in accordance with Policy PSP19 of The South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) Nov 2017.

3. Any works near or affecting any badger setts on the route of the cycle track shall be subject to the licensing provisions of the Protection of Badgers Act 1992.

### Reason

To protect the ecology of the area in accordance with Policy PSP19 of The South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) Nov 2017.

4. Prior to the commencement of the outstanding development hereby approved i.e. from Broad Lane to Shire Way, drainage/construction details to include any piping or culverting of any watercourse or ditch, shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed in full accordance with the details so approved.

### Reason

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

5. Prior to the commencement of the outstanding development hereby approved i.e. from Broad Lane to Shire Way, details of all proposed signage along the route, traffic calming and works at key cross-over points such as at Nibley Road, shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Local Ward Councillors. Thereafter the development shall be carried out in full accordance with the details so approved.

Reason

In the interests of highway safety and the visual amenity of the Green Belt and Landscape in general; to accord with Policies PSP2, PSP11, and PSP7 of The South Gloucestershire Local Plan : Policies Sites and Places Plan Adopted Nov 2017.

6. Prior to the commencement of the relevant parts of development hereby approved, details of all traffic calming and works on Shire Way shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Local Ward Councillors. Thereafter the development shall be carried out in full accordance with the details so approved.

Reason

In the interests of highway safety, and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, Policy PSP11 of The South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) Nov. 2017 and the National Planning Policy Framework.

**CIRCULATED SCHEDULE NO. 37/18 – 14 SEPTEMBER 2018**

<b>App No.:</b>	PK18/2889/F	<b>Applicant:</b>	Mr Richard West
<b>Site:</b>	Blue Lodge Farmhouse Lodge Road Wick South Gloucestershire BS30 5TX	<b>Date Reg:</b>	22nd June 2018
<b>Proposal:</b>	Change of use of land and buildings from the keeping of horses to residential (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). Conversion of existing barn to residential annexe ancillary to the main dwelling.	<b>Parish:</b>	Wick And Abson Parish Council
<b>Map Ref:</b>	369454 174002	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Minor	<b>Target Date:</b>	14th August 2018

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**N.T.S.****PK18/2889/F**

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

The application is referred to the Circulated Schedule in light of the concerns expressed by the Parish Council.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission to convert an existing barn into a residential annexe for use ancillary to the existing dwelling and use of land as residential curtilage.
- 1.2 The application site is a detached property at the entrance to Blue Lodge, off Lodge Road, Wick. The site is situated outside of any established settlement boundary and within the Bristol/Bath Green Belt. In front of the house runs the driveway to the Lodge which a public footpath (LWA/6) follows and on the other side are the locally registered grounds of the property itself.
- 1.3 It is a timber stable which is the actual subject of this application. It is proposed to convert this into a one bedroom self-contained annexe. The annexe will remain ancillary to the main dwelling as they share an access, parking area, turning facilities, and amenity space.
- 1.4 The red line boundary has been amended during the course of the application.

### **2. POLICY CONTEXT**

2.1 National Guidance  
National Planning Policy Framework July 2018

2.2 Development Plans

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

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS34	Rural Areas

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP7	Development in the Green Belt
PSP8	Residential Amenity
PSP10	Active Travel Routes
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment

PSP19	Wider Biodiversity
PSP38	Development within Existing Residential Curtilages
PSP40	Residential Development in the Countryside
PSP43	Private Amenity Space Standards

- 2.3 Supplementary Planning Guidance  
 Design Checklist SPD (Adopted) 2007  
 Development in the Green Belt SPD (Adopted) 2007  
 Residential Parking Standards SPD (Adopted) 2013  
 Revised Landscape Character Assessment SPD (Adopted) 2014  
 Waste Collection: Guidance for New Developments SPD (Adopted) 2015  
 (updated 2017)

### 3. RELEVANT PLANNING HISTORY

- 3.1 PRE17/0949  
 Change of use from buildings and land for keeping horses to residential.  
 Erection of single storey granny flat on same footprint as existing stable  
 complex  
 12.01.2018
- 3.2 PK07/2119/F  
 Change of use from residential and agricultural land to land for the keeping of  
 horses. Erection of hay/machine store and 2 no. stables. (Resubmission of  
 PK07/0200/F).  
 Approval  
 30.08.2007
- 3.3 PK07/0200/F  
 Change of use from residential and agricultural land to land for the keeping of  
 horses. Erection of hay/machine store and 2 no. stables.  
 Refusal  
 09.03.2007

### 4. CONSULTATION RESPONSES

- 4.1 Wick and Abson Parish Council  
 Objection
  - overdevelopment
  - inappropriate development in the green belt
- 4.2 Other Consultees
- Economic Development  
 No objection
- Ecology Officer  
 No objection
  - alternative swallow nesting habitat to be agreed

## Sustainable Transport

No objection

### **Other Representations**

#### 4.3 Local Residents

1 local resident has supported the scheme. Their comments are summarised as follows –

- vehicular movements would decrease as a result of the proposal
- frees up a needed market home
- no visual impact on the rural character and appearance of the surrounding area including the Green Belt
- prevents the existing building from falling into disrepair

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

5.1 The application seeks permission to convert an outbuilding into a residential annexe and to change the use of some of the land. The site is located within the Bristol/Bath Green Belt.

#### 5.2 Principle of Development

##### *Green Belt*

The revised NPPF states that inappropriate development is, by definition, harmful to the Green Belt and that substantial weight should be given to any harm to the Green Belt. Certain forms of development are not inappropriate in the Green Belt, provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. These include

- the re-use of buildings provided that the buildings are of permanent and substantial construction; and
- material changes in the use of land.

5.3 Policy PSP40 of the Local Plan is concerned with rural building conversions so is applicable in this instance as well.

5.4 The existing building is a blockwork timber clad barn with a roof covered in double roman tiles. It is concluded that the building is of permanent and substantial construction. The submitted documents and plans set how the building would be converted without major or complete re-construction. The resulting building would reflect its original character.

5.5 The proposal would also include changes of use of the yard area to the front of the barn and land to the rear of the farmhouse. Vehicles already park in front of the barn and the land behind the house would just be restored to its former residential use. In the circumstances, these matters would not materially affect the openness of the Green Belt or reasons for including land within it.

5.6 For these reasons, Officers conclude that the proposed development would comprise the re-use of a building that is of permanent and substantial construction, material changes in the use of land, would preserve the openness



of the Green Belt and would not conflict with the purposes of including land within the Green Belt. As a result, it would not be inappropriate development within the Green Belt as defined by the Framework. Little weight can therefore be attributed to the Parish Council's concerns.

5.7 Design, Layout and Use

The proposal consists of converting an existing timber outbuilding to a residential annexe. At present, the building is currently use for storage but was previously a barn, store and stable.

5.8 The only operational development proposed is the blocking up and creation of openings, mostly where there are ones already. These changes are not considered to be harmful to the character and appearance of the building or the area.

5.9 In terms of use, the proposal would provide a self-contained granny annexe, but it would have physical and functional relationships with the main house given its location within the curtilage of the main house having to share the access, parking and amenity spaces. A condition will however be attached to ensure that the annexe remains ancillary to the farmhouse.

5.10 Amenity

Officers do not consider that the proposal would have a material impact on the amenity of the application site or nearby occupiers.

5.11 Transport

The site does not lie close to a bus stop and there are no local facilities nearby. Therefore, due to its rural location this annexe is likely to be highly car-dependent and unlikely to accord with the requirements of policy PSP11.

5.12 Nevertheless, although the proposal will likely alter existing travel patterns, this is not considered to be significant because the building will be ancillary and only generate about 7 new vehicular movements in a 24-hour day. Consequently, it would not create a significant amount of new traffic so would not produce any highways or transportation issues which could be considered 'severe'.

5.13 The annexe itself would possess 1-bedroom. Therefore, to conform to the Council's car parking standards, the applicants will provide at least 1 car parking space. However, a large area of hardstanding already exists for parking and turning so vehicles will be able to leave the sit in forward gear, which is satisfactory.

5.14 Vehicles associated with this annexe will also use the farmhouses' existing access arrangements, which will not be altered in any way. Therefore, it is unlikely that this proposal will raise any material highway safety concerns.

5.15 Overall, the local highway authority has no objection to this development.

#### 5.16 Ecology

As mentioned above, the barn is currently used for storage but one part is permanently open which has been used by nesting swallows. The building was not considered to offer any bat roost potential though. However, the Council's Ecology Officer considers these habitats can be easily relocated or recreated elsewhere. In furtherance of this, evidence of installation must be demonstrated to the LPA.

#### 5.17 Other Matters

The proposal has been found to be an acceptable form of redevelopment of the site and would therefore not amount to over-development as alleged by the Parish Council.

#### 5.18 Impact on Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. As a result of that Act the public sector Equality Duty came into force. Among other things, the Equality Duty requires that public bodies to have due regard to the need to: eliminate discrimination; advance equality of opportunity; and, foster good relations between different groups when carrying out their activities.

5.19 Under the Equality Duty, public organisations must consider how they could positively contribute to the advancement of equality and good relations. This should be reflected in the policies of that organisation and the services it delivers.

5.20 The local planning authority is statutorily required to apply the Equality Duty to its decision taking. With regards to the Duty, the development contained within this planning application is considered to have a neutral impact.

### 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 to GRANT permission 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. No development shall take place until all nesting swallows have completed breeding and young have fully fledged. Prior to the following summer, alternative nesting habitat shall be provided in the nearby open-fronted outbuilding. This can be provided by moving the nests from the stables, but if this fails then shop-bought swallow cups must be installed. Evidence of their installation shall be submitted to the local planning authority for approval in writing.

### Reason

In the interests of local biodiversity, and to accord with the revised National Planning Policy Framework; Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and Policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

3. 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 Blue Lodge Farmhouse, Lodge Road, Wick.

### Reason

The development has been permitted on the particular circumstances of the case and the development would be unsuitable for use as a separate residential dwelling because further assessment in relation to green belt, design, amenity, and transport would be required against policy CS1, CS5, CS8, CS15, CS16, CS17, and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; policy PSP1, PSP7, PSP8, PSP11, PSP16, PSP38, and PSP40 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the revised National Planning Policy Framework.

4. The development hereby approved shall be carried out in accordance with the following documents:

Received 20.06.2018:

Design Access & Justification Statement  
Combined Plan (01)

Location Plan/Site Plan As Proposed (02) (Note: Site Plan superseded)

Received 09.08.2018:

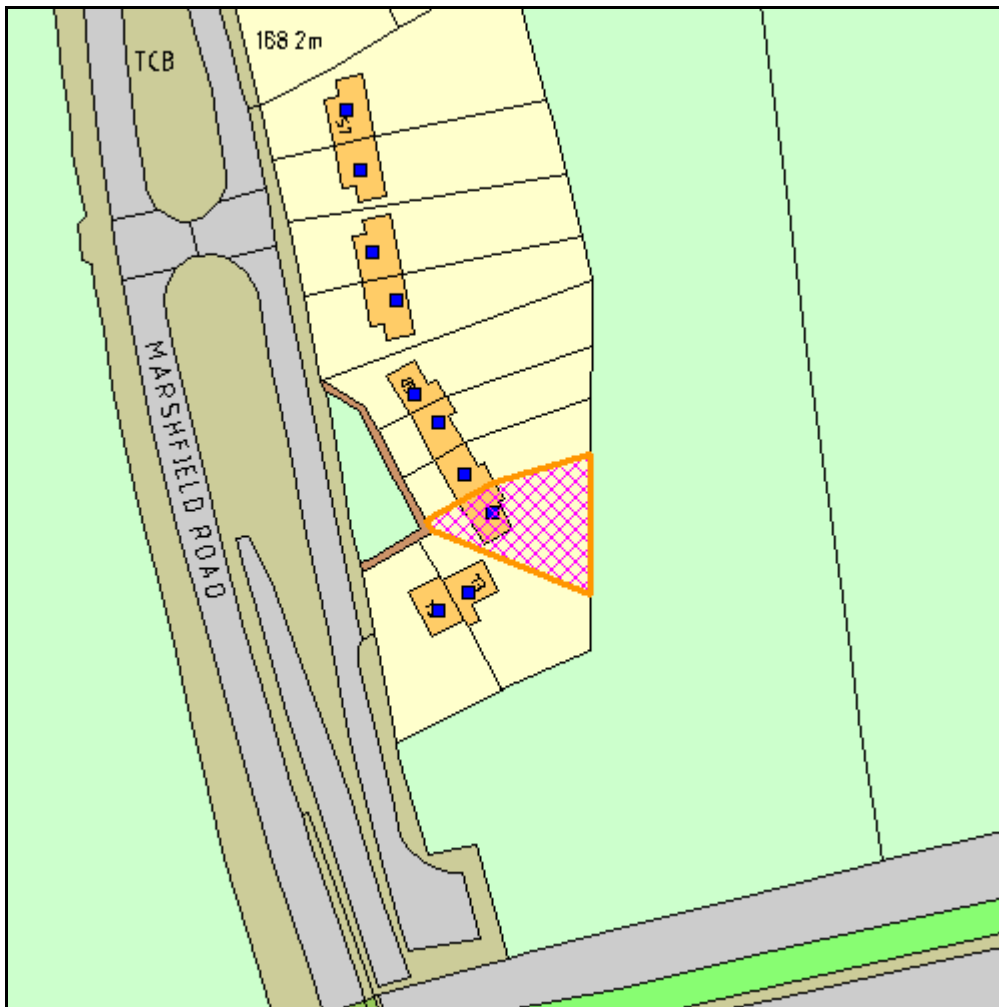
Site Location Plan (02 APX) (amended)  
Norman Read correspondence

### Reason

In the interests of proper planning and for the avoidance of doubt.

**CIRCULATED SCHEDULE NO. 37/18 – 14 SEPTEMBER 2018**

<b>App No.:</b>	PK18/2977/F	<b>Applicant:</b>	Ms Gent
<b>Site:</b>	71 Marshfield Road Tormarton Badminton South Gloucestershire GL9 1JF	<b>Date Reg:</b>	16th July 2018
<b>Proposal:</b>	Erection of a two storey rear extension to form additional living accommodation.	<b>Parish:</b>	Tormarton Parish Council
<b>Map Ref:</b>	377105 178334	<b>Ward:</b>	Cotswold Edge
<b>Application Category:</b>	Householder	<b>Target Date:</b>	10th September 2018



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 100023410, 2008. **N.T.S.** **PK18/2977/F**

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

The application is referred to the Circulated Schedule as representation has been received which is contrary to the Officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for the erection of a two storey rear extension to form additional living accommodation at 71 Marshfield Road, Tormarton.
- 1.2 The application site relates to a two storey, end terrace property located within the defined settlement boundary of Tormarton but outside of the conservation area. The property sits within the Cotswolds Area of Outstanding Natural Beauty.

### **2. POLICY CONTEXT**

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

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

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

- PSP1 Local Distinctiveness
- PSP8 Residential Amenity
- PSP11 Transport
- PSP16 Parking Standards
- PSP17 Heritage Assets and the Historic Environment
- PSP38 Development within Existing Residential Curtilages
- PSP43 Private Amenity Standards

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

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

- 3.1 No relevant planning history.

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

4.1 Tormarton Parish Council

There is concern that the proposed extension will affect the right to light of No 69 and the proposed first floor window will compromise the privacy of No 73.

4.2 Archaeology

No comment

4.3 Sustainable Transport

Lack of parking for this house together with the proposal to increase the number of bedrooms (by two extra bedrooms) to the property without any parking provision on-site can result in additional vehicles being parked on the road outside. This can be a reason to refuse this planning application because the proposal does not comply with SG Council parking policy PSP16.

However, given its location off a quiet cul-de-sac and in a rural setting where there is alternative and safe on-street parking and where the current occupier already park their vehicles leads me to conclude that the proposal would not result in a material change to parking situation at this location and the proposal is unlikely to cause additional risks to the travelling public any more so than the existing situation.

On a balance judgement decision therefore, the transportation officer does not wish to pursue a highway objection to this application.

#### **Other Representations**

4.4 Local Residents

No comments received.

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

5.1 Principle of Development

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

5.2 Design and Visual Amenity

The proposed development consists of a two storey rear extension to provide an additional two bedrooms on the first floor and a bathroom and living space on the ground floor.

- 5.3 The proposal would extend from the rear wall of the host dwelling by approximately 3.2 metres at a two storey level and would span approximately 7.6 metres across the width of the rear elevation. The proposal would consist of a gable end roof with an eaves height to match the host dwelling and a ridge height marginally lower than the roof of the main property. As such, the proposal would identify as subservient. A similarly sized two storey rear extension can be found at a neighbouring property within the terrace, at no.67. The proposed development is considered to be of an appropriate size and scale within the context of the site.
- 5.4 The host property consists of ashlar stone elevations, concrete interlocking roof tiles and white UPVC windows. The proposal would utilise materials to match the windows and roof. The materials to be used in the exterior finish of the proposed elevations include a render finish with ashlar stone quoins. Although a render finish does not match the host dwelling, a number of houses in the immediate surrounding area consist of rendered elevations. Furthermore, due to its siting at the rear of the property, the proposal would not be visible from the public realm. The proposed ashlar quoins are judged to give the proposal a link to the appearance of the existing dwelling and it is therefore not considered to detrimentally impact the visual amenity of the area to such a degree as to warrant refusal.
- 5.5 The proposal is located within the Cotswolds Area of Outstanding Natural Beauty. As the surrounding area consist of properties that utilise a mixture of materials, the proposal is not considered to impact the AONB to an unacceptable level.
- 5.6 Overall, it is considered that the proposed development would not be detrimental to the character of the host dwelling or surrounding area and is of an acceptable standard of design. As such, the proposal is deemed to comply with policy CS1 of the Core Strategy.
- 5.7 Residential Amenity  
Policy PSP8 of the PSP Plan (November 2017) sets out that development within existing residential curtilages should not prejudice residential amenity through overbearing; loss of light; and loss of privacy of neighbouring occupiers.
- 5.8 The impact of the proposal on the residential amenity currently enjoyed by the occupiers of neighbouring properties has been considered. Concern was raised by the Parish Council of potential loss of privacy at no.73 from the proposed side elevation window. The two properties in question are set at a right angle and no.73 does not benefit from any side elevation windows. It is acknowledged that there would be a degree of overlooking onto the neighbouring garden, however the property is already somewhat overlooked by the attached property (no.75) and therefore it is not considered by the officer to result in an unacceptable impact to the privacy of the neighbouring occupiers.
- 5.9 Concern has also been raised by the Parish Council of loss of light to the attached property, no. 69. This is understandable as following the proposal No 69 will be flanked by units with similar 2 storey projecting extensions.

This proposal would extend from the rear wall by 3.2 metres at a two storey level and would be set approximately 0.4 metres from the boundary. On the first floor level, the two windows nearest the proposal serve a bathroom and are obscure glazed. Furthermore, the proposal does not break a 45 degree angle when measured from the centre of the ground floor window, serving the kitchen of no.69. As such, the proposal is not considered by the officer to significantly alter the light afforded to neighbouring occupiers to such a degree as to warrant refusal. It will however reduce light over the existing position as it is located to the south. The current position of the outbuildings at the adjacent property are noted. However overall whilst it will have an impact it is not considered to be so severe that it results in unacceptable harm or a material overbearing impact.

5.10 The subject property benefits from a relatively large rear garden and it is therefore considered that sufficient private residential amenity space would remain for the occupiers of the host dwelling following development.

5.11 Overall, the proposal is not considered to have a detrimental impact on the residential amenity of surrounding properties or the host dwelling and is therefore deemed to comply with policy PSP8 of the PSP Plan.

5.12 Sustainable Transport and Parking Provision

The application would increase the number of bedrooms from three to five. Ordinarily, South Gloucestershire Council's residential parking standards require a five bedroom property to provide three off-street parking spaces. However, due to the layout of the site, the existing property is unable to provide any parking within the residential curtilage and the proposal will not alter that. However, the property is located within a quiet cul-de-sac with an abundance of on-street parking, where the occupiers of the host dwelling currently park their vehicles. It is therefore not considered to result in a material change of parking provision and on balance is considered to be acceptable in terms of transport.

5.13 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 proposing two additional bedrooms to meet the needs of two children with disabilities. The application would therefore have a positive impact on equalities.



## 6. **CONCLUSION**

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

## 7. **RECOMMENDATION**

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

**Contact Officer: James Reynolds**  
**Tel. No. 01454 864712**

## **CONDITIONS**

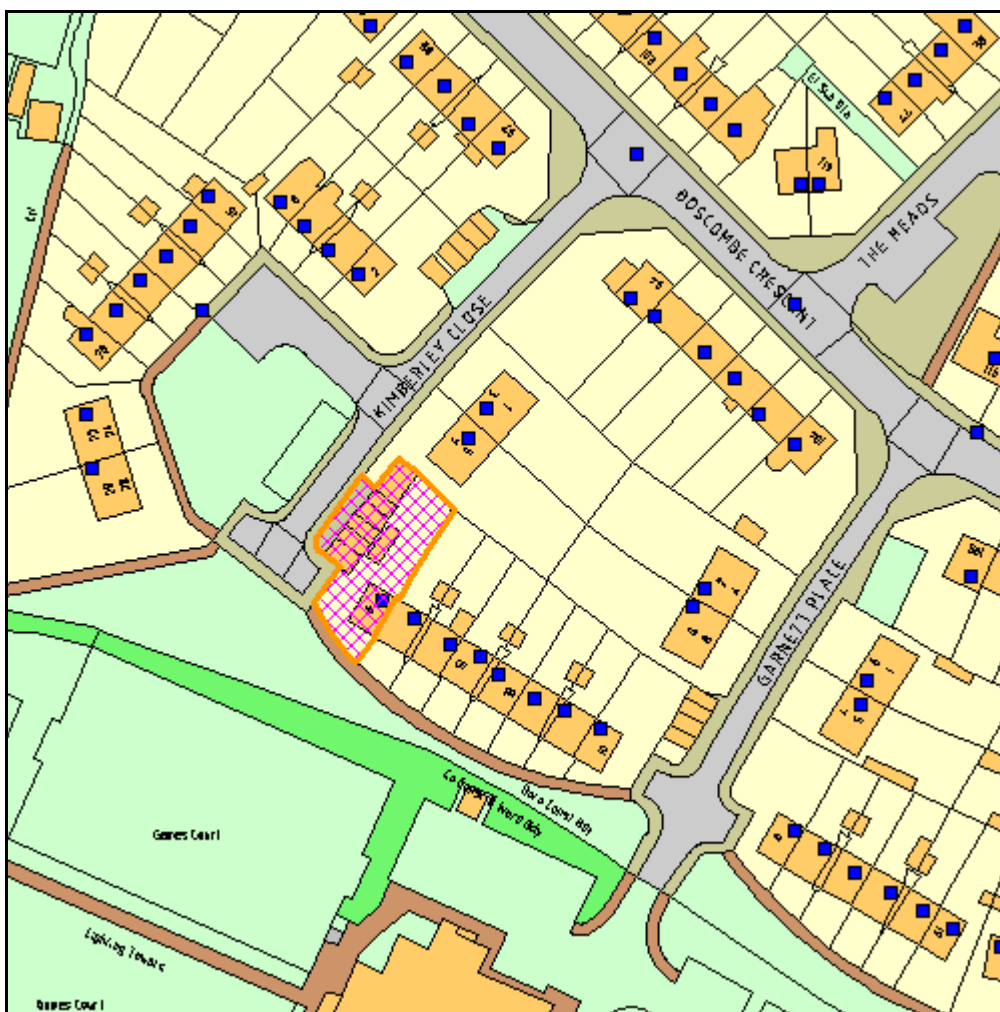
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

**CIRCULATED SCHEDULE NO. 37/18 – 14 SEPTEMBER 2018**

<b>App No.:</b>	PK18/3173/F	<b>Applicant:</b>	Mr Tom Amos
<b>Site:</b>	9 Kimberley Close Downend Bristol South Gloucestershire BS16 6QX	<b>Date Reg:</b>	28th August 2018
<b>Proposal:</b>	Demolition of existing garages. Erection of 1no attached dwelling and associated works. Erection of 1no detached garage for existing house. (re-submission of PK18/1508/F).	<b>Parish:</b>	Emersons Green Town Council
<b>Map Ref:</b>	365752 177330	<b>Ward:</b>	Emersons Green
<b>Application Category:</b>	Minor	<b>Target Date:</b>	3rd September 2018



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 100023410, 2008. **N.T.S.** **PK18/3173/F**

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

This application has been referred to the circulated schedule as objections have been received against the proposal. The officer recommendation is one of approval although this recommendation is finely balanced for the reasons set out in the report below.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of an attached 2-bedroom dwelling to the side of 9 Kimberley Close in Downend. This application is an attempt to overcome the previous refusal of planning permission for development on this site. Planning application PK18/1508/F for the erection of a detached 2-bedroom dwelling was refused by the local planning authority on 15 June 2018 for the following reasons:
1. The proposed development represents a cramped and contrived form of development that would result in a poor outlook for occupiers and a substandard level of private amenity space (in terms of size and overlooking from neighbours). The proposal is therefore considered to be contrary to CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013; policy PSP8, PSP38 and PSP43 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) 2017; and the guidance contained in the National Planning Policy Framework 2012.
  2. The proposed dwelling would by reason of its size, siting and design be out of keeping with the character of the surrounding area and contrary to policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013; policy PSP1 and PSP38 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) 2017; and the guidance contained in the National Planning Policy Framework 2012.
- 1.2 In order to overcome these reasons, the proposal has been redesigned.
- 1.3 The immediate area is characterised by similar, two-storey gabled buildings forming flats and terraces. The host forms the end house of a 'radburn' style terrace, benefiting from a larger than average garden and a rank of garages under control of the applicant. To the side of the site runs Kimberley Close. It also falls within the Coal Authority's high risk referral area. There are no further land use designations on the site that would act as a constraint to development.
- 1.4 It is proposed to erect a 2-bedroom attached house. The proposed property would be gabled with its end wall facing Kimberley Close. A double parking bay would be provided off Kimberley Close along with a new double garage with turning area for no 9. Externally the building would be finished in render, but new extensions would be constructed from brick. Matching roof tiles and white upvc openings would be used. Following development both no 9 and the new dwelling would be identical.
- 1.5 The application has been amended to remedy discrepancies between the submitted documents and plans and to confirm the current use of the garages.

## 2. POLICY CONTEXT

2.1 National Guidance  
National Planning Policy Framework (NPPF) July 2018

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4a	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS29	Communities of the East 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
PSP20	Flood Risk, Surface Water & Watercourse Management
PSP22	Unstable Land
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 SPD (Adopted) 2015  
CIL Charging Schedule SPD (Adopted) 2015

## 3. RELEVANT PLANNING HISTORY

3.1 PK18/1508/F  
Demolition of existing garages. Erection of 1no. bungalow and associated works. Erection of 1no. detached garage for existing dwelling.  
Refusal  
04.06.2018

*See reasons above*

3.2 PRE17/1173  
Erection of 1no. dwelling and 1no. flat  
01.02.2018

3.3 P98/4723  
Erection of single storey side extension

Approval  
23.11.1998

3.4 K4886/1  
SINGLE STOREY REAR EXTENSION (Previous ID: K4886/1)  
Approval  
06.05.1988

3.5 K4886  
PROPOSED DETACHED GARAGE (Previous ID: K4886)  
Approval  
11.10.1985

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

4.1 Downend and Bromley Heath Parish Council  
No comment

4.2 Emersons Green Town Council  
No objection

- private amenity space needs to comply with Policy PSP43

4.3 Other Consultees

Highway Structures  
No objection

Lead Local Flood Authority  
No objection

- attach informative advising applicant there is a public foul and/or surface water sewer nearby which may affect development layout

Sustainable Transport  
No objection

The Coal Authority  
No objection

- attach a condition requiring prior to development taking place further investigations are undertaken on site and if mine workings are present appropriate mitigation works are undertaken

#### **Other Representations**

4.4 Local Residents  
9 local residents have objected – comments are summarised as follows –

- cramped development
- out of keeping including materials
- fencing out of keeping with area; impact on light levels received by future occupiers
- dominant, overbearing and oppressive

- new house will overshadow host
- construction noise and disturbance
- turning area unnecessary; should be given over to garden
- increase on-street parking, causing obstructions and harming highway safety
- loss of parking will generate crime risk
- public foul and/or surface water sewer crosses site
- neighbours refuse to grant applicant/developer permission to gain access to their land in order to carry out a new sewer connection
- error regarding drawings and D&A statement (double garage indicated on plans but single specified in statement)
- garage may not be used as applied for
- no proposed site location plan
- not all local residents consulted as per PK18/1508/F
- matter of future maintenance and repair unresolved

1 local resident has offered support – comments are summarised as follows –

- proposal would blend into the streetscene
- removal of garages would be beneficial
- similar development in Boscombe Crescent sets precedent

## 5. **ANALYSIS OF PROPOSAL**

5.1 This application seeks planning permission for the erection of a dwelling to the side of 9 Kimberley Close, Downend.

### 5.2 Principle of Development

Previously no objection was raised with the principle of development at this location and Officers find no reason to disagree here. However, in order for the application to proceed, the development must demonstrate that the previous refusal reasons have been overcome. This can be either through a fully policy supported proposal or by reducing the resulting harm from the development so that it does not outweigh its own benefit. The application should therefore be determined against the analysis set out below.

### 5.3 Design and Layout

Planning permission was previously refused due to the size, siting and overall design of the proposed bungalow sitting in stark contrast to the prevailing pattern, form and scale of development within this part of the Kimberley Close streetscene. Under this proposal, an attached dwelling is proposed. In terms of dimensions, it would be about 5m wide, 7.3m long and an overall height of 8.6m. Front porches and wide rear extensions are also proposed to both properties.

5.4 The result is a design, use of materials and layout which reflects the architectural style, finish and proportions of the host, considers the relationship of the dwellings to each other and would not contrast with the building pattern in the surrounding area. Although the proposed porch for no 9 is too close to existing openings, the harm to the visual amenity of the area would not outweigh the benefit of the proposal. Furthermore, the fencing and brickwork,

- while less commonly found in the immediate streetscene, are not unacceptably out of keeping given the variety that already exist within the vicinity and the mitigating planted strips proposed alongside. Permitted development rights should be restricted though to prevent further development on the site in the interests of amenity.
- 5.5 Whilst noting the concerns in representations regarding design, all the evidence available to Officers suggests that the scale, layout and appearance of the development would be appropriate for this suburban site and overcomes the previous refusal reason.
- 5.6 Residential Amenity  
An objection was previously raised relating to future occupier living conditions, but Officers must make a new assessment given the change in circumstances i.e. re-design might impact on amenity.
- 5.7 The proposal includes the severance of the rear garden area of no 9 by close-boarded timber fencing. This creates two private new gardens – of around 57sqm for no 9 and 52sqm for the new unit. Both exceed the specific requirements for the amount of amenity space required by policy PSP43. Officers therefore consider the size of the amenity areas proposed to be sufficient to meet the reasonable expectations of the future occupiers. That is to say the spaces are of a size to allow occupiers to carry out all the domestic activities one would normally expect for the size of the houses.
- 5.8 Local residents have raised concerns that future occupiers would have poor living conditions, on the grounds of poor outlook and light. However, rooms would have satisfactory levels of natural light, and the gardens would not feel overly enclosed by boundary treatment of the height proposed. In these circumstances Officers can give these objections only very limited weight.
- 5.9 With regard to neighbouring residents, although Officers have noted local concerns relating to the impact of the proposal due to its proximity, it is not considered that there would be any injury to their living conditions. During construction though, it is necessary to set construction hours.
- 5.10 Consequently, Officers conclude that the proposed development would not result in a prejudicial impact on residential amenity and overcomes the previous refusal reason.
- 5.11 Highways, Parking and Access  
Transport was not a reason for refusal previously and nor is it in this case.
- 5.12 The current submission seeks permission to again demolish the garages and a new two-bedroom attached dwelling is proposed with detached garage to the rear.
- 5.13 The plans submitted show that the existing dwelling will have a garage with driveway and a separate vehicular access will provide two parking spaces for the new dwelling. This level of parking complies with the Council's residential parking standards.

- 5.14 In considering the previous scheme, Officers did not consider the concerns relating to the demolition of the garages and roadside parking were sufficient to be added to the reasons for refusing the scheme. Substantive evidence has again not been submitted that has lead the Highways Officer or case officer to a different conclusion, especially given the garages are substandard and are only being let on an adhoc basis for storage plus adequate on-site parking would be provided after their demolition.
- 5.15 On this basis, the development is acceptable on highways grounds.
- 5.16 Drainage  
Local residents comment that a public foul and/or surface water sewer crosses the site; an informative will be attached advising the applicant of this matter.
- 5.17 Land Instability  
The application site falls within the Coal Authority's high risk referral area – within the application site and surrounding area there are coal mining features and hazards which need to be considered in determination, specifically a thick coal seam outcrops at or close to the surface of the site which may have been worked in the past.
- 5.18 The application proposes a revised scheme of residential development to that previously considered by the local planning authority under application PK18/1508/F. It is also accompanied by the same Coal Mining Risk Assessment report (March 2018, prepared by Earth Environmental & Geotechnical Ltd) which was submitted in support of the previous application, which recommended the undertaking of intrusive site investigations to ascertain the exact situation regarding shallow coal mining legacy. The imposition of a straightforward planning condition would secure this.
- 5.19 It is concluded that the application site can be made safe and stable for the proposed development.
- 5.20 Other Matters  
The majority of issues raised as a result of public consultation have been addressed in the body of this report. This section will respond to those issues which fall outside the above analysis.

*Crime:* Officers have no evidence that would support the view that the lack of vehicular storage is a contributory factor to an increase in crime.

*Driveway to garden:* Officers are not persuaded that it would help to raise the general design standard of the proposal in any meaningful way.

*Land access dispute:* these are civil matters between the parties concerns that can only be resolved outside the planning process.

*D&A Statement:* all errors have now been remedied.



*Garage:* Officers have no evidence that would cast any significant doubt in respect of its intended use.

*Proposed site location plan:* the Council considers that the information and plans submitted with the application meet the necessary statutory requirements.

*Not all local residents consulted as per previous application:* all neighbours consulted under PK18/1508/F have now been consulted under this application.

*Future maintenance and repair:* the future owner will assume responsibility for all future maintenance and repairs, but any work affecting adjoining neighbours would be a civil matter.

#### 5.21 Impact on Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. As a result of that Act the public sector Equality Duty came into force. Among other things, the Equality Duty requires that public bodies to have due regard to the need to: eliminate discrimination; advance equality of opportunity; and, foster good relations between different groups when carrying out their activities.

5.22 Under the Equality Duty, public organisations must consider how they could positively contribute to the advancement of equality and good relations. This should be reflected in the policies of that organisation and the services it delivers.

5.23 The local planning authority is statutorily required to apply the Equality Duty to its decision taking. With regards to the Duty, the development contained within this planning application is considered to have a neutral impact.

#### 5.24 Planning Balance

The benefits of the proposal would be to provide an additional dwelling in a district that cannot demonstrate a five year supply of housing.

5.25 The site is in a sustainable location being within Downend, which has a suitable level of services and facilities. There are also other benefits to the scheme, such as bringing more people to the area to potentially underpin the local economy, plus the economic benefits of the construction work. There are also social benefits by providing new housing in an accessible location.

5.26 Overall Officers consider that there are no adverse impacts that outweigh the benefits. As such, the presumption in favour of sustainable development as envisaged by the NPPF applies and approval can be recommended.

## 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. 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, and E), or any minor operations as specified in Part 2 (Class A), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason

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

3. Prior to the commencement of development, intrusive site investigation works to establish the coal mining legacy on the site shall be carried out. A scheme of intrusive site investigations shall be prepared, submitted and approved in writing by the local planning authority. The approved scheme of investigation shall then be carried out in full.

Reason

To ensure that the risk posed by the past coal mining activity in the area is adequately identified and where necessary mitigated and to accord with Policy PSP22 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 required prior to commencement to fully engage with the coal mining legacy.

4. Following the site investigations required by condition 3, and prior to the commencement of development, a report of the findings of the investigations and any gas monitoring shall be prepared, submitted and approved in writing by the local planning authority. Should the report identify that remedial works are required, details of the proposed remediation shall be included within the submission to the local planning authority for approval in writing. The approved remedial works shall be carried out in full.

Reason

To ensure that the risk posed by the past coal mining activity in the area is adequately identified and where necessary mitigated and to accord with Policy PSP22 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 required prior to commencement to fully engage with the coal mining legacy.

5. The hours of working on site during the period of construction shall be restricted to 07:30 to 18:00 Monday to Friday, 08:00 to 13:00 Saturday and no working shall take place on Sundays or Public Holidays. The term working shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To protect the residential amenity of neighbouring occupiers, and to accord with Policy PSP8 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the National Planning Policy Framework.

6. The development shall be implemented strictly in accordance with the following documents:

Received 09.07.2018:

Appendix A - Existing Site Photos

Appendix B - Aerial Site Photos

Appendix C - Wessex Utility Map

Appendix D - Flood Risk Map A

Appendix E - Flood Risk Map B

Sustainability Appraisal

Coal Mining Risk Assessment

The Location Plan (01)

Existing Site Layout (10)

Existing Roof Block Plan (20)

Existing House Ground Floor Plan (30)

Existing House First Floor Plan (40)

Existing House South West and North East Elevations (50)

Existing House South East Elevation (60)

Existing House North West Elevation (70)

Proposed Ground Floor Plan (110)

Proposed First Floor Plan (120)

Proposed North West Elevation (130)

Proposed South East Elevation (140)

Proposed South West Elevations (150)

Proposed North East Elevations (160)  
Proposed Roof Block Plan (190)  
Existing Drainage Layout (Foul) (200)  
Proposed Drainage Layout (Foul) (300)

Received 29.08.2018:

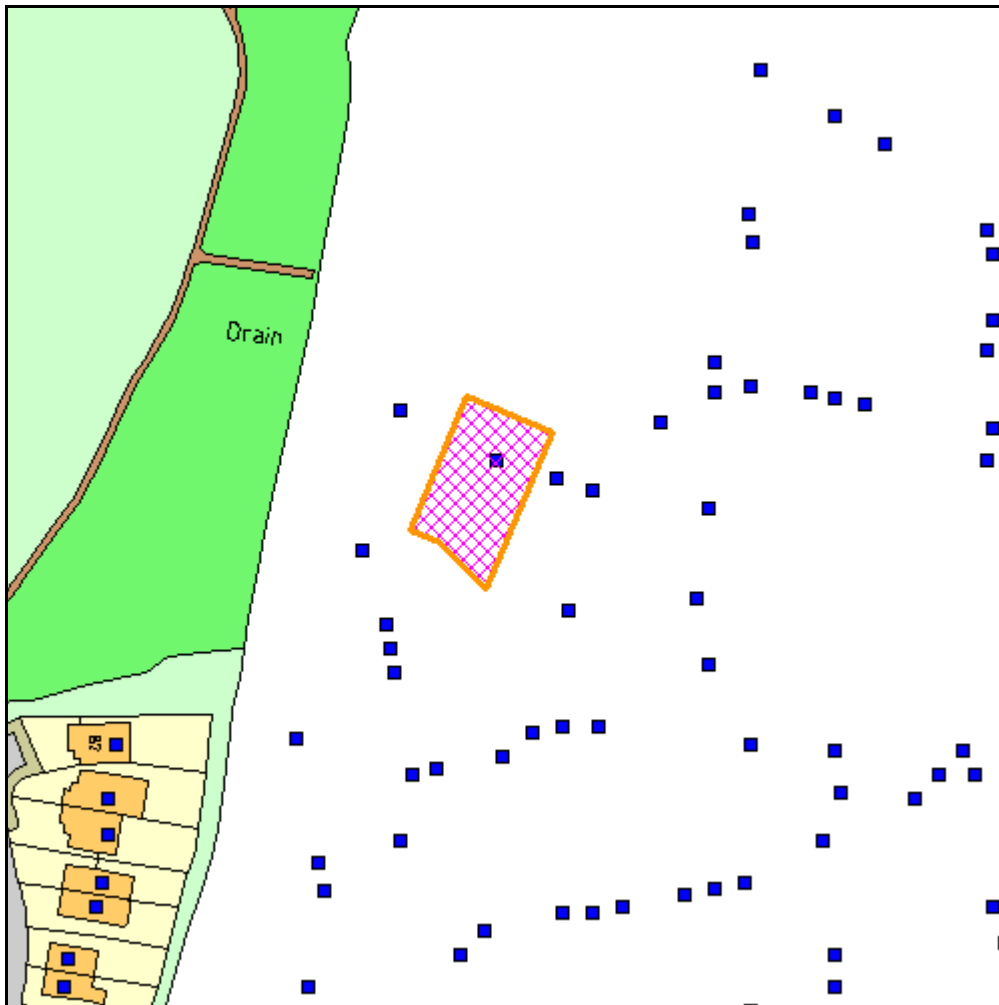
Amended Design & Access Statement  
Proposed Site Layout (100 Rev A)  
Proposed Garage Floor and Roof Plans (170 Rev A)  
Proposed Garage Elevations (180 Rev A)

Reason

For the avoidance of doubt.

CIRCULATED SCHEDULE NO. 37/18 – 14 SEPTEMBER 2018

<b>App No.:</b>	PK18/3599/CLP	<b>Applicant:</b>	Mr McCairn
<b>Site:</b>	9 Wainblade Court Yate South Gloucestershire BS37 7DH	<b>Date Reg:</b>	16th August 2018
<b>Proposal:</b>	Erection of rear conservatory	<b>Parish:</b>	Yate Town Council
<b>Map Ref:</b>	371808 184211	<b>Ward:</b>	Yate North
<b>Application Category:</b>	Certificate of Lawfulness	<b>Target Date:</b>	26th September 2018



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

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

### **1. THE PROPOSAL**

- 1.1 The applicant is seeking a formal decision as to whether the proposed erection of a rear conservatory at 9 Wainblade Court, Yate would be lawful.
- 1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit; the decision is based solely on the facts presented.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

Town and Country Planning Act 1990 (as amended) 1990 section 192 Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) 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 No relevant planning history.

### **4. CONSULTATION RESPONSES**

#### **4.1 Yate Town Council**

No comment received

#### **4.2 Councillor**

No comment received

#### **4.3 Public Rights of Way**

No objection as this shouldn't affect the right of way (footpath LYA 48) running along the highway fronting the property.

#### **4.4 Commons Stewardship Officer**

No comment received

#### 4.5 Open Spaces Society

No comment received

### **Other Representations**

#### 4.6 Local Residents

No comments received.

## **5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION**

5.1 Received by the Council on 2<sup>nd</sup> August 2018:

Site Location Plan

Block Plan

Elevations & Floor Plan

## **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 is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1 of the GPDO 2015. It should be noted that there is no restriction on permitted development rights at the subject property. As such permitted development rights are intact and exercisable

6.3 The proposed development consists of the erection of a rear conservatory. The proposed development would fall within Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, which allows for the enlargement, improvement or other alteration of a dwellinghouse, provided it meets the criteria set out 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, PA or Q of Part 3 of this Schedule (changes of use);**

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

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

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

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

The height of the conservatory will not exceed the height of the roof of the existing dwellinghouse.

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

The height of the eaves of the rear extension would not exceed 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 extension would not extend beyond a wall which forms the principal elevation; or fronts a highway and forms 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,**

**(ii) or exceed 4 metres in height;**

The host property is detached. The proposal would extend beyond the rear wall of the original dwelling by 3.3 metres and have a height of 3 metres.



**(g) Until 30th May 2019, for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and—**

**(i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or**

**(ii) exceed 4 metres in height;**

Not applicable.

**(h) The enlarged part of the dwellinghouse would have more than a single storey and—**

**(i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or**

**(ii) be within 7 metres of any boundary of the curtilage the dwellinghouse opposite the rear wall of the dwellinghouse;**

The proposal would be single storey.

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

The conservatory would be within 2 metres from the boundary and would have an eaves height of 2.2 metres.

**(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 conservatory would not extend beyond a wall forming the side elevation of the dwellinghouse.

**(ja) Any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j);**

The total enlargement does not exceed the limits set out in sub-paragraphs (e) to (j).

**(k) It would consist of or include—**

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

The development would not include any of the above.

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

- a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;**
- b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or**
- c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.**
- d) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (b) and (c);**

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

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

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

The submitted information indicates that the proposal will be finished in materials to match the exterior finish of the existing dwellinghouse.

- 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, or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

Not applicable.

## 7. **RECOMMENDATION**

- 7.1 That a certificate of Lawfulness for Proposed Development is **granted** for the following reason:

Evidence has been provided to demonstrate that on the balance of probabilities the proposed rear conservatory does fall within the permitted development rights afforded to householders under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015.

**Contact Officer:** James Reynolds  
**Tel. No.** 01454 864712

**CIRCULATED SCHEDULE NO. 37/18 – 14 SEPTEMBER 2018**

<b>App No.:</b>	PT18/0119/F	<b>Applicant:</b>	Blue View Properties Ltd
<b>Site:</b>	Beluga House Whale Wharf Lane Littleton Upon Severn South Gloucestershire BS35 1NP	<b>Date Reg:</b>	19th January 2018
<b>Proposal:</b>	Change the Use of Beluga House from Micro Electronics Research Laboratories (Restricted Class B1) to an Unrestricted Office/Light Industrial Use (Class B1)	<b>Parish:</b>	Aust Parish Council
<b>Map Ref:</b>	358893 191038	<b>Ward:</b>	Severn
<b>Application Category:</b>	Minor	<b>Target Date:</b>	12th March 2018



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In relation to this planning application, comments in support have been received by the Local Planning Authority which are contrary to the officer recommendation. Accordingly, this application is referred to the Circulated Schedule.

## **1. THE PROPOSAL**

- 1.1 The application site is located within wider complex of buildings commonly known as 'Whale Wharf Business Park'. The wider site contains a number of buildings associated with the historical uses of the site including Breach House, Orca, Gray, Baleen, Pilot and Beluga House. Planning permission was granted at appeal in 2011 (PT09/5039/F as detailed in section 3 of this report) to change the use of Beluga House, Pilot and Baleen and land from a restricted B1 use to a restricted C2 use. Breach House was retained in a C3 residential use. That consent specifically excludes Orca and Grey but includes a previously unauthorised sports court, associated track and lighting columns.
- 1.2 The site is located at the end of Whale Wharf Lane in open countryside approximately metres 1.2 km to the Northwest of Littleton-on-Severn (and approximately 1 ½ km by road). It is accessed from the wider road network via Elberton and Littleton-on-Severn along generally narrow country lanes. The site is located within the Green Belt and is within Flood Zone 3a.
- 1.3 This application site is confined to Beluga House, the car-parking area and access located immediately southwest (to the front) of the building. For the avoidance of doubt, it does not relate to any other building or land associated with the wider Whale Wharf site covered by the authorised C2 use. The application seeks consent for the use of Beluga House, car parking area and access for an unfettered B1 (Business) use. This is a 'Change of Use' application. However, the applicant has submitted the application on the basis that the extant/lawful use of the building and land is currently restricted to B1(b) (by way of a planning condition imposed upon planning consent N493/6 and 7 as detailed in section 3 of this report).
- 1.4 Notwithstanding the applicants position, the most recent planning permission approved the change of use of Beluga House and the land for use as C2 (Residential Institutions). That use is also restricted by condition to the use for a 'residential activity centre with adventure and environmental school courses'.
- 1.5 It is the position of the Local Planning Authority that the permission granted by PT09/5039/F has been implemented and that the current lawful use of Beluga House and land (as detailed in this planning application) is for C2 (as restricted by condition). Accordingly, the Local Planning Officer have assessed this application on the basis that it is for the Change of Use of Beluga House and the associated area of land from C2 (restricted) to B1. The reasons for this are set out in the main body of this report.

## **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework July 2018

## 2.2 Development Plans

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

CS1	High Quality Design
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS11	Distribution of Economic Development Land
CS12	Safeguarded Areas for Economic Development
CS13	Non-Safeguarded Economic Development Site
CS34	Rural Areas

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP7	Development in the Green Belt
PSP8	Residential Amenity
PSP10	Active Travel Routes
PSP11	Transport Impact Management
PSP20	Flood Risk, Surface Water and Flood Risk Management
PSP28	Rural Economy
PSP31	Town Centre Uses

## 2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist SPD  
Development in the Green Belt SPD

## 3. **RELEVANT PLANNING HISTORY**

3.1 N493/6 Erection of micro-electronics laboratories.

Approved on 20<sup>th</sup> Sept 1983

3.2 N493/7 Erection of research laboratory including installation of septic tank.

Approved on 20<sup>th</sup> Sept 1983

3.3 P84/1751 Erection of phase II of research laboratory.

Approved on 25<sup>th</sup> July 1984

3.4 P84/2773 Erection of single storey conference/dining facility totalling 225 sq. Metres (2420 sq. Feet) in floor a Erection of single storey conference/dining facility totalling 225 sq. Metres (2420 sq. Feet) in floor area.

Approved on 6<sup>th</sup> March 1985

- 3.5 P90/1803 Use of land for the stationing of portakabins for use as temporary office accommodation (max. 10,000 sq/ft)
- Approved on 7<sup>th</sup> October 1990
- 3.6 P91/2537 Use of land for stationing of portakabins for use as temporary office accommodation (max 10,000 sq/ft) (renewal of temporary consent)
- Refused on 19<sup>th</sup> February 1992
- Allowed at appeal on 31<sup>st</sup> March 1993
- 3.7 PT04/2747/RVC Use of buildings for Class B1 without compliance with condition 'f' of planning permission N493/7 and condition 6 of P84/1751.
- Refused 7<sup>th</sup> July 2005
- Appeal (APP/P0119/A/05/1194440) Dismissed 14<sup>th</sup> June 2006
- 3.8 CAW/06/0011/1 – Enforcement Notice (dated 15<sup>th</sup> July 2006) relating to removal of natural woodland and the laying of a new hardstanding to provide an access track and car parking area; and the laying of a hardstanding to provide a tennis court. Installation of high level flood lighting columns.
- Enforcement Notice was varied by the Planning Inspectorate (Appeal) and upheld on 27<sup>th</sup> September 2007
- 3.9 PT09/5039/F Change of Use of land and buildings from mixed use (Class B1 with restrictions) and (Class B2) to residential education activity establishment with adventure and environmental school courses (Class C2). Retention of Breach House in Use Class C3. Retention of 6 lighting columns, length of track and sports court (Retrospective).
- Refused 20<sup>th</sup> April 2011
- Appeal APP/P0119/A/11/2153561 allowed 14<sup>th</sup> Oct. 2011
- This decision also granted consent for the retrospective works previously subject of enforcement notice CAW/06/0011/1*
- 3.10 PT10/0655/CLP Application for Certificate of Lawfulness for the proposed repair, alteration and replacement of windows, doors roofs and external finishes of Pilot, Grey and Orca units.
- Split Decision 25<sup>th</sup> October 2010
- Works relating to the building known as 'Pilot' do not constitute development, and;*
- Works relating to the buildings known as Grey and Orca do constitute development.*

3.11 PT16/2718/PNC Prior Notification of Change of use from Storage or Distribution Building (Class B8) to residential (Class C3) as defined in the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015

Objection (Refused) 23<sup>rd</sup> August 2016

3.12 PT16/2730/PNOR Prior notification of a change of use from Offices (Class B1a) to 8no. dwellings (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended)

Refused 23<sup>rd</sup> August 2016

3.13 PT16/3156/PNC Prior Notification of Change of use from Storage or Distribution Building (Class B8) to residential (Class C3) as defined in the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015

Objection (Refusal) 23<sup>rd</sup> August 2016

3.14 PT16/3159/PNOR Prior notification of a change of use from Offices (Class B1a) to 1no. dwelling (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended)

Refused 23<sup>rd</sup> August 2016

3.15 PT16/3160/PNOR Prior notification of a change of use from Offices (Class B1a) to 16no. dwellings (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended)

Refused 24<sup>th</sup> August 2016

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

##### **4.1 Aust Parish Council (APC)**

APC raises objection on the following grounds

APC notes that the most recent planning permission for a C2 use has been implemented and argues that the B1 use has now lapsed, and; that it follows that the application should be treated as a change of use from a C2 use to a B1 use.

APC notes that the existing site has been occupied by Electrotech and that the development was permitted accounting for special requirements of that user. APC argues that the site remains unsuitable for a business use otherwise.

APC note that the transportation issue was considered at appeal in 2006 and that the previous decision letter demonstrates that if this application were approved the situation would be worse today. Background traffic and leisure use of the highway network has increased.



The nature of the highway is such that any increase in traffic would become intolerable to residents and those accessing the site

Modern vehicles have become larger and the volume of traffic increased. The granting of this application would result in a greater adverse effect on the amenity and free flow of traffic that would have been the case in 2004.

The highway network includes the Avon Cycle way and APC highlight the potential conflicts with vehicles and cyclists.

APC note the presence of an equestrian centre in the area since 2005 and that horse riders use the local highway network and highlight potential user conflicts.

APC note that the area is used by leisure walkers and that there are limited stretches of pavement available.

APC note that 'Brick Cottages' are situated on Whale Wharf Lane where there is no pavement meaning that residents off load in the road and raise concern that the development would result in a risk of accident involving children.

APC highlight the potential conflict with traffic generated by the development and local farm traffic noting that during the mid-1990's the use of the site caused the farming community considerable difficulty.

APC argue that the proposed change of use would result in a much greater impact than the proposal that was rejected in 2004.

APC argue that the location of the site is such that employees would travel to work by car resulting in 400 movements per day at peak times.

APC raise concern that some of the proposed highway improvements are achievable as they are not in public ownership.

APC are concerned that required improvements in the highway and the potential volume of traffic created would have a detrimental impact on the rural character of the area.

APC argue that the site is at substantial risk of flooding and note that the tide has reached the very close to the top of the bank. It is argued further that the is not to the safety of those on the site but to the evacuation of the site. APC point out that the ditches at the side of the lane was not visible during periods of flooding in the 1980's and as such would be very dangerous for vehicles using the lane.

APC argue that there is a very large amount of office and general commercial development within 10 miles of the site which has excellent access. It is argued that, had the subject building not been in existence, then SGC would not approve a new building for B1 use.

#### 4.2 Highway Authority

Objects to the proposed development, on the following grounds (in summary);

The development would increase the volume of traffic on the adjacent highway network in the evening and morning peak hours to the extent that the highway would become congested and opposing vehicles would not be able to pass

The development would result in a detrimental impact upon the amenity of the highway during peak times.

The development would have detrimental impact upon the amenity of the National Cycle Network.

The development will increase the potential for accidents to occur due to restricted width and forward visibility to the detriment of highway safety.

#### 4.3 Landscape Architect

Notes that there is limited landscape information and that it is not clear whether or not there would be any changes made to the landscaping of the site.

A tree survey would be required if trees are to be removed.

If building works are to be carried out a landscape scheme would be required. Development should comply with the relevant SGC planning policies related to landscape and the landscape strategy for the Piling Levels landscape character area [LCA 20 of the South Gloucestershire Landscape Character Assessment (adopted Nov 2014)]

#### 4.4 Ecology Officer

Offers no comment

#### 4.5 Arboriculture Officer

A Tree report in accordance with BS:5837:2012 will be required.

#### 4.6 Economic Development Unit

The EDU consider that the proposed development would contribute towards the projected shortfall in office space, which is a growth sector. Support is also offered as the EDU consider that the development would make a positive contribution to the growth of the rural economy (PSP28).

#### 4.7 Lead Local Flood Authority (LLFA)

No objection in principle. Clarification as to the existing methods for managing/disposal of surface water runoff and foul water is requested. The LLFA assume would be reused if this application were granted.

#### 4.8 Environment Agency

No objection in principle. The Environment Agency comments as follows (in summary)

- i) the proposed development would not increase the flood risk vulnerability classification,

- ii) there remains a residual risk of breach at this time which could occur suddenly and without warning and could result in a rapid and deep inundation of the site. This would result in a risk to life,
- iii) recommendation that applicant produces a robust flood warning and evacuation plan and the LPA secures this via a planning condition,
- iv) the site lies within a flood warning area
- v) the Local Authority Emergency Planners should be consulted in respect of this development
- vi) due to the flood risk in this area the EA would be unlikely to support any new build

## **Other Representations**

### 4.9 Local Residents/Public Comments

At the time of compiling this report, 60 comments have been received raising objection to the proposed development and 8 comments have been received raising support for the proposed development. There is also 1 general comment received. The comments are summarised as follows;

#### *Support*

The development would make a positive contribution to employment and the local economy

The development would bring positive benefits to the local community

The number of people at the site would be similar to that of the previous uses

The site is crying out for redevelopment

The development would secure the beneficial use of Beluga House and prevent it from becoming derelict

There would be no impact on the openness of the Green Belt

The development would not generate high volumes of traffic

The highway network is capable of accommodating the level of traffic generated by the proposed development

There would be no impact on highway safety or amenity of local residents using the highway

Nearby residential properties are sufficiently distance from the site

The site blends well with the surrounding locality

The developer is prepared to address highway matters and flooding matters

South Gloucestershire Council should promote unoccupied sites such as Whale Wharf rather than obstructing development

Disappointment that the site could not continue in use by 'Incredible Kids'

The site is used as a 'brownfield case study' by UWE students.

It is not understood why the restrictive clause is being enforced by the Council.

In the event that the application is approved, there is a plethora of planning policy and law that will ensure local sensitivities to development are properly safeguarded.

### *Objection*

The applicant purchased the site in the full knowledge that it was in a B1 use and that restrictions applied

The proposed development/use should be considered against the current approval for a C2 use as this has superseded the B1 use as it has been implemented.

The site is not in a B1 use it is in a C2/C3 use. Case law shows that once implemented new uses supersede the old

The application has been made incorrectly as the site has been marketed and used as an educational residential facility

The submitted Transport assessment is questioned in terms of its findings

There are already business premises available in the locality which are more accessible

The site is too remote for this development

The village is not a suitable location for this development

There is no public transport to and from the site resulting in a reliance on the private car to commute

Nothing has changed since the last proposal was rejected by the Planning Inspectorate

There has been a general increase in traffic in the past 10 years

Additional traffic will result in highway safety issues and noise nuisance

The highway is not wide enough to accommodate existing traffic and causing 'stand-offs'.

The development would increase traffic and the probability of accidents.

The proposed development would result in a detrimental impact upon highway safety

There are limited pavements available

The roads are poorly lit.

The roads do not provide a reliable access to the site.

Speed limits and traffic calming have been implemented in recognition of traffic hazards affecting the Elberton.

Access to emergency vehicles is compromised.

Access to the site is along narrow roads with few passing places making it difficult to commute from the village (Elberton) during peak periods.

Widening Roads and introducing a one way system is not acceptable and would harm the rural character of the locality

Widening roads encourages faster driving

The size and amount of agricultural vehicles using the area has increased adding to potential conflict in the highway.

The location does not need offices. There are empty offices located in locations with good transport links.

The site is at risk of flooding. The evacuation of the site during a flood would be along single track highway with rhines either side. The rhines would not be visible during a flood

The use of the site as offices has previously been rejected at planning appeal and the council.

The use of the site would be detrimental to the village and surrounding villages due to the increase of cars and lorries that would be created

The development would have a detrimental impact on the isolated rural character of the area.

The development would cause noise and litter

The development would have a detrimental impact upon local wildlife

The development would have a detrimental impact of the amenity of the area used by cyclists, horse riders and walkers. The site is close to a National Cycle Route (routes 10 and 41)

Suggested road improvements are not possible due to land ownership.

Since the last application was made the area has seen an increase in leisure uses such as cycling, walking and horse riding

There are no facilities such as shops and café's in the local area

There are no sewer facilities in the area.

To mix the current permission with B1 office uses would create extra problems with security and evacuation procedures

The proposal is opportunistic

The previous use put a strain on the local community

#### *General*

Acknowledges the building stands empty and is not utilised; and that it would be better to use the facility

Other sites in the locality provide employment away from cities and towns and work well

Acknowledges that travel to and from the site is an issue and conditions restricting the size and type of vehicles is suggested/apply weight limits.

Highway improvements proposed are minimal and should be extended

Increase in traffic would detrimental to cycling uses.

## **5. ANALYSIS OF PROPOSAL**

5.1 The proposed development affects Beluga House and the associated car parking and access immediately to the Southwest of the building.

### 5.2 Procedural Matters

It is the position of the Local Planning Authority (LPA) that the lawful use of the application site is C2 (Residential Institutions). It is of note that the lawful use is fettered by condition such that is restricted for use only for 'a residential activity centre with adventure and environmental school courses'. Accordingly, the Local Planning Authority considers that the proposed development is for change the use of the building from C2 (restricted) to B1 (unrestricted).

5.3 Notwithstanding the above, the applicant has submitted this application on the basis that he considers that the lawful use of the site is B1 restricted to uses falling into B1(b) only, namely research and development. The scope of that

use is consistent with the restriction imposed on the original planning consents for Beluga House. Accordingly the applicant has described the proposed development as follows;

*Change the Use of Beluga House from Micro Electronics Research Laboratories (Restricted Class B1) to an Unrestricted Office/Light Industrial Use (Class B1)*

- 5.4 The LPA does not agree with the applicant's position on this matter. This is because the Local Planning Authority considers that the most recent planning consent for the use of the site for a C2 use has been implemented and therefore the previous B1 use has been superseded.
- 5.5 The contested issue centres around the development of 6 lighting columns, length of track and sports court (for the purposes of this report referred here as 'retrospective works'). At the time that the application for the change of use from B1 (fettered) to C2 was considered by the Local Planning Authority, and subsequently by the Planning Inspector at appeal the 'retrospective works' were unauthorised. Accordingly, the applicant included those elements for consideration under the application and as such benefit from planning permission as part of the C2 use of the site.
- 5.6 The LPA considers that the 'retrospective works' were not part of the original restricted B1 planning permission and required planning permission in their own right. Those works were included within the subsequent application for the restricted C2 use; and so as to regularise those works. The 'retrospective works' are therefore as part of the C2 planning permission. Those works must be treated as 'material operations' for the purpose of commencing development. It stands to reason that retrospective permissions are automatically implemented as the material operations have already been carried out.
- 5.7 On the basis of the above, the LPA considers that the C2 planning permission has been implemented. Case law has established the principle that once a planning permission is implemented (either in full or in part) it is not possible to then carry out the previous use without a further grant of planning permission. The same applies even if the implemented development is not 'used' for the purposes of the consent. The only operative (and therefore lawful) permission is the most recent one which is implemented. In this case, the most recent implemented planning permission is the C2 residential educational facility.
- 5.8 In submitting this planning application, the applicant has acknowledged that the building associated area is included within the restricted C2 development approved at appeal associated with planning application PT09/5039/F (as detailed in section 3 of this report). The applicant also acknowledges that works relating to the consent have been undertaken and that it has technically commenced. However, the applicant goes on to argue that the development has not been fully implemented and as such the lawful use of Beluga House remains consistent with the original planning permissions for restricted B1(b) uses (permissions N493/7 and P84/1751 as detailed in section 3 of this report).

- 5.9 Through further submission, the applicant argues that it is possible to revert back to the restricted B1 use without the need for a further grant of planning permission because the 'retrospective works' commenced before the C2 use was granted and therefore that the C2 use has not been implemented. The applicant also argues that even if there has been technical implementation of the C2 use, this has not had the effect of superseding the restricted B1 use because the 'retrospective works' is not incompatible with the B1 use.
- 5.10 The LPA does not agree with this position. It is a matter of fact that the C2 use has been implemented. It is not relevant that the 'retrospective works' occurred prior to the grant of consent for the C2 use, because at that time those works were unauthorised. Similarly, whether or not the 'retrospective works' are compatible with the restricted B1 use is also irrelevant, because they form part of the C2 use, as consented.
- 5.11 Both applicant and Local Planning Authority have sought legal advice on this matter. In each case the legal advice provided supports each respective opinion. Accordingly, the Local Planning Authority stands by its position and takes the view that the previous restricted B1 use of Beluga House and associated area is no longer the lawful use; and is superseded by the C2 use subsequently approved at appeal.
- 5.12 Having regards to the above, the Local Planning Authority considers that the proposed development consists of the *Change the Use of Beluga House and associated land from residential activity centre with adventure and environmental school courses (Class C2 (restricted)) to an Unrestricted Office/Light Industrial Use (Class B1)*. This application will be assessed on that basis.
- 5.13 Principle of Development  
Officers acknowledge that Beluga House was originally built to provide B1 office type accommodation and has remained empty for a considerable length of time. However, the scale and nature of the building would not normally be considered appropriate or consistent with the isolated location within open countryside and designated Green Belt land. Nonetheless, the site history indicates that its location was fundamental to the needs of the former occupier of the building; and this factor appears to have been given substantial weight in the decision to allow the building and use to be located at Whale Wharf; albeit restricted to account for its location.
- 5.14 However, the existing authorised C2 use of the site is not regarded as an economic/employment use, although officers accept that its use as a residential activity centre may provide limited opportunities for employment in that there would be a staffing requirement. The proposed use is an economic use. The effect of this proposal is to reintroduce an economic, town centre use into an isolated open countryside location; and within the Green Belt.
- 5.15 Policy CS5 (Location of Development) of the South Gloucestershire Core Strategy sets out that new development in the open countryside will be strictly limited and directs most new development to the urban areas as they are locations which would be sustainable. Nonetheless, Policy CS34 (Rural Areas)



- does recognise the contribution that rural employment sites can bring to the rural economy and seeks to protect existing rural employment sites.
- 5.16 Policy PSP28 of the Policies, Sites and Places Plan (adopted) November 2017 also recognises that sustainable new development which promotes a strong rural economy will be acceptable in rural areas. It goes on to set out that proposals for business development outside the defined urban areas and settlement boundaries will be acceptable subject to certain criteria.
- 5.17 In this instance, the proposed change of use would not involve operational development and would utilise the existing building at Beluga House. Essentially, in relation to the conversion or re-use of existing buildings this policy sets out that the development is acceptable in principle provided that;
- i) the building is of permanent construction; and
  - ii) the buildings are in keeping with their surroundings in terms of character, form, bulk and overall design; and
  - iii) the proposal is of a scale which is consistent with its function, use and rural location.
- 5.18 This application is confined to Beluga House and the area of car parking and access immediately to the front of the building. Beluga House is in good condition and well maintained. Officers are satisfied that the building is of permanent construction. The character, form, bulk and overall design are unusual in this rural setting. However, this reflects the needs of a former occupier which were given substantial weight in the decision to allow the building and associated site to be located as it is. The lawful use of the site for a restricted C2 use does not involve material alterations to the external appearance Beluga House or the area of car parking and access. Similarly, it is not proposed to alter the external appearance of the building, parking or access in order to facilitate the proposed change of use submitted under this planning application. Whilst the building is unusual in this setting, the proposed change of use would not materially alter the existing situation and is considered to broadly comply with criterion i) and ii).
- 5.19 Notwithstanding the above, officers have concluded that the proposed change of use would result in severe and unacceptable highway safety impact and would have a detrimental impact upon the recreational character and amenity of the locality. This factor relates to criterion iii) of PSP28 which seeks to ensure that development is of a scale which is consistent with its rural location. In this instance, the adverse impacts identified is a clear indication that the scale of the development is out of character with its rural (and isolated) location and does not represent sustainable development. These aspects are addressed in more detail below. The impact of the proposed development upon the Green Belt is also addressed below.

5.20 Green Belt

Paragraph 146 of the National Planning Policy Framework provides the limited categories of development which are not inappropriate in the Green Belt. This includes the 're-use of buildings provided they are of permanent and substantial construction'.

5.21 Policy CS5 of the South Gloucestershire Core Strategy sets out that proposals for development in the Green Belt will need to comply with the provisions in the National Planning Policy Framework.

5.22 Beluga House is in good condition and well maintained. It is not proposed to introduce an extension to the building or any other form of operational development. Officers are satisfied that the building is of a permanent and substantial construction. Accordingly, officers consider that the proposed development is consistent with Green Belt policy and would not result in a material impact upon the openness of the Green Belt and the purposes of including the land within it.

5.23 Economic Considerations

The applicant has submitted that Beluga House is a valuable business asset which has remained under occupied since the previous occupier (Electrotech) vacated the site. The legacy of the nature of the historic use of Beluga House is a commercial building of significant scale located within a rural and isolated location. Officer recognise that there have been numerous attempts to market the site and bring it back into a viable use; and this includes the change of use from restricted B1(b) to restricted C2 use. As set out above, the LPA considers that the C2 use is the lawful use of Beluga House. Whilst no specific evidence of marketing on the basis of a C2 use has been submitted, officers do acknowledge that some effort has been made to find an occupier who would be able to operate in compliance with that use.

5.24 The applicant argues that the re-use of Beluga House under an unfettered B1 consent would respond to the current market conditions and would benefit the rural economy. The applicant has provided limited marketing evidence in support of the proposed development and that the restrictive B1(b) use is preventing successful marketing because the restriction is deflecting interest, which is in B1(a) office uses. The applicant also argues that there is high demand in North Bristol for B1(a) type uses and that supply against this demand is reducing and that the effective lifting of the restrictive condition will allow Beluga House to be brought back into a viable use and meet market demands.

5.25 The proposed development would facilitate an economic use on a rural site. Policy CS34 of the South Gloucestershire Core Strategy recognises the contribution that rural employment sites can bring to the rural economy and seeks to protect existing employment sites. Notwithstanding the applicants arguments around marketing and viability, the LPA considers that the lawful use is C2 (restricted) and not the historical B1(b) use. Officer would acknowledge that this position would also work against the marketing of Beluga House for unfettered B1 uses. However, as set out above, the lawful C2 use is not regarded as an economic/employment use. Nonetheless, the South

- Gloucestershire Economic Development Unit (EDU) have advised that the proposed development would contribute towards the projected shortfall in office space. This is a growth sector in South Gloucestershire. The EDU also argues that the development would make a positive contribution to the growth of the rural economy.
- 5.26 Officers acknowledge that the proposal would facilitate the re-use of Beluga House for economic purposes, and that an unfettered B1 use would enable flexibility and improve its economic prospects. The economic use of Beluga House would make a positive contribution to the Rural Economy. These factors weigh in favour of the proposal, however they must be considered in the wider locational/sustainability context.
- 5.27 Landscape, Design and Visual Amenity  
As set out earlier in this report, this application is confined to Beluga House and the area of car parking and access immediately to the front of the building. As such no landscaping is proposed as part of the application. However, existing well established and maintained landscaping is present to the front of the site which encloses the car parking area. Officers note that 'pre-occupation conditions' requiring details of tree planting to be submitted to the LPA for consideration were imposed onto the C2 consent. However, given that the application is confined to Beluga House and associated hard standing, officers consider that this proposal would not materially alter the existing situation; and that there would be no material impact in landscape terms. Similarly, the proposed development would not involve operational development changes to the exterior of Beluga House. As set out earlier in this report, officers are satisfied that there would be no material change to the appearance of Beluga House, parking or access with the application site; and as such no material impact in terms of the wider landscape and visual amenity of the surrounding locality. Officers attribute neutral impact to this factor.
- 5.28 Residential Amenity  
The site is located in an isolated position and the end of Whale Wharf Lane providing access to the site. Breech House is located approximately 30 metres to the West of Beluga House. Although this does not appear to be occupied at the time of compiling this report, the extant planning consent authorises the building for use as a residential dwelling (C3). This is the nearest dwelling to the site and is closely related to it.
- 5.29 A small group of dwellings (known locally as Brick Cottages) is located on Whale Wharf Lane approximately 1km to the East of the site. Littleton-on-Severn and Elberton are approximately 1.2km and 2.4km from the site respectively.
- 5.30 The extant use of the building is such that it would provide residential accommodation associated with the broader authorised use of the Whale Wharf site for C2 (residential activity centre with adventure and environmental school courses) would generate an element of noise resulting from activities at the site. The extant use is not restricted to any specific days of the week or seasonal restrictions; although occupancy restrictions and/or evacuation requirements during periods of extreme high water or flood risk are enforced by

condition. Accordingly, officers have made the general assumption that the site could be occupied under the extant C2 consent all year round, unless flood risk conditions are engaged. As set out below, flood risk would also affect the occupancy of the site under the proposed use and would result in similar implications for that use.

- 5.31 Whilst it is noted that the application seeks approval for an unfettered B1 use it is possible through appropriate conditions to control noise levels at the site and control/preclude activities from taking place on areas outside the subject building. In the event that planning permission is granted, such conditions would be applied in the interests of the amenity of nearby residential dwellings. On this basis, officers are satisfied that the proposed use and activities associated with Beluga House *itself* would not likely result in a significant impact (through appropriate control) upon the amenities of the nearest dwelling (Breach House) or those dwellings further to the East.
- 5.32 Notwithstanding the above, the Highway Authority has identified a severe highway impact as a result of the proposed development. This is addressed in detail later in this report. A key factor in identifying the adverse impact is the potential volume of peak time movements. This compares with considerably less movements associated with the extant C2 use on the site. The access to the site is via a single track road which includes a number of residential dwellings to the East of the site at Brick Cottages, Whale Wharf Lane. At present the use of Whale Wharf Lane for motorised vehicles is light and includes farm traffic and leisure traffic accessing the Severn Way and other recreational routes. The level of corresponding noise from this traffic will be low. The area is rural and peaceful in character; which is a key part of the level of residential amenity that is experienced by the occupants of these dwellings. It is considered that the volume of traffic that would be introduced as a result of the proposed development would have a significant and detrimental impact upon the level of amenity experienced at existing residential dwellings; and to an extent which would conflict with the level of amenity expected in a such a rural location. This would likely generate high levels of noise disturbance and is out of scale with the rural context of the site.
- 5.33 Accordingly officers consider that the proposed development would result in an unacceptable impact upon residential amenity and is contrary to Policy PSP8 of the Policies, Sites and Places Plan (adopted) November 2017. Officers attribute significant weight to this factor.
- 5.34 Flood Risk  
The site is located in Flood Zone 3a and is at a high risk of flooding. The issue of flood risk and the protection of the users of the site from this risk was a matter considered at great detail in relation to the use of the site for a C2 use. Indeed, the consent is heavily conditioned so as to require specific flood evacuation measures and preclusion of its use at times when the risk of flooding is very high due to tidal and/or weather conditions.
- 5.35 Paragraph 155 of the National Planning Policy Framework sets out that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas of highest risk of flooding.

In this instance, the application details a Change of Use and there is no operational development proposed. Accordingly, the National Planning Policy Guidance (NPPG) sets out that the 'sequential test' or the 'exception tests' do not apply to this application. Furthermore, officers note that the proposed use (B1) would fall into the 'less vulnerable' flood risk vulnerability classification (as provided in the NPPG) and that the extant use (C2) would fall into the 'more vulnerable' classification. On this basis, officers are satisfied that the proposed use would be less vulnerable than the extant use. It is of note that the Environment Agency do not raise objection to the proposed development on that basis.

- 5.36 Notwithstanding the above, the NPPF (footnote 50) requires that a 'site specific' FRA is provided for all development in flood zone 3. A change of use development is not ruled out. Accordingly, this application should be accompanied by a site specific FRA.
- 5.37 This application is supported by a site specific flood risk assessment (FRA) which is largely based upon the previous FRA associated with the application for the extant C2 use. Broadly speaking, the applicants FRA concludes that the characteristics of the flood risk affecting the proposed development would remain unchanged in comparison with the extant C2 use. The applicant acknowledges that the site is at risk of flooding in the context of historic flood information associated with the site and the 'Flood Warning Service' (both provided by the Environment Agency) and argues that as the primary risk of flooding is from the tidal nature of the River Severn. On this basis, the applicant argues that there would be a relatively long period of time to prepare for potential overtopping of the tidal defences and implement appropriate action; and so managing the flood risk.
- 5.38 The Environment Agency (EA) has confirmed that it does not object to the proposed change of use. However, it has specifically set out that it does not support new build development at the site. The EA advises that the site is subject to a residual risk of flooding as a result of a breach of the existing defences at this site. The EA acknowledge that the previous FRA's on this site have demonstrated that a breach could occur suddenly and without warning and as such set out that any approval should (through appropriate planning conditions) be subject to a robust flood warning and evacuation plan and that this should be based upon extreme forecast tidal levels and non-occupation of the site during heightened periods of risk.
- 5.39 As set out above, officers are satisfied that the proposed change of use would not result in the increase the 'vulnerability' of the site in the context of flood risk. Indeed it would be reduced. The extant C2 use of the site is subject to a suite of conditions designed to minimise the risk of the occupants of the site as a result of flooding. This includes a comprehensive Flood Warning and Evacuation Plan. Officers are satisfied that similar conditions and the requirement to provide a Flood Warning and Evacuation Plan could be applied in the event that this application is approved and that appropriate measures, accounting for the nature of the proposed development can be reasonably design to protect and manage and mitigate the risk to an acceptable level.

- 5.40 Subject to the suggested conditions, officers are satisfied that the development can be made acceptable in flood risk terms. Neutral weight is attributed to this factor.
- 5.41 Transportation, Highway Safety and Amenity  
The site is located in an isolated location close to the Southeast bank of the River Severn. Access to the site is along Whale Wharf Lane. Beluga House is at the end of the land which terminates close to the bank of the River Severn. The approach to Beluga House is via Whale Wharf Lane, Littleton-on-Severn and Elberton from B4661 (Redhill Lane) over a distance of approximately 3 ½ km. The route from Redhill Lane is narrow (often single track), undulating and twisting with tight turns and pinch points. There are limited passing places along the route. The entire length of Whale Wharf Lane is single track and opportunities to pass are very limited. The lane is confined on either side by drainage ditches and soft verges. It is recognised that another route is possible from Thornbury (via Kington). However, this is more tortuous and is unlikely to be used.
- 5.42 The applicant has submitted a Transport Assessment (TA). However this is based upon the assumption that the lawful use (or the fall-back position) is the restricted B1(b) use historically associated with Beluga House. As set out earlier in this report, the LPA does not agree with the applicants position. The Highway Authority also recognises this and has made its assessment on the basis that the lawful use is a restricted C2 use (i.e. Residential Activity Centre with Adventure and Environmental School Courses). For the avoidance of doubt, the Highway Authority has not carried out a comparative assessment of the use of the site for purposes restricted to B1(b) and the proposed unfettered B1 use.
- 5.43 Nonetheless, the Highway Authority is critical of the submitted TA as the route assessment contained within omits the last km to the site and also utilises 3km of B4461. This has the effect of artificially reducing the percentage of the access route that would utilise sub-standard highway. Given the position of the LPA regarding the lawful use, officers have not sought specific clarification in this regard.
- 5.44 *Traffic Generation – Proposed development.* The Highway Authority has provided comprehensive advice in respect of the traffic generation of the proposed development and the impact of that upon the safety and amenity of the affected highway. Given the rural and isolated location of Beluga House there is a lack of viable alternatives to the private motor car and as such a modal shift will be very low at this location. On this basis, the Highway Authority advises that traffic generation assessment based upon Trip Rate Information Computer System (TRICS) is likely to result in conservative predictions. This is because there is a lack of appropriate sites for comparison as the application very rural location and limited accessibility is unusual when compared to most office type uses.
- 5.45 The applicant has utilised TRICS in order to determine traffic generation as a result of the proposed development. In this instance, (based upon TRICS data) the applicant has estimated that the occupancy would be;

- i) Office - 117 persons.
  - ii) Business Park – 135 persons
  - iii) Research and Development – 131 persons
- 5.46 Logically, this would generate up to 131 inbound movements at morning peak hour and 131 outbound evening peak hour movements. Using TRICS data, there would potentially be very similar trips generated across a B1a Business Park Use and a B1b Research and development use. For the reason set out above, officers are concerned that this does not represent a robust assessment.
- 5.47 The Highway Authority has carried out its own assessment which is based upon the Homes and Communities Agency Employment Density Guide (3<sup>rd</sup> Edition) November 2015. This guidance is more generic and provides more breakdown of sectors covered by Class B1 uses. It is considered to be a more robust starting point given the uncertainties of using TRICS data. It is of note that the Economic Development Unit has also based its considered response on this guidance.
- 5.48 Based upon that guidance the occupancy of the development could be as follows (rounded to nearest whole);

*Business Use (B1a)*

- i) Corporate – 13 persons per sqm amounting to 220 persons
- ii) Professional Services – 12 persons per sqm amounting to 239 persons
- iii) Public Sector – 12 persons per sqm amounting to 239 persons
- iv) Tech– 11 persons per sqm amounting to 260 persons
- v) Finance and Insurance – 10 persons per sqm amounting to 286 persons.
- vi) Call centres – 8 persons per sqm amounting to 358 persons  
*This is defined as a 'telephone enquiry centre' in the Land Use Gazetteer.*

*Business Use (B1b)*

- vii) Research and Development – 40 to 60 persons per sqm amounting to 48 to 72 persons
- 5.49 Using the above guidance, it is clear that there is a significantly greater occupancy of B1a uses/business sectors than a B1b use/business sector. The estimated occupation of Beluga House in line with the proposed development would potentially be significantly higher than that estimated by the applicant using TRICS.
- 5.50 The applicant has indicated that the targeted market for the development is B1a type uses/business sectors, as this is where it is argued that interest in the site is originating from. Whilst it is entirely possible that B1b uses could occupy the site in the event that an unfettered B1 use is approved, it appears that this is less likely than uses within B1a.

- 5.51 Indeed, if the site were to be occupied by a B1a 'call centre' the proposed development has the potential to generate up to 358 trips in the morning peak hour and 358 trips in the evening peak hour. Officers do acknowledge that this figure would assume that each person would arrive separately in a single private car. However, as set out above, the isolated rural location of the site means that a modal shift (opportunities to find alternative modes of travel) would be very low, and unlikely to offset this trip rate by more than 10%. Allowing for this factor, the morning and evening peak hour would still generate up to 322 movements, respectively. This remains very high.
- 5.52 Given the nature of Beluga House, it is possible that a combination of B1a uses/business sectors could be accommodated at the site. However, even if the site was occupied by one sector alone, the minimum estimated figure is still considerable (at 220 persons for corporate offices) when compared to the lowest of the applicants estimates (at 117 persons). Allowing for the 10% modal shift factor, the morning and evening peak hour would still generate up to 202 movements, respectively. Again, remaining very high.
- 5.53 It is acknowledged that the proposed development could draw from the local population in employment terms. However, the immediate local population (close enough to cycle or walk to the location) is relatively sparse. It is unlikely that employment from this area would materially alter the predicted trip rates. The nearest reliable employment pool would likely be located in Thornbury and Alveston. Given the relative scale of Beluga House, it is also likely that the site would draw employment from further away such as Bristol and Chepstow (especially once the Severn Bridge Toll has been abandoned). There is very limited opportunity to access the site using sustainable modes of transport, meaning that the private motor car would dominate the commuter traffic to this site.
- 5.54 *Comparative Traffic Generation – lawful C2 use.* It is of note that the lawful use is restricted by condition within the C2 Use Class so that the site (including Beluga House) can only be used for a 'residential education activity centre with adventure and environmental school course'. This restriction was applied by the Planning Inspector in allowing the appeal. The condition was imposed by the Inspector in recognition that specific flood protection measures only related to the use of the site for the purpose describe. However, this also has the effect of narrowing the characteristics of vehicular movements associated with the site.
- 5.55 In recognition of the difficult access route to the site, the inspector also imposed conditions so as to secure specific highway improvement works (to be delivered prior to first occupation) and a condition securing the requirement to submit a routing management and travel plan (again to be provided and agreed prior to first occupation). For clarity, although the development has been implemented it was not occupied. The highway works have not been carried out at this stage. Similarly, no information has been provided in relation to the routing management and travel plan has been provided.



- 5.56 Having regards to the above, it is clear that the nature of the restricted C2 planning permission is such that vehicular movements to and from the site would be reduced in comparison with an unfettered C2 use. The Transport Statement submitted with the application for the C2 use set out that the majority of staff associated with the development would be residential (along with young people attending the site) and that it was anticipated that only 10 members of staff would be non-resident and so travel to the site on a daily basis.
- 5.57 The Planning Inspector acknowledged that the development could potentially accommodate up to 300 young people and 100 staff and this is a figure that was also accepted by the LPA in considering the original application. Based upon this assumption, there could be a requirement to transport 390 persons to the site (allowing for 10 non-residential members of staff). Whilst no travel plan has been agreed, it is anticipated that transport to the site would utilise coaches, and the tracking of this type of vehicle would be accommodated through the highway improvements required under the C2 consent. It is anticipated that up to 8 coaches would be required to transport occupants to the site and that the same coaches would take occupants away from the site. This would ensure that trips are as efficient as possible, and kept to a minimum. Furthermore, it is anticipated that a 'period of stay' at the site would be over a period of one week. Transport to and from the site would take place on at the beginning/end of one period of stay.
- 5.58 Coach capacity varies with the type of coach ranging from 37 seaters up to 78 on double decker coaches. It is reasonable to assume that given the nature of the highway to the site an operator would likely use the smaller lower capacity coach. This assumption would also allow a more robust assessment of the likely coach trips to be considered, and would also allow for coaches that are not 100% full. Given that up to 300 children are allowed on site this would equate to approximately 10 coaches (assuming that the staff are teachers travelling with the children). However, given the caveats above this is likely to be closer to 12 coaches when allowing for less than 100% full coaches. With the same coaches utilised for the return journey of the departing children to avoid coaches meeting on the local highway network (this would be controlled under the Travel Plan).
- 5.59 Based upon the above, trips generated by the development would be predominantly using coaches and there would be a total of 20 trips to and from the site on change over day each week. There would also be a total of 140 trips made by non-residential members of staff over 7 days (20 per day).
- 5.60 It is noted that the Planning Inspector also imposed a condition requiring that sleeping accommodation was provided at first floor level only (again to address potential flooding risk). However, it is not clear if this would have the effect of reducing the occupation capacity of the development. Also, given the level of potential occupancy it is not clear if, and how often the development would be fully occupied. Similarly, the Inspector also imposed a condition such that the site cannot be occupied during periods when there is an active flood warning in place. The C2 use would also be influenced by seasonal variation in that the occupancy would potentially be higher during the summer months and lower during the winter months. Again, this could reduce the overall occupancy of the

site throughout the year. These factors could potentially result in lower traffic movements across the year. However, given the uncertainty on these points, for the purpose of the assessment of this application, the assumption is made that the development would operate at capacity.

- 5.61 In making a direct comparison of the trip rates set out above, it is clear that the proposed unfettered B1 use has the potential to generate a substantially greater trip rate than the lawful C2 use. Whilst it is acknowledged that the C2 use would generate 12 inward bound and 12 outward bound trips in large vehicles (coaches), this would occur less frequently on one day per week. The remainder of the week would see 10 inbound trips and 10 outbound trips by non-resident members of staff. In contrast trips generated by an unfettered B1 use which would occur over a period of at least five days during the working week, and could be as high as 322 inbound trips and 322 outbound trips.
- 5.62 It is acknowledged that both C2 and B1 uses would require servicing that would also generate trips to and from the site. However, in both scenarios, this factor is not considered to materially increase the trip rates identified in the above assessment.
- 5.63 *Impact upon highway safety, amenity and character* – Access to the site is contrived and is along some 3 ½ km of narrow, undulating roads with tight turns, pinch points and poor forward visibility. There are limited opportunities for vehicles to pass. There is a relatively low population associated with the area which is isolated and rural in nature. Generally, the local population (Elberton, Littleton-on-Severn and immediate surrounds) will likely commute out of the area to employment locations and will utilise the existing highway network to do this.
- 5.64 Paragraph 109 of the National Planning Policy Framework sets out that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Officers consider that the volume of traffic likely to result in a severe impact on highway safety and that the residual impact on the highway would be severe.
- 5.65 The Highway Authority is concerned that the high level of trips generated by the proposed development will have a severe highway impact during the morning and evening peak hours. Essentially, the level of traffic accessing the application site would increase substantially and would cause severe congestion preventing opposing vehicles from being able to pass. Given the flow of movement associated with the proposed development, this would severely restrict access into and out of the local community during peak morning and evening hours; and would result in a severe and detrimental impact upon highway safety.
- 5.66 Over the preceding 10 years, the local highway network has become increasingly popular for recreational use. In particular, Cycle Route 41 has become established and this utilises the majority of the route to the site from Redhill Lane through Elberton and Littleton-on-Severn. Whilst the route does not formally follow Whale Wharf Lane, it is accessed by cyclists.

- 5.67 Horse riding is also popular in the area. Whale Wharf Lane is commonly used by horse riders and there is direct access to the Bridleway Network off this route. The Severn Way can be accessed from Whale Wharf and is a popular starting point for users of the recreational walking route, either on foot via Whale Wharf Lane or on arrival by car.
- 5.68 The Highway Authority is concerned that the proposed development would result in volumes of traffic that would severely impact on the safety of cyclists using the established cycle route through Littleton-on-Severn and Elberton. As set out earlier in this report, the local highway network is narrow and undulating with tight bends. This would result in poor forward visibility and would increase the risk of accidents involving cyclists. Officers acknowledge that the use of the area by recreational cyclists would not generally be during peak travel periods. However, the cycle route is available for commuting cyclists who would be on the network at peak periods where risk of accident is high. Whilst traffic would be less outside of the peak periods, given the scale of the proposed development there would likely be a residual increase in vehicular movements to and from the application site. On this basis, officers consider that there would be a significant impact upon cycle routes (both for leisure and commuting) as a result of conflict with motor vehicles; and as such there would be an unacceptable impact in highway safety terms. There would be a similar impact upon the use of the highway network in respect of horse riding. Whilst there is less likely to be horse riders out during peak hours, the residual increase of vehicle movements during the day would result in conflict increasing the risk of accident and congestion.
- 5.69 As well as a severe highway safety impact, the proposed development would act to severely undermine the amenity and viability of identified recreational/active routes.
- 5.70 Having regards to the above assessment, officers are concerned that the proposed development would result in a substantial increase in trip rates/vehicular movements during peak hours where the characteristics of the local highway network would not be able safely accommodate that increase. This would result in an unacceptable highway safety impact and would result in severe residual cumulative impacts on the road network. Accordingly, the proposed development is contrary to policy CS1 and CS8 of the South Gloucestershire Local Plan Core Strategy and PSP10 and PSP11 of the South Gloucestershire Policies, Sites and Places Plan.
- 5.71 The Planning Balance  
The National Planning Policy Framework makes a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up-to-date development plan without delay.

- 5.72 In respect of commercial/economic development, the South Gloucestershire Development Plan (made up of the South Gloucestershire Local Plan Core Strategy and the South Gloucestershire Policies, Sites and Places Plan) is up-to-date. Officers have concluded that the proposed development would result in severe and unacceptable highway safety impact and would have a detrimental impact upon the recreational character and amenity of the locality. This is in conflict with criterion iii) of Policy PSP28 of the Policies, Sites and Places Plan. The development is also in direct conflict with Policy PSP10 and PSP11 of the Policies Sites and Places Plan as it would result in a severe and detrimental impact upon highway safety and the amenity and viability of recognised active travel routes. Essentially, officers consider that the volume of traffic resulting from the scale of the proposed development is out character and scale with the rural nature of the site and its location. This factor is symptom of the isolated and unsustainable location of the site. Substantial weight is afforded to this impact.
- 5.73 Similarly, the potential for very high trip rates to and from the site would result in an unacceptable impact upon the residential amenity of dwellings located on the access route. Officers attribute significant weight to this factor.
- 5.74 In relation to other environmental impacts such as flood risk, visual and landscape amenity and Green Belt the development would result in neutral impact.
- 5.75 Officers acknowledge that the proposed development would bring Beluga House back into an economic use and would bring about a positive benefit to the rural economy. However, this benefit does not outweigh the substantial negative impacts identified.

## **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 planning permission is refused for the following reasons:

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

## **REFUSAL REASONS**

### 1. Highway Safety

The lawful use of Beluga House is C2 (Residential Institutions) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) and is restricted by planning condition to a 'residential activity centre with adventure and environmental school courses'. The proposed change of use of Beluga House to unfettered B1 (Business Use) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) would result in a substantial increase in the level of traffic using the local highway network during the morning and evening peak hours, which includes the designated recreational/commuting cycle route (National Cycle Route 41); as well as access to other forms of recreational activity, including bridleways and the Severn Way (Nationally Designated Walking Route). Given the rural and substandard characteristics of the local highway network the proposed development would likely result in severe congestion and increased risk of conflict and accident between motorised, cycling, equestrian and pedestrian traffic and would result in a severe and detrimental impact on highway safety; and the residual cumulative impacts on the amenity of the road network as a recreational route would be severe. The proposed development is therefore contrary to Policy CS1, CS8 and CS34 of the South Gloucestershire Local Plan (adopted) December 2013 and Policies PSP10 and PSP11 of the South Gloucestershire Policies, Sites and Places Plan (adopted) November 2017.

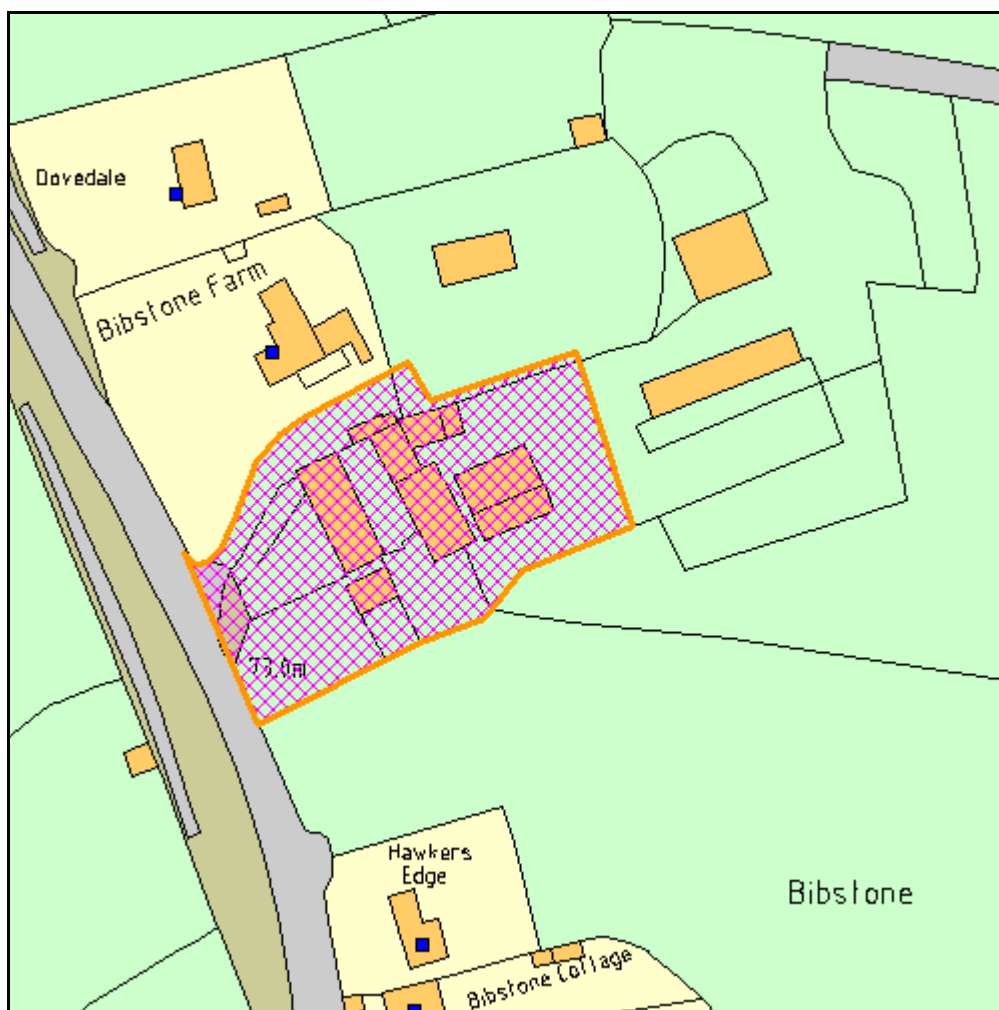
### 2. Residential Amenity

The context of the application site is rural in nature and is peaceful in character. This is a key factor of the level of residential amenity that is experienced by the occupants of the dwellings associated with Brick Cottages, Whale Wharf Lane. The proposed development would result in a substantial increase in the level of traffic and congestion using the local highway network during the morning and evening peak hours together with a residual increase of traffic at other times of the day. This would result in a significant change in the rural and peaceful character of the locality and in particular would significantly increase the level of traffic noise experienced by the occupants of those dwellings. The proposed development would therefore result in a detrimental and unacceptable impact upon the residential amenity of the dwellings at Brick Cottages and would be contrary to Policy CS1 and CS34 of the South Gloucestershire Local Plan (adopted) December 2013 and Policy PSP8 of the South Gloucestershire Policies, Sites and Places Plan (adopted) November 2017.

**CIRCULATED SCHEDULE NO. 37/18 – 14 SEPTEMBER 2018**

<b>App No.:</b>	PT18/1512/F	<b>Applicant:</b>	Tortworth Estate Company
<b>Site:</b>	Bibstone Farmhouse Tortworth Road Cromhall South Gloucestershire GL12 8AE	<b>Date Reg:</b>	10th May 2018
<b>Proposal:</b>	Demolition of 1no. existing agricultural building. Conversion of 3no. barns to 3no. dwellings with access and associated works.	<b>Parish:</b>	Cromhall Parish Council
<b>Map Ref:</b>	369793 191223	<b>Ward:</b>	Charfield
<b>Application Category:</b>	Minor	<b>Target Date:</b>	6th June 2018

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100023410, 2008.

**N.T.S.**

**PT18/1512/F**

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

This report appears on the Circulated Schedule following an objection from the Parish and from a local resident.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission for the Demolition of 1no. existing agricultural building and the conversion of 3no. barns to 3no. dwellings with access and associated works.
- 1.2 The application site relates to buildings associated with Bibstone Farm, Tortworth Road, Cromhall. It lies just outside the settlement boundary of Cromhall therefore in the open countryside. Bibstone Farmhouse is locally listed.
- 1.3 During the course of the application Officers concerns were expressed to the applicant regarding the conversion of the Dutch Barn. The applicant has chosen to have the application determined as submitted.
- 1.4 During the application additional details regarding access and drainage for the site was requested and received by the LPA along with a Statement of Significance for the locally listed building.
- 1.5 Although the submitted information indicates that a Structural Survey report was to be included with the application and to be sent to the LPA by post, these details were not received by the Council.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework July 2018  
National Planning Guidance

- 2.2 Development Plans

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

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

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

PSP1	Local Distinctiveness
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PSP2	Landscape
PSP3	Trees and Woodland
PSP8	Residential Amenity
PSP9	Health Impact Assessments
PSP10	Active Travel Routes
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP18	Statutory Wildlife Protection
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water, and Watercourse Management
PSP21	Environmental Pollution and Impacts
PSP28	Rural Economy
PSP40	Residential Development in the Countryside
PSP43	Private Amenity Space Standards

### 2.3 Supplementary Planning Guidance

Trees on Development Sites SPG (Adopted) Nov. 2005.

South Gloucestershire Design Checklist (Adopted) 2007)

South Gloucestershire SPD: Residential Parking Standards (Adopted) 2013

Affordable Housing SPD (Adopted) Sept.2008.

Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide  
SPD – (Adopted) March 2015

## 3. RELEVANT PLANNING HISTORY

- 3.1 P88/3260 - Erection of detached dwelling and garage (outline)  
Withdrawn 30 Aug. 1989
- 3.2 P89/2666/F - Diversion of footpath OCR9  
15 Nov. 1989
- 3.3 P89/2674 - Erection of detached dwelling. Erection of garage. Construction of vehicular and pedestrian access.  
Approved 15 Nov 1989
- 3.4 P91/2247 - Erection of agricultural building for housing cattle.  
Approved 2 Oct. 1991
- 3.5 P94/1654 - Retention of and change of use of land to haulage and distribution yard.  
Refused 22 June 1994
- 3.6 P95/1450 - Change of use of farm yard to lorry haulage yard. Construction of road to B4058.  
Approved 8 Dec. 1995 subject to the following conditions:  
1. *Temporary permission to 30th Nov 1998*  
2. *Restricted to storage of 5 commercial vehicles and 2 trailers only*  
3. *No storage of goods other than allowed by condition 2*  
4. *No storage on road to B4058*



P98/2654 - Change of use of farmyard to lorry haulage yard. Approved 15 Feb. 1999 subject to conditions 2-4 as above. The latter permission relates to the area immediately to the east of the farmhouse.

- 3.7 PRE16/1226 Conversion of various buildings to residential, on the creation of associated residential curtilages, and the erection of two new agricultural buildings

Advice given 17.2.17

Conclusion: Dutch Barn not capable of conversion and would not be supported. Any future applications should be supported by the submission of structural surveys.

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

4.1 Cromhall Parish Council

Parish Council objects to the application and feels the comments made by the Listed Building & Conservation Officer - Natural & Built are valid and should be considered.

#### **Internal Consultees**

4.2 Conservation Officer

Objection:

Concerns the scheme would not be in the interests of the setting of the locally listed farmhouse – particularly the substantial amount of fenestration of the modern barn.

Conversion of the Dutch Barn would change the character as such barns are by their nature utilitarian and stark in their agricultural setting. By contrast a full sealed and fenestrated building would be out of character.

4.3 Environmental Protection

No objection subject to an informative regarding contamination

4.4 Drainage:

Following discussions, no objection subject to a condition

4.5 Transport:

Issues regarding the visibility from the site entrance has been queried but it is considered these can be dealt with by condition.

4.6 Ecology:

No objection subject to condition

4.7 Archaeology:

No comment

#### **Other Representations**

4.8 Local Residents

One objection has been received from a local resident. The points raised are summarised as:

- Conversion of stone barn could be done without visual impact the same could not be said of the Dutch Barn
- It occupies an elevated position on the skyline
- The proposed main windows and sun deck/balcony would directly overlook my property and garden
- Draw attention to pre-app advice previously given which did not support the conversion of the Dutch Barn

## 5. ANALYSIS OF PROPOSAL

5.1 The proposal is to demolish one barn and convert 3 existing barns into residential accommodation. The proposal is to demolish one barn and to convert 3 others. For the avoidance of doubt these 3 shall be identified as The Modern Barn, The Stone Barn and The Dutch Barn.

### 5.2 Principle of Development

The application stands to be assessed against the above listed policies and all material considerations. Of relevance is the pre-application planning advice given in February 2017 which stated that the conversion of one of the barns, the Dutch Barn would not be supported. The applicant has chosen to include the conversion of this barn within this planning application.

5.3 Policy CS5 specifies new development should be within sustainable locations. Policy CS34 of the Core Strategy sets the vision for the rural areas within South Gloucestershire and Policy PSP1 states development will be acceptable where it demonstrates an understanding of and responds constructively to the buildings and characteristics that make a particular positive contribution to the distinctiveness of the area/locality. The policy aims to protect, conserve and enhance rural areas. PSP40 of the PSP Plan and paragraph 79 of the NPPF state that development within the countryside, could be acceptable in a number of circumstances. One of these instances included in the NPPF, which is most relevant to this development is where: *the development would re-use redundant or disused buildings and enhance its immediate setting.*

5.4 PSP40 introduces a number of additional criteria which the development should also meet, these are as follows:

- The building is of permanent or substantial construction
- It would not adversely affect the operation of a rural business/working farm
- Any extension as part of the conversion would not be disproportionate to the original building

5.5 It is acknowledged that South Gloucestershire Council cannot demonstrate a five year land supply of housing and as such those policies relating to the supply of housing such as CS5 and PSP 40 are regarded as being out of date. Paragraph 11 of the NPPF states that where this is the case LPAs should apply the presumption in favour of sustainable unless:

- i) The application of policies in the NPPF Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed, or
- ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF Framework taken as a whole.

Designated heritage assets are specifically listed as areas where development could be restricted. However, Bibstone Farm house is a non-designated asset where a balanced judgement is required weighing up the scale of harm and benefits for a particular development.

- 5.6 In summary the conversion of the barns from agricultural use to residential use in principle is acceptable. However, the amount of work required to convert one of the buildings, The Dutch Barn, has raised concerns that it would not fall into what may be regarded as being *reuse* but would rather amount to something more akin to a re-build. This is discussed in more detail below.
- 5.7 It is noted that adopted Policy PSP40 is considered out of date as the Council cannot demonstrate a 5 year housing land supply. As such applications must be assessed in accordance with all relevant development plan policies and the NPPF, but it is worth noting that the general ethos of Policy PSP40 is in line with national guidance on development in the open countryside and where they accord then weight can be awarded.
- 5.8 Policy PSP40 subsection 4 sets out the guiding parameters of acceptable conversions in the countryside which includes the building being of permanent and substantial construction; would not adversely affect the operation of a rural business or working farm; any extension would not be disproportionate and if disused the building would need to lead to an enhancement of its setting.
- 5.9 Isolated development in the countryside is not supported in the NPPF unless there are special circumstances which can include the re-use of redundant or disused buildings. It is the applicant that indicates this application would be the re-use barns. Each of the barns will be examined in turn.
- 5.10 To be clear the conversion of all the barns is acceptable in principle. However, when considering the condition of the barns, The Modern Barn and The Stone Barn are clearly in good condition and capable of conversion without major work. The other barn, The Dutch Barn, is different. Dutch Barns are typically basic structures, usually not much more than a roof covering a storage area. In this case the conversion to the large residential dwelling as shown on submitted plans would go beyond what can be reasonably regarded as a conversion. The change would be more akin to a new build and new dwellings in the countryside are resisted in both local and national planning policy.
- 5.11 It is concluded that the conversion of the Stone Barn and the Modern Barn would be acceptable subject to appropriate conditions but the works to the Dutch Barn cannot be supported. This degree of work is discussed in more detail below.

5.12 Definition of re-use

The NPPF does not provide a definition of the term *re-use*. It is therefore not unreasonable to employ a general understanding of what is meant by the word. This is particularly relevant given the recent High Court ruling in the Hibbit case (Hibbitt and another v Sec of State for Communities and Local Government and another (2016) EWHC 2853 (Admin)) which gave a helpful indication of the difference between conversions and re-builds.

As such, the context of where the NPPF says *the development would re-use redundant or disused buildings and enhance its immediate setting* would be one where an existing structure is something that could be used again but without significant change.

5.13 The amount or degree of work required to facilitate a conversion would therefore be important in assessing whether or not a proposal would be the re-use of something. Although this is a full planning application it is useful to refer to recent planning appeals regarding permitted development for the change of use of agricultural buildings to residential (Class Q) as they given an indication of what level of work is considered appropriate for a conversion and whether something is capable of conversion or structurally sound.

5.14 Permitted Development

To be clear it is understood that works to the Stone Barn and to the Modern Barn would fall outside the criteria listed under Class Q due to proposed extensions and alterations to accommodate the development proposed under this scheme,

5.15 The Hibbitt Case (Hibbitt and another v Sec of State for Communities and Local Government and another (2016) EWHC 2853 (Admin)) indicated the difference between conversions and re-building and clarified that it is a matter of legitimate planning judgement where the line is drawn between a conversion and a rebuild. The case suggested that where an agricultural building is so minimal and skeletal, then the works needed to alter it would be of such a magnitude that in reality it would be a re-build.

5.16 The applicant has stated that a Structural Report was prepared by a qualified structural engineer. It must be noted that Officers have not had sight of this report and have used judgement and experience in the overall assessment. The photographs included with the application and with additional supporting argument provided by the applicant, clearly show the condition of the Dutch Barn which is the building of main concern.

5.17 It is assumed that any commissioned structural survey report would have been prepared by a qualified professional. The professional opinion of the expert is not questioned. What is in question is the amount of work required to make this agricultural structure a residential dwelling. Given that the building is open on 3 sides it is not unreasonable to assume that a large amount of work and new construction would be necessary to facilitate the conversion of this barn into habitable accommodation. It is therefore, considered the works required would go above and beyond what can be regarded as a conversion and would be tantamount to a new build.

5.18 It is Officer judgement that the structure is not of substantial construction. The works to convert this into a residential property would be so extensive that it would amount to a re-build and as such would be contrary to Policy PSP1 and Policy CS1 and CS34.

5.19 Moving on to the works to the Modern Barn and the Stone Barn – these would include some alterations including new fenestration, the introduction of an extension, new fenestration and openings and first floors, but these are regarded as being within the parameters of conversions of existing sound buildings and therefore acceptable.

## 5.20 Design and Visual Amenity

### 5.21 *Modern Barn:*

Although comments from the Conservation Officer have not supported the conversion of this large structure from a barn to a residential dwelling, it must be noted that permitted development rights do allow such conversions and this is a material consideration in the overall assessment. It is noted that the main elevation, facing the highway would include a large amount of glazing but again this would reflect the more modern style of the building and its function as a family home with a first floor level. In terms of appearance it would not be out of keeping with other conversions and on this basis is acceptable.

### 5.22 *Stone Barn:*

This structure can be described as 'T' shaped and to convert this into habitable accommodation it would be necessary to slightly increase the width of that part of the structure which extends out to the east. The conversion would include blocking up of some openings and the introduction of others, particularly around the proposed garden and the creation of a mezzanine level. The changes are considered acceptable and a condition would ensure materials used are appropriate to reflect the historic appearance of this barn. In addition it is proposed to demolish a smaller barn attached to the southern elevation of this stone barn and a condition will be attached to the decision notice to ensure this is undertaken. Part of the area it occupies is to be incorporated into the new garden of the Stone Barn while the rest was to be part of the garden of the Dutch Barn which is not being supported. In the interests of amenity of future occupiers this area should be made good and cleared. An appropriate condition will be attached to the decision notice.

### 5.23 *Dutch Barn:*

This structure presents as a typical Dutch barn. These structures tend to be simple structures, usually with little more than a roof and open sides and functional for storing, for example, hay. In this instance this Dutch barn has a roof and is open on three sides. As such it cannot be considered to be of substantial construction and the works to convert it to residential accommodation would be extensive; as the submitted plans show these would include, among other things, the introduction of new walls, new roof and new openings a full first floor and would essentially be a new build.

5.24 Residential Amenity

The closest existing residential dwelling to the proposed development is Bibstone Farmhouse. This would be around 16 metres to the side elevations of both the Stone Barn and the Modern Barn and screened from the Dutch Barn by the Stone Barn. It is therefore considered that there would be no adverse impact on the amenity of Bibstone Farmhouse following the scheme.

5.25 Moving on to the impact on the amenity of the new dwellings that would be result from the conversion of the barns into houses. The main openings for the Modern Barn would be to the west while the main openings for the Stone Barn would be to the south. Windows are noted in the west elevation of the Stone Barn and would be directly opposite some full height, narrow windows in the Modern Barn. Given that it appears the function of these full height windows would be to bring in additional light these could be of obscure glazing without impacting on the living conditions of future occupiers. Due to the proximity of these opposing elevations it is considered acceptable that an appropriate condition regarding these windows be attached to the decision notice.

5.26 With regards to the Dutch Barn, neighbours have commented on the potential for overlooking from this structure but given the barn is over 50 metres away and at right angles to this neighbour there would be no issues regarding impact on privacy sufficient to warrant a refusal of the scheme.

5.27 Proposed windows in the north elevation of the Dutch Barn would be a mixture of full height stretching over ground and first and two separate sets of high level first floor windows. The high level windows would both serve bathrooms and as such could be of obscure glazing and by this means not impact on the amenity of the garden set aside for The Stone Barn. However, the set of full height windows would be of concern, in particular at first floor level serving the landing. Although they would be at a slight angle and therefore not directly in front of the windows of The Stone Barn, visibility down into the garden would be possible. This counts against the design of the scheme which has failed to fully take into account the position of neighbouring dwellings and the impact the Dutch Barn conversion would have.

5.28 Notwithstanding that each of the proposed dwellings would have sufficient outside amenity space to serve the future occupants. As per Policies PSP43 and CS8, garden space must be private and not overlooked and development proposals must not be overbearing/dominant adversely affect daylight/sunlight entering a property amenity space. Due to its proximity to the Stone Barn the Dutch Barn would exhibit many of the features which fail to represent good quality development such as loss of privacy/overlooking, being overbearing and dominant and causing the loss of light into the garden for the majority of the day.

5.29 Impact on Heritage Assets:

Bibstone Farmhouse is locally listed and as such is a non-designated heritage asset. During the course of the application the applicant was required to provide details describing the significance of the heritage asset.

- 5.30 The NPPF states *when considering the impact of a proposed development on the significance of an designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).*
- 5.31 However, as Bibstone Farmhouse is a non-designated asset. The NPPF instructs decision makers to a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset.
- 5.32 In this instance the harm to the farmhouse is considered to be less than substantial. The conversion of the Stone Barn, which would be closest, could be seen as an enhancement over the existing situation. Similarly, although the conversion of the Modern Barn would result in changes to the traditional farmstead, the contribution that two new houses would make to the overall shortfall in supply is also considered a positive which would balance any perceived harm. The works to convert the Dutch Barn, however, are considered to be harmful to the character of the setting of the locally listed heritage asset. It is considered that changes to the Dutch Barn would be so extensive as to have an adverse impact on the character and feel of this grouping of former farm buildings. The proposed conversion has failed to demonstrate an understanding of the importance of this grouping and would create a new dwelling that dominates rather than respects its immediate surroundings. Policy CS1 requires the highest possible standards of design and site planning. The policy states that development proposals are expected to demonstrate that:

*Siting, form, scale, height, massing ... are informed by, respect and enhance the character, distinctiveness and amenity of both the site and its context.*

It goes on to state that:

*...overall layout [should be] well integrated with existing adjacent development*

and

*...existing features of ...heritage or amenity value ...are safeguarded*

due to the extent of the works required. Furthermore, the creation of such a large dwelling would be out of keeping and

- 5.33 It is considered that the resulting large dwellinghouse would not respect its immediate surroundings and would fail to accord with Policies CS1, CS34 and PSP1 and weight is given against it for these reasons.

5.34 Transport

The proposed new dwellings would use the existing access from the farm/farmhouse onto Tortworth Road. Although this access currently does not fully comply with required visibility splays, it is considered that an acceptable access could be achieved through condition. On this basis there are no highway objections to the scheme.

- 5.35 Drainage  
Discussions with the Drainage Engineer have secured this that and the other and all is well.
- 5.36 Ecology  
A Bat Survey Report (Mullholland Ecology and Arboriculture, August 2017) was submitted alongside the application. All the barns were examined and no roosting bats were found. Where appropriate, biodiversity gain will be sought from development proposals. The gain will be proportionate to the size of the scheme and be secured through an appropriate planning condition or legal undertaking. The report recommends that two ridge roosting tiles are incorporated in to the roof of stone barn. Due to the presence of nesting swallows and woodpigeon, the report recommends completing the work out of the breeding bird season (i.e. late February to late August). Furthermore, replacement nesting opportunities for swallows should be provided within the proposal. Appropriate conditions regarding the above are to be attached to the decision notice.
- 5.37 Impact on Equalities  
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. As a result of that Act the public sector Equality Duty came into force. Among other things, the Equality Duty requires that public bodies to have due regard to the need to: eliminate discrimination; advance equality of opportunity; and, foster good relations between different groups when carrying out their activities.
- 5.38 Under the Equality Duty, public organisations must consider how they could positively contribute to the advancement of equality and good relations. This should be reflected in the policies of that organisation and the services it delivers.
- 5.39 The local planning authority is statutorily required to apply the Equality Duty to its decision taking. With regards to the Duty, the development contained within this planning application is considered to have neutral impact.
- 5.40 Planning Balance  
The proposal would provide three new houses to add to the housing shortage. In principle the conversion of agricultural buildings into residential dwellings is something that can be supported but each is considered on its own merits. In this application it has been necessary to examine whether the three barns accord with the spirit of both local and national policy and are truly capable of conversion or go beyond what can reasonably be regarded as conversion. Both the Modern Barn and the Stone Barn are substantial structures and although some work would be required, including additional built form, overall the extent of the work is regarded as falling within the remit of PSP40, national guidance and case law examples.
- 5.41 Moving on to the conversion of the Dutch Barn. Although an agricultural building, given the skeletal nature of this building the works required would exceed what can reasonably be regarded as amounting to a conversion.



This assessment is helpfully supported by recent case law (Hibbett etc). In this way the conversion of the Dutch Barn would fail to accord with PSP40.

- 5.42 In addition the introduction of new houses in the countryside is generally resisted in both local and national planning policy. In this case it is acknowledged that the siting of the barn is within a small grouping of dwellings/acceptable conversions, and given the site is not far from bus stops in that respect it can be regarded as being in a sustainable location. Of paramount concern, however, is the resulting dwelling in terms of its scale and massing and how it would fit in with its surroundings. The new dwelling would be a high structure which would dominate the former farmyard, be out of keeping and in turn would not respect the overall setting or character of the area. The conversion of the Dutch Barn would therefore be contrary to Policy CS1 and CS34 and PSP1 and for these reasons cannot be supported.
- 5.43 Following on from this point the conversion of the Dutch Barn would additionally have some adverse impact on the amenity space of the Stone Barn due to the potential for overlooking, being in such close proximity to what is essentially a single storey structure the high Dutch Barn would be overbearing and imposing and due to its position to the south of the Stone Barn would affect the light entering this neighbouring property whose main windows would be to the south and its south facing garden. The identified harm is significant and demonstrable and in this way the conversion of the Dutch Barn would fail to accord with Policies CS1, PSP8 and PSP43.
- 5.44 Some weight is therefore given in favour of the conversion of the Modern Barn and the Stone Barn into dwellings. The impact on residential amenity of closest neighbours resulting from the conversion of these two barns has been assessed and the proposal is considered to accord with adopted policy. Similarly, the scheme would not have a severe impact on highways. The conversion of the two barns is therefore supported but the works to the Dutch Barn would fall outside the scope of what can be regarded as a conversion and its change into residential use is not supported.

## 6. **CONCLUSION**

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation is for a **SPLIT** decision to **GRANT permission for the conversion of two barns only, the Modern Barn and the Stone Barn and to REFUSE permission for works to the Dutch Barn**. The recommendation 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 decision is **SPLIT** with development restricted to the conversion of the Modern Barn and the Stone Barn but **not** the Dutch Barn.

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

### **REFUSAL REASON FOR DUTCH BARN**

1. By virtue of the amount of works proposed to the Dutch Barn it is considered tantamount to the construction of a new dwelling rather than a reuse of the existing building. The resulting design is considered to be of a scale and massing out of keeping with the proposed residential use and does not reflect or respect the adjacent more modest rural building group. This is considered to be harmful to the rural character of this part of Bibstone and is a significant and demonstrable harm that outweighs the benefit of one additional dwelling. The proposal is contrary to Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013, Policies PSP1 and PSP40 of the Policies Sites and Places Plan (Adopted) 2017 and the NPPF.

### **CONDITIONS FOR MODERN BARN AND STONE BARN**

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

Reason

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

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

As received on 27.3.18:

Block plan existing - 15/168/001 Rev C  
Block plan proposed - 15/1681/100 Rev C  
Site location plan - 15/1681/101 Rev A  
Modern barn existing elevations - 15/1681/500 Rev B  
Modern Barn - block plan proposed - 15/1681/510 Rev A  
Modern Barn Proposed elevations - 15/1681/511 Rev B  
Modern Barn Proposed floor plans - 15/1681/512 Rev C

Stone Barn S and N existing elevations - 15/1681/600 Rev A  
Stone Barn W and E existing elevations - 15/1681/601 Rev A  
Stone Barn proposed block plan - 15/1681/610 Rev A  
Stone Barn proposed elevations - 15/1681/611 Rev A  
Stone Barn proposed floor plans - 15/1681/613 Rev A  
Stone Barn proposed mezzanine - 15/1681/614

Reason

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

3. The barn attached to the Stone Barn, identified as Barn B on drawing Stone Barn S&N elevations existing 15/1681/600 Rev A is to be demolished prior to commencement of other works on site and prior to first occupation of either the Stone Barn or the Modern Barn and the area it once occupied is to be cleared and made good.

Reason

This is prior to commencement of development to avoid any unnecessary remedial action in future and 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.

4. Prior to commencement of development details of the achievable visibility splay (a minimum of 2.4 m x 43 m) shall be submitted to the authority for approval. The development shall proceed in accordance with the agreed visibility splay. The agreed visibility splay shall be achieved to serve construction vehicles prior to commencement of other works on site.

Reason

This is prior to commencement of development to avoid any unnecessary remedial action in future and to ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; and the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013.

5. Prior to commencement of development, a scheme for the foul water drainage of the development shall first be submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved details.

Reason

This is a prior to commencement condition to avoid any unnecessary remedial action in future and to ensure that a satisfactory means of drainage is provided, and to accord with policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

6. The development shall proceed in strict accordance with the Mitigation Measures provided in Chapter 4 of the Bat Survey Report (Mullholland Ecology and Arboriculture, August 2017).

Reason

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

7. Prior to first occupation, a plan showing the location of bat roof ridge tiles specified in Chapter 4 of the Bat Survey Report (Mullholland Ecology and Arboriculture, August 2017) and swallow nest cups shall be submitted to the local planning authority, and following installation, evidence of their installation shall be submitted to the local planning authority for approval in writing.

Reason

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

8. Prior to the commencement of that part of the development details/samples of the roofing and external facing materials proposed to be used for the extensions to the Stone Barn and new material for the Modern Barn shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

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