



**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. 39/18**

**Date to Members: 28/09/2018**

**Member's Deadline: 04/10/2018 (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:

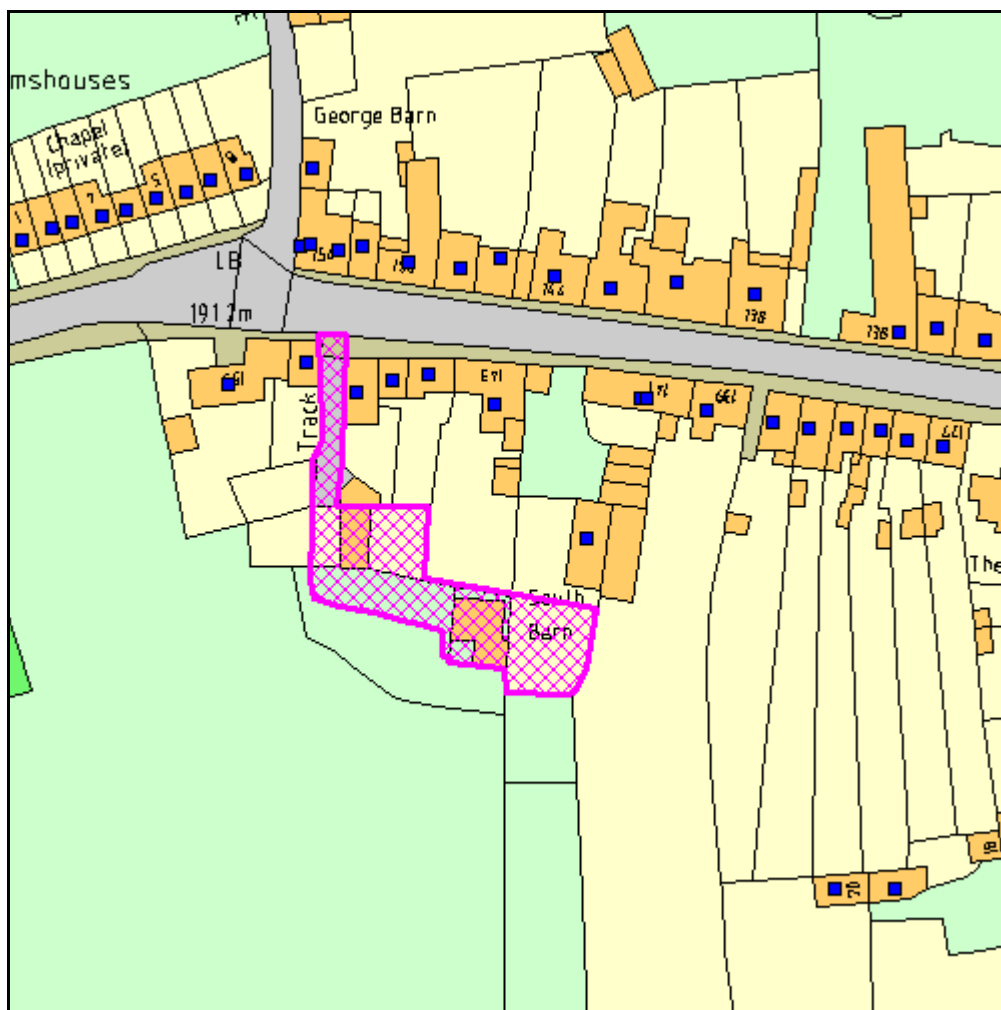
- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s) 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 - 28 September 2018

ITEM NO.	APPLICATION NO.	RECOMMENDATION	LOCATION	WARD	PARISH
1	<b>PK17/4786/F</b>	Approve with Conditions	Land To The Rear Of 143-149 High Street Marshfield Chippenham South Gloucestershire SN14 8LU	Boyd Valley	Marshfield Parish Council
2	<b>PK18/1193/LB</b>	Approve with Conditions	Land To The Rear Of 143-149 High Street Marshfield Chippenham South Gloucestershire SN14 8LU	Boyd Valley	Marshfield Parish Council
3	<b>PK18/2396/F</b>	Approve with Conditions	14 - 16 Regent Street Kingswood South Gloucestershire 8JS BS15	Woodstock	None
4	<b>PK18/3205/O</b>	Refusal	22 Engine Common Lane Yate South Gloucestershire BS37 7PX	Ladden Brook	Iron Acton Parish Council
5	<b>PK18/3604/CLP</b>	Approve with Conditions	124 Badminton Road Downend South Gloucestershire 6ND BS16	Downend	Downend And Bromley Heath Parish Council
6	<b>PK18/3747/F</b>	Approve with Conditions	Watleys End Farm 19 Salem Road Winterbourne South Gloucestershire BS36 1QF	Winterbourne	Winterbourne Parish Council
7	<b>PK18/3811/FDI</b>	Approve	Footpaths LYA/50/80 and LYA/52/90 Yate South Gloucestershire BS37 7XZ	Yate North	Yate Town Council
8	<b>PT17/3586/F</b>	Approved Subject to Section 106	Yate Court Farm Limekiln Road Yate South Gloucestershire 7QB BS37	Ladden Brook	Wickwar Parish Council
9	<b>PT18/0463/RM</b>	Approve with Conditions	Land At Post Farm Morton Street Thornbury South Gloucestershire BS35 1LB	Thornbury North	Thornbury Town Council
10	<b>PT18/0902/F</b>	Approved Subject to Section 106	Land At Post Farm Morton Street Thornbury South Gloucestershire BS35 1LB	Thornbury North	Thornbury Town Council
11	<b>PT18/2341/TRE</b>	Approve with Conditions	Land Behind 70 Hornbeam Close Bradley Stoke Bristol BS32 8FD	Bradley Stoke Central And Stoke Lodge	Bradley Stoke Town Council
12	<b>PT18/2497/F</b>	Refusal	Minerva 15 Gloucester Road Rudgeway South Gloucestershire BS35 3SF	Thornbury South And Alveston	Alveston Parish Council
13	<b>PT18/3750/F</b>	Approve with Conditions	19 Wolfridge Ride Alveston South Gloucestershire BS35 3RA	Thornbury South And Alveston	Alveston Parish Council
14	<b>PT18/3753/CLP</b>	Approve with Conditions	6 Wood Mead Stoke Gifford South Gloucestershire BS16 1GQ	Frenchay And Stoke Park	Stoke Gifford Parish Council

## CIRCULATED SCHEDULE NO. 39/18 – 28 SEPTEMBER 2018

<b>App No.:</b>	PK17/4786/F	<b>Applicant:</b>	Mr & Mrs Mellor
<b>Site:</b>	Land To The Rear Of 143-149 High Street Marshfield Chippenham South Gloucestershire SN14 8LU	<b>Date Reg:</b>	27th October 2017
<b>Proposal:</b>	Conversion of existing barns to form 1 no. dwelling and 1 no. annexe ancillary to main dwellinghouse and associated works.	<b>Parish:</b>	Marshfield Parish Council
<b>Map Ref:</b>	377456 173740	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Minor	<b>Target Date:</b>	22nd December 2017



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N.T.S.

PK17/4786/F

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

The application is referred to Circulated schedule because the consultations amassed throughout the application conflict with the positive recommendation resulting from officer negotiation.

### **1. THE PROPOSAL**

- 1.1 The application site is located at the rear of 143 to 149 High Street, Marshfield and is an irregularly shaped site consisting of a Dutch barn with remains of a single storey stone barn alongside, a further single storey stone barn, parcels of land and an existing access drive which connects the site to the High Street.
- 1.2 The proposal is to convert the Dutch barn to a dwelling which would also involve the rebuilding of the adjacent stone barn and linking it into the single dwelling house and for the other barn to become a one bedroom annex to the main dwelling. Parking is proposed in the yard associated with the annex building and a limited area of ground is enclosed within the amended redline of the site to facilitate access to the site from the High Street. An existing enclosed area at the main barn is proposed as residential curtilage. Stone walling defines the access route to the field and secures a limited area in front of the main dwelling.
- 1.3 The site is located in the AONB and Marshfield Conservation area. The barns, courtyard associated with the smaller barn and the access track are all located within the settlement boundary and not in the Green Belt but the rest of the land forming part of the application (garden to the main barn, vehicular manoeuvring area and paths) are all situated in the Green Belt. During the course of this application it was revealed that barns two and three could be considered curtilage listed structures related to 143 High Street when it was the working farm. Barn 1 is only considered to be a non-designated heritage asset. As such a listed building application was also made to carry out works to the barns.
- 1.4 A design and access statement, Heritage statement, landscape and visual baseline assessment and a biodiversity report were submitted with the application.
- 1.5 The plans have been amended since first submission in order to simplify the proposal. The shelter shed (barn 1) which will become the annex, is the structure that is currently most legible and whose features and materials can therefore be restored most authentically. Barn 2 of the main house (the Dutch Barn) will be re-roofed in the a dull, galvanised, corrugated steel roofing sheeting material and the walls re-clad in vertical larch cladding, stained mid grey. Windows have been amended to make them more discrete in the landscape and to protect the privacy of a neighbouring residential barn conversion. The stone barn (3), forming the other part of the main house, is in the most ruined state and will therefore undergo almost complete reconstruction. However the east gable, although in a poor state of repair, is broadly intact and so will define the section of the building, the footprint of which is clear to see and able to be followed. The agent advises that there appears to be sufficient original stone material strewn on the site, to at least

deal with the seen elevations of the rebuilt barn. This barn is proposed to have a standing seam natural zinc, pre-patinated titanium colour roof.

- 1.6 The site area has also been amended to remove parking outside the settlement boundary.
- 1.7 The application is subject to a full three week re-consultation as a result of the amended plans.

## **2. POLICY CONTEXT**

### **2.1 National Guidance**

National Planning Policy Framework July 2018

National Planning Practice Guidance

Planning (Listed Buildings and Conservation Areas) Act 1990

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

National Planning Practice Guidance – Conserving and Enhancing the Historic Environment;

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

The Setting of Heritage Assets (GPA 3 Second Edition)

Cotswolds AONB Management Plan 2013-2018 (Endorsed)

### **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
CS23	Community Infrastructure and Cultural Activity
CS34	Rural Areas

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP7	Development in the Green Belt
PSP8	Residential Amenity
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
PSP28	Rural Economy
PSP39	Residential Conversions, Subdivision, and HMOs
PSP40	Residential Development in the Countryside
PSP42	Custom Build Dwellings
PSP43	Private Amenity Space Standards

### 2.3 Supplementary Planning Guidance

Development in the Green Belt SPD (Adopted) June 2007

Design Checklist SPD (Adopted) August 2007

Residential Parking Standard SPD (Adopted) December 2013

Landscape Character Assessment SPD (Adopted) LCA 2 Marshfield Plateau  
November 2014

CIL and S106 SPD (Adopted) March 2015

Waste Collection SPD (Adopted) January 2015 (updated March 2017)

## 3. RELEVANT PLANNING HISTORY

- 3.1 PK18/1193/LB Pending  
Restoration and conversion of existing barns to form 1 no. dwelling and 1 no. annexe ancillary to main dwellinghouse and associated works.

- 3.2 PK06/0276/F Demolition of Dutch Barn and conversion of 2no. barns to 2no. dwellings, with associated works. Refused 16.03.2006 and dismissed at appeal.

The refusal reasons related to :

- ☐ the associated residential parking area and pedestrian walkway impacting upon visual amenity.
- ☐ A proposed walled parking area and walled pedestrian walkway, both within the Green Belt, would result in a loss of openness and would therefore have a materially greater impact than the existing authorised use, tractor storage, on the openness of the Green Belt and was therefore contrary to Policy GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.
- ☐ Resultant domestic appearance, and a change in the character of the land in a visually sensitive area, on the very edge of the village, from agricultural to domestic, would harm the character and appearance of the Marshfield Conservation Area, and is therefore contrary to Policies D1 and L12 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Advice Note 2: Marshfield Conservation Area.
- ☐ harm to residential amenities, by reason of increased noise and disturbance in a previously peaceful area, including increased noise from vehicular movements in the access lane and the proposed parking area.

At the time of the previous refusal the scheme was to demolish the Dutch barn and extend the stone barns, both of which at that time were roofed, to facilitate bike and bin stores. The Inspector accepted that the principle of development was acceptable as they are within the settlement. He found that the character

and appearance of this part of the conservation area was more important than arguments about policy H2 and H3 (provision of housing). He noted that this was a transitional site from agriculture to the village. He found features which marred the low key feel were: the parking area and new walling which were urban features; the extensions were out of keeping, filling the western end of the now collapsed barn; internal and external lighting; residential paraphernalia; removal of the Dutch barn was a benefit but also agricultural character. He was concerned about the materially greater impact on openness which was inappropriate. He said that the proposed stone wall would have a significant reduction in openness where it enclosed the parking area.

- 3.3 PK05/2504/F Conversion of 2no. existing barns to form self-contained dwellings with cycle/bins stores and associated works. (Resubmission of PK05/1422/F). Refused 06.10.2005 because it would result in a development of domestic appearance, and a change in the character of the land in a visually sensitive area, on the very edge of the village, from agricultural to domestic, would harm the character and appearance of the Marshfield Conservation Area; the lack of on-street parking provided in this highly unsustainable location; would result in harm to their residential amenities, by reason of increased noise and disturbance in a previously peaceful area and fails to demonstrate how the proposed drainage scheme would eliminate risks of flooding and pollution.

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

4.1 Marshfield Parish Council

Marshfield Parish Council has no objection with the following conditions, no blocking of the highway & ensuring that there is sufficient parking for the size of the property with continued access to the Greenbelt

4.2 Other Consultees

Historic England

No need to consult -error

Conservation Officer

The conservation offer fully assessed the proposal which is used below in assessing the case but can be summarised as follows:

- *The LB application should only seek consent demolition of the remnants of the structure that survive, which are considered to be acceptable.*
- *Potentially the most successful conversion of a Dutch barn I have come across and to my mind design (in particular the elevational treatment) has overcome all the usual negative visual implications that result when the conversion of this building type is considered*
- there are some material differences between the amended application and the applications subject to the 2005 and 2006 scheme.

- *In light of the amendments that have been made to the scheme, in regards to matters of heritage, approval can be granted as the amendments would ensure that the character and appearance of the Marshfield Conservation Area are preserved.*
  - *In respect of the setting of the adjacent listed buildings (namely 143 High Street), it is considered that in light of the design and scale of the development and the separation distances involved, the proposals will not result in a change in the existing setting that would be sufficient to cause harm to their special significance.*
  - *I would however defer to the landscape officer for landscape advice*
- As such no objection subject to conditions*

#### Landscape officer

If consent is felt to be acceptable then, prior to determination, a landscape scheme should be submitted that enhances the setting of the development and contribute to the amenity of the wider landscape and public realm. The scheme should follow relevant SGC planning policy in relation to landscape, the strategic landscape recommendations of the South Gloucestershire Landscape Character Assessment, the above comments and accommodate SuDS. The landscape drawing should also indicate any existing vegetation to be removed.

#### Tree Officer

The tree in the neighbour's garden is now subject to a TPO – confirmed 10/4/2018.

An arboricultural report, in accordance with BS:5837:2012, was submitted. The proposed works are sensitive to the tree and should not be detrimental to the health of the tree. Therefore provided that all works are carried out in accordance with the submitted Arboricultural report there are no objections to this application.

#### Ecology Officer

There is no ecological objection to this application. The site is of low ecological value and the recommended mitigation measures will prevent any negative impact on biodiversity.

#### Drainage officer/LLFA

No objection

#### Highway structures

No objection

#### CPRE

- harm to the character, quality, distinctiveness and amenity of the landscape
- does not meet PSP40 character of countryside
- change of use from an agricultural site to a cluster of domestic buildings and associated provision would cause harm to the character and appearance of the Marshfield Conservation Area, whatever the merits of any specific elements of design or materials

- concern as any change of appearance of access from a farm track
- There could be some harm to the views from the AONB to the south and west .
- We consider that this encroachment constitutes inappropriate development without any mitigating "special circumstances".
- Indeed the cumulative effect of the Green Belt encroachment, the harmful effect to the character and appearance of the Conservation Area and to the AONB is a clear reason for refusal.
- do not consider that any revisions in local or national planning policies since the 2007 decision by the Planning Inspector to dismiss the appeal against refusal of a previous application for the site (APP/P0119/A/06/2012451) have diminished the weight of his opinion on the above reasons for objection

### **Other Representations**

#### **4.3 Local Residents**

Objections have been received from 7 households in relation to the following concerns:

- Impact on green belt and very special circumstances
- Encroachment into countryside
- Lack of preservation of the setting and special character of historic towns.
- Concern deliberate neglect should not be taken into account.
- Percentage of land in the Green Belt concern
- Concern about land ownership
- Concern at alterations as scheme emerges and they have consistently played down how much land is in green belt.
- Concern about precedent
- Concern about drainage
- The barns were in agricultural use until August 2016 when they were to be sold. Still useable as they were in recent storms.
- Unclear about whether there is field gate from garden of main dwelling into field
- The barns could facilitate supply of equine buildings.
- Concern about light pollution
- Concern about character of Dutch Barn and the impact it will have on the neighbours. This will be solid rather than open sided.
- Suggests conditions to control parking and access and lighting if granted
- Concern about wall heights (walls being curtilage listed) and the neighbours desire to retain a holly hedge.
- Concern that water run off if proposed to flow down the neighbours dry stone wall – causing damage as water runoff would rapidly degrade the dry stone wall which forms the boundary between our property and the Dutch barn, and the capping arrangement would limit access for maintenance of the wall.
- Unclear materials on elevations.
- Lack of outdoor storage space

- Concern whether 'Penny Lane' is able to deal with additional traffic and that it remains even if strengthened in keeping with its rural character.
- Lack of five year housing land supply is not a very special circumstance.
- Cotswold stone walls are 2ft wide and 3-4ft high locally. Concern not enough space and there could be larger vehicle in the space with more impact on southern view of village.
- More traffic crossing the path on High Street – danger.
- Concern about a French drain alongside 151 High Street which could collapse. The lane is not suitable to carry extra traffic and maintenance concerns.
- additional walk way in Green belt land would appear to be the key delineation point to the rest of the field as the existing trees and fence are being removed. Consequently, the adverse effect to the visual amenity from the public footpath is of concern, as previously raised in the assessment of the 2006 planning application
- right to respect for family life and private life of residents
- no sheds or outside storage or lighting scheme seen
- concern that small barn could be a noisy holiday let
- idea of the walls being used to provide pedestrian access to the Dutch Barn seems a good idea if in keeping with the existing heights
- don't want courtyard one walls raised – loss of view
- concerns about exact location of new tree planting.
- Loss of Ha-ha so no edge to landownership to stop animals from field approaching development.
- Concern that commercial vehicles can't be stopped from using parking area .
- Concerns at close proximity to South Barn (a dwelling) – privacy
- South barn does not object to a 5ft wall but should not be lower or higher as will otherwise impact view/light or privacy.

Further to amended plans the following concerns are raised, other remaining concerns are already set out in the initial rounds of public consultation above:

- Concern that the land surrounding barns one and two do not get used for parking to protect the green belt
- Concerns about any future plans to erect structures in the garden (eg conservatory, play equipment sheds or boundary wall between the property and South Barn which is over 5ft tall)
- Concerns that the correct plan of green belt/settlement boundary is used in the decision.
- It is noted that Penny Lane is in red and should be removed as it is in shared ownership.
- Concerns at size of vehicles using penny lane (concern about delivery vehicles)
- Suitability of lane for emergency vehicles.
- Rubbish and recycling bins will be collected from High Street causing clutter and pedestrian safety concerns
- Lighting, both internal and external, as well as residential paraphernalia such as aials, washing lines and other curtilage activity would also likely damage the transitional character of the areas

- Hopefully Highways have monitored the speed - vehicles accelerate usually from North Barn onwards out of the village. This would be very easy to demonstrate even by 10 mins observation. The High Street already brims with cars from 6pm ish onwards and cars are always parked beyond the Almshouses.
- Has disabled access/deliveries been considered
- The area is not under-used land but valuable open space enjoyed by the village
- Cars would be seen from the surrounding countryside
- NO parking is provided for visitors
- Concern that the Grass tensor drive product is insufficient
- Concerns about site boundary treatment being unknown
- Concern about precedent
- Concern that the neighbours hedge remains as the boundary between the site and 143 High Street rather than the wall they show.
- The owners of the tree have sought formal request to carry out works to that tree and will have the necessary works undertaken.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

Before discussing the relevant policies in the development plan, the planning history should be analysed.

In considering this application officers are mindful of an appeal decided on 29 January 2007 following a hearing by the Planning Inspectorate which is material to this decision. At that time the South Gloucestershire Local Plan 2006 and PPGs were in place rather than the current policy framework of the NPPF and the current development plans as set out above.

The Inspector advised at para ten that arguments about the acceptability of the proposal outside of the settlement boundary were not determinative. Of more importance to his decision was the effect of the proposal in the character and appearance of the Marshfield Conservation Area. The Inspector noted the transitional nature of the site and that the Conservation Area has been drawn widely and that this setting to the village is an important component of its character. The conversion at that time did not retain the Dutch Barn and added single storey shed like extension to the two stone buildings. The Inspector felt that the proposed conversion would inject a strongly domestic feel into backland site. In particular he highlighted a number of features which he felt would “mar the low-key rural character of this site”. “The provision of a parking area and new walls and the presence of parked cars would introduce a highly urban feature, readily distinguishable from the appearance of parked farm vehicles. .... The extension would be out of keeping with the scale and simple architecture of the barns....lighting both internal and external, as well as other curtilage residential paraphernalia would also be likely to damage the transitional character of this area...” He said of the Dutch barn that removal would be of benefit to the appearance of the area, but because it is such an obviously agricultural building, it forms part of the diverse interest of the

village.” He concluded that the proposal would cause serious harm to the character and appearance of the area.

The Inspector found harm to the setting of nearby listed buildings by reason of elimination of farming character and its replacement with a residential use proposed.

In relation to the car parking area the Inspector found that a tensar mesh was to be used in place of hardsurfacing at the parking area and that horse related vehicles had been parked in the proposed parking area. He found that car parking would make little difference to openness but that the wall proposed to screen the parking would have a significant reduction in terms of openness. He stated that it would create a strong means of enclosure ensuring that the area in question would be visually associated more with the urban fabric of the village than the open countryside.

Moving now to the current policy considerations it is important to note that the government has, since the appeal, allowed barns generally to be converted under new permitted development rights (Class Q) to new dwellings with a modest amount of associated curtilage. Whilst this is not directly applicable to this barn it shows the government’s intent of the last few years to be more flexible with barn conversions and as such is given some weight against the previous decision of the Inspector.

Turning now to address the Development Plan, policy CS5 establishes the locational strategy. Under this policy, development is primarily directed towards the existing urban areas and defined settlements unless a requirement for rural location can be justified and demonstrated.

In this case the buildings are all located within the settlement boundary as defined by CS5 of the Core Strategy and as such the re-use of these buildings is acceptable subject to other policy considerations.

While not of significant weight in this case (as the site falls within the defined settlement) the Council cannot show a five year land supply at present. Therefore the policies relating to housing supply are considered to be out of date and defined settlement boundary should carry less weight.

However, other policy considerations remain and the car manoeuvring area and access forming part of the site are outside of the settlement boundary and within the green belt and need to be considered in the context of the overall site and its constraints. It also needs to be considered that the access is currently available to the barns in their current agricultural land use. Whilst access is derived within the redlined area it is considered essential that these areas are not used for parking or domestic use other than to access the parking spaces. As such a condition can be attached to restrict inappropriate use of land.

The NPPF at paragraph 11 states that ‘where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: –

- specific policies in this Framework indicate development should be restricted.’ In this case policies related to the Green belt, AONB and heritage assets remain relevant; or -
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

With regard to Green Belt the NPPF imposes strict control in order to keep the land permanently open in nature. The buildings themselves are not located within the green belt. The only part of the development which is relates to the access and manoeuvring areas.

Under paragraph 146 of the NPPF, certain forms of development are listed as not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These includes engineering operations. It would be reasonable to consider the formation of the access and manoeuvring area as an engineering operation. Therefore, subject to it having no greater impact on openness or conflicting with the purposes of the green belt, it would be an appropriate form of development within the green belt.

The re-use of these barns would necessitate the reroofing and recladding of the partially open Dutch Barn which is considered permanent but, despite the two corrugated sides, perhaps not substantial in its method of construction. The stone barn attached to it is of permanent and substantial construction being in stone but does need a new roof and significant wall rebuild. The agent alludes to the damage to the remaining gable end wall and this will be likely to be rebuilt, together with erection of the other lost walls and giving the building a roof.

In summary, as the buildings are located within the settlement boundary their conversion/restoration/replacement would accord with policy CS5. However, the development within the green belt – namely the access – would need to demonstrate it accords with paragraph 146 of the NPPF to be accepted. Heritage and the impact on the character and appearance of the Conservation area and the setting of listed buildings, together with the conservation and enhancement of the natural scenic beauty of the landscape still need to be assessed.

**Before going on to consider other policy considerations of the scheme it is worth contrasting the dismissed appeal PK06/0276/F and the new proposal.**

Item	Previous scheme PK06/0276/F	Current scheme
Stone barn nearest to the access (Barn 1)	single storey shed/store extension added.	simple conversion with no extension
Dutch barn (Barn 2)	removed	retained as the main dwelling

Stone barn adjoining Dutch barn	Replacement west end to barn 3 and single storey shed/store extension added.	More significant rebuilding and retained to be extension of Dutch Barn
Parking to south of access.	Enclosed by a 1.5m high dry stone wall.	Removed and parking is shown within the settlement boundary.
Access to field	Blocked off by stone wall	Retained view through to field
Route to barns 2 and 3	Via pathway with 1m dry stone wall as field boundary	Across a terram grass supporting structure

## 5.2 Green Belt

An engineering operation is proposed in the green belt. This would introduce a tensar mesh access and manoeuvring area. This form of mesh allows plants and material to be embedded within it while still providing a firm base. As a result it has little (when maintained properly) visual impact. As it only affects the ground – and the ground would retain its appearance as a field – it would not adversely affect openness or conflict with the purposes of the green belt.

The proposed development is not therefore harmful in itself and is an appropriate form of development as defined in paragraph 146 of the NPPF. However, the Council is directed to ensure at paragraph 144 of that ‘substantial weight is given to any harm to the Green Belt’. The next consideration is therefore whether there are any other harms to the Green Belt caused by the proposal. In terms of openness the Inspector found harm in the stone walling used to screen the site. There are a few differences in the proposal since the Inspector’s decision which are set out above and those changes result in less of a feeling of enclosure than the dismissed scheme as it keeps the physical and visual access to the field open. It is further noted that walls are not restricted from being built under permitted development rights on agricultural land.

The Inspector previously found that car parking would make little difference to openness but that the wall proposed to screen the parking would have a significant reduction in terms of openness. He stated that it would create a strong means of enclosure ensuring that the area in question would be visually associated more with the urban fabric of the village than the open countryside. In this case the only wall would secure the boundary to the Lane from the field and previous tractor/trailer parking area.

As such there is no in harm to the Green Belt and it is considered that any harm to openness can be controlled by conditions restricting parking outside of the settlement boundary and by removing permitted development rights.

## 5.3 Impact on Heritage Assets

The NPPF states at paragraph 193 that when considering the impact of a proposed development on the significance of the designated heritage asset, great weight should be given to the assets conservation.

Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. During the course of the application new evidence was put forward which made it appear possible that the structures in this application could be considered as curtilage listed barns and accordingly the applicant submitted an associated listed building application to deal with that legislation. The Heritage Statement has been scrutinised and in effect it has been shown that buildings 2 and 3 can be considered listed structures but that after the rebuild of barn 3 there is so little left that it could not latterly be considered listed. The heritage assets are however also include barn one as a non-designated heritage asset and the Marshfield Conservation Area.

*Whilst the barns 2 and 3 might be considered to be listed structures and the positive visual contribution of the existing barns actually make is actually how the buildings are experienced within the wider landscape as opposed to providing any meaningful narrative for the historic function of the listed building. To put another way, the subject barns add little to the illustrative value of the origins of the former farmhouse.*

This issue is however somewhat academic, as even if the buildings were considered to be curtilage listed, the proposed scheme would result in what remains or survives of their historic fabric being lost. Therefore it is suggested that the LB application should really be for the demolition of the surviving structures as, if approved, due to the extensive reconstruction/ new build required, neither barn could be considered curtilage listed as they will no longer be pre-1948 structures. They may be sensitively designed facsimiles, but they will not be curtilage listed as they would fail the relevant tests for such buildings.

*This does have an implication in the consideration of the scheme, as the Heritage Statement states that as curtilage listed structures there is an "implicit requirement to restore them". In principle this would be correct if they were curtilage listed and were being retained, but along with a question over their status, as the resultant buildings would in effect be new buildings, there is no such case as the statutory obligation would fall away once the barn are demolished or significantly "remodelled". Therefore the weight to be applied to the issue of preserving or enhancing historic fabric would be very limited if non-existent, as the proposals are tantamount to a new build reproduction of the existing structures. There is some merit in maintaining the forms of the buildings, but this is in the wider interests of landscape and possibly the conservation area.*

*In regards to the impact on the neighbouring listed buildings, it is considered that the impact on the listed buildings would be limited due to the screening that will exist between the subject buildings and the adjacent listed buildings. Whether the buildings are curtilage listed or not would not change this view, but, it is the contrast between the busy High Street frontages and the more rural, open rear gardens which is more important to the listed buildings in Marshfield which links them to the agricultural heritage of the town.*

*Consequently the loss of these buildings would not be harmful to the setting of the listed building but the juxtaposition being urban and rural could be undermined by insensitive residential conversion with all the associated domestic appurtenances it would bring.*

*The proposals contained within this application are an improvement on the previous scheme and the Dutch barns, with its rationalised fenestration and simple form set behind the rebuilt stone barn retrains the domestification of the site. This overcomes all the usual negative visual implications that result when the conversion of this building type is considered.*

*For the key south facing elevation, the openings should largely be screened by the roof of the Barn 3. It will only be the west elevation that the domestic use will be announced, but these views will be limited. In views from south and west, the massing silhouette of the building would largely be preserved and so its distinctive functional form and the contribution it makes to the character of the area should be maintained. The curtilage also appears to benefit from a degree of screening and so the formation of curtilage and all the domestic appurtenances that will come with it should not be overtly prominent.*

*In light of the amendments that have been made to the scheme, in regards to matters of heritage, approval can be recommended as the amendments would ensure that the character and appearance of the Marshfield Conservation Area are preserved. In respect of the setting of the adjacent listed buildings (namely 143 High Street), it is considered that in light of the design and scale of the development and the separation distances involved, the proposals will not result in a change in the existing setting that would be sufficient to cause harm to their special significance.*

To conclude, it has been found that the development would not result in harm to either the listed buildings or the conservation area. As a result, the duty imposed on the Authority by the Planning (Listed Building and Conservation Areas) Act 1990 to have special regard to the preservation of heritage assets has been met.

It is however considered necessary to further consider the detailing and materials of the external surfaces of the proposals, to remove permitted development rights and condition the plans. The listed building officer also sought to secure the internal wall, ceiling and floor finishes but given that this application is not reliant on the building being listed and there would in fact be little left of the listed buildings afterward, bar the informative shape of the buildings, it is not considered justified to require such details by condition.

#### 5.4 Landscape

The site lies on the southwestern fringe of Marshfield with access from the High Street along a single track lane. To the north of the site are the back gardens of houses along the high street and to the south is open countryside. The site lies within the Cotswold AONB, the Marshfield Conservation Area and part of the site lies within the Green Belt.

The barns are not highly visible in the distant landscape and will be seen within the context of the settlement edge. However the site is open to views from a public right of way approximately 100m to the south. This is a well-used footpath and due to its location within the AONB and the Marshfield Conservation area it is sensitive to change and has a high amenity value.

Paragraph 172 of the NPPF requires the decision taker to give 'great weight' to the preservation of the natural beauty of a designated area.

A landscape and visual baseline appraisal was carried out and this informed the landscape strategy that was submitted with the pre application documents. Notwithstanding this further amendments have been made to the scheme at the request of officers.

The council's landscape strategy seeks to:

- Provide a positive enhancement to the current landscape and biodiversity.
- Ensure the conservation and enhancement of the diverse habitats within this character area, to ensure their connectivity via informal broadleaf tree planting and native species hedgerows.
- To avoid the introduction of solid fencing in rural areas, due to landscape impact and lack of biodiversity value.
- Ensure that new development or change does not impact on the Cotswolds ANOB or its setting

*The garden areas for both barn 1 and barn 2/3 are modest in size and located behind stone walls. Some taller garden paraphernalia will be visible above the walls but these will be seen within the context of existing back gardens and will not have a significant impact on the landscape character of the area.*

While the layout goes some way to reduce the potential for negative impact. It is felt that the development could contribute to the wider landscape character, by the planting of a native species hedgerow along the line of the proposed split chestnut post and rail fence. This would, alongside the tree planting enhance the biodiversity of the site and surrounding landscape, while increasing the wild life corridors. The hedgerow would give a measure of low screening, for views from the public footpaths. Increased informal broadleaf tree planting should help to minimise the effect on the ANOB and the Green Belt. The addition of wild flower meadows would significantly increase the biodiversity. Tree planting to Courtyard garden 2, would further enhance the biodiversity and wildlife corridors that link through the rear gardens. It is also noted that a holly hedge also exists for a couple of metres between the barns and the agent was asked to retain this rather than erect a further stone wall.

The above has been passed to the agent and they have responded such that the 'client is happy for a condition to be attached to the planning permission requiring the submission of details regarding all boundary treatments at the site. This can then address the point raised in your email regarding the holly hedge'. Further the client 'is happy to agree to a condition requiring the

submission and approval of full landscaping details in order to secure details of the terram surfacing, boundary treatments, tree planting and landscaping etc ...this will also then address ...grazing animals potentially entering the site.' This is considered sufficient to move the application on and a condition is duly proposed.

Subject to the conditions discussed above, the proposal would not have an adverse impact on the landscape. The natural beauty of the AONB would be preserved and the proposal would not conflict with guidance in either national policy or policy PSP2.

## 5.5 Ecology

A Preliminary Ecological Appraisal (February 2017) and Bat Emergence Survey Report (May 2017) completed by All Ecology have been submitted in support of this application and reviewed by the Councils ecologist. There is no negative impact on the SSSI 500m southwest for the site or other Sites of nature conservation interest nearby and the site is species poor in itself.

The survey found as follows:

### Bats

Both the Cotswold barn and the collapsed barn were considered to offer low bat roost potential. A single survey was completed in May 2017. No evidence of bats emerging from the buildings was observed.

### Badger

The site provides suitable foraging habitat for badger, although no evidence was found. It is possible that badger pass through on occasion.

### Hedgehog

No evidence was found, but it is possible that hedgehog exist on site.

### Birds

One old nest was found within the building. It is possible that house sparrow and other birds that use buildings, may use the Cotswold stone barn in the future. There is no potential for barn owl to use the buildings for nesting. There is limited nesting and foraging habitat.

### Reptiles

There are small patches of suitable habitat within larger areas of unsuitable habitat. It is unlikely that they are present, but it cannot be ruled out.

### Amphibians

There were two ponds within 500m of the site: at 210m west and 420m east. They scored 'good' and 'below average' respectively on the HSI. Neither pond is connected to the site.

In light of the above there is no ecological objection to this application. The site is of low ecological value and the recommended mitigation measures set out in Section 4 of the submitted Ecological Appraisal will prevent any negative impact on biodiversity during and post construction. These can be adequately

secured with conditions and informatives are also recommended if the scheme is approved.

5.6 Transportation

The scheme has been amended during the course of the application to demonstrate that three car parking spaces can be accommodated within the urban area; this meets the requirements of policy PSP16. Part of a wall needed to be widened to accommodate the turning of the vehicle from their parking spaces and the red line site area is amended. It is demonstrated that the red line area has just sufficient depth to accommodate the reversing action of domestic vehicles. Should small delivery vehicles enter the site, as tractors have in the past along Penny Lane then they would have more difficulty manoeuvring back out. It is suggested that in reality any delivery driver is likely to assess the lane first and make a judgement about potential access. Whilst the High Street is feasibly full of vehicles in the evenings it is less busy when delivery drivers are operating in the day time and there is likely to be space to park on street and walk the delivery in to the property. This is little different to deliveries to other houses without drives locally. Similarly it is not anticipated to be a significant concern that one more household will need to locate their bins on the pavement on bin collection day. There is otherwise a storage place within the proposed site layout and use of this would adequately clear the street of bins once they are emptied. There is therefore no overall severe highway safety concern arising from the proposal subject to a condition requiring that the parking shown is provided prior to occupation of the dwelling.

5.7 Drainage

It is proposed that the surface water can be dealt with using soakaways and that foul drainage can be sent along 'Penny Lane', the access track to the site. If this proves to be difficult then a Package treatment plant is also a feasible waste water design solution. As such there is no drainage objection to the proposal.

5.8 Civil matters

A number of local residents have raised concern about the access lane being a shared access and that it should not be in the red line of the site. This has been in the red lined area from the beginning of the application and the agent has indicated in their application form that they have notified all owners of the site (Mrs Joad and Chivers of Lacock). It is clear that others may have access rights over this land and may be concerned that this continues but this is a civil matter which need not hold up an application for planning permission. The proposal does not propose closure of the lane but does demonstrate that the barns will be in new uses as one dwellinghouse. It is appreciated that it may be inconvenient for neighbours whilst services are installed but this will be a temporary disruption to the lane and is not considered determinate in the application as a whole.

5.9 Planning balance

The reuse of the barns which are all within the settlement boundary is considered sustainable development and should be approved without delay subject to other considerations. There are changes to the proposal since the previous applications were refused which have resulted in a more sensitive

scheme under different policy framework and which will retain the transitional arrangement which these barns have to the edge of Marshfield.

Overall the use of the development comprises an appropriate form of development in the green belt and the scheme will not materially affect the character and appearance of the Conservation Area. Additionally, great weight has been applied to the preservation of the landscape character of the site and subject to details controlled by condition, there is no landscape harm. Whilst there is potential for light pollution this can be adequately controlled by a condition requiring the submission of all external lighting.

#### 5.10 Consideration of likely impact on Equalities

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

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

### 6. CONCLUSION

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

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

### 7. RECOMMENDATION

7.1 That planning permission is granted subject to the following conditions:

**Contact Officer: Karen Hayes**  
**Tel. No. 01454 863472**

### CONDITIONS

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

Reason

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

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

Reason

To ensure the development serves to preserve the character and appearance of the conservation area in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out within the NPPF, Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013 and PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Development Plan Document (adopted November 2017).

3. Prior to the relevant part of the works representative samples of the following materials shall be submitted to and approved in writing by the local planning authority. The development shall be completed strictly in accordance with the agreed samples.
  - a. timber cladding
  - b. tiles
  - c. corrugated steel roofing (barn 2)
  - d. facing/ roofing materials (barn 3)

Reason

To ensure the development serves to preserve the character and appearance of the conservation area in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out within the NPPF, Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013 and PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Development Plan Document (adopted November 2017).

4. Prior to the commencement of the relevant part of the development, the detailed design of the following items shall be submitted and approved in writing by the local planning authority.
  - a. All new windows and fixed glazing (including cill, head, reveal and glass details)
  - b. All new external doors (including frames and furniture)
  - c. All new vents and flues
  - d. Eaves (including rainwater goods), verges and ridges

The details shall be submitted via elevation and section drawings at a scale of 1:10, and the development shall be completed strictly in accordance with the agreed details.

Reason

To ensure the development serves to preserve the character and appearance of the conservation area in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out within the NPPF, Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013 and PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Development Plan Document (adopted November 2017).

5. Prior to the commencement of the relevant works, a representative sample panels of natural stonework (for buildings and boundary walls) of at least one metre square demonstrating the stone, coursing, mortar and pointing are to be erected on site and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The approved sample panel shall be kept on site for reference until the stonework is complete. Development shall be carried out in accordance with the agreed sample.

Reason

To ensure the development serves to preserve the character and appearance of the conservation area in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out within the NPPF, Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013 and PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Development Plan Document (adopted November 2017).

6. Prior to first occupation, the location and type of three bird boxes and three bat boxes shall be submitted to the local planning authority for approval in writing. These shall then be installed and maintained in that location thereafter prior to first occupation of the first barn to be occupied or as separately set out in the details submitted.

Reason

To ensure the works are carried out in an appropriate manner in the interests of the biodiversity of the site and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, policy PSP18 and 19 of the South Gloucestershire Local Plan Policies Sites and Places Plan Adopted November 2017 and the National Planning Policy Framework.

7. All works must proceed in strict accordance with the recommendations made in Chapter 4 of the Preliminary Ecological Appraisal (All Ecology, February 2017). Namely: minimising light spill along the northern boundary and eastern wall as well as the surrounding areas; backfilling trenches and capping pipes prior to nightfall; provide areas of scrub and hedges for nesting and foraging birds.

Reason

To ensure the works are carried out in an appropriate manner in the interests of the biodiversity of the site and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, policy PSP18 and 19 of the South Gloucestershire Local Plan Policies Sites and Places Plan Adopted November 2017 and the National Planning Policy Framework.

8. Prior to the commencement of development details of any external lighting together with measures to control light spillage, shall be submitted to the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure the works are carried out in an appropriate manner in the interests of the visual amenity of the AONB and biodiversity of the site and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, policies PSP2, PSP18 and 19 of the South Gloucestershire Local Plan Policies Sites and Places Plan Adopted November 2017 and the National Planning Policy Framework.

9. Prior to first occupation of the dwelling or its annex the parking and manoeuvring area shown on the submitted and approved plan CTP-18-437 SP01-2 received 20/8/2018 shall be provided and subsequently maintained as such thereafter.

Reason

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

10. The development shall be constructed in accordance with the following plans and reports.

Landscape and visual baseline appraisal received 13/10/2017

Heritage Impact Assessment received 9/3/2018

Arboricultural Report received 16/7/2018

SITE LOCATION PLAN WITH APPLICATION BOUNDARY A - P - 1 0 0 - 06I  
received 25/9/2018

EXISTING SITE SURVEY A - P - 1 0 0 - 0 1

EXISTING FLOOR PLANS A - P - 1 0 0 - 0 3 A

PROPOSED FLOOR PLANS : BARN 2 + 3 A - P - 1 0 0 - 0 5E

PROPOSED SITE PLAN A - P - 1 0 0 - 02J

EXISTING ELEVATIONS : BARN 1 A - P - 2 0 0 - 01

EXISTING ELEVATIONS : BARN 2 + 3 A - P - 2 0 0 - 02A

PROPOSED PLAN ELEVATIONS : BARN 1 PROPOSED... A - P - 2 0 0 - 03B

PROPOSED ELEVATIONS : BARN 2 + 3 A - P - 2 0 0 - 04F

SITE SECTIONS A - P - 2 0 0 - 05F

PROPOSED ELEVATIONS : BARN 2 + 3 A - P - 2 0 0 - 06F

PROPOSED WINDOW JAMB DETAIL A - P - 5 0 0 - 1B All received  
30/8/2018

Reason

For the avoidance of doubt and to prevent the need for remedial action.

11. Prior to the first occupation of the development a scheme of landscaping which shall include details of all existing trees to be removed, retained or planted, method of retaining the hedge at the rear of 143 High Street and details of a native hedge, type and area of terram surfacing material for the turning area and open boundary fencing to secure the land outside the turning area from stock using the adjacent agricultural

land, together with measures for their protection during the course of the development shall be submitted to and agreed in writing by the Local Planning Authority. Details shall include the species and ratio/mix rates, times of planting and care instructions. Planting and shall be carried out in accordance with the agreed details during the first planting season following occupation.

Reason

To ensure the works are carried out in an appropriate manner in the interests of the visual amenity of the AONB and biodiversity of the site and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, policies PSP2, PSP18 and 19 of the South Gloucestershire Local Plan Policies Sites and Places Plan Adopted November 2017 and the National Planning Policy Framework.

12. There shall be no parking or domestic use, except for access, of the area south of barn 1 and west of barns 2 and 3 within the red lined site area.

Reason

The use of this land for domestic use would have a detrimental impact on the character and appearance of the Marshfield Conservation Area and the visual amenity of the AONB, and be contrary to Policy CS1, CS2 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, policies PSP2 and PSP17 of the South Gloucestershire Local Plan Policies Sites and Places Plan Adopted November 2017 and the National Planning Policy Framework.

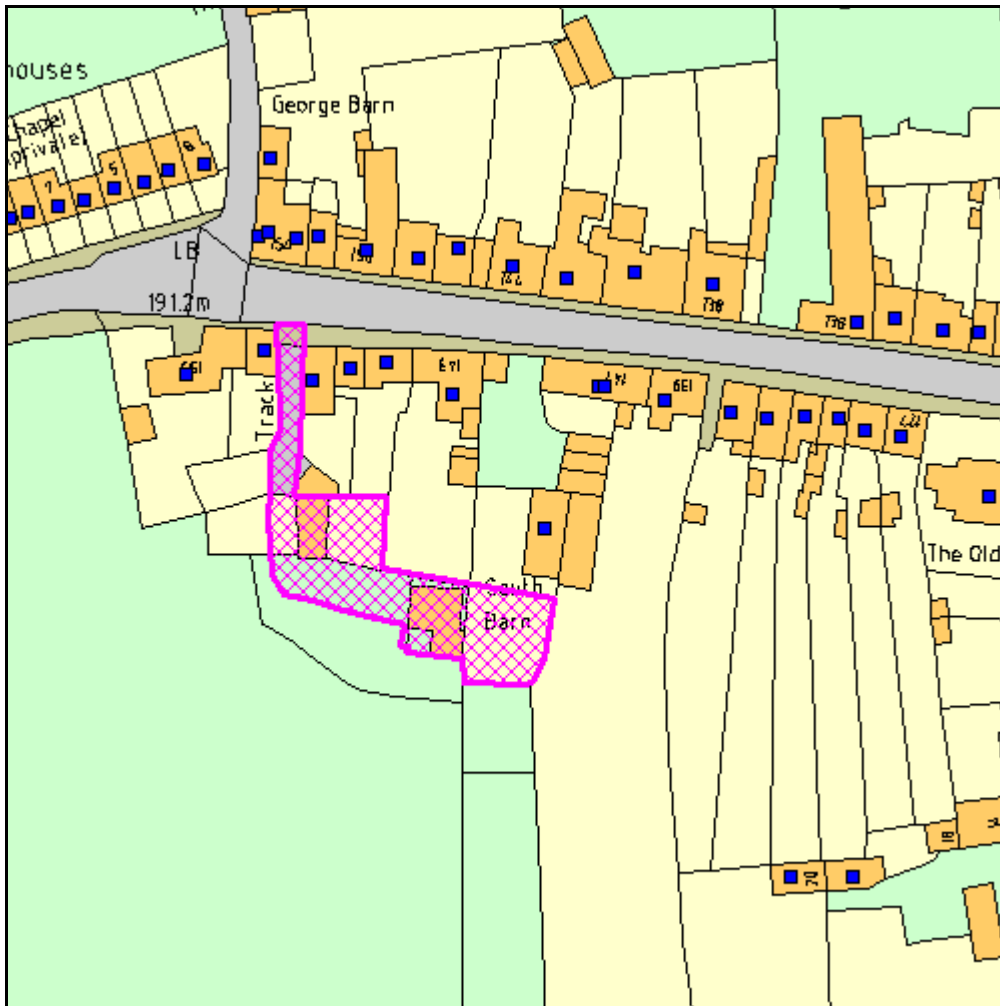
13. Prior to occupation details of a cycle store suitable for two cycles and limited outdoor tools for garden maintenance shall be provided in a manner which is discretely located away from views from the open countryside.

Reason

To encourage means of transportation other than the private car, to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and to facilitate the storage of a modest amount of garden maintenance products in an otherwise restricted site.

## CIRCULATED SCHEDULE NO. 39/18 – 28 SEPTEMBER 2018

<b>App No.:</b>	PK18/1193/LB	<b>Applicant:</b>	Mr And Mrs Mellor
<b>Site:</b>	Land To The Rear Of 143-149 High Street Marshfield Chippenham South Gloucestershire SN14 8LU	<b>Date Reg:</b>	28th March 2018
<b>Proposal:</b>	Restoration and conversion of existing barns to form 1 no. dwelling and 1 no. annexe ancillary to main dwellinghouse and associated works.	<b>Parish:</b>	Marshfield Parish Council
<b>Map Ref:</b>	377466 173761	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Minor	<b>Target Date:</b>	22nd May 2018



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PK18/1193/LB

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

The application is referred to Circulated Schedule because the consultations amassed throughout the application conflict with the positive recommendation resulting from officer negotiation

### **1. THE PROPOSAL**

- 1.1 The application site is located at the rear of 143 to 149 High Street, Marshfield and consists of an irregularly shaped site consisting of a Dutch barn (barn 2) with remains of a single storey stone barn alongside (barn 3), a further single storey stone barn (barn 1), parcels of land and an existing access drive which connects the site to the High Street. For the purposes of clarification which will be set out in the report only the Dutch barn (2) and the adjoining remains of the stone barn (3) are considered listed buildings and are therefore subject to this application.
- 1.2 This application is to convert the Dutch barn to a dwelling with the adjacent stone barn being rebuilt for form part of the ground floor of the resultant dwelling. This application therefore runs alongside application PK17/4786/F with other works and is also being considered in this Circulated Schedule. During the course of the associated planning application it was revealed that the three barns might be considered curtilage listed structures related to 143 High Street when it was the working farm and this listed building application resulted. Barn 1 is however only considered to be a non-designated heritage asset and is not considered to require listed building consent.
- 1.3 A Heritage Statement was submitted with the application.
- 1.4 There have been modest alterations to the proposal and these were subject to a full three week reconsultation as a result of the amended plans.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework July 2018  
National Planning Practice Guidance  
Planning (Listed Buildings and Conservation Areas) Act 1990  
Planning (Listed Buildings and Conservation Areas) Regulations 1990 (as amended)  
National Planning Practice Guidance – Conserving and Enhancing the Historic Environment;  
Managing Significance in Decision-Taking in the Historic Environment (GPA 2)  
The Setting of Heritage Assets (GPA 3 Second Edition)
- 2.2 Development Plans  
  
South Gloucestershire Local Plan Core Strategy Adopted December 2013  
CS1 High Quality Design  
CS9 Managing the Environment and Heritage

2.3 Supplementary Planning Guidance

3. **RELEVANT PLANNING HISTORY**

- 3.1 PK17/4786/F Conversion of existing barns to form 1 no. dwelling and 1 no. annexe ancillary to main dwellinghouse and associated works. Pending in this Schedule

4. **CONSULTATION RESPONSES**

4.1 Marshfield Parish Council

Marshfield Parish Council has no objection with the following conditions, no blocking of the highway & ensuring that there is sufficient parking for the size of the property with continued access to the Greenbelt

4.2 Other Consultees

Conservation Officer

The conservation officer fully assessed the proposal which is used below in assessing the case but can be summarised as follows:

- *The LB application should only seek consent demolition of the remnants of the structure that survive, which are considered to be acceptable.*
- *Potentially the most successful conversion of a Dutch barn I have come across and to my mind design (in particular the elevational treatment) has overcome all the usual negative visual implications that result when the conversion of this building type is considered*
- *there are some material differences between the amended application and the applications subject to the 2005 and 2006 scheme.*
- *In light of the amendments that have been made to the scheme, in regards to matters of heritage, approval can be granted as the amendments would ensure that the character and appearance of the Marshfield Conservation Area are preserved.*
- *In respect of the setting of the adjacent listed buildings (namely 143 High Street), it is considered that in light of the design and scale of the development and the separation distances involved, the proposals will not result in a change in the existing setting that would be sufficient to cause harm to their special significance.*

*As such no objection subject to conditions*

## **Other Representations**

### **4.3 Local Residents**

Objections have been received from 7 households in relation to the following concerns but little concern shown to the listed buildings themselves:

- Impact on green belt and very special circumstances
- Encroachment into countryside
- Lack of preservation of the setting and special character of historic towns.
- Concern deliberate neglect should not be taken into account.
- Percentage of land in the Green Belt concern
- Concern about land ownership
- Concern at alterations as scheme emerges and they have consistently played down how much land is in green belt.
- Concern about precedent
- Concern about drainage
- The barns were in agricultural use until August 2016 when they were to be sold. Still useable as they were in recent storms.
- Unclear about whether there is field gate from garden of main dwelling into field
- The barns could facilitate supply of equine buildings.
- Concern about light pollution
- Concern about character of Dutch Barn and the impact it will have on the neighbours. This will be solid rather than open sided.
- Suggests conditions to control parking and access and lighting if granted
- Concern about wall heights (walls being curtilage listed) and the neighbours desire to retain a holly hedge.
- Concern that water run off if proposed to flow down the neighbours dry stone wall – causing damage as water runoff would rapidly degrade the dry stone wall which forms the boundary between our property and the Dutch barn, and the capping arrangement would limit access for maintenance of the wall.
- Unclear materials on elevations.
- Lack of outdoor storage space
- Concern whether 'Penny Lane' is able to deal with additional traffic and that it remains even if strengthened in keeping with its rural character.
- Lack of five year housing land supply is not a very special circumstance.
- Cotswold stone walls are 2ft wide and 3-4ft high locally. Concern not enough space and there could be larger vehicle in the space with more impact on southern view of village.
- More traffic crossing the path on High Street – danger.
- Concern about a French drain alongside 151 HighStreet which could collapse. The lane is not suitable to carry extra traffic and maintenance concerns.
- additional walk way in Green belt land would appear to be the key delineation point to the rest of the field as the existing trees and fence are being removed. Consequently, the adverse effect to the visual amenity from the public footpath is of concern, as previously raised in the assessment of the 2006 planning application

- right to respect for family life and private life of residents
- no sheds or outside storage or lighting scheme seen
- concern that small barn could be a noisy holiday let
- idea of the walls being used to provide pedestrian access to the Dutch Barn seems a good idea if in keeping with the existing heights
- don't want courtyard one walls raised – loss of view
- concerns about exact location of new tree planting.
- Loss of Ha-ha so no edge to landownership to stop animals from field approaching development.
- Concern that commercial vehicles can't be stopped from using parking area .
- Concerns at close proximity to South Barn (a dwelling) – privacy
- South barn does not object to a 5ft wall but should not be lower or higher as will otherwise impact view/light or privacy.

Further to amended plans the following concerns are raised, other remaining concerns are already set out in the initial rounds of public consultation above:

- Concern that the land surrounding barns one and two do not get used for parking to protect the green belt
- Concerns about any future plans to erect structures in the garden (eg conservatory, play equipment sheds or boundary wall between the property and South Barn which is over 5ft tall)
- Concerns that the correct plan of green belt/settlement boundary is used in the decision.
- It is noted that Penny Lane is in red and should be removed as it is in shared ownership.
- Concerns at size of vehicles using penny lane (concern about delivery vehicles)
- Suitability of lane for emergency vehicles.
- Rubbish and recycling bins will be collected from High Street causing clutter and pedestrian safety concerns
- Lighting, both internal and external, as well as residential paraphernalia such as aerials, washing lines and other curtilage activity would also likely damage the transitional character of the areas
- Hopefully Highways have monitored the speed - vehicles accelerate usually from North Barn onwards out of the village. This would be very easy to demonstrate even by 10 mins observation. The High Street already brims with cars from 6pm ish onwards and cars are always parked beyond the Almshouses.
- Has disabled access/deliveries been considered
- The area is not under-used land but valuable open space enjoyed by the village
- Cars would be seen from the surrounding countryside
- No parking is provided for visitors
- Concern that the Grass tensor drive product is insufficient
- Concerns about site boundary treatment being unknown
- Concern about precedent

- Concern that the neighbours hedge remains as the boundary between the site and 143 High Street rather than the wall they show.
- The owners of the tree have sought formal request to carry out works to that tree and will have the necessary works undertaken.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

This is a listed building application and as such the duty upon the Local Planning Authority is to consider the impact of the proposal on the fabric of listed structures. Previous applications had not considered the barns to be listed and as such the history of the site is not material to this application.

### 5.3 Impact on Heritage Assets

The NPPF states at paragraph 193 that when considering the impact of a proposed development on the significance of the designated heritage asset, great weight should be given to the assets conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. During the course of the associated planning application new evidence was put forward which made it appear possible that the structures in this application could be considered as curtilage listed barns and accordingly the applicant submitted this associated listed building application to deal with that legislation. The Heritage Statement has been scrutinised and in effect it has been shown that buildings 2 and 3 can be considered listed structures but that after the rebuild of barn 3 there is so little left that it could not latterly be considered listed. Nevertheless the proposal is for restoration and conversion of the barns and as such a set of conditions is proposed to ensure that the manner in which they are restored and converted reflects the associated planning application.

These are considered necessary to further consider the detailing and materials of the external surfaces of the proposals and to condition the plans. The listed building officer also sought to secure the internal wall, ceiling and floor finishes but as this would not result in fabric being affected and because the buildings are in any case only considered to be poorly related curtilage listed buildings it is not considered justified to require such details by condition.

*In light of the amendments that have been made to the scheme, in regards to matters of heritage, approval can be recommended as the amendments would not cause harm to their significance.*

### 5.4 Civil and full planning matters

A number of local residents have raised matters pertaining to the full application and civil matters. These are no matters for the listed building consent and have been considered in the full planning application.

## **6. RECOMMENDATION**

6.1 That listed building consent is granted subject to the following conditions:

**Contact Officer: Karen Hayes**  
**Tel. No. 01454 863472**

### **CONDITIONS**

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

Reason

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

2. Prior to the relevant part of the works representative samples of the following materials shall be submitted to and approved in writing by the local planning authority. The development shall be completed strictly in accordance with the agreed samples.
  - a. timber cladding
  - b. tiles
  - c. corrugated steel roofing (barn 2)
  - d. facing/ roofing materials (barn 3)

Reason

To ensure the development serves to preserve the character and appearance of the conservation area in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out within the NPPF, Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013 and PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Development Plan Document (adopted November 2017).

3. Prior to the commencement of development, the detailed design of the following items shall be submitted and approved in writing by the local planning authority.
  - a. All new windows and fixed glazing (including cill, head, reveal and glass details)
  - b. All new external doors (including frames and furniture)
  - c. All new vents and flues
  - d. Eaves (including rainwater goods), verges and ridges

The details shall be submitted via elevation and section drawings at a scale of 1:10, and the development shall be completed strictly in accordance with the agreed details.

Reason

To ensure the development serves to preserve the character and appearance of the conservation area in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out within the NPPF, Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013 and PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Development Plan Document (adopted November 2017).

4. Prior to the commencement of the relevant works, a representative sample panels of natural stonework (for buildings and boundary walls) of at least one metre square demonstrating the stone, coursing, mortar and pointing are to be erected on site and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The approved sample panel shall be kept on site for reference until the stonework is complete. Development shall be carried out in accordance with the agreed sample.

Reason

To ensure the development serves to preserve the character and appearance of the conservation area in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out within the NPPF, Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013 and PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Development Plan Document (adopted November 2017).

5. The development shall be constructed in accordance with the following plans and reports.

Landscape and visual baseline appraisal received 13/10/2017

Heritage Impact Assessment received 9/3/2018

Arboricultural Report received 16/7/2018

SITE LOCATION PLAN WITH APPLICATION BOUNDARY A - P - 1 0 0 - 06I  
received 25/9/2018

EXISTING SITE SURVEY A - P - 1 0 0 - 0 1

EXISTING FLOOR PLANS A - P - 1 0 0 - 0 3 A

PROPOSED FLOOR PLANS : BARN 2 + 3 A - P - 1 0 0 - 0 5E

PROPOSED SITE PLAN A - P - 1 0 0 - 02J

EXISTING ELEVATIONS : BARN 1 A - P - 2 0 0 - 01

EXISTING ELEVATIONS : BARN 2 + 3 A - P - 2 0 0 - 02A

PROPOSED PLAN ELEVATIONS : BARN 1 PROPOSED... A - P - 2 0 0 - 03B

PROPOSED ELEVATIONS : BARN 2 + 3 A - P - 2 0 0 - 04F

SITE SECTIONS A - P - 2 0 0 - 05F

PROPOSED ELEVATIONS : BARN 2 + 3 A - P - 2 0 0 - 06F

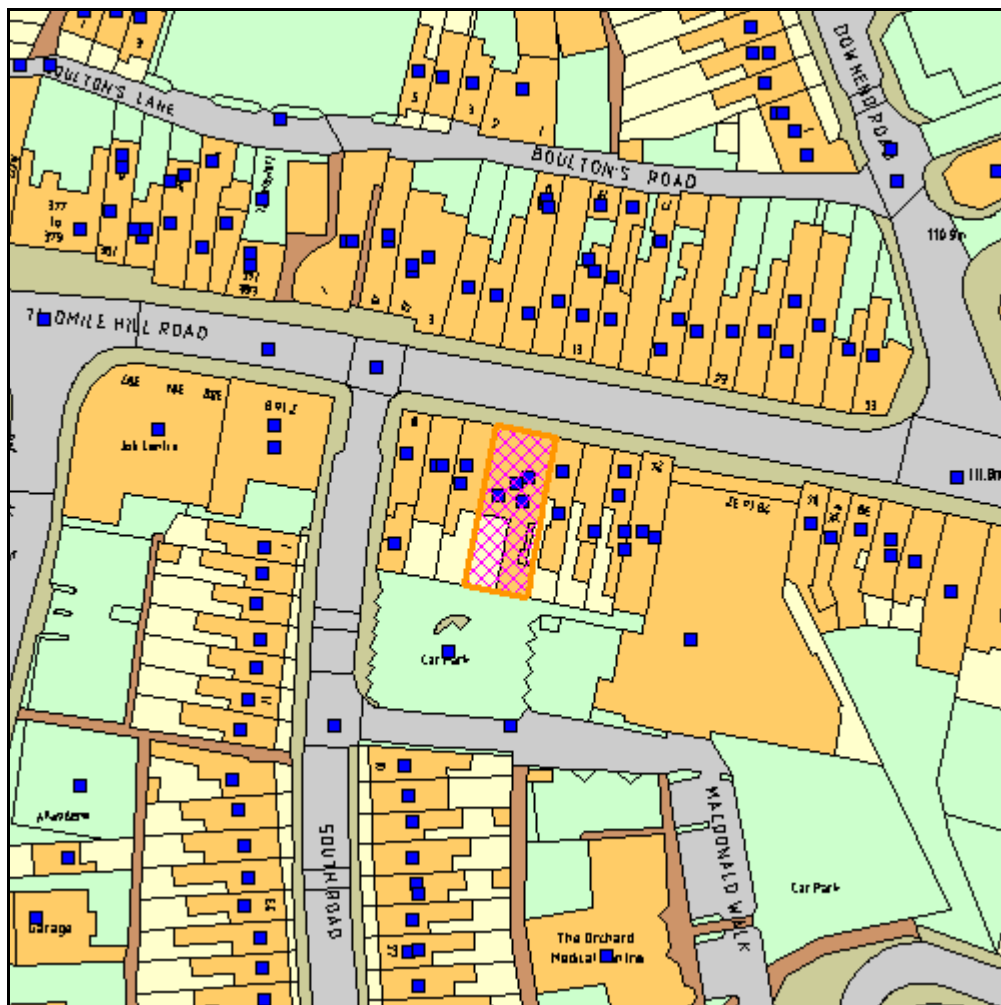
PROPOSED WINDOW JAMB DETAIL A - P - 5 0 0 - 1B All received  
30/8/2018

Reason

For the avoidance of doubt and to prevent the need for remedial action.

## CIRCULATED SCHEDULE NO. 39/18 – 28 SEPTEMBER 2018

<b>App No.:</b>	PK18/2396/F	<b>Applicant:</b>	Papa John's (GB) Ltd
<b>Site:</b>	14 - 16 Regent Street Kingswood Bristol South Gloucestershire BS15 8JS	<b>Date Reg:</b>	24th May 2018
<b>Proposal:</b>	Internal and external alterations to facilitate change of use from Use Class A1 (shops) to Use Class A5 (hot food takeaway) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).	<b>Parish:</b>	None
<b>Map Ref:</b>	364602 173879	<b>Ward:</b>	Woodstock
<b>Application Category:</b>	Minor	<b>Target Date:</b>	16th July 2018



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PK18/2396/F

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

This application appears on the Council's Circulated Schedule procedure, following letters of objection received which are to the contrary of the officer recommendation.

### **1. THE PROPOSAL**

- 1.1 The application seeks planning permission for internal and external alterations to facilitate the change of use of 14-16 Regent Street, Kingswood from a shop (Use Class A1) to a hot food takeaway (Use Class A5).
- 1.2 The site is located within Kingswood town centre, on a primary shopping frontage within the East Bristol urban fringe. The change of use relates only to the ground floor of a three storey building.
- 1.3 Amendments have been received during the course of the application to address concerns regarding noise levels.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

National Planning Policy Framework July 2018  
Planning Policy Guidance

#### **2.2 Development Plans**

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)

CS1 High Quality Design  
CS5 Location of Development  
CS8 Accessibility  
CS9 Environment and Heritage  
CS14 Town Centres and Retail  
CS29 East Bristol Fringe

South Gloucestershire Policies Sites and Places Plan Adopted November 2017

PSP1 Local Distinctiveness  
PSP8 Residential Amenity  
PSP16 Parking Standards  
PSP21 Environmental Pollution  
PSP31 Town Centre Uses  
PSP33 Shopping Frontages  
PSP35 Food and Drink Uses

#### **2.3 Supplementary Planning Documents**

South	Gloucestershire	Design	Checklist	SPD	(Adopted)
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### **3. RELEVANT PLANNING HISTORY**

- 3.1 PK18/3323/ADV Pending Consideration  
Consent to display 1no internally illuminated static fascia sign and 1no internally illuminated static projecting sign.

- 3.2 PK11/3937/F Approve with conditions 26/01/2012  
Change of use of first and second floors from Retail (Class A1) to Residential (Class C3) to form 2no. self-contained flats with associated works as defined in Town and Country Planning (Use Classes) Order 1987 (as amended).

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

- 4.1 Parish/Town Council  
Un-parished area.

- 4.2 Other Consultees

Economic Development  
No comment received.

Sustainable Transport  
No objection.

Environmental Protection  
No objection to amended plant noise assessment received on 8<sup>th</sup> August 2018.

#### **Other Representations**

- 4.3 Local Residents  
Thirteen letters of objection have been received, stating the following:

##### *Principle of Change of Use*

- Property was marketed in Feb/March 2017 and then shown as let in April/May 2017, when Papa John commenced negotiations on the property. Therefore it was only marketed for a couple of months
- Vitality and viability won't be improved – most pizzas will be delivered and collections will be after 6pm when the shops are closed.
- Dominoes is adjacent and double fronted; two doubled fronted takeaways will create a shopping dead zone
- Gradual erosion of A1 shops on Regent Street
- What chance to independent retailers have? National brands dominating
- No demand for more takeaways

##### *Residential Amenity*

- Area already swamped with drivers to the existing takeaway store
- Will add to litter and noise issues

##### *Parking*

- Parking is already an issue here

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

- 5.1 Principle of Development  
Kingswood is a town centre and Regent Street is a Primary Shopping Area, as identified by policy CS14. Policy PSP33 states that within Primary Shopping Frontages, the change of use of retail units to other uses at ground floor level

will only be acceptable where they make a positive contribution to the vitality and viability of the centre, and they do not undermine the retail function and character of the frontage, part of it, or the wider Primary Shopping Area. They must also include an active ground floor use, with a shopfront that has a display function and is accessible to the public from the street.

5.2 Policy PSP35 relates specifically to food and drink proposals, including hot food takeaways, and indicates that they are only acceptable provided they will not harm the character of the area, residential amenity or public safety. The development is therefore acceptable in principle, subject to the assessment below.

5.3 Policy PSP21 requires that officers take into account the impact of pollution on surrounding residents, including the cumulative impact combined with other uses.

5.4 Impact on Primary Shopping Frontage

The proposal seeks to change the existing retail use (A1) to a hot food takeaway (A5). It should be noted that there are currently a number of vacant A1 units within Kingswood Town Centre, including the application site. This application will reduce the number of vacant retail units to 10.71%, improving the vitality of the area by bringing an out of use unit back into a use, creating additional footfall. The remaining vacant units are available should a retail opportunity arise in the near future, so the development would not prevent retail growth along the High Street and Regent Street. Furthermore it will raise the number of hot food takeaway units within Kingswood Town Centre to 8%, which officers do not consider to be significant.

5.5 There is evidence of other hot food takeaways within the immediate area surrounding the application site, and several objections have been received stating that due to the site being next door to another double fronted A5 use, this would create a shopping 'dead zone' affecting the viability of surrounding retail units. Policy PSP33 states that Primary Shopping Frontages and the Primary Shopping Areas they sit within, are particularly sensitive to breaks in A1 retail, as this has an impact on footfall and affects shoppers' perceptions of parts of the centre. The retail function and character of a frontage, part of it or wider Primary Shopping Area will be considered to have been undermined (criterion 2 of the policy) when a non A1 retail use would, individually or cumulatively, change the perceived function of that part of the frontage away from one associated primarily with shopping. In order to consider this point, officers have looked at the uses within the immediate stretch of Regent Street that the application site is located on, from Blackhorse Road to the west to the junction with Downend Road to the east. Out of 38 units, the following use classes were identified before and after development:

<i>Use</i>	<i>Number as existing</i>	<i>Number if approved</i>
Retail units (A1)	13	13
Hot food takeaway (A5)	3	4
Financial/professional services (A2)	12	12

Beauty/Nail Salons (Sui Generis)	3	3
Restaurant (A3)	1	1
Vacant	5	4
Other	1	1

- 5.6 Following development, officers calculate that on this section of the Primary Shopping Frontage, 44.5% of the units are retail units (including the vacant retail units) with only 10.5% proposed to be operating as a hot food takeaway. Officers do not consider this to result in a shopping 'dead zone' and the high number of occupied retail units and professional services (34% and 31% respectively) would retain the footfall required during the daytime for Regent Street to remain a viable shopping frontage.
- 5.7 On this basis, the proposed development would not be viewed to have a negative impact on the retail function of the centre and other opportunities for A1 use is available. Furthermore, the proposal would bring a currently vacant unit back into use, while also providing an active frontage at ground floor level.
- 5.8 Residential Amenity  
Residential units occupy the upper floors of the application site and those of the surrounding building. With the exception of the necessary extraction and ventilation system which is discussed elsewhere in this report, the only external alterations are the renovation of the shop front, so it is not considered that the development would overlook or overbear onto any nearby residential units.
- 5.9 Environmental Issues  
In order to facilitate the change of use, an extraction and ventilation system and flue is required. It is proposed to mount the condenser unit behind the stairwell that leads to the flats above, with an intake grill installed on the south elevation of the rear outbuilding, and the flue will terminate 1m above the eaves of the building. An noise assessment was requested to support the application, and following several rounds of amendments, the Council's Environmental Health officer is satisfied that the mitigation measures proposed within the report are adequate. A condition on the decision notice will ensure that development takes place in accordance with those recommendations. A condition would also restrict the opening hours to prevent disturbance to local residents from delivery vehicles, with opening hours and deliveries restricted outside of the following hours; 10am to 11pm, Monday to Sunday. This means that opening hours would be shorter than stated in the application form, however given the residential flats above it is not considered appropriate for the A5 use to be operating until 1am.
- 5.10 Design  
Minimal changes are proposed to the front of the building, with the existing window frames and doors to be redecorated. Any new signage would require an application for advertisement consent, and this is currently pending consideration by the Local Planning Authority (PK18/3323/ADV). The required condenser and intake grill are low on the rear elevation so are not highly visible, as is the flue which terminates below ridge height and cannot be seen from Regent Street. The development is in accordance with policy CS1 of the Core Strategy.

#### 5.11 Transport

The proposed development would be served by the existing car park to the rear of the property, which would be used by staff and delivery vehicles. Customers of the site would share existing parking opportunities available within Kingswood Town Centre, and there is no risk of increased on-street parking on Regent Street due to the existing double yellow lines. The site is within a sustainable location with good access to public transport facilities. There is no objection to the application from a transportation perspective.

#### 5.12 Consideration of likely impact on Equalities

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

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

### 6. CONCLUSION

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

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

### 7. RECOMMENDATION

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

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

### CONDITIONS

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

Reason

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

2. The use hereby permitted shall not be open to customers, nor shall any dispatches of food be made, outside the following times 10:00 to 23:00 daily.

Reason

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

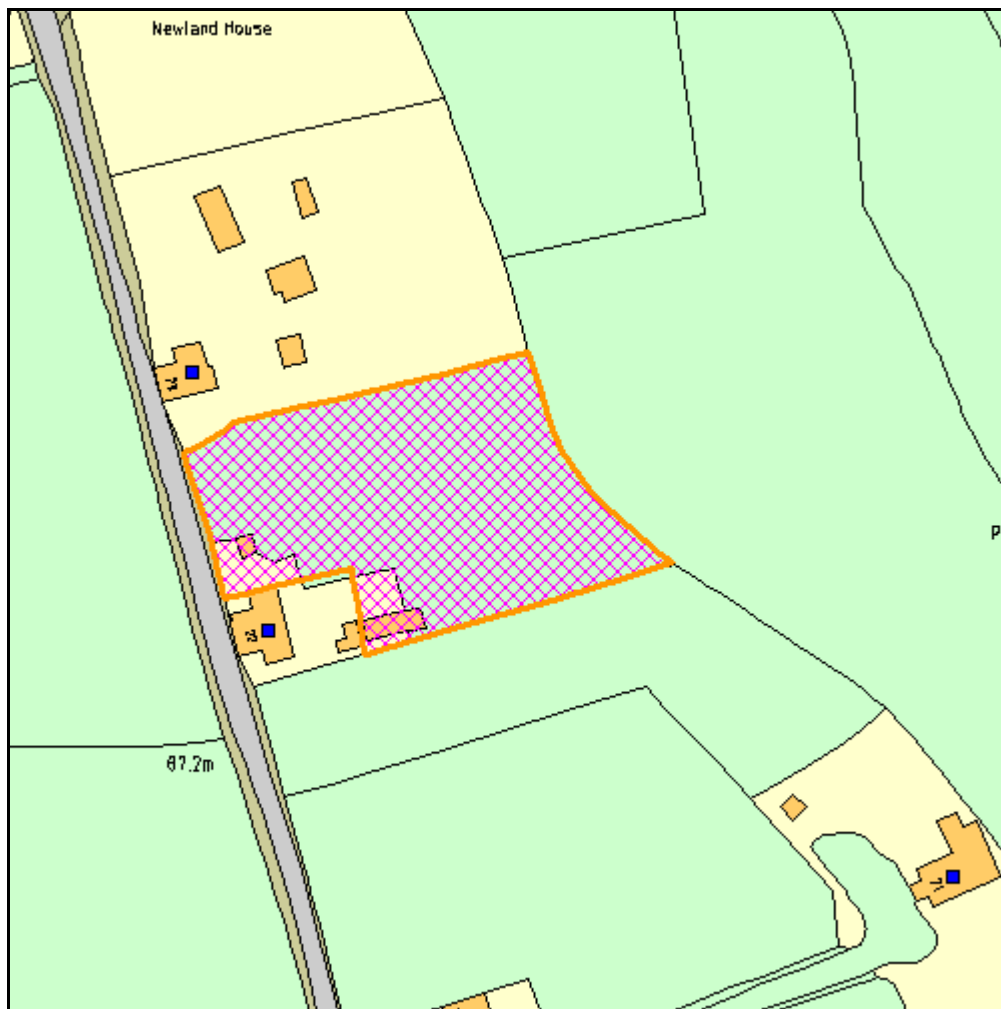
3. Development shall proceed in accordance with the Plant Noise Assessment Report 18/0280/R1 Revision 3 received on 8th August 2018.

Reason

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

## CIRCULATED SCHEDULE NO. 39/18 – 28 SEPTEMBER 2018

<b>App No.:</b>	PK18/3205/O	<b>Applicant:</b>	Mr & Mrs Morgan
<b>Site:</b>	22 Engine Common Lane Yate Bristol South Gloucestershire BS37 7PX	<b>Date Reg:</b>	12th July 2018
<b>Proposal:</b>	Erection of up to 3no dwellings (Outline) with access to be determined; all other matters reserved.	<b>Parish:</b>	Iron Acton Parish Council
<b>Map Ref:</b>	370109 184861	<b>Ward:</b>	Ladden Brook
<b>Application Category:</b>	Minor	<b>Target Date:</b>	5th September 2018



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PK18/3205/O

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

This application has been referred to the circulated schedule for determination as a number of local residents have supported the scheme.

### **1. THE PROPOSAL**

- 1.1 This application seeks outline planning permission for the erection of 3 dwellings on land adjacent to 22 Engine Common Lane, Yate. The application was made was all matters other than the means of access to be determined at a later date. The various details of the proposed development (other than the access) shown on the application plans are provided for illustrative purposes only.
- 1.2 In terms of constraints, the site is defined for the purposes of the local development plan as being in the open countryside. It is also located within a coalfield high risk referral area and any trees on site are covered by an area TPO.

### **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
PSP3	Trees and Woodland
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water & Watercourse Management
PSP22	Unstable Land
PSP30	Horse Related Development
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  
Residential Parking Standards SPD (Adopted) 2013  
Revised Landscape Character Assessment SPD (Adopted) 2014  
CIL and S106 SPD (Adopted) 2015  
Waste Collection SPD (Adopted) 2015 (updated 2017)

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

- 3.1 PK12/0651/F  
Erection of stable and storage block  
Approval  
05.07.2012
- 3.2 PK11/3840/F  
Change of use of land from agricultural to the keeping of horses  
Approval  
23.02.2012
- 3.3 PK11/1931/F  
Erection of stable block and store. Erection of single storey extension to existing stable block to facilitate conversion to garage.  
Withdrawn  
05.07.2011
- 3.4 P97/2545  
Erection of 2 storey side extension, installation of 3 dormer windows in rear elevation. Erection of double garage. (In accordance with the revised drawings received on the 2 March 1998).  
Approval  
04.03.1998
- 3.5 P97/1559  
Erection of two storey side extension; front porch and installation of 3 dormer windows in rear elevation.  
Refusal  
18.06.1997
- 3.6 P96/2349  
Erection of stables and tack room  
Approval  
24.10.1996
- 3.7 P89/1242  
Erection of detached dwelling. Construction of vehicular access (outline)  
Refusal  
16.03.1989

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

##### **4.1 Iron Acton Parish Council** Objection

- harm to highway safety due to increased traffic on a substandard lane and lack of footpath

##### **4.2 Other Consultees**

Sustainable Transport  
No objection

Lead Local Flood Authority  
No objection

- SUDS condition

Coal Authority  
No objection

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

Tree Officer  
No comment

Landscape Officer  
Objection

- encroach built form into open countryside

Ecology Officer  
No objection

- conditions requiring the development is carried out in accordance with the approved Ecological Assessment

#### **Other Representations**

##### **4.3 Local Residents**

In total, 4 local residents have supported the scheme, raising the following points:

- sustainable site
- pedestrian safe
- in keeping with area character
- does not prejudice neighbours amenity
- suitable landscaping
- economic benefit brought to area

## 5. ANALYSIS OF PROPOSAL

- 5.1 This application seeks outline planning permission for the erection of 3 dwellings on land along Engine Common Lane, Yate. Only access is to be determined.
- 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, the application should be considered in the context of the presumption in favour of sustainable development. This is set out in 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 read 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 the development are significantly and demonstrably outweighed should planning permission be refused.
- 5.5 Sustainability  
In line with three relatively recent decisions<sup>1</sup> along Tanhouse Lane, the Council accepts that the site is located in a sustainable location to which significant weight can be attached in decision-making.
- 5.6 Access  
A new means of access to the site would be provided off Engine Common Lane.
- 5.7 *Travel patterns*  
There is not footway along Engine Common Lane and the road is not very wide. As the national speed limit applies the traffic can be fast moving. In consequence, the route is not very conducive for pedestrians especially children, despite local resident assertions. Cycling could be an option for some people. Whilst there is no public transport points along the lane, journeys by vehicles to those nearest facilities would be short and unlikely significant in number.

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<sup>1</sup> Holmelea House (PK17/1226/O; PK18/0504/F); Willow House (PK17/1173/O); Rock View (PK17/4492/O)

5.8 *Safety*

The Council accept the applicant's argument that appropriate visibility can be achieved from the proposed point of access.

5.9 *Parking*

Having regard to the parking standards contained in policy PSP16, the site is large enough for adequate parking provision to be made on-site.

- 5.10 Drawing these points together, the proposal would increase the amount of traffic using Engine Common Lane, however on the basis of the evidence submitted, Officers do not consider that the proposal would have a significantly adverse effect on highway safety. This weighs in favour of the proposal.

5.11 Layout

Engine Common Lane is a narrow country lane without footpaths, topped by Tanhouse Lane to the north and tailed by Broad Lane to the south. Buildings tend to sit close to the highway and Officers saw very little development at depth. The lane has a distinctly linear development pattern surrounded by open countryside. The gaps between buildings offer views of gardens and undeveloped countryside beyond reinforcing its rural character and appearance.

- 5.12 This linear and rural form of development is particularly evident in the immediate vicinity of the site. Although Officers note that buildings are more densely developed towards Tanhouse Lane the similarities in building form, style and spacing clearly reduces towards the opposite end of the road, where the site is located, with greater amounts of space between buildings, grass verges, hedgerows and arable fields amongst the established built form. All of these features add to the character of the lane and its pleasant rural appearance.

- 5.13 The proposed development does not seek to replicate the linear form of development otherwise seen along the lane. Instead, a new road running perpendicular to Engine Common Lane would extend into the countryside with a number of residential plots protruding from it. The development would wrap around an existing stable building on the site and extend back as far as an established field boundary.

- 5.14 It seems to Officers that the development would represent a stark contrast to the linear development pattern along the lane that has evolved over time, involving encroachment into the countryside at significant depth. Officers do not agree with the applicant that the proposal would improve the character of the area, notwithstanding the proposed design rationale to retain 'openness' with a larger plot occupying most of the site and smaller plots relegated behind the existing house. Rather the development would appear as a modern residential estate crudely bolted onto the lane with little regard for its context.

- 5.15 The applicant strongly emphasises that the site does not fall within any recognised protected landscape designation and it does not present any particular attribute to warrant protection over and above its intrinsic landscape value. Officers note that the topography in the area is relatively flat and that the

established hedgerow boundaries and blocks of trees, with further enhancements, in the area would go somewhat to provide a level of visual containment. Nevertheless, the significant increase in built form and domestic paraphernalia associated with the dwellings would remain discernible and prominent features in views from Engine Common Lane, appearing cumulatively as discordant encroachment into the countryside.

- 5.16 The NPPF recognises the intrinsic character and beauty of the countryside and is clear that development should respond to local character and distinctiveness. The development would be in conflict with these objectives, involving a significant and urbanising encroachment into the countryside that would detract from the character and appearance of the lane and the surrounding landscape. This harm is considered to be at a level which would be significant and demonstrable and weighs substantially against the granting of permission.

5.17 Drainage

If recommended for approval, the provision of details of sustainable drainage arrangements would have reduced the potential risk of flooding in the interests of future and surrounding occupiers and the wider environment. However, any favourable weight afforded to this is limited given the harm identified above.

5.18 Ecology

If planning permission were granted, the mitigation features and the enhancements proposed in the Ecological Assessment could be secured by appropriate conditions. However, given the harm identified above, Officers are unable to afford this matter much favourable weight.

5.19 Coal Mining

A coal mining risk assessment was provided with the application. The comments of the Coal Authority are available. The site has been identified as being in a "Development High Risk Area", as the site is in an area of deep mine workings and also has the potential to have previously been worked by unrecorded shallow mine workings. Both the deep mine and the shallow mine workings in this case have the potential to cause ground instability. The report therefore recommends that prior to a reserved matters applications being submitted, further investigations including ground gas monitoring are undertaken on the site, and if mine workings are present appropriate mitigation works are agreed and undertaken. This is broadly in line with the conditions recommended by the Coal Authority, should the proposal be approved.

- 5.20 Therefore, although a risk of ground instability has been identified, and further investigation work would be necessary to identify the scope of any necessary mitigation measures prior to the reserved matters, Officers are nevertheless satisfied that these measures could be adequately addressed by means of planning conditions. As such, this matter would not preclude the grant of permission, but given the harm identified above, only limited weight can be given to this policy compliance.

5.21 Impact on Equalities

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

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

5.23 Overall Planning Balance

Officers have found that the proposal conflicts with the strategic approach to the distribution of housing as set out in the 2013 Core Strategy, in particular to the express requirement of policy CS5, in terms of small scale development outside of the settlement boundary. However, Officers have also accepted that the weight that can be given to policies for the supply of housing is significantly reduced by the Council's acceptance that they cannot demonstrate a 5-year housing land supply.

5.24 Officers have also identified substantial harm to the landscape character and the appearance of the area contrary to policies which are considered to carry full weight.

5.25 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. It is common ground that in the absence of a 5-year housing land supply, the presumption in favour of sustainable development, as set out in paragraph 11 of the NPPF, applies. To set against the substantial landscape character harm, Officers have identified significant benefits arising in favour of the scheme of new housing, including moderate economic benefits and limited benefits associated with the accessible location and social aspects of the scheme.

5.26 However, on balance, Officers consider that the adverse effects identified would be harmful to the landscape character and appearance of the area and which would result in a scheme presenting as an unplanned extension markedly at odds with the past development of the lane, would significantly and demonstrably outweigh the benefits Officers have identified. Accordingly, the presumption in favour of sustainable development does not apply and material considerations do not justify making a decision other than in accordance with the development plan.

5.27 For the reasons given above and having regard to all other matters raised, Officers conclude that the application must be recommended for refusal.

## **6. CONCLUSION**

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to refuse permission has been taken having regard to the policies and proposals in the 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 REFUSED.

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

## **REFUSAL REASONS**

1. The proposal, introducing housing out into the east field of the site, would project development into the countryside, materially harming the landscape and visual character of the area. The harm would be substantial within local views, representing an awkward and intrusive modern estate bolted onto a rural lane. The proposed development therefore fails to reach the highest possible standards of site planning and design. The environmental harm that would result from the development significantly and demonstrably outweighs the benefits. The proposed development is therefore contrary to policy CS1, CS16 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; policy PSP1 and PSP2 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the provisions of the revised National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 39/18 – 28 SEPTEMBER 2018

<b>App No.:</b>	PK18/3604/CLP	<b>Applicant:</b>	Ms H Withall
<b>Site:</b>	124 Badminton Road Downend Bristol South Gloucestershire BS16 6ND	<b>Date Reg:</b>	15th August 2018
<b>Proposal:</b>	Installation of rear dormer window with Juliet balcony and side roof extension	<b>Parish:</b>	Downend And Bromley Heath Parish Council
<b>Map Ref:</b>	365258 177305	<b>Ward:</b>	Downend
<b>Application Category:</b>	Certificate of Lawfulness	<b>Target Date:</b>	28th September 2018



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PK18/3604/CLP

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

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

### **1. THE PROPOSAL**

- 1.1 The applicant is seeking a formal decision as to whether the proposed Installation of a hip to gable extension and rear dormer with Juliet balcony to 124 Badminton Road, Downend would be lawful.
- 1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based solely on the facts presented.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

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

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

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

- 3.1 None relevant

### **4. CONSULTATION RESPONSES**

#### **4.1 Local Councillor**

No comment received

#### **Downend and Bromley Heath Parish Council**

No objection

#### **Other Representations**

#### **4.2 Local Residents**

This application received a total of 1 objection letter, the points raised are summarised below.

- Proposal is not in keeping with area
- Proposal will result in overlooking

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

### 5.1 Existing and Proposed Plans and Elevations

Received by Local Planning Authority 02<sup>nd</sup> August 2018

## 6. **ANALYSIS OF PROPOSAL**

### 6.1 Principle of Development

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

6.2 The key issue 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 installation of a proposed Installation of a hip to gable extension and rear dormer. This development would fall within Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015, which permits the enlargement of a dwellinghouse consisting of an addition or alteration to its roof. This allows dormer additions and roof alterations subject to the following:

### **B.1 Development is not permitted by Class B if –**

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

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

- (b) Any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;**

The height of the proposed dormer windows would not exceed the highest part of the roof, and therefore the proposed development meets this criterion.

- (c) Any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms a principal elevation of the dwellinghouse and fronts a highway;**

The proposed dormer window would be located to the rear of the property, and as such would not extend beyond any existing roof slope which forms a principal elevation of the dwellinghouse and fronts a highway. As such the proposal meets this criterion.

- (d) The cubic content of the resulting roof space would, as a result of the works, exceed the cubic content of the original roof space by more than –**

- (i) 40 cubic metres in the case of a terrace house, or**
- (ii) 50 cubic metres in any other case**

The property is a semi-detached house and the proposal would result in an additional volume of no more than 50 cubic metres.

- (e) It would consist of or include –**

- (i) the construction or provision of a verandah, balcony or raised platform, or**
- (ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe; or**

The proposal would include none of the above.

- (f) The dwellinghouse is on article 2(3) land**

The host dwelling is not on article 2(3) land.

**B.2 Development is permitted by Class B subject to the following conditions—**

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

Submitted plans confirm materials of similar appearance.

- (b) the enlargement must be constructed so that –**

- (i) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension –**
  - (aa) the eaves of the original roof are maintained or reinstated; and**
  - (bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge or the eaves; and**

- (ii) other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse; and

The rear dormers would be approximately 0.4 metres from the outside edge of the eaves of the original roof respectively. Additionally, the proposal does not protrude beyond the outside face of any external wall of the original dwellinghouse.

- (c) any window inserted on 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.

Plans show that the proposed side windows will be obscure glazed.

## 7. **RECOMMENDATION**

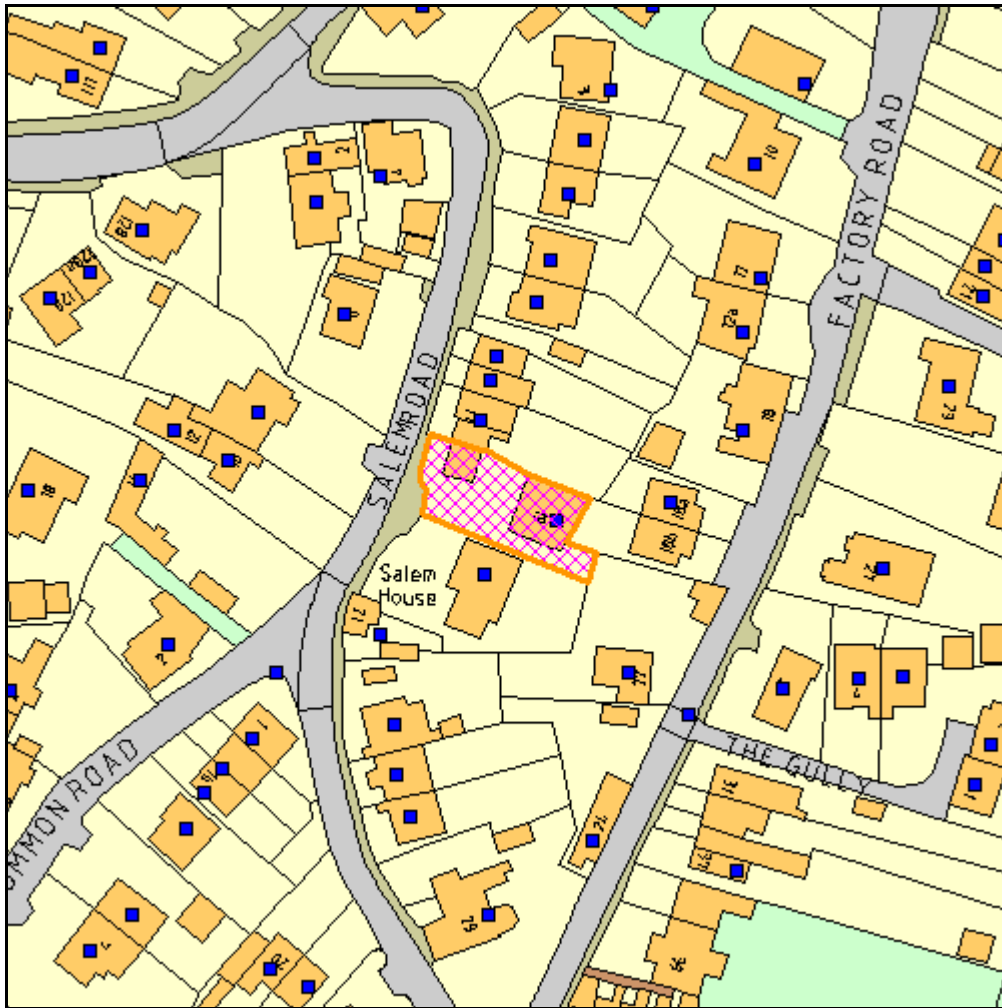
- 7.1 That a certificate of Lawfulness for Proposed Development is **granted** for the reasons listed below:

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

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

CIRCULATED SCHEDULE NO. 3918 – 28 SEPTEMBER 2018

<b>App No.:</b>	PK18/3747/F	<b>Applicant:</b>	Mr D Williams
<b>Site:</b>	Watleys End Farm 19 Salem Road Winterbourne Bristol South Gloucestershire BS36 1QF	<b>Date Reg:</b>	21st August 2018
<b>Proposal:</b>	Raising of roof line of existing garage to facilitate conversion into ancillary annexe (Class C3)	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	365808 181184	<b>Ward:</b>	Winterbourne
<b>Application Category:</b>	Householder	<b>Target Date:</b>	8th October 2018



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PK18/3747/F

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

This application has been referred to the Circulated Schedule as comments of objection have been received; these are contrary to the officer recommendation for approval.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for alterations to an existing detached double garage, situated to the front of the dwelling, to facilitate its use as an annex. To enable the building to function as living accommodation, the roof height needs to be increased and a number of windows and doors inserted.
- 1.2 The site relates to a detached dwellinghouse on Salem Road in the Watleys End area of Winterbourne. The site is within the settlement boundary of the village. Salem Road has not been modernised; it is a narrow and convoluted road. The site is subject to a change of level with the garage being on higher ground than the house.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

National Planning Policy Framework July 2018  
National Planning Practice Guidance

#### **2.2 Development Plans**

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

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

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

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

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

Design Checklist SPD (Adopted) August 2007  
Residential Parking Standard SPD (Adopted) December 2013  
Watley's End Village Design Statement (Endorsed) March 2013

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

- 3.1 P95/2236 Approved 09/11/1995  
Erection of detached garage

### **4. CONSULTATION RESPONSES**

- 4.1 Winterbourne Parish Council  
No objection
- 4.2 Sustainable Transport  
Insufficient information – loss of garage; parking requirements across site not demonstrated
- 4.3 Local Residents  
Two comments of objection have been received which raise the following points –
- garage built 1995 subject to restriction on height
  - raise in height of roof would affect visual setting of adjacent property
  - contrary to village design statement
  - could become a separate dwelling
  - parking and traffic concerns
  - use as accommodation should be limited to the period in which work to the main house is being undertaken

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

- 5.1 This application seeks permission for works to the existing detached garage to facilitate its use as an annex.

#### Principle of Development

- 5.2 Extension and alterations to existing dwellings are permitted in principle by policy PSP38. Furthermore, the conversion of existing buildings to residential purposes is permitted in principle by policy PSP39. Therefore the proposal is acceptable in principle and should be subject to an assessment of design, amenity, and transport.

#### Design

- 5.3 During the course of the planning application which authorised the construction of the garage (P95/2236), amendments were made to the design to secure a hipped roof that sat at the same overall height as the adjacent built form and which had the same eaves height; initially a gabled roof was proposed.
- 5.4 The changes to the roof include an approximate 0.5 metre increase in the overall height and a 0.3 metre increase in the height of the eaves. As there is a difference in these measurements, a change of pitch is necessitated. The original pitch was very shallow at 17 degrees; it is proposed to increase the pitch of the roof to 22 degrees. As a result, the proposed roof would be 0.2 metres higher than the roof on the adjacent structure to the north.

- 5.5 The change in pitch improves the appearance of the structure, which is somewhat squat at present; the Watley's End Village Design Statement suggests that roofs should have a pitch of 45 degrees. The increase in pitch does not make the roof materially more prominent in the street scene. As a building which appears ancillary in nature to the site and the street scene, the increase in the overall height would not have a significant impact on visual amenity. The insertion of a new window in the west elevation and the replacement of the existing garage door on the south elevation again would not have a significant impact on visual amenity.
- 5.6 While it would be desirable to replace the roof with more traditional materials, as there is slate in use at present it cannot be considered a harmful material. It would also be desirable to include local stone but that is beyond the scope of the permission applied for. Overall the design of the development is acceptable.

#### Amenity

- 5.7 The building would not be suitable for use as an independent dwelling as it would not provide sufficiently high quality living accommodation, outlook, or amenity space. However, it is accepted that it could function as an ancillary annex. A condition should be imposed to ensure it functions solely as an annex.
- 5.8 The use of the building as an annex would not have a significant impact on the amenities of the application site as a whole. It is unlikely that the use of the building as an annex would have a material impact on the amenities of any nearby occupier.

#### Transport

- 5.9 For development of this nature, the most significant issue is residential parking. It is noted that the nature and condition of the local highway network would restrict on-street parking in the vicinity of the application site. Development of this nature is expected to provide sufficient parking to accord with policy PSP16.
- 5.10 Given the dimensions of the existing structure, it should only be considered to provide one parking space. Through the conversion of the building that parking space would be lost. Parking should be provided on a scale commensurate with the number of bedrooms a dwelling contains. Where a dwelling has 5 or more bedrooms, three off-street parking spaces should be provided.
- 5.11 From the site visit, it was observed that there is an existing area of hardstanding to the front (south) of the building that is likely to provide two parking spaces. To the west of the building is further hardstanding. While it is fully acknowledged that this space is small and potentially difficult to access, it is considered sizeable enough to provide a parking space.
- 5.12 Therefore, it is concluded that the site could provide, on the existing hardstanding, the maximum amount of parking required to accord with PSP16.

No objection is therefore raised to parking provision. As the development mitigates its own impact, it cannot be concluded to result in a material impact on traffic generation or on-street parking demand in the locality. The development is therefore acceptable.

### Impact on Equalities

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

### Other Matters

- 5.15 A number of matters raised from the consultation responses have not been addressed in the main body of this report. These will be considered below.
- 5.16 While it may have been negotiated to set the parameters of the garage in 1995, this application must be assessed against the current planning policy and design requirements.
- 5.17 There is no information with the submitted information that the conversion would be temporary in nature. It has been assessed as being permanent.

## **6. CONCLUSION**

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

- 7.1 It is recommended that planning permission is GRANTED subject to the conditions listed below.

**Contact Officer: Griff Bunce**  
**Tel. No. 01454 863438**

## **CONDITIONS**

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

**Reason**

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

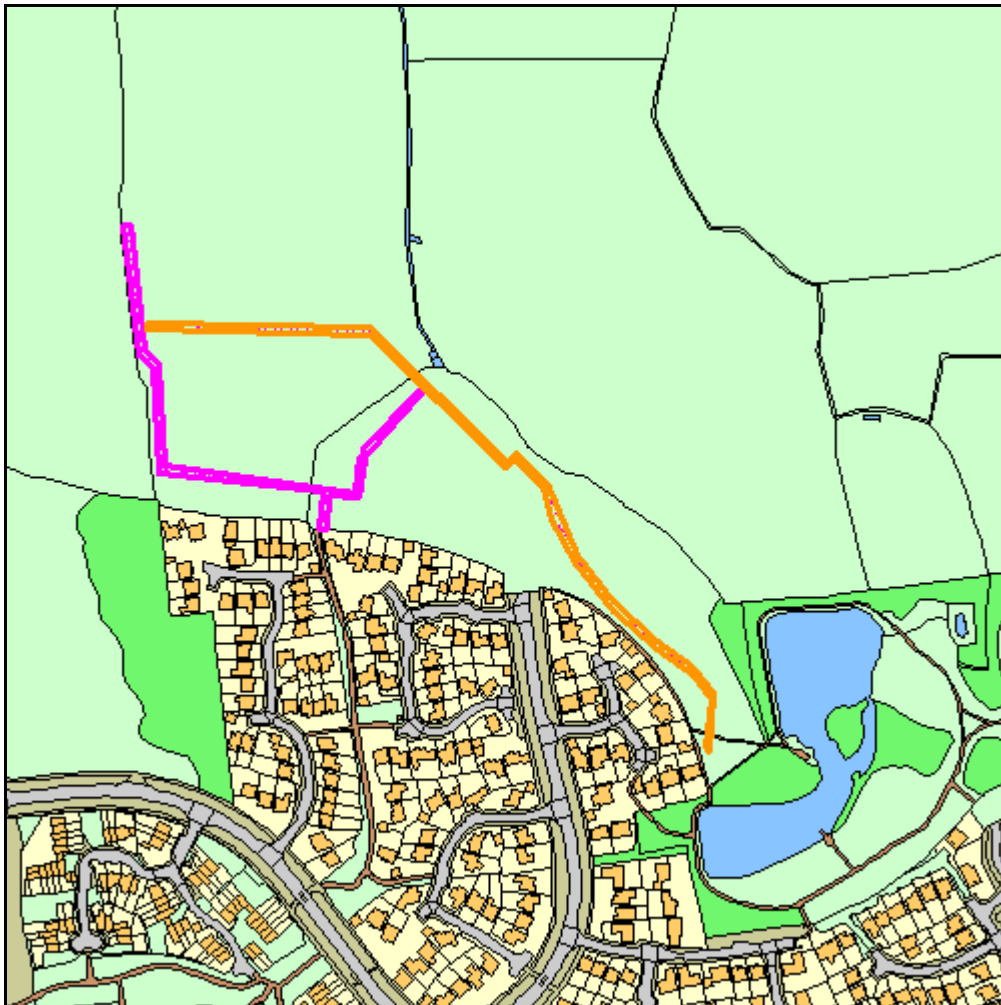
2. The annex hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Watleys End Farm, 19 Salem Road, Winterbourne.

**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 it would be unlikely to provide satisfactory living accommodation to accord with policy CS1, CS16 and CS17 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; policy PSP16, PSP38 and PSP39 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

**CIRCULATED SCHEDULE NO. 39/18 – 28 SEPTEMBER 2018**

<b>App No.:</b>	PK18/3811/FDI	<b>Applicant:</b>	BDW Trading Ltd
<b>Site:</b>	Footpaths LYA/50/80 And LYA/52/90 Yate South Gloucestershire BS37 7XZ	<b>Date Reg:</b>	24th August 2018
<b>Proposal:</b>	Diversion of 2no. footpaths ref: LYA/50/80 and LYA/52/90	<b>Parish:</b>	Yate Town Council
<b>Map Ref:</b>	371573 184030	<b>Ward:</b>	Yate North
<b>Application Category:</b>	Footpath Diversion	<b>Target Date:</b>	11th October 2018



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**PK18/3811/FDI**

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

Under the current scheme of delegation all footpath diversion orders are required to be determined by the circulated schedule process.

### **1. THE PROPOSAL**

- 1.1 The application is made under Section 257 of the Town and Country Planning Act 1990 (as amended) for the diversion of footpaths reference no. LYA/50/80 and LYA/52/90.
- 1.2 The proposed diversion is required to facilitate the implementation of development approved under outline application PK17/4826/RVC for a mixed use development across 100.76 hectares of land comprising up to 2,450 dwellings, and specifically parcels 14d and 22, which has reserved matters consent. The proposal diverts 425m (approx.) and 57m (approx.) sections of footpaths identified as A-B-C and D-B on the Footpath Diversion Plan submitted. The proposal is to divert the route through, and around the perimeter of, the residential parcels 14d and 22 indicated by a dotted line on the plan submitted.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

National Planning Policy Framework March 2012  
Town and Country Planning Act 1990 (as amended) Section 257  
Circular 01/2009 Rights of Way

#### **2.2 Development Plans**

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design  
CS9 Managing the Environment and Heritage  
CS31 North Yate New Neighbourhood

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

PSP10 Active Travel Routes  
PSP11 Transport Impact Management

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

- 3.1 PK17/4826/RVC, Variation of conditions 12, 19 and 41 attached to outline planning permission PK12/1913/O to rationalise and validate amendments to conditions previously granted under application reference numbers PK15/5230/RVC, PK16/2449/RVC, and PK17/0039/NMA. Approved on 27<sup>th</sup> November 2017.
- 3.2 PK17/5389/RM, Erection of 86 dwellings , associated roads, drainage, landscaping, garages and parking to include reserved matters of appearance, layout, scale and landscaping (Reserved Matters application to be read in conjunction with Planning permission PK17/4826/RVC ). Approved on 4<sup>th</sup> June 2018. (Parcels 14d and 22)

- 3.3 PK12/1913/O, Mixed use development across 100.76 hectares of land comprising up to 2,450 new dwellings (Use Class C3), extra care housing (Use Class C2), 4.63 hectares of employment land (Use Class B1,B2) provision of a local centre, two primary schools, together with the supporting infrastructure and facilities including: new vehicular and pedestrian accesses, public open space and landscaping and proposal to underground the electricity powerlines. Outline application including access with all other matters reserved. Approved on 17<sup>th</sup> July 2015.

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

4.1 Yate Town Council

We object to these changes until such time as the developers open up the temporary rights of way that were to be made during construction as currently all the important northbound rights of way are blocked by construction

4.2 Public Rights of Way Officer

The proposal to divert the two paths affected by the development accords with the legal tests for a public path diversion order in that the path order is required to enable the development to take place.

#### **Other Representations**

4.3 Local Residents

No comments received

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

5.1 Principle of Development

The diversion of a Public Right of Way is not development as defined in the Town and Country Planning Act. As such, a diversion order can only be considered within planning legislation when the diversion of the footpath is required in order to allow the implementation of a planning permission. The nature of the assessment should consider the proposed route and its suitability in terms of the amenity of the public right of way and whether or not the diversion is reasonable in respect of the planning permission it relates to.

- 5.2 The existing footpaths are required to be diverted because the implementation of residential development, which has been granted consent would make the existing routes unviable. The sections of the path to be stopped up are clearly shown on the plan submitted and alternative routes shown as dotted lines. Where possible, the proposed routes are on paths within or adjacent to green space to increase the amenity of the route; however, in accordance with the approved masterplan, much of the route will be on estate roads and accordingly will not be included within an order as the routes will form adopted highway. The routes will maintain connectivity between Brimsham Park via Coopers Lake and Dryleaze to Tanhouse Lane. The Council's Public Rights of Way Officer has raised no objections to the proposed diversion but has commented that it is preferable if a safe crossing point were provided for the new footpath at the northern end where it crosses the primary road. Whilst matters such as the design and location of pedestrian crossing points are

outside the scope of this footpath diversion application, the road will be required to undergo a safety audit through the adoption process where detailed design matters, such as the requirement for and design of pedestrian crossings, will be considered. The Town Council's objection regarding the need for temporary diversions are noted. The Council's Public Rights of Way Officer has recently met with the developer on site to discuss interim temporary diversion routes. It is envisaged that an application will be submitted in due course in respect of this matter and officers are actively chasing the developer to ensure this is done in a timely manner. It is not considered to be in the public interest to delay this application to formally divert the existing footpaths to after the temporary diversion routes are provided.

#### 5.3 Consideration of likely impact on Equalities

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

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

### 6. CONCLUSION

- 6.1 The recommendation to raise no objection 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
- 6.2 The proposal is considered to satisfactorily comply with national and local government policy as the utility and amenity of the route would be retained.

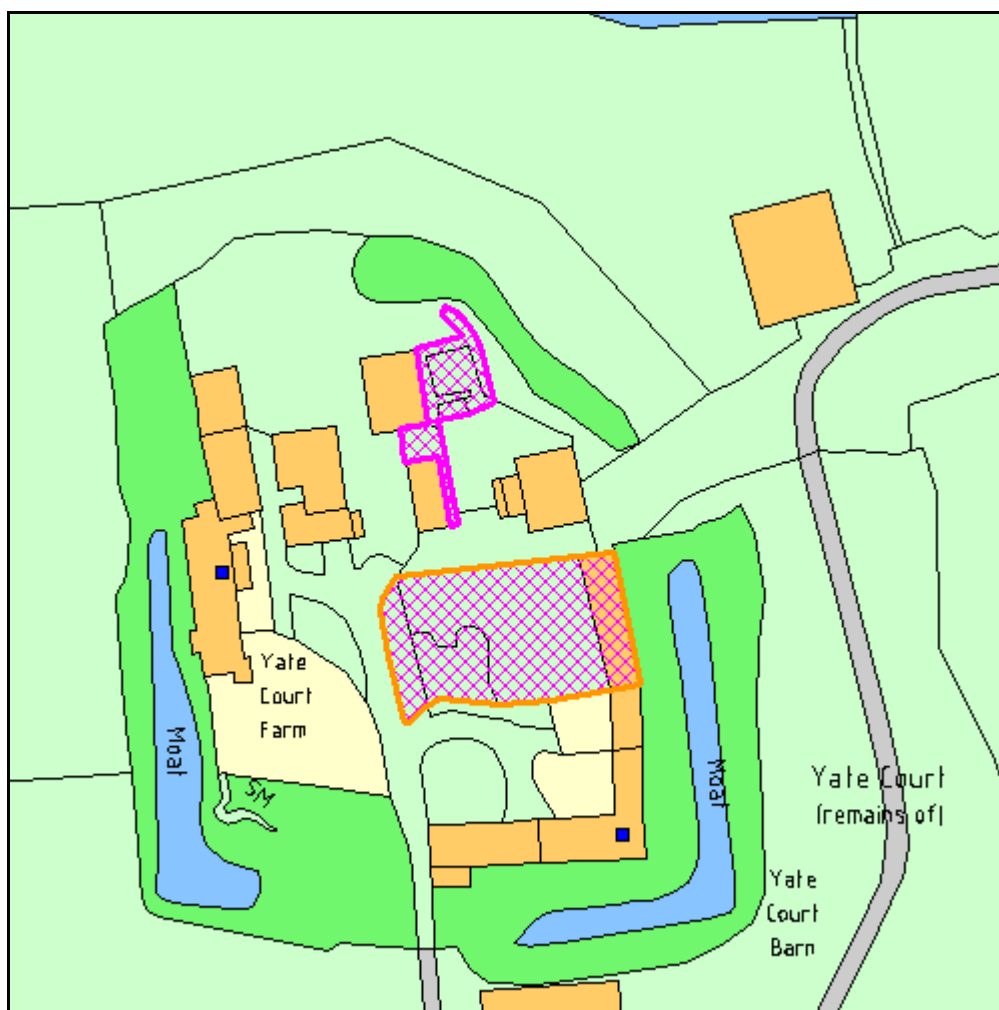
### 7. RECOMMENDATION

- 7.1 That no objection is raised to the proposed diversion of footpaths LYA/50/80 and LYA/52/90 and that the Head of Legal and Democratic Services is instructed and authorised to make an Order under Section 257 of the Town and Country Planning Act 1990 for the diversion of footpaths LYA/50/80 and LYA/52/90 as illustrated on Footpath Diversion Plan 0642-1-116B received by the Council on 17<sup>th</sup> August 2018.

**Contact Officer: Jonathan Ryan**  
**Tel. No. 01454 863538**

## CIRCULATED SCHEDULE NO. 39/18 – 28 SEPTEMBER 2018

<b>App No.:</b>	PT17/3586/F	<b>Applicant:</b>	Mr Ivan Oakes
<b>Site:</b>	Yate Court Farm Limekiln Road Yate Bristol South Gloucestershire BS37 7QB	<b>Date Reg:</b>	31st August 2017
<b>Proposal:</b>	Conversion of existing storage building to form 1no. dwelling and stabilising repairs to ruin.	<b>Parish:</b>	Wickwar Parish Council
<b>Map Ref:</b>	371251 185971	<b>Ward:</b>	Ladden Brook
<b>Application Category:</b>	Minor	<b>Target Date:</b>	28th September 2017



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PT17/3586/F

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

This application previously appeared on Circulated Schedule no. 03/18 on 19<sup>th</sup> January 2018. The application was not called in to be determined at full committee and as such it was resolved to grant planning permission subject to the applicant entering into a planning obligation within 6 months and subject to a number of conditions.

Work on the accompanying legal agreement has been progressing. It is now nearing completion. However, the resolution has now expired. This application has therefore been referred to the Circulated Schedule in order to renew the resolution to grant planning permission. Given the advanced state of negotiations, it is considered likely that the legal agreement will be completed shortly. As there has been no change to the application details, a full report is not provided here. The original report is attached as an appendix for reference.

## **RECOMMENDATION**

- 1.1 That authority be delegated to the Director Environment and Community Services to grant planning permission, subject to the conditions set out below and the applicant first voluntarily entering into an Agreement under Section 106 of the Town & Country Planning Act 1990 (as amended) to secure the following;

- i) The owner/ occupier, in compliance with the agreed phasing schedule (as contained within Yate Court Stabilisation Schedule as received on 22nd November 2017) shall undertake the agreed and hereby approved repair and consolidation works to the ruins at Yate Court in their entirety as contained within the Yate Court Stabilisation Schedule as received on 22nd November 2017.

Reason:

In order that the works serve to preserve the architectural and historic interest of the listed building in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with National Planning Policy Framework (2012) and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

- 1.2 That the Head of Legal and Democratic Services be authorised to check and agree the wording of the agreement.
- 1.3 Should the agreement not be completed within 3 months of the date of the committee resolution that delegated authority be given to the Director of Environment and Community Services to refuse the application.

**Contact Officer: Patrick Jackson**  
**Tel. No. 01454 863034**

## **CONDITIONS**

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

Reason

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

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

Reason

To maintain and enhance the character and setting of the listed building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990

3. The development should be carried out in accordance to the plans identified below only:

Received 31 Jul 2017

EXISTING PLANS 04

Received 25 Oct 2017

RAISING ROOF METHOD STATEMENT

Received 22 Nov 2017

YATE COURT STABILISATION SCHEDULE

SITE PLAN

PROPOSED PLAN AND ELEVATIONS

Reason

To maintain and enhance the character and setting of the listed building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990

4. Prior to any development, a detailed plan and method statement must be submitted and approved by the council, showing the footpaths in context with the site, demonstrating the following mitigation measures:

1. A restricted speed limit for construction vehicles using the track.
2. Cautionary signage to ensure drivers are aware of the right of way for pedestrians.

Reason

In the interests of safety, and to accord with Policy PSP10 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 and the National Planning Policy Framework.

5. The works shall be carried out strictly in accordance with the approved details (Chapter 3 - Mitigation Strategy; Assessment of Great Crested Newt Impact. Simecology, July 2017) and shall be retained in that manner thereafter. Any deviation from this strategy must be submitted to the local planning authority for approval in writing.

Reason

In the interests of protected species and to accord with Policy PSP19 of The Policies Sites and Places Plan (Adopted) 8th Nov. 2017 and Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013.

6. Prior to occupation, a sensitive lighting plan shall be submitted to the local planning authority for approval in writing. The plan shall include the location, height and specification of each external lighting unit. The eastern boundary of the site must remain in darkness and appropriate mitigation to avoid light spill must be used throughout the site (L9).

Reason

In the interests of protected species and to accord with Policy PSP19 of The Policies Sites and Places Plan (Adopted) 8th Nov. 2017 and Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013.

7. Prior to occupation, the location of two swallow nesting cups shall be submitted to the local planning authority for approval in writing. The cups shall be placed within suitable outbuildings to ensure the continued use of the site by swallows.

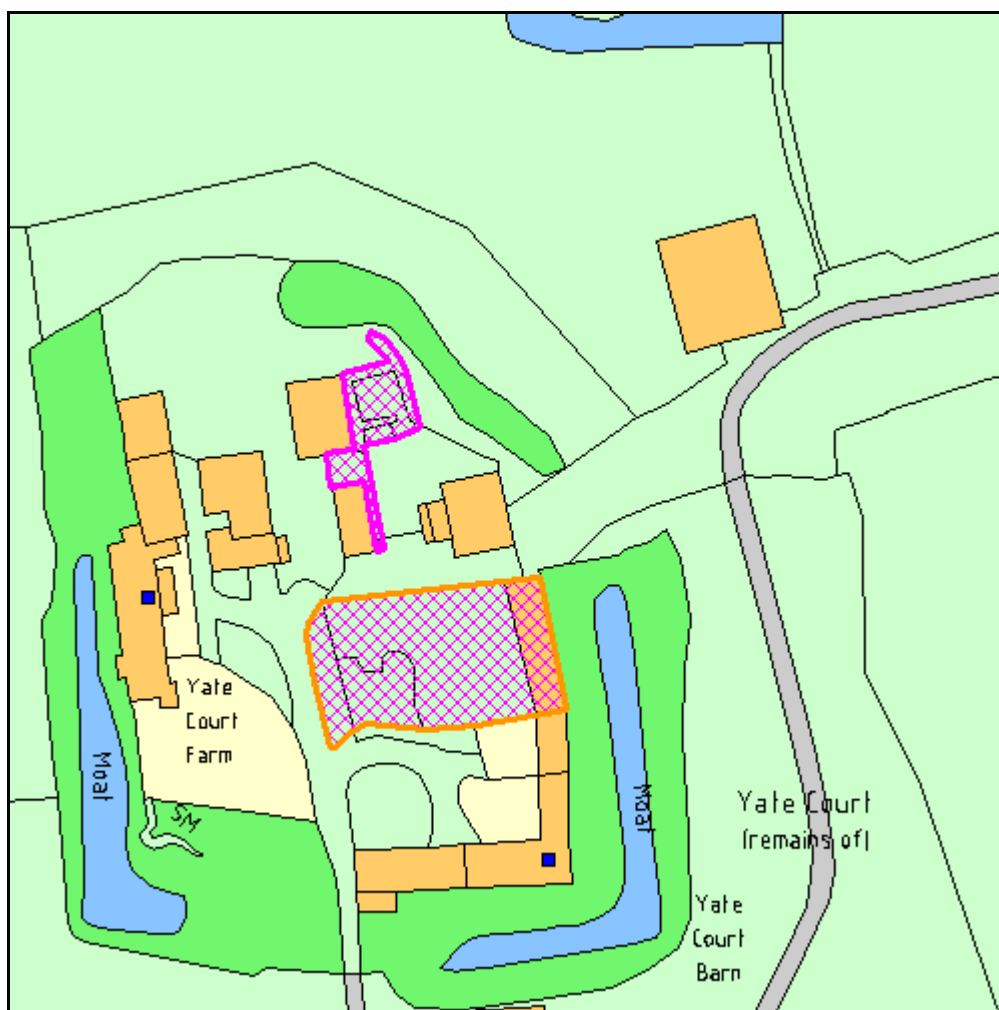
Reason

In the interests of protected species and to accord with Policy PSP19 of The Policies Sites and Places Plan (Adopted) 8th Nov. 2017 and Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013.

# **Appendices-** Circulated Schedule Report 03/18 19<sup>th</sup> January 2018

CIRCULATED SCHEDULE NO. 03/18 – 19 JANUARY 2018

<b>App No.:</b>	PT17/3586/F	<b>Applicant:</b>	Mr Ivan Oakes
<b>Site:</b>	Yate Court Farm Limekiln Road Yate Bristol South Gloucestershire BS37 7QB	<b>Date Reg:</b>	31st August 2017
<b>Proposal:</b>	Conversion of existing storage building to form 1no. dwelling and stabilising repairs to ruin.	<b>Parish:</b>	Wickwar Parish Council
<b>Map Ref:</b>	371251 185971	<b>Ward:</b>	Ladden Brook
<b>Application</b>	Minor	<b>Target</b>	28th September
<b>Category:</b>		<b>Date:</b>	2017



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PT17/3586/F

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

This application has been referred to the Circulated Schedule as a S106 Legal Agreement is required to secure repair works to Yate Court Remains.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the conversion of an existing storage building to a single residential dwelling at Yate Court Farm, on Limekiln Road, Yate.
- 1.2 The barn is a stone built building sited within the curtilage of three Grade II listed buildings; Yate Court Farmhouse, Yate Court Barn and Yate Court Remains. It is also located directly next to another similar converted building. The site is also located within close proximity of a Public Right of Way, which runs directly through the curtilage of the farmhouse. The proposal would involve the conversion of the existing building to a separate dwelling. The dwelling would retain the existing footprint, with an increase in the ridge roof level, providing a more suitable head height.
- 1.3 The site is located outside of any defined settlement boundary and is therefore in the open countryside. The original plans were not considered acceptable. After a long period of negotiation, updated plans were received on the 22nd November 2017, as well as a scheme of repairs to Yate Court Remains, which would be considered “enabling development”. A listed building application (PT17/3688/LB) accompanies this application. A pre-app was also submitted prior to this application; this pre-app stated that the scheme would be unlikely to gain approval, due to concerns regarding design and conservation.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

Planning (Listed Buildings and Conservation Areas) Act 1990  
Planning (Listed Buildings and Conservation Areas) Regulations 1990 (as amended)  
National Planning Policy Framework March 2012  
National Planning Practice Guidance March 2014  
Managing Significance in Decision-Taking in the Historic Environment (GPA 2)  
The Setting of Heritage Assets (GPA 3)  
Historic England Advice Notes, in particular Note 2 - Making Changes to Heritage Assets

#### **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  
CS23 Community Infrastructure and Cultural Activity  
CS34 Rural Areas

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP19	Wider Biodiversity
PSP40	Development in the Countryside
PSP43	Private Amenity Space Standards

- 2.3 Supplementary Planning Guidance  
Marshfield Conservation Area SPD (Adopted) 2004  
Design Checklist SPD (Adopted) 2007  
Residential Parking Standards SPD (Adopted) 2013

**3. RELEVANT PLANNING HISTORY**

- |     |  |                     |
|-----|--|---------------------|
| 3.1 | PT17/3688/LB   | Ongoing             |
|     | Conversion of existing storage building to form 1no. dwelling and stabilising repairs to ruin.                                       |                     |
| 3.2 | PK01/2942/F  | Approved 09.07.2003 |
|     | Conversion of redundant barns to dwelling (Re-submission of planning application P99/2359). Including the rebuilding of outbuilding. |                     |
| 3.3 | PK01/1363/LB   | Approved 09.07.2003 |
|     | Conversion of redundant farm buildings to 1no. dwelling. Including the rebuilding of outbuilding.                                    |                     |
| 3.4 | P99/2360/L   | Approved 12.10.2000 |
|     | Conversion of redundant barns to dwelling.   |                     |
| 3.5 | P99/2359   | Approved 12.10.2000 |
|     | Conversion of redundant barns to dwelling.   |                     |

**4. CONSULTATION RESPONSES**

- 4.1 Wickwar Parish Council  
No comments received
- 4.2 Conservation Officer  
*Original Plans*  
Objected due to conservation concerns

### *Updated Plans*

Feels that stabilisation works to Yate Court Remains would represent a public benefit which outweighs the harm caused by the subdivision of the historic farm. Suggests Head of Terms and Conditions.

#### 4.3 Public Rights of Way

No objection subject to the addition of an informative and the provision of a plan and method statement showing:

1. A restricted speed limit for construction vehicles using the track.
2. Cautionary signage to ensure drivers are aware of the right of way for pedestrians.

#### 4.4 Open Spaces Society

No comments received

#### 4.5 Archaeology Officer

No objection

#### 4.6 Ecology Officer

No objection, subject to the addition of conditions to decision notice

#### 4.7 Highway Structures

No comment

#### 4.8 Drainage and Flood Risk Management

No objection

#### 4.9 Sustainable Transport

Parking conforms to Parking Standards SPD. Access is adequate. Concerns regarding isolated location of the site making development wholly car dependent. However, impact would not sustain an objection.

### **Other Representations**

#### 4.10 Local Residents

None received

## **5. ANALYSIS OF PROPOSAL**

- 5.1 This application seeks planning permission for the conversion of an existing storage building into a residential dwelling.

#### Principle of Development

- 5.2 Paragraph 14 of the NPPF states that proposals that accord with the development plan should be approved without delay.

- 5.3 Policy CS5 and Policy CS34 set out the locational strategy for development in the district. New development is directed towards the existing urban areas and defined rural settlements; the application site is located outside of a defined settlement and in the open countryside. However, CS5 and CS34 are silent in

regard to the conversion of existing barns; this is covered by PSP40 of the Policies, Sites and Places Plan (Adopted) November 2017. PSP40 states that the conversion of rural buildings into residential dwellings may be acceptable in principle. This hinges on the building being of a permanent and substantial construction, the development not adversely affecting the operation of rural businesses or working farms, any extensions not being disproportionate, and the reuse of the building leading to an enhancement of its immediate setting. The building has been standing for hundreds of years and the site does not operate as a business. The proposals are therefore considered broadly in line with these principles. Therefore the proposal is considered to comply with the development plan, and should be assessed against the analysis set out below.

#### 5.4 Design and Conservation

The existing storage building currently sits within the curtilage of a number of Grade II listed buildings. Policy CS9 expects new development to ensure that heritage assets are conserved, respected and enhanced in a manner appropriate to their significance. PSP17 seeks to conserve and enhance heritage assets and the historic environment. Development proposals should serve to protect, and where appropriate, enhance or better reveal the significance of heritage assets and their settings. They should be conserved in a manner that is appropriate to their significance. Development within the setting of a listed building will be expected to preserve and, where appropriate, enhance those elements which contribute to their special architectural or historic interest. Where development proposals affect listed buildings whose architectural or heritage significance has been degraded or eroded, the Council may seek implementation of measures and/or management plans to secure restoration of the heritage assets and/or their setting or contributions towards such works.

5.5 The design and conservation assessments are very important planning considerations, due to the unique context of the site. This will be discussed within this section.

5.6 Yate Court Farmhouse is a grade II listed building. The ruins of the Great Hall, to the east of the farmhouse are separately listed at grade II and the large barn to the south is grade II. Yate Court retains a number of buildings, evidencing the sites evolution and changing fortunes through history. There are likely to have been buildings on the site since the thirteenth century, however it wasn't until the beginning of the sixteenth century that the manor passed to the Berkeley family, who transformed the manor house. At this time the manor house was totally encompassed by a moat, with a gatehouse protecting the entrance across it. By the 1630's the site was in the ownership of Viscount Chichester who was a supporter of the Royalist cause and as a consequence Yate Court was occupied in the early years of the Civil War, and destroyed by the Parliamentarians. Parts of the Manor house that were left were converted to a farmhouse and associated agricultural buildings. The site continued to operate as a farm in to the twentieth century. The gatehouse was dismantled and moved to Berkeley Castle in the 1920's. Archaeological trenching has identified that remains of the medieval curtain wall survive as the foundations for the east wall of the large barn and attached single storey shelter shed.

Archaeological investigation did not progress to the building relating to the proposal; however it is possible that the curtain wall remains in its east wall too, as there is a distinctive change in wall thickness. The ruins of the manor house itself, and which contained the great hall, chambers and service rooms, are at the north east corner of the site and separately listed grade II. Due to the poor condition of the ruin it is included on the South Gloucestershire Buildings at Risk Register.

- 5.7 The application relates to the northern half of the single storey range of open fronted shelter sheds which extend from the main barn. The building is stone built with seven open fronted bays and one fully enclosed bay which would likely have served as a stable. The proposal relates to the conversion to a residential dwelling. The southern section of shelter sheds have permission to be converted to residential (along with the main barn), and this permission has been part implemented. These buildings are now in separate ownership.
- 5.8 The submitted plans show a typical barn conversion, with the current openings filled with full height glazed windows. The roof would be restored, with new double roman roof tiles installed. New timber casement windows would be installed to the front and rear of the dwelling, with a new timber door to the front. The gutters and other rainwater goods would be heritage style aluminium, and the existing stone elevations would be retained and slightly raised, repointed with mortar and finished with materials to match the existing building. Additionally, an air source heat pump would be located to the side of the dwelling. The conversion and raising of the roof are considered acceptable in design and heritage terms, and would not have a significant negative impact on the Listed Buildings nearby.
- 5.9 Paragraph 132 of the NPPF states that “when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation... Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting”. Paragraph 134 goes on to state that “where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal”. Additionally, Paragraph 137 of the NPPF states that “proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably”.
- 5.10 It is felt that the conversion and subsequent further subdivision of the curtilage of the listed Yate Court Farmhouse would be harmful to its setting. This would be considered a “less than substantial” harm in the context of Paragraph 134 of the NPPF. However, securing a scheme of repair for the ruins is considered to represent mitigation for the further fracture of ownership and curtilage, and would represent a public benefit which would outweigh the negative impact caused by the further fracture of the site, in accordance with Paragraph 134 of the NPPF. The proposed barn conversion can therefore in effect be considered to be a form of ‘enabling’ development, as it would facilitate benefits that outweigh that harm. In effect, the “less than substantial harm”, would be neutralised by the public benefit brought about by the repairs to the ruins.

- 5.11 The applications in 2001 (P99/2360/L) and (P99/2359) sought consent to convert the barns attached to the south of the barn now being considered. A scheme of 'urgent repairs' to Yate Court Remains was agreed with implementation of the repairs forming a condition attached to the consent. However, it is understood that due to changes in ownership, the enforcement of this condition was frustrated and these works were never undertaken.
- 5.12 A scheme of stabilisation was submitted on 22 November 2017. The scheme of repairs is considered proportionate. Subject to a legal agreement to deliver the stabilisation scheme, it is felt that the harm caused by the subdivision of the plot would be offset by the stabilisation of Yate Court Remains. It is not considered that listed building consent is required in relation to the stabilisation works, as the red edge for the associated Listed Building Consent was altered to include Yate Court Remains, and the works are outlined within the stabilisation report. It is therefore considered that the listed building consent adequately covers the stabilisation works.
- 5.13 Subject to a Section 106 legal agreement being added to the decision notice to secure the stabilisation of Yate Court Remains, and a number of conditions to ensure the preservation of the site's heritage, there is no objection to the development in design and heritage terms; the impact of the development is considered neutral in relation to visual amenity and conservation. Previous consent PK01/2942/F included a condition to secure stabilisation works to the ruins; however, this was never undertaken due to changes in ownership. It is therefore considered that a legal agreement is necessary and proportionate in this instance.
- 5.14 Residential Amenity  
The proposal is unlikely to have any overbearing, overshadowing or overlooking impacts. It consists of the conversion of an existing rural building to a residential dwelling, and the slight raising of the ridge height. The storage building is currently attached to another existing outbuilding.
- 5.15 Other residential buildings are located to the south and west of the development site. Overall, it is not considered that there would be any impact on the residential amenity of neighbouring occupiers as a result of this development. The dwelling would also have adequate amenity space to serve its occupiers.
- 5.16 Transport  
The proposed dwelling would have two bedrooms; the proposed plans show two off-street parking spaces. This is commensurate with the prescribed parking levels within the Parking Standards SPD. Additionally, it would use the existing access; therefore, there are no concerns relating to highway safety.
- 5.17 However, the transport officer has raised concerns relating to the isolated location of the site, and its car dependence. However, a two bedroom dwelling is likely to produce 7 or 8 new vehicular movements per day in a 24 hour day; this is modest, and would not be considered enough to sustain an objection.

The recent High Court Decision “Braintree District Council v Secretary of State for Communities and Local Government [2017]” suggests that “isolated” in this context refers to its spatial position in relation to other built development. As the proposed development sits within close proximity to other residential dwellings, it is not considered that it can reasonably be defined as “isolated”.

5.18 Ecology

A series of ecology surveys and reports have been completed and submitted. These include the following documents:

- Extended Phase 1 Survey Report (September 2016);
- Bat Survey Report (September 2016);
- Great Crested Newt Survey Report (June 2017); and
- Assessment of Great Crested Newt Impact (July 2017).

These were considered adequate, and there is no ecological objection, subject to conditions being attached to the decision notice.

5.19 Archaeology

There is no archaeological objection to the application

5.20 Public Rights of Way

Public footpaths LYA17 and LYA18 pass along the access track and across the site respectively. LYA13, also known as the Jubilee Way, crosses the access track just inside the entrance to the property. The Public Rights of Way Officer has stated that there would be no objection in principle subject to a detailed plan and method statement being submitted showing the footpaths in context with the site, demonstrating the following mitigation measures:

1. A restricted speed limit for construction vehicles using the track.
2. Cautionary signage to ensure drivers are aware of the right of way for pedestrians.

5.21 The requirement of these will be added to the decision notice as a condition.

5.22 The Planning Balance

The proposal would provide a positive contribution in meeting the shortfall identified in respect of the five-year housing land supply. Officers consider that in all respects the development is acceptable and on this basis is representative of sustainable development. Paragraph 14 of the National Planning Policy Framework sets out that where applications accord with the development plan, they should be approved without delay.

5.23 The proposal is for the conversion of an existing outbuilding to form 1 no. new dwelling and the benefits of new housing to the housing supply is given a modest weight. It is considered that the proposal represents a sustainable development in terms of the NPPF three strands (social, economic and environmental). Whereas the harm to the setting of the listed buildings onsite would have likely tipped the balance towards refusal, it is considered that the proposed stabilisation works would adequately neutralise this impact, making it neutral overall. On this basis, it is considered that there is modest weight in

favour of granting planning consent in respect of this application. It is considered that no significant adverse impacts would weigh against the approval of this application, and that the proposal is therefore in accordance with Paragraph 14 of the NPPF.

#### 5.24 Planning Obligations

Planning obligations assist in the mitigation of unacceptable development, to make it acceptable in planning terms. These obligations only constitute a reason for granting planning permission if they meet the three tests, which are:

- They are necessary to make the development acceptable in planning terms
- They are directly related to the development
- They are fairly and reasonably related in scale and kind.

5.25 The proposed obligation is considered to accord to these three tests, and would therefore be appropriate. The obligation exists to make the development acceptable by neutralising the impact of further subdivision, it is directly related to the development due to the proximity of the new dwelling to the listed building, and it is fairly and reasonably related, as it related to a listed building in the same curtilage as the new dwelling. Additionally, the applicant has agreed to the proposed obligation to undertake the works to Yate Court Remains.

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

## 7. RECOMMENDATION

7.1 That authority be delegated to the Director Environment and Community Services to grant planning permission, subject to the conditions set out below and the applicant first voluntarily entering into an Agreement under Section 106 of the Town & Country Planning Act 1990 (as amended) to secure the following;

- i) The owner/ occupier, in compliance with the agreed phasing schedule (as contained within Yate Court Stabilisation Schedule as received on 22nd November 2017) shall undertake the agreed and hereby approved repair and consolidation works to the ruins at Yate Court in their entirety as contained within the Yate Court Stabilisation Schedule as received on 22nd November 2017.

Reason:

In order that the works serve to preserve the architectural and historic interest of the listed building in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with National Planning Policy Framework (2012) and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

- 7.2 That the Head of Legal and Democratic Services be authorised to check and agree the wording of the agreement.
- 7.3 Should the agreement not be completed within 6 months of the date of the committee resolution that delegated authority be given to the Director of Environment and Community Services to refuse the application.

**Contact Officer: Owen Hoare**  
**Tel. No. 01454 864245**

**CONDITIONS**

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

Reason

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

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

Reason

To maintain and enhance the character and setting of the listed building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990

3. The development should be carried out in accordance to the plans identified below only:

Received 31 Jul 2017

Existing Plans 04

Received 25 Oct 2017

Raising Roof Method Statement

Received 22 Nov 2017

Yate Court Stabilisation Schedule

Site Plan

Proposed Plan and Elevations

Reason

To maintain and enhance the character and setting of the listed building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990

4. Prior to any development, a detailed plan and method statement must be submitted and approved by the council, showing the footpaths in context with the site, demonstrating the following mitigation measures:
  1. A restricted speed limit for construction vehicles using the track.
  2. Cautionary signage to ensure drivers are aware of the right of way for pedestrians.

Reason

In the interests of safety, and to accord with Policy PSP10 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 and the National Planning Policy Framework.

5. The works shall be carried out strictly in accordance with the approved details (Chapter 3 - Mitigation Strategy; Assessment of Great Crested Newt Impact. Simecology, July 2017) and shall be retained in that manner thereafter. Any deviation from this strategy must be submitted to the local planning authority for approval in writing.

Reason

In the interests of protected species and to accord with Policy PSP19 of The Policies Sites and Places Plan (Adopted) 8th Nov. 2017 and Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013.

6. Prior to occupation, a sensitive lighting plan shall be submitted to the local planning authority for approval in writing. The plan shall include the location, height and specification of each external lighting unit. The eastern boundary of the site must remain in darkness and appropriate mitigation to avoid light spill must be used throughout the site (L9).

Reason

In the interests of protected species and to accord with Policy PSP19 of The Policies Sites and Places Plan (Adopted) 8th Nov. 2017 and Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013.

7. Prior to occupation, the location of two swallow nesting cups shall be submitted to the local planning authority for approval in writing. The cups shall be placed within suitable outbuildings to ensure the continued use of the site by swallows.

Reason

In the interests of protected species and to accord with Policy PSP19 of The Policies Sites and Places Plan (Adopted) 8th Nov. 2017 and Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013.

**CIRCULATED SCHEDULE NO. 39/18 – 28 SEPTEMBER 2018**

<b>App No.:</b>	PT18/0463/RM	<b>Applicant:</b>	Linden Ltd (T/A Linden Homes Western)
<b>Site:</b>	Land At Post Farm Morton Street Thornbury South Gloucestershire BS35 1LB	<b>Date Reg:</b>	16th February 2018
<b>Proposal:</b>	Approval of Reserved Matters to be read in conjunction with outline permission PT15/2917/O (access, landscaping and layout) for western area, including addition of foul water pumping station.	<b>Parish:</b>	Thornbury Town Council
<b>Map Ref:</b>	364085 191619	<b>Ward:</b>	Thornbury North
<b>Application Category:</b>	Major	<b>Target Date:</b>	10th May 2018



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 100023410, 2008. **N.T.S.** **PT18/0463/RM**

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

This application has been referred to the Circulated Schedule following the receipt of an objection from Thornbury Town Council; the concerns raised being contrary to the officer recommendation.

### **1. THE PROPOSAL**

- 1.1 Reserved Matters consent is sought for the demolition of existing buildings and erection of 125no. dwellings with public open space and associated infrastructure.
- 1.2 The reserved matters application as proposed, follows the approval of outline planning permission PT15/2917/O (19 May 2016) for up to 125 dwellings with public open space and associated infrastructure with access determined, all other matters were reserved. A previous Reserved Matters application (PT16/4055/RM) for the development site comprising appearance, landscaping, layout and scale has already been approved in accordance with the outline.
- 1.3 This proposal comprises the access, landscaping and layout for western area, including addition of foul water pumping station.
- 1.4 The sewage pumping station is proposed in the south west corner of the site adjacent to an attenuation pond and proposals include a hard standing area and a vehicular turning area. The Pumping Station is within a compound of 12.76 metres x 8.61 metres in size. In terms of what will be visible above the ground, the pumping station consists of a kiosk and hardstanding area. It will be surrounded by a 1.5 metre high PPC dark green fence enclosure and landscaped with woven timber fence panels with a mixture of evergreen and flowering plants and an instant evergreen privet hedging.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework July 2018  
National Planning Practice Guidance  
National Planning Practice Guidance – Conserving and Enhancing the Historic Environment;  
Managing Significance in Decision-Taking in the Historic Environment (GPA 2)  
The Setting of Heritage Assets (GPA 3)  
Settings and Views of Heritage Assets (GPA 3 consultation draft)
- 2.2 Development Plans  
South Gloucestershire Local Plan Core Strategy Adopted December 2013  
CS1 High Quality Design  
CS2 Green Infrastructure  
CS6 Infrastructure and Developer Contributions  
CS8 Improving Accessibility  
CS9 Managing the Environment and Heritage  
CS24 Green Infrastructure, Sport and Recreation Standards

CS32 Thornbury  
CS33 Housing Opportunity  
CS34 Rural areas

Policies Sites and Places Plan Adopted November 2017

PSP1 (Local distinctiveness)

PSP2 (Landscape)

PSP3 (Trees and woodland)

PSP17 (Heritage Assets and the Historic Environment)

PSP20 (Flood Risk, Surface Water and Watercourse Management)

PSP40 (Residential Development in the Countryside)

PSP44 (Open Space, Sport and Recreation)

2.3 Supplementary Planning Guidance

The South Gloucestershire Design Checklist SPD (adopted)

The South Gloucestershire Waste SPD (adopted)

**3. RELEVANT PLANNING HISTORY**

- 3.1 PT14/032/SCR, Residential development of up to 175 dwellings, highway access, public open space, landscaping and associated infrastructure works. Screening Opinion issued 13.08.2014.
- 3.2 PT15/2917/O, Residential development of up to 125 dwellings on 6.6 hectares with public open space and associated infrastructure. Outline application including access with all other matters reserved. Permission granted with conditions, 19.05.2016.
- 3.3 PT16/6773/FDI, Diversion of footpath OTH/67 and OTH/68. Footpath Diversion Order, Pending Consideration, Received 14.12.2016.
- 3.4 PT16/4055/RM, Demolition of existing buildings and Erection of 125no. dwellings with public open space and associated infrastructure. Discharge of conditions 1 (submission of RM), 2 (implementation of RMs), 6 (landscaping), 7 (northern edge treatments etc), 12 (access), 17 (LEMP), 19 (light spillage ecology), 20 (Hedgehog Mitigation) and 26 (public art). (Approval of Reserved Matters (appearance, layout, landscaping and scale) to be read in conjunction with outline application PT15/2917/O). Approved, 13.03.2017.
- 3.5 PT18/0913/O, Erection of up to 39no. dwellings with public open space and associated infrastructure (outline) with access to be determined; all other matters reserved. Pending Consideration, Received 23.02.2018
- 3.6 PT18/0902/F, Erection of 29no. dwellings with access, public open space and associated infrastructure. Pending Consideration. Received 22.02.2018. This full application also appears on this Circulated Schedule.

#### 4. CONSULTATION RESPONSES

There has been re-consultation during the course of the application. The comments below are a summary of the key points raised throughout all rounds of consultation. Full copies of the letters received can be found on the Council's web site.

4.1 Thornbury Town Council

OBJECT, Council supports the Conservation Officer's comments and feels that the proposal should be more in keeping with the rural surroundings.

4.2 Landscape Officer

Alternative, less visually intrusive locations are available within the development area. The scheme represents an unacceptable loss of landscape quality and visual amenity to the proposed open space and adjoining public footpath contrary to policy CS9 and is contrary to policy CS1 which requires high quality design and site planning.

4.3 Public Open Space

Has raised issues through the course of the application and sought a number of amendments to the proposed landscape scheme. Key concerns were addressed following the receipt of several sets of amended plans.

4.4 Public Rights of Way

This application affects the diverted line of public footpath OTH68, which remains to be certified. It is the developer's responsibility to ensure that works carried out do not prevent implementation of the diversion and that the terms of the diversion order are met.

4.5 Environmental Protection

No comment.

4.6 Urban Design

No comment.

4.7 Affordable Housing

No comment.

4.8 Drainage

Drainage and Flood Risk Management Team (Engineering group - Street Care) have no objection. Comments were received as follows: In regards to the proposed drainage infrastructure within red line application boundary area for PT18/0463/RM I have **No Objection** in principle to the proposed changes from the previously approved drainage design. Note that this no objection and comments only relate to the South Pond. The North Pond drainage design is subject to a different application, and therefore not included within this application.

4.9 Arts and Development

No comment.

- 4.10 Waste  
No comment.
- 4.11 Ecology  
No comment.
- 4.12 Archaeology  
The archaeological work has been completed in this area and I have received a letter assuring me that the post-excavation is processing. As such there is no archaeological objection to this application.
- 4.13 Listed Building and Conservation  
Original comments:  
I fail to see how this proposal can be considered acceptable. Although the above ground structure may be limited, the overall appearance of the compound will be one that has a strong engineered character which to my mind would exacerbate the urbanisation of the site and its context, which includes the Grade II listed Morton House directly to the south. A far more considered and sympathetic solution needs to be found which should result in the reposition of this feature to a far more recessive or incidental location.
- 4.14 Transport  
No objection.
- 4.15 Other Consultees
- 4.16 Highways England  
We are satisfied that the issues in relation to the traffic impact of the development on the Strategic Road Network were addressed at the outline stage, and that the reserved matters for which consent is now being sought will not impact on that prior assessment. We therefore have no objections to the reserved matters which are the subject of this application.
- 4.17 Historic England  
No comment.
- 4.18 Natural England  
Natural England currently has no comment to make on the approval of reserved matters of planning permission PT15/2917/O.
- 4.19 Wessex Water  
Sewerage Infrastructure:  
The site will be served by separate systems of drainage constructed to current adoptable standards.
- Foul Drainage:  
The Foul Water Drainage Statement (PFA Jan 2018) is as anticipated. We can confirm that our local development engineers, have been in discussions with the developer regarding foul drainage for the site and we are happy to work with the developer to confirm and agree the final technical details for foul drainage following the grant of planning. The point of connection to the public

sewer in Oldbury Lane is by agreement with Wessex Water, who will adopt sewers and the foul pumping station through a formal S104 agreement, subject to satisfactory engineering proposals constructed to current adoptable standards.

#### Surface Water Drainage:

The Surface Water Strategy is subject to planning conditions 21-24 of outline approval PT15/2917/O to be agreed by the Lead Local Flood Authority in consultation with Wessex Water.

Surface water drainage will be subject to a formal section 104 agreement in combination with a section 112 agreement for prospective adoptive sewers in Butt Lane and Oldbury Lane. No arrangement has been confirmed for the disposal of the surface water, however we can confirm that our local development engineers are in discussion with the developer regarding the SW strategy for the site and technical approval for detailed design. We accept this reserved matter application, but are not willing to discharge the surface water conditions (*from the outline permission*) at this time. Surface Water connections to the public foul sewer network will not be permitted. Land drainage run-off shall not be permitted to discharge either directly or indirectly to the public sewerage system.

#### 4.20 ONR Emergency Preparedness & Response

ONR makes no comment on this proposed development as it does not lie within a consultation zone around a GB nuclear site.

#### 4.21 Sport England

No comment.

### **Other Representations**

#### 4.22 Local Residents

No letters of objection or support have been received from members of the public.

## **5. ANALYSIS OF PROPOSAL**

### 5.1 **Principle of Development**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the development plan, unless other material considerations indicate otherwise.

- 5.2 The principle of development has been established with the granting of outline planning permission PT15/2917/O, which covers the Land at Post Farm. The outline planning permission reserved all matters for future consideration, except the means of access onto Butt Lane from the south eastern part of the site. The access off Butt Lane, via a new priority T junction, has been approved in detail through the outline consent.

- 5.3 The outline application was accompanied by a Design and Access Statement (DAS) which included parameter plans to guide the detailed design of the development. Condition 5 of the outline application (PT15/2917/O) requires reserved matters to be based upon the parameters and phasing plan described in the Design and Access Statement (DAS). A Reserved Matters application (PT16/4055/RM) for the development site comprising appearance, landscaping, layout and scale has already been approved in accordance with the outline.
- 5.4 This reserved matters submission relates to Reserved Matters for the western area of the development site comprising access, landscaping and layout.
- 5.5 This application relates only to the accordance of the outstanding Reserved Matters with the outline permission already approved. The outline permission cannot be altered as the principle of residential development, the parameters and DAS have consent.
- 5.6 The approved parameter plans include the following:
- Land Use - The plan shows the north west of the site as POS including children's play, green space, allotments and a community orchard with drainage attenuation basins located in the north west and south west corners of the site. The site is mainly residential with landscape buffers to each site boundary.
  - Movement and Access – A hierarchy of streets is created within the scheme. The primary street provides the main movement network. This leads to community streets which provide access to the private drives along the edges of the development.
  - Density – The site is shown with an average density of 30 dph. Lower density development is located along the northern and eastern boundaries, with a medium density zone in the centre of the site, with higher densities along the main street.
  - Scale and Massing - Dwellings of 2 storeys (8.5m) are shown across the site, with a core of 2.5 storey dwellings along the Main Road and East-West Road, located away from the site boundaries.
  - Green Infrastructure – The Green Infrastructure plan details the POS in the North West corner of the site, with landscape buffers to the site boundaries and street trees located along the main streets. Retained and proposed trees, hedgerows and planting are indicated on the plan.
  - Drainage – The drainage plan details 2 attenuation basins, one located to the North West corner of the site and one in the South West corner with a swale running through the northern landscape buffer.
  - Phasing Plan – Indicates the 2 phases of development proposed and highway works.
  - Character Areas – Outlines the gateway / centre in the southern part of the site with the rural edge surrounding this along each site boundary.
- 5.7 The current application seeks approval for an alternative form of development on the west of the site, the changes proposed to the previously approved reserved matters comprise:

- Alternative layout to a small portion of the west of the site to accommodate a pumping station
- Relocation and resizing of the drainage pond on the west of the site to accommodate the pumping station
- Creation of an additional hard standing area and turning point to allow for access to and from the pumping station

There are no changes proposed to the number of dwellings or the layout of the development as previously approved.

5.8 Concerns were raised by the Town Council that the proposal was not in keeping with the rural surroundings. These concerns also echoed the comments of the conservation officer. A far more considered and sympathetic solution needs to be found which should result in the reposition of this feature to a far more recessive or incidental location.

5.9 Following the Town Council and officer comments, revised plans were submitted to address initial concerns raised with the reserved matters application and negotiations were undertaken to improve and revise the plans, including:

- Further landscaping detail and justification for the selected landscape treatment, including addition of woven timber fence panels with a mixture of evergreen and flowering plants and an instant evergreen privet hedging;
- Swept Path Analysis plan to confirm the pumping station is accessible for all vehicle sizes required;
- Sections across the full width of the site in this location to confirm the level of the pumping station slab and railings relative to the highway, existing boundary hedge, attenuation pond, and adjacent PROW , to demonstrate no significant or sudden change in levels between the proposed slab and either the pond or PROW;
- A Photo Survey document has been provided which provides a range of photo views taken in the location of the proposed pumping station at a height of 1.5m from ground level (to represent the top of the proposed railings and fencing);
- Technical details/calculations for the revised attenuation pond dimensions and details;
- Changes to the railings to a dark green colour (RAL6025), which can be secured via condition.

Officers are satisfied that the revised design of the pumping station has been improved in terms of appearance and is contained within an area of green space adjacent to the proposed attenuation features, generally accords with the DAS, parameter and phasing plans approved at outline as the addition of the pumping station does not necessitate repositioning of the footpath, dwellings or attenuation features. The location of the pumping station has not been moved to an alternative location, however the Lead Local Flood Authority and Wessex Water have provided comments which clarify the requirements for siting the pumping station in this location.

- 5.10 The current application, deals only with the addition of a pumping station and is in general accordance with the outline planning permission and masterplan. It is considered therefore that the application is acceptable in principle.
- 5.11 **Urban Design and Visual Amenity**  
The outline approval includes condition 5 which reads:  
  
*‘Application for the approval of the reserved matters shall be in accordance with the parameters and phasing plan described in the design and access statement hereby approved.’*
- 5.12 The access off Butt Lane, via a new priority T junction, is approved in detail through the outline consent. The development of 125 units provides a density of around 29 dwellings per hectare, in line with the approved outline plans.
- 5.13 The location of the proposed pumping station in the south western corner of the site faces onto residential dwellings within the Post Farm development. In order to improve the proposals an alternative design solution was submitted which included higher quality finish, materials and landscaping to minimise potential visual impacts. Officers are satisfied that the revised proposals are acceptable from a visual amenity perspective.
- 5.14 **Layout and Street Hierarchy**  
The layout follows the approved masterplan and Design and Access Statement with a horseshoe primary road layout with lanes projecting off into less formal shared cul de sacs. Areas of public open space are provided at the fringes of the site and mainly to the North West corner as approved at outline stage. There is good connectivity between the residential development and areas of POS with a play area forming a focal point to the main POS.
- 5.15 The addition of the pumping station in this location alters the layout of the scheme but does not affect the layout of the roads or street hierarchy.
- 5.16 The relationship between the proposed pumping station and the PROW has been more effectively addressed in the revised plans, reducing impact on the outlook from the PROW that will run along the northern edge of the pumping station that had previously overlooked the attenuation basin.
- 5.17 The Design and Access Statement and associated plans approved with the outline consent provide the parameters within which the development is deemed to be acceptable.
- 5.18 It is considered by officers that the layout and street hierarchy follow a consistent approach in accordance with the outline approval and is considered acceptable.
- 5.19 **Character and Detailed Design**  
The character of the development looks to respond to the surrounding residential areas of Thornbury, including the existing housing in the town and the consented developments surrounding the site.

- 5.20 In response to comments from Thornbury Town Council, the revisions to the scheme, as outlined under section 5.9 have sought to ensure the proposal is more in-keeping with the character of the area. The revised proposals have attempted to address the concerns responding to the detailed design points raised in the initial consultee comments, albeit the location has not been altered.
- 5.21 The Design and Access Statement and parameter plans approved with the outline permission presented a framework for the reserved matters. The proposals are considered to conform to the outline consent. The detailed design of the units has been improved through the course of officer negotiations and reflects recently approved schemes on the fringe of Thornbury.
- 5.22 **Residential Amenity**  
The site lies opposite existing development in Thornbury in Parkland Way and Charles Close and opposite the approved Park Farm development, which is currently under construction. There is one property on Butt Lane that the site surrounds.
- 5.23 The site is shielded from views of Butt Lane for the most part by a substantial hedge, the majority of which is proposed to be retained. This also surrounds the property on Butt Lane, which sits in a substantial hedged garden. Properties on Parkway Way and Charles Close are approximately 45m from proposed dwellings on the masterplan, as will properties on the Park Farm development. Post Farm itself is over 30m from the nearest dwellings. Given the existing hedge, the majority of which will be retained, and the proposed distances to existing and future dwellings, it is considered that there will no adverse residential amenity impacts of the proposals and addition of the pumping station.
- 5.24 The Environmental Protection Officers had no comments on the proposal and it is not considered that there will be adverse impacts of the application in terms of residential amenity in relation to noise or air quality.
- 5.25 The residential amenity impacts of the principle of residential development on this site were considered acceptable when the outline application was assessed, the reserved matters do not raise any additional issues and are considered acceptable.
- 5.26 **Landscaping and Trees**  
**Layout, Planting and Trees**  
The proposals retain the existing hedgerows on site and provide areas of tree planting to soften the edges of the development, including to the sensitive Northern and Western boundaries. Feature trees are proposed within the areas of POS, along the main primary route within the site and along the site boundaries. Incursions into the POS and landscape buffers have been addressed through revised plans.

- 5.27 The outline application included a Landscape and Visual Impact Assessment which outlines the mitigation measures proposed. The reserved matters submission generally accords with the green infrastructure plan approved at outline stage. The Green Infrastructure plan details the POS in the North West corner of the site, with landscape buffers to the site boundaries and street trees located along the main streets. Retained and proposed trees, hedgerows and planting are indicated on the plan.
- 5.28 The revised landscaping proposals for the site remain unchanged from the previous Reserved Matters approval, apart from the area around the drainage pond. The application proposes additional planting around the pumping station, including hedging between the pumping station and the public right of way. The railings surrounding the pumping station have been agreed as a 'non-standard' design with Wessex Water to ensure that the pumping station is of a low key appearance whilst retaining their safety purpose. The hedgerow along the western boundary of the site has been retained and will continue to screen this area of the site from Butt Lane, the railings of the pumping station would not be visible above the hedgerow. The route for off-site connection will utilise an existing break in the hedge where the existing public right of way enters the site, to retain the hedgerow.
- 5.29 It is considered that the landscaping proposed is acceptable and is in accordance with the outline.
- 5.30 The arboricultural assessment provides for the retention of mature trees and hedgerows on site. This is considered acceptable, subject to a condition to ensure protection of the existing trees and hedgerows prior to the commencement of development.
- 5.31 Public Open Space  
At outline stage the Case Officer secured the following on site public open space (POS):
- 800m<sup>2</sup> of allotments
  - 6,800m<sup>2</sup> of informal recreational
  - 9,700m<sup>2</sup> of natural and semi natural
  - 750m<sup>2</sup> of equipped play area
- An off-site financial contribution was secured for sports POS.
- 5.32 The reserved matters accord with the above POS spatial requirements as secured in the s106 agreement.
- 5.33 The layout of the POS differs from the Parameter Plan: Green Infrastructure approved at outline stage. The Public Open Space officer has raised a number of points for clarification during negotiation of the application, some of which have been addressed through revised plans.

- 5.34 Revisions have been made to the detailed design and landscaping of the Pumping Station, however the location has not been moved. Arrangements for access and maintenance have been confirmed. In this regard, it is considered that the proposal accords broadly with the outline consent.

5.35 **Transportation**  
**Access**

The main site access to the site onto Butt Lane gained permission at outline stage, therefore the principle of the site access will not be revisited here. A central refuge is proposed on Butt Lane between Parkland Way and Charles Close to assist pedestrians crossing Butt Lane to access the bus stops and Thornbury town. Street lighting on Butt Lane between Morton Street and Gloucester Road was also secured by condition attached to the outline consent and shall be provided prior to occupation of any dwelling.

The revised access arrangement on the west of the site for the pumping station is a continuation of the approved access area which provides a turning point for vehicles that need to access the pumping station. The amendments to the application are for the functional operation of the pumping station. There are no other changes proposed to the access points for the wider development site.

The proposed scheme as submitted is in accordance with the access plans and layout approved at outline and is considered acceptable by officers.

5.36 **Public Rights of Way**

The footpaths that cross the site will be set within green corridors. The PROWs have been incorporated into the Public Open Space which provides for an attractive green setting, safeguarding the amenity of the routes. The layout has been designed to ensure that the PROWs are central to the pedestrian access strategy for the site. The original scheme required the diversion of the public rights of way to reflect the walked route on the ground, which had been used on a permissive basis because the legal path through the farm buildings had not previously been available.

- 5.37 The Reserved Matters application does not require any diversion of any Public Right of Way. Users of the adjacent footpath will experience this route differently with the addition of the pumping station, the result of which will enclose the route for a limited section. The treatment of the PROW are considered acceptable by officers.

5.38 **Drainage**

**Sewerage Infrastructure:**

Wessex Water has confirmed the site will be served by separate systems of drainage constructed to current adoptable standards.

**Surface Water Drainage**

The Surface Water Strategy is subject to planning conditions 21-24 of outline approval PT15/2917/O to be agreed by the Lead Local Flood Authority in consultation with Wessex Water.

Surface water drainage will be subject to a formal section 104 agreement in combination with a section 112 agreement for prospective adoptive sewers in Butt Lane and Oldbury Lane. No objection has been raised by Wessex Water or the LLFA on this reserved matters application on surface water drainage.

Foul drainage

- 5.39 In accordance with the outline permission, foul water flows from the proposed dwellings would drain to the new gravity sewer network, which in turn would connect to the existing public foul sewer in Oldbury Lane via a new outfall sewer. The new foul water outfall sewer would either be constructed by the Developer and subject to an Agreement under Section 104 the Water Industry Act 1991, or requisitioned by the Developer under Section 98 of the Act and constructed by Wessex Water.
- 5.40 Wessex Water have raised no objection and have confirmed the Foul Water Drainage Statement (PFA Jan 2018) is acceptable and that ongoing discussions have been undertaken with the developer regarding foul drainage for the site. Wessex Water will confirm and agree the final technical details for foul drainage following the grant of planning. The point of connection to the public sewer in Oldbury Lane is by agreement with Wessex Water, who will adopt sewers and the foul pumping station through a formal S104 agreement, subject to satisfactory engineering proposals constructed to current adoptable standards.
- 5.41 The proposed drainage arrangements are consistent with the outline permission, are designed in accordance with current standards and are considered acceptable.

5.42 **Archaeology and Heritage**

- The conservation officer raised concerns on the reserved matters on the proximity of the proposed pumping station to Grade II listed building Morton House. Condition 7 of the outline permission, requires the submission of details of the treatment of the north-west corner of the site to include consideration of the setting of the Grade II listed Morton House and the local landscape impact. In assessing the outline application harm to the setting of Morton House has been identified as 'less than substantial' with respect to the test outlined in the NPPF.
- 5.43 Paragraph 196 is a restrictive policy, as outlined under paragraph 11 and footnote 6 of the NPPF. Paragraph 196 states: "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use." Paragraph 197 of the NPPF states the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In accordance with Paragraph 197 of the NPPF, "the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."

- 5.44 Policy CS9 of the Core Strategy also requires that new development will be expected to ensure heritage assets are conserved, respected and enhanced in a manner appropriate to their significance.
- 5.45 The statutory duty of Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess must also be given detailed consideration by decision makers. Section 38(6) of the Planning and Compulsory Purchase Act 2004 also requires decision makers to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.
- 5.46 In summary, officers have assessed the potential for the site to be developed for housing without adversely affecting designated heritage assets and if there is less than substantial harm would it be outweighed by the public benefits of the proposal. Less than substantial harm to the Grade II listed Morton House was identified. It was considered under the extant outline planning permission that when weighed against the public benefits of the proposal, less than substantial harm to the designated heritage asset was outweighed by the public benefits and therefore planning permission should be granted, in accordance with the presumption in favour of sustainable development. The same assessment is made for this reserved matters application, that the public benefits of the scheme outweigh the identified harm.
- 5.47 Through negotiation of the previous reserved matters application (PT16/4055/RM) officers requested the removal of the unit nearest the listed building in response to the identified harm. However, the agent was of the view that as the harm was considered 'less than substantial' revisions could be made to address the landscaping proposed and design of the units to mitigate for and minimise impacts of the housing layout on the listed building. The detailed reserved matters submission shows development to the same boundary of the North West corner of the site as the approved DAS and parameter plans. Morton Grange is also adjacent to the approved Park Farm development to the south west, which includes development in closer proximity than the units proposed at Post Farm.
- 5.48 With regard to this reserved matters application, in response to the Conservation Officer comments, a Photo Survey document has been provided which provides a range of photo views taken in the location of the proposed pumping station at a height of 1.5m from ground level (to represent the top of the proposed railings and fencing). It has been identified that there would be limited views of the pumping station from upper windows of Morton House, the proposed landscaping measures including woven timber fence panels with a mixture of evergreen and flowering plants and an instant evergreen privet hedging will reduce the visual impact.

#### 5.49 **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. 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. 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 as equality matters have duly been considered in planning policy.

### 6. **CONCLUSION**

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

### 7. **RECOMMENDATION**

- 7.1 Reserved matters are APPROVED in accordance with conditions 1 and 2 attached to outline approval PT15/2917/O.

**Contact Officer: Catherine Loveday**  
**Tel. No. 01454 868150**

### **CONDITIONS**

1. The decision relates only to the plans below:
  - Pumping Station – Site Layout (Drawing no. PS.001 Revision: B)
  - Site Plan – Pumping Station (Drawing no. PS.sp Revision: B)
  - Proposed Elevations – Pumping Station (Drawing no. PS.e Revision: A)
  - Floor Plan – Pumping Station (Drawing no. PS.p Revision: A)
  - Surface Finishes Plan Sheet 1 of 4 (Drawing no. L410/62 Revision: P)
  - Longitudinal Sections Sheet 3 of 3 (Drawing no. L410/17 Revision: X)
  - Proposed Drainage Plan Sheet 1 of 4 (Drawing no. L410/04 Revision: AB)
  - Proposed Levels and Contours Sheet 3 of 3 (Drawing no. L410/03 Revision: T)
  - Soft and Hard Landscape Plan Sheet 2 of 4 (Drawing no. 2179\_P20 Revision: Z)
  - Foul Water Drainage Statement (dated January 2018)
  - Pumping Station Construction Details (Drawing no. L410/123 Revision: B)
  - Pumping Station Inset Plan (Drawing no. 2179\_P37 Revision C)

- Section Through Site from Morton House Gate (Drawing no L410/146 Revision: A)
- Pumping Station Swept Path Analysis (Drawing no. L410/147 Revision: A)
- Photographic Survey of Proposed Pumping Station Location (prepared by Linden Homes)
- Pumping Station Inset Plan (Drawing no. 2179\_P37 Revision C)
- South Pond Cross Section (Drawing no. L410/24 Revision: H)
- Micro Drainage Details (PDF file, MDX already submitted under separate cover to the LLFA).

Reason

To clarify the plans forming this consent.

2. Any trees or plants to be planted or retained in accordance with Soft and Hard Landscape Plan Sheet 2 of 4 (Drawing no. 2179\_P20 Revision: z) and Pumping Station Inset Plan (Drawing no. 2179\_P37 Revision C) which die, are removed, are damaged or become diseased within 5 years of the completion of the approved landscaping scheme shall be replaced by the end of the next planting season. Replacement trees and plants shall be of the same size, location and species as those lost.

Reason

In the interests of the visual amenity of the scheme and to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and Policy PSP2 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

3. Prior to the commencement of the construction of the sewage pumping station, a method statement for its construction, including all excavation work, installation of equipment and the fence and the construction of the hardstanding shall be submitted to and approved by the Local Planning Authority in writing. Development shall be carried out in accordance with the approved details.

Reason

To protect the adjacent hedgerow during construction, to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and Policy PSP3 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

4. Prior to the commencement of the construction of the sewage pumping station, protective fencing shall be erected between the hedgerow on the northern boundary of the site and the development site along the extent of that boundary in accordance with BS5837 2012 Trees in Relation to Construction. The protective fencing shall be retained and maintained for the duration of the construction period of the turning head and the sewage pumping station.

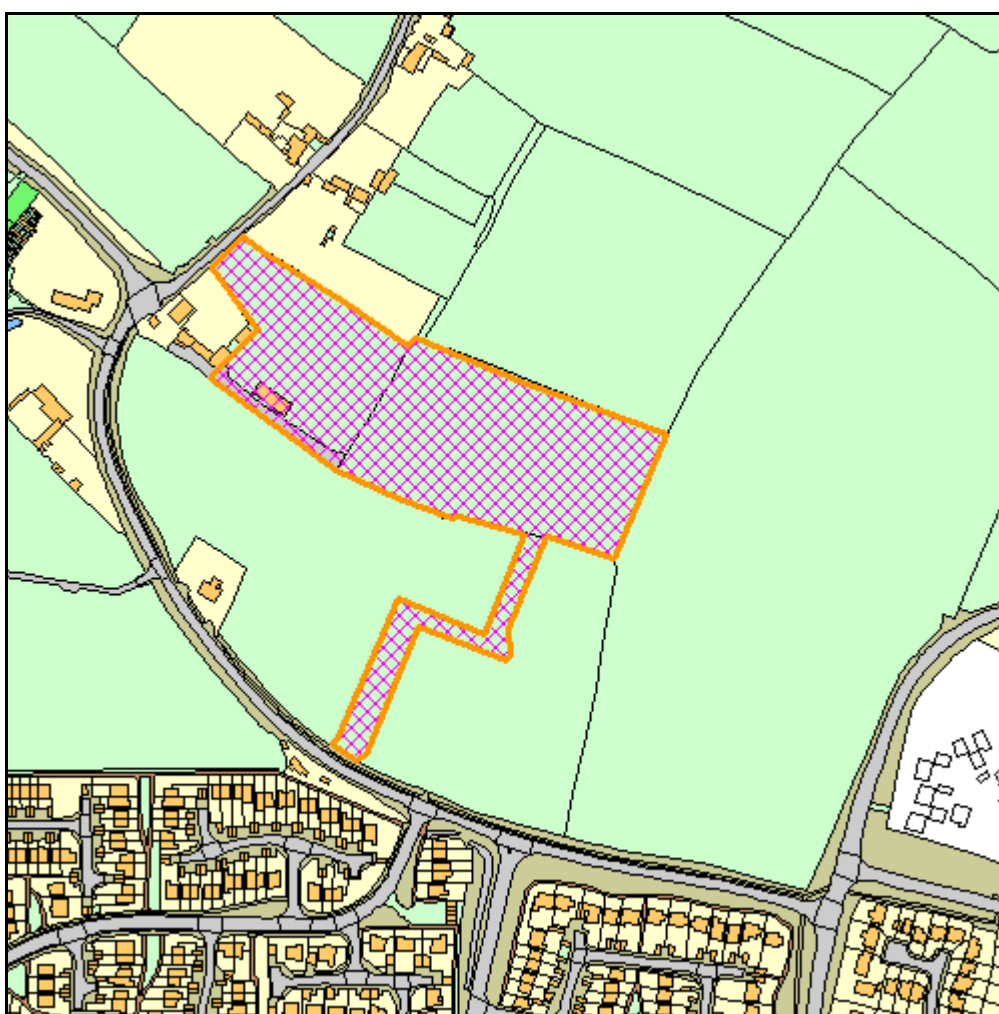
Reason

To protect the character and appearance of the area to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and Policy PSP3 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

**CIRCULATED SCHEDULE NO. 39/18 – 28 SEPTEMBER 2018**

<b>App No.:</b>	PT18/0902/F	<b>Applicant:</b>	Linden Homes
<b>Site:</b>	Land At Post Farm Morton Street Thornbury South Gloucestershire BS35 1LB	<b>Date Reg:</b>	7th March 2018
<b>Proposal:</b>	Erection of 29no. dwellings with access, public open space and associated infrastructure.	<b>Parish:</b>	Thornbury Town Council
<b>Map Ref:</b>	364085 191619	<b>Ward:</b>	Thornbury North
<b>Application Category:</b>	Major	<b>Target Date:</b>	31st May 2018

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**N.T.S.**

**PT18/0902/F**

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

This application has been referred to the Circulated Schedule following the receipt of an objection from Thornbury Town Council; the concerns raised being contrary to the officer recommendation.

### **1. THE PROPOSAL**

- 1.1 Full planning permission is sought for the erection of 29 no. dwellings with public open space and associated infrastructure.
- 1.2 The application comprises a net addition of 7 no. dwellings and associated infrastructure on part of the Post Farm land with extant permission (PT15/2917/O and PT16/4055/RM) for the erection of 125 no. dwellings. This full planning application red edge falls entirely within the red edge submitted under the extant permission.
- 1.3 This full application relates to the northern section of the Post Farm development site, which currently has planning permission for 22 dwellings, under the above consents.
- 1.4 The application site lies on the northern part of Butt Lane, opposite the Park Farm development and properties on Parkland Way and Charles Close. The site is bounded by Butt Lane to the south, Morton Street and the buildings of Post Farm to the west, with open fields to the north and east. The site lies in the open countryside and outside the settlement of Thornbury. The site consists of a small pasture field and a remnant orchard area with small scale farm buildings. The fields are enclosed by hedgerows and hedgerow trees. The land falls from the south east corner at a height of 31m AOD to around 17m AOD close to Morton Street. There are no TPO trees on site. There are two public rights of way on site which run adjacent to the hedge lines.
- 1.5 In terms of vehicular access, approved as part of the outline permission, is a direct access onto Butt Lane located at the South Eastern end of the wider site, the application site is linked through the southern section of the Post Farm development onto Butt Lane. Pedestrian access is proposed from the existing public rights of way OTH67 and 68, which will be diverted to follow a route within the hedge that follows the northern site boundary, further pedestrian access is shown from the north. The majority of the existing hedgerows and trees on site are retained. Public open space is shown on the north western corner of the site, closest to Post Farm, in the form of allotments, an orchard, children's play area and natural/semi natural open space. Two attenuation ponds are detailed on the wider site; the one in the north west corner of the site is included within the red edge of this application.
- 1.6 The proposal comprises a mixture of dwellings ranging between 2 and 2.5 storeys in height, including 35% affordable housing dispersed within the layout.

## **2. POLICY CONTEXT**

### **2.1 National Guidance**

National Planning Policy Framework July 2018  
National Planning Practice Guidance  
The Community Infrastructure Levy Regulation 2010  
National Planning Practice Guidance – Conserving and Enhancing the Historic Environment;  
Managing Significance in Decision-Taking in the Historic Environment (GPA 2)  
The Setting of Heritage Assets (GPA 3)  
Settings and Views of Heritage Assets (GPA 3 consultation draft)

### **2.2 Development Plans**

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

CS1 High Quality Design  
CS2 Green Infrastructure  
CS4a Presumption in Favour of Sustainable Development  
CS5 Location of development  
CS6 Infrastructure and Developer Contributions  
CS8 Improving Accessibility  
CS9 Managing the Environment and Heritage  
CS15 Distribution of Housing  
CS16 Housing Density  
CS17 Housing Diversity  
CS18 Affordable Housing  
CS23 Community infrastructure and cultural activity  
CS24 Green Infrastructure, Sport and Recreation Standards  
CS32 Thornbury  
CS33 Housing Opportunity  
CS34 Rural areas

#### Policies Sites and Places Plan Adopted November 2017

PSP1 (Local distinctiveness)  
PSP2 (Landscape)  
PSP3 (Trees and woodland)  
PSP6 (Onsite Renewable and Low Carbon Energy)  
PSP8 (Residential Amenity)  
PSP9 (Health Impact Assessments)  
PSP10 (Active Travel Routes)  
PSP11 (Transport Impact Management)  
PSP16 (Parking Standards)  
PSP17 (Heritage Assets and the Historic Environment)  
PSP19 (Wider Biodiversity)  
PSP20 (Flood Risk, Surface Water and Watercourse Management)  
PSP21 (Environmental Pollution and Impacts)  
PSP37 (Internal Space and Accessibility Standards for Affordable Dwellings)  
PSP40 (Residential Development in the Countryside)  
PSP42 (Self Build & Custom House Building)  
PSP43 (Private Amenity Space Standards)

## PSP44 (Open Space, Sport and Recreation)

### 2.3 Supplementary Planning Guidance

The South Gloucestershire Design Checklist SPD (adopted)

The South Gloucestershire Waste SPD (adopted)

The South Gloucestershire Residential Parking Standards SPD (adopted)

The South Gloucestershire Affordable Housing and Extra Care SPD (adopted)

The South Gloucestershire Revised Landscape Character Assessment SPD (adopted)

The South Gloucestershire CIL Charging Schedule and the CIL and S106 SPD (adopted)

The South Gloucestershire Biodiversity Action Plan (adopted)

## 3. **RELEVANT PLANNING HISTORY**

- 3.1 PT14/032/SCR, Residential development of up to 175 dwellings, highway access, public open space, landscaping and associated infrastructure works. Screening Opinion issued 13.08.2014.
- 3.2 PT15/2917/O, Residential development of up to 125 dwellings on 6.6 hectares with public open space and associated infrastructure. Outline application including access with all other matters reserved. Permission granted with conditions, 19.05.2016.
- 3.3 PT16/6773/FDI, Diversion of footpath OTH/67 and OTH/68. Footpath Diversion Order, Pending Consideration, Received 14.12.2016.
- 3.4 PT16/4055/RM, Demolition of existing buildings and Erection of 125no. dwellings with public open space and associated infrastructure. Discharge of conditions 1 (submission of RM), 2 (implementation of RMs), 6 (landscaping), 7 (northern edge treatments etc), 12 (access), 17 (LEMP), 19 (light spillage ecology), 20 (Hedgehog Mitigation) and 26 (public art). (Approval of Reserved Matters (appearance, layout, landscaping and scale) to be read in conjunction with outline application PT15/2917/O). Approved, 13.03.2017.
- 3.5 PT18/0913/O, Erection of up to 39no. dwellings with public open space and associated infrastructure (outline) with access to be determined; all other matters reserved. Pending Consideration, Received 23.02.2018
- 3.6 PT18/0463/RM, Approval of Reserved Matters to be read in conjunction with outline permission PT15/2917/O (access, landscaping and layout) for western area, including addition of foul water pumping station. Pending Consideration, Received 29.01.2018. This application for approval of Reserved Matters also appears on this Circulated Schedule.

## 4. **CONSULTATION RESPONSES**

There has been re-consultation during the course of the application. The comments below are a summary of the key points raised throughout all rounds of consultation. Full copies of the letters received can be found on the Council's web site.

#### 4.1 Thornbury Town Council

Thornbury Town Council commented to reiterate its previous comments to development of this site. The proposed development is outside the planned development boundary which was stipulated clearly in the recent adopted Core Strategy. The town is already accommodating 300 more homes than the Core Strategy deemed necessary and concerns have been expressed that the infrastructure required to support the 850 extra homes already approved is not sufficient. GP practices are currently under continuous pressure, there are parking problems in the town centre and the schools will have difficulty in providing places for the increasing population. The updated plan is even more detrimental to the town due to the additional housing units. The Town Council is of the view that this development does not respect the setting of the edge of the town within the rural landscape. This plan reduces the green buffer that is supposed to protect the rural setting. It also reduces the public open space which is an essential amenity.

#### 4.2 Landscape Officer

Original comments stated that there was a significant reduction in the area of open space along the western site edge as a consequence of the proposed changes. Having looked in detail at the layout it is clear that the increased number of units can be accommodated without the loss of any of the open space given a more varied house style mix and the loss of some of the garage provision. The Landscape Officer recommended refusal on the basis of the unacceptable loss of the open green buffer to the northern boundary of the site which reduces the quality, character and amenity of the development and its surroundings, particularly given that alternative layouts which retain the open space are possible. This is contrary to Core Strategy policy CS9.

Following revisions to the scheme and an increase in the width of the landscape buffer the Landscape objection was overcome.

#### 4.3 Public Open Space

The application is for 29 dwellings but as the proposal sits within the wider site which has the benefit of permission under PT15/2917/O, it represents an increase of 7no. dwellings over and above the 125no. already approved. As a supplemental S106 is likely to be the means of formalising the increase in the POS requirements (if permission is granted), I have based this memo on an increase of 7no. dwellings rather than a stand-alone application of 29no. dwellings.

- A revised play area layout is shown on 2179\_P34 C but I have found no details/product codes for the equipment proposed; this information must be submitted.
- Information has been provided on the POS Quantities plan 2179/P25 D, to show that the scheme is policy compliant in terms of spatial POS provision, other than Outdoor Sports Facilities.
- The application fails to acknowledge the required increase in the contribution towards Outdoor Sports Facilities – an additional £13,488.55 towards provision and/or enhancement of existing facilities and an additional £4,082.53 towards maintenance.

4.4 Public Rights of Way

The PROW Officer commented that the development may affect the nearest recorded public rights of way, reference OTH 67 which runs adjacent to the north and east boundary of the area outlined on the application.

4.5 Environmental Protection

No objection. The Phase II Intrusive Investigation and Report (Ground Investigation Report dated August 2016) is agreed in respect of the site wide investigation, with the exception of the existing buildings on site. A condition is suggested.

4.6 Urban Design

No objection.

4.7 Affordable Housing

No Objection subject to agreement to Affordable Housing heads of terms which includes revisiting the affordable housing tenure split and mix.

4.8 Drainage

Following ongoing discussions with the developer the Lead Local Flood Authority have provided the following comments:

Sufficient groundwater monitoring has been undertaken for design of North Pond.

We have no objection in principle to the on-site drainage subject to the following conditions:

- Drainage is constructed in compliance to approved drawings
- As-built drawings of surface water drainage infrastructure including attenuation structures / ponds.
- Management and Maintenance Scheme / Plan / Schedule for Surface Water infrastructure.
- Off-site drainage connection.

4.9 Arts and Development

In the light of this policy basis, if the application is approved, the Council should apply a planning condition for a public art programme that is relevant and specific to the development and its locality. The programme should be integrated into the site and its phasing plan. This application makes no reference to public art in its Design and Access statement nor has a specific document relating to public art. Therefore, the condition should require full details and designs to be agreed as prior to commencement on site. The public art programme should be devised and managed by a public art professional to ensure a high quality scheme.

4.10 Waste

No comment.

4.11 Ecology

No comment.

4.12 Archaeology

No comments. The necessary archaeological work has already taken place in this area.

4.13 Listed Building and Conservation

No comment.

4.14 Transport

I recommend no objections and the addition of S106 obligations and conditions.

4.15 Community Meeting Spaces

We would not normally comment on a development of 29 dwellings (net increase of 7) however as this development together with the 39 dwellings proposed by application number PT18/0913/O would cumulatively lead to a significant increase in the demands on a wide range of community facilities in the town, several of which are known to need further investment and enhancement and most of which are some distance from this site, we felt it appropriate to comment. This development of 29 dwellings (net increase of 7) and an additional 39 dwellings at PT18/0913/O would lead to an increase of 110.4 residents in total.

A CIL will be levied on this development if it is permitted, and part of that could technically be invested in improving community facilities in the town. Given the distance of the site from existing facilities, the developer should as a minimum be ensuring excellent walking, cycling and public transport is available to ensure good and safe access to them for people living here. In the future SGC or the Town Council may decide to allocate CIL funds towards community space improvements, although potential for such works cannot be known at this stage.

4.16 Self Build Officer

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

4.17 Sustainable Energy

As the application is a Full application for 29 dwellings on a greenfield site then I consider that all parts of PSP Policy 6 need to be addressed in the proposed development, including the requirement to reduce Co2 emissions further (i.e. after energy reduction and efficiency measures have been taken into account) by at least 20% via the use of renewable and/or low carbon energy generation sources on or near the site providing this is practical and viable.

Also, just to note that I understand the application covers part of a larger site that already benefits from outline permission, and that the new application (for 29 dwellings) only comprises an additional net 7 dwellings. If the application had been submitted as a reserved matter to the outline permission, for the additional 7 dwellings, then the 20% requirement clause of PSP Policy 6 would not have been triggered as the development would have fallen below the 10

dwelling threshold. Clauses 1 and 2 of PSP Policy 6 would still apply though, as they apply to all development proposals.

#### 4.18 Other Consultees

#### 4.19 Oldbury on Severn Parish Council

Council believes that despite the revisions submitted by the applicant, the objections previously submitted by this council in relation to this site are still valid.

1. The Flood Risk Assessment for the application is flawed. The methodology in the Flood Risk Assessment still does not address concerns held by this council in respect of fluvial flooding in the area of the junction of Butt Lane with Oldbury lane and further downstream in Oldbury village. It also does not demonstrate a secure methodology with regard to the assessment of groundwater behaviour. The applicants' idea of disposing of surface water from the entire site into a supposed existing ditch via catchment ponds which may already be full is believed untenable. The risk of flooding to dwellings in the area of that ditch could be greatly exacerbated.

Oldbury PC is concerned that failure to prepare accurate assessments of drainage management in any major development application in the local Thornbury area could well have an impact downstream within Oldbury village in respect of fluvial flooding.

2. The supporting data supplied in relation to highways and vehicle movements in Butt Lane does not appear robust enough to cater for highways safety needs. Butt Lane is a single lane road on a curving incline/decline plane and the visibility splays as proposed in the application are too narrow. Because the proposed entrance/exit is poorly sited on a bend vehicle drivers will not have a good field of view. Whilst current traffic flows may be within tolerance consideration should be given to the potential of increased flows in respect of the construction of a new nuclear power station within Oldbury parish. The increased number of dwellings in the recent revision of the application will only exacerbate this issue.

3. This application is not necessary in relation to supporting the Local Core Strategy and the Strategic Development Plan; the increased number of dwellings in the current application only make the situation more excessive.

#### 4.20 Highways England

This application is seeking consent for erection of 29 dwellings with access, public open space and associated infrastructure. From a review of the submitted documents, we are satisfied that the location and scale of the proposed development will not adversely impact on the safe and efficient operation of the SRN. Highways England has no objection to the development.

#### 4.21 Avon and Somerset Police

1. Having viewed the information as submitted we find the design generally to be in order and comply appropriately with the crime prevention through environmental design principles.

2. Plots 9, 11-14 have identified parking areas in front of garages, whilst accepting that the vehicles should be parked in the garage, reality seems to indicate that they will be parked in front.

Because these areas are between buildings this creates an area which is likely to be in the dark, depending upon the levels and positioning of the street lighting. Evidence suggests that this is an area vulnerable to crime, theft, damage, and potentially personal safety. It would be advantageous to either provide additional light in the area and/or ensure that the buildings have habitable rooms overlooking the area.

4.22 Historic England

No comments.

4.23 Wessex Water

No comments.

4.24 ONR Emergency Preparedness & Response

No comments.

4.25 Sport England

No comments.

**Other Representations**

4.26 Local Residents

20 letters of objection were received from local residents to the proposed development. Issues raised are summarised below:

- Effect on Lower Morton and reduction of gap from Thornbury
- Impact on water, drainage and sewerage issues in Duckhole, Upper Morton, Lower Morton and Oldbury on Severn
- Impact on flooding at Morton Street
- Protection of 9 Grade II Listed heritage assets in close proximity to the site
- Increased pollution, congestion and accidents
- Inadequate travel planning and too much reliance on this to mitigate impacts
- Overdevelopment at Thornbury
- Pressure on infrastructure including schools, health services and road network
- Additional dwellings are inappropriate in this location
- Original application was reduced to minimise impacts of the development and now further dwellings are being added
- Impact on parking in Thornbury Town Centre
- Impact on increasing traffic in the locality and car-bourne development
- Opportunist speculative development
- Unacceptable increase in density
- Unacceptable reduction of landscape buffer and Public Open Space unacceptable

- Damage to rural setting of the site and Thornbury town from reduced green buffer
- Unsustainable location in terms of walking distances and access to facilities and key services
- Serious surface water drainage issues which outline the inadequacies and shortcomings of the SuDS scheme proposed
- Grade II/II\* listed buildings within close proximity to this site and substantial weight should be given to their protection as Heritage Assets
- Lack of employment will increase commuting and trip generation of new residents
- Site already at limit of recommended walking distances
- Thornbury overloaded and becoming unsustainable as a location for further growth
- Thornbury has taken more than its share of additional housing

#### 4.27 Thornbury Neighbourhood Plan Steering Group

Thornbury Neighbourhood Plan Steering Group (TNPSG) provided comments summarised below: We are aware of the widely expressed concern about the cumulative impact of these developments on Thornbury and request that the Planning Committee considers this cumulative impact issue carefully when assessing these two applications (PT18/0902/F and PT18/0913/O).

The Thornbury Neighbourhood Plan is in its development phase and a comprehensive process of gathering views from the community is underway. However, the Steering Group has already completed some initial community engagement undertaken as part of the neighbourhood plan and has reviewed responses about Thornbury issues from previous JSP consultations. This indicates that there are a number of important issues that need careful consideration in relation to decisions about planning applications including the determination of the above two applications for Thornbury.

These include:

- Whether the size and rate of growth planned for Thornbury (including Buckover Garden Village) can be achieved sustainably
- How the proposal secures the delivery of sufficient infrastructure to support the planned growth of Thornbury and the potential Buckover Garden Village
- Whether the proposal adequately matches housing growth locations to employment growth locations
- Whether the proposal has properly considered all options for growth within the West of England area and whether the locations chosen for growth represent the most sustainable
- Whether the proposals support the needs of local people in terms of the mix and types of housing, providing for people just getting onto the housing ladder, as well as lower income families and down-sizers
- We would ask that the Planning Committee reviews the above matters carefully as part of their deliberations in relation to these two applications and also takes into account the cumulative impacts of previous and prospective planning decisions on Thornbury. This is particularly important as the proposed development is not in accordance with the emerging JSP and Local Plan with which the Neighbourhood Plan will have to conform.

4.28 Thornbury Residents Against Poorly Planned Development (Trapp'd)

The following comments were submitted by Trapp'd:

1. The original proposal submitted in July 2014 was for 175 dwellings. This was reduced to 125 dwellings in a new application in July 2015 when SGC Planning Officers expressed concerns that development should not extend into the northern most field on the site. The new application for 39 dwellings (PT18/0913/O) is purely a speculative move intended to maximise the development opportunity negotiated away in 2015 and holds no merit. Likewise, the full application (PT18/0902/F) to increase the number of dwellings in this phase of the development by 7 is opportunist and will merely increase the density of housing.
2. The new application attempts to push back the settlement boundary and reduce the gap between Thornbury and the hamlet of Lower Morton.
3. There are serious surface water drainage issues, dealt with in detail in other objection comments, which outline the inadequacies and shortcomings of the SuDS scheme proposed by the developer's consultant. Further investment in a more robust drainage system will be required to protect properties in Morton Street, Duckhole and further downstream in Oldbury from flooding during periods of heavy rainfall.
4. There are 9 Grade II/II\* listed buildings within close proximity to this site and substantial weight should be given to their protection as Heritage Assets.
5. Too much weight is given to the assumption that a Travel Plan and residents increased use of public transport, cycling and walking routes will reduce the use of the private motor car, thus reducing peak time congestion and pollution.
6. The lack of new jobs in Thornbury will mean that new residents will have to travel beyond the town to work, largely by private motor car, thus further increasing congestion and pollution.
7. The site location is already at the limit of recommended walking distances from local facilities, schools etc.
8. Contrary to SGC's Planning Officer's assertion that Thornbury is a Tier 1 settlement that will continue be a sustainable location, we see that cracks are already appearing in the local infrastructure in terms of schooling, NHS facilities and retail. As an example, more residents are now driving to more distant shopping locations, such as Cribbs Causeway, Bradley Stoke (Willow Brook Centre), as it becomes more difficult to find parking because of the increasing population.
9. We believe that Thornbury has already taken more than its share of dwellings required through the adopted Core Strategy and that, pending the Decision on the Cleve Park Appeal and the 'calling in' of the Ainscough Planning Application (PT16/4774/O) for a review of the Development Control (West) Committee 'Decision' of 24th August 2017, no further Planning Applications should be approved.

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the development plan, unless other material considerations indicate otherwise.

The site located outside the settlement boundary of Thornbury in the open countryside. The site lies outside the settlement boundary of Thornbury, and within the Rural Areas, as defined by the Core Strategy. The site does not lie within the Green Belt. The site has not been allocated for development in the Core Strategy.

The principle of development for 125no.dwellings has been established with the granting of outline planning permission PT15/2917/O, which covers the Land at Post Farm. The outline planning permission reserved all matters for future consideration, except the means of access onto Butt Lane from the south eastern part of the site. The access off Butt Lane, via a new priority T junction, has been approved in detail through the outline consent.

The outline application was accompanied by a Design and Access Statement (DAS) which included parameter plans to guide the detailed design of the development. A Reserved Matters application (PT16/4055/RM) for the development site comprising appearance, landscaping, layout and scale has been approved in accordance with the outline.

The full application is applying for 29 units on the northern part of the Post Farm site, an additional 7 units from the 22 proposed under the extant outline permission and reserved matters application. If permission was granted the overall site would comprise 132 no. dwellings. Officers consider that the principle of residential development, the parameters and DAS have consent, therefore this application has been assessed in light of the extant planning permissions and in accordance with the development plan.

Following officer comments, revised plans were submitted to address initial concerns raised and negotiations were undertaken to improve and revise the plans. Officers are satisfied that the type and amount of land uses proposed generally accord with the DAS, parameter and phasing plans approved under the extant outline permission for the site and that the DAS submitted in support of the scheme . Key changes are outlined below:

- Increase in width of northern 'Green Corridor' to provide improved level of landscaped public open space, the northern 'edge' has been moved back between 2 and 5 meters;
- Amendments to detailed layout and arrangement of dwellings;
- Confirmation that overall POS quantum's for the overall Post Farm development site remain policy compliant at minimum in all categories;
- Revised Local Equipped Area of Play (LEAP) design.

The current application is proposing residential development of 29 units with public open space and associated infrastructure. The proposal accords with main principles of the extant outline planning permission and masterplan, the supporting information demonstrates that the additional units can be accommodated and the increased density on the northern part of the site can be effectively accommodated. It is considered therefore that the application is acceptable in principle.

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

Paragraphs 60 and 61 of the NPPF look to secure high quality and inclusive design that takes into account local distinctiveness without stifling innovation. In addition, Policy CS1 High Quality Design outlined within the Core Strategy (2013) states that development will only be permitted where the highest possible standards of design and site planning are achieved.

### **Layout and Street Hierarchy**

The proposed layout follows the approved masterplan and Design and Access Statement submitted with the extant outline application, a horseshoe primary road layout with lanes projecting off into less formal shared cul de sacs. Areas of public open space are provided at the fringes of the site and mainly to the North West corner as approved at outline stage. There is good connectivity between the residential development and areas of POS with a play area forming a focal point to the main POS. The Design and Access Statement and associated plans approved with the outline consent provide the parameters within which the application is deemed to be acceptable.

The layout of the scheme was revised in response to officer comments and the landscape buffer at the northern boundary of the site increased in size to reduce impacts of the additional dwellings and addition of 2 areas of extended private drive on the surrounding countryside and to ensure that incursions into the Public Open Space were kept to a minimum. The Overlay Plans (Overlay 1 and 2) provide a comparison of the outline scheme and the scheme for consideration under the full application.

The layout and street hierarchy follow a logical approach in accordance with the parameters set under the outline permission. The scheme has been the subject of negotiation with officers. Officers consider the layout acceptable following the revisions.

### **Character and Detailed Design**

The character of the development looks to respond to the surrounding residential areas of Thornbury, including the existing housing in the town and the consented developments surrounding the site.

The storey heights of the proposed dwellings are in general accordance with the scale and massing phasing plan attached to the outline permission, providing mainly 2 storey dwellings with a limited number of 2.5 storey at the centre of the site with one now located adjacent to the consented Land West of Gloucester Road development site.

The Design and Access Statement and parameter plans approved with the outline permission reviewed the character and design of housing in the locality and presented a framework for the reserved matters. Similarly the DAS and plans submitted in support of this full application are considered to conform to the principles set for the extant outline consent, which were subject to ongoing negotiations with officers. The detailed design of the units has been improved through the course of officer negotiations and reflects recently approved schemes on the fringe of Thornbury.

### **Residential Amenity**

The site lies opposite existing development in Thornbury in Parkland Way and Charles Close and opposite the approved Park Farm development, which is currently under construction. The application site forms the northern part of the Post Farm development and is separated from the nearest dwellings by the first phase of development. In addition, the wider site is shielded from views of Butt Lane for the most part by a substantial hedge, the majority of which is proposed to be retained under the outline consent. Given the existing hedge, the majority of which will be retained, and the proposed distances to existing and future dwellings, it is considered that there will be no adverse residential amenity impacts on surrounding properties. The site is appropriately laid out to ensure that none of the existing dwellings suffer from unacceptable levels of loss of privacy, overbearing or overshadowing as a result of the proposed dwellings. In terms of the proposed dwellings, all have reasonably sized gardens, commensurate to the dwelling types to which the gardens relate and all dwellings are situated within walking distance to public open space. The development may cause disruption to local neighbours in the construction phase. A condition for the approval of and compliance with a Construction and Environmental Management Plan is included. The CEMP will ensure that disturbance experiences through the construction phase are minimal and not unusual. The residential amenity impacts of the proposal are considered acceptable.

## **5.3 Landscaping and Trees**

### **Layout, Planting and Trees**

The proposals retain the existing hedgerows on site and provide areas of tree planting to soften the edges of the development, including to the sensitive Northern and Western boundaries. Feature trees are proposed within the areas of POS, along the main primary route within the site and along the site boundaries. Incursions into the POS and landscape buffers have been reduced through submission of revised plans.

The outline application included a Landscape and Visual Impact Assessment which outlines the mitigation measures proposed. The full application generally accords with the green infrastructure plan approved at outline stage. The northern landscape buffer is retained as open space but reduced in width to accommodate the additional dwellings and associated roads.

The landscape scheme is considered to be acceptable providing a good range of planting within the site to enhance existing landscape features and provide a soft green character to the development. Conditions are recommended to ensure that the landscape scheme is implemented prior to occupation and that

any planting which dies or is removed in the first 5 years is replaced. Subject to these conditions, the layout is considered to be acceptable in landscape terms.

The arboricultural assessment provides for the retention of mature trees and hedgerows on site. This is considered acceptable, subject to a condition to ensure protection of the existing trees and hedgerows prior to the commencement of development.

### **Public Open Space**

Through the extant outline consent the Case Officer secured the following on site public open space (POS) for the overall Post Farm development site:

- 800m<sup>2</sup> of allotments
- 6,800m<sup>2</sup> of informal recreational
- 9,700m<sup>2</sup> of natural and semi natural
- 750m<sup>2</sup> of equipped play area
- An off-site financial contribution was secured for sports POS.

A supplemental S106 is the proposed means of formalising the increase in the POS requirements. Using current average occupancy data and the proposed number of additional dwellings, a population increase of 16.8 residents would be arising. The proposals provide an additional minimum of 33.6sq.m. of allotments and increase in the play area of 42sq.m. The S106 Heads of Terms also include the following:

Off-site POS provision/ enhancement contribution	An additional £13,488.55 over and above that listed in the S106 for PT15/2917/O, dated 17/05/16
Off-site POS maintenance contribution	An additional £4,082.53 over and above that listed in the S106 for PT15/2917/O, dated 17/05/16
POS inspection fees	Rates already included in the outline S106

The POS spatial requirements of the full application will be secured in the S106 agreement for the re-planned proposals.

Following the submission of revised plans, changes have been made to the overall layout of the scheme to ensure that incursions into the Public Open Space are minimised in response to comments received. The revised plans address these issues. Officers have raised no objection to the revised layout from a Public Open Space Perspective, subject to a condition to provide further details of the play equipment proposed.

## 5.4 **Transportation**

The application is supported by a Transport Study which includes vehicle trip rates for the proposed dwellings. These are less than those agreed for the original Outline Application and less than those surveyed at Thornbury Fields Morton Way. As such they are not agreed for this Application, however the traffic generated by the additional 7 dwelling is minimal in terms of the operation of the adjacent highway network and no further assessment is required. The layout is very similar to that previously approved and has been tested with the swept paths of the standard refuse vehicle and a box van delivery vehicle and is therefore acceptable. A Stage 1 Road Safety Audit has been undertaken which satisfies officers that the proposed layout is acceptable in highway safety terms.

### **Travel Plan**

The Outline Application has a Travel Plan attached to it and this should be extended to the additional dwellings and secured by S106.

### **Access**

The main site access to the site onto Butt Lane gained permission with the extant outline application (PT15/2917/O), therefore the principle of the overall site access has been determined. As in the Outline Application and Reserved Matters Application approved, this application site will be accessed from Butt Lane and via the wider Linden site. A central refuge is proposed on Butt Lane between Parkland Way and Charles Close to assist pedestrians crossing Butt Lane to access the bus stops and Thornbury town. Street lighting on Butt Lane between Morton Street and Gloucester Road was also secured by condition attached to the outline consent and shall be provided prior to occupation of any dwelling. .

### **Parking and Layout**

The level of car parking proposed is in accordance with the Residential Parking Standards SPD. The parking provision is consistent with the Council's minimum standard with each dwelling provided with at least two car parking spaces.

Subject to compliance with the suggested conditions, there are no highway objections to the scheme as proposed.

### **Safe Routes to School**

The primary routes through the site have a segregated footway and provide for safe walking routes. The transport assessment and addendum approved with the outline permission dealt in detail with the proposed safe routes and these principles have been carried forward into the detailed layout design for this application.

### **Public Rights of Way**

The footpaths that cross the site will be set within green corridors. The PROWs have been incorporated into the Public Open Space which provides for an attractive green setting, safeguarding the amenity of the routes. The layout has been designed to ensure that the PROWs are central to the pedestrian access

strategy for the site. The Public Rights of Way Officer has raised no objection to the proposed development, the treatment of the PROW are considered acceptable by officers.

## 5.5 **Affordable Housing**

Provision of affordable housing must be considered with the requirements set out in the Section 106 Agreement dated 17<sup>th</sup> May 2016 that accompanies the outline consent (PT15/2917/O). This proposal includes an additional 7 units to the extant permission therefore provides an additional affordable housing contributions, over and above that previously committed.

Affordable Housing is sought in line with National Planning Policy Guidance: Planning Obligations and other requirements under Policy CS18 of the Core Strategy. This application generates an Affordable Housing requirement of 3 Affordable Homes in relation to the 7 net new dwellings and 2 Affordable Homes incorporated from the extant planning permission (PT15/2917/O and PT16/4055/RM) to be provided on site at nil public subsidy.

The Council's Affordable Housing Officer reviewed the proposals and has no objection subject to agreement to Affordable Housing heads of terms which includes revisiting the affordable housing tenure split and mix. The affordable housing provision is considered acceptable by officers.

## 5.6 **Drainage**

The proposed drainage strategy is consistent with the extant Outline Planning Permission, the 25 November 2015 FRA Addendum and Drainage Summary (January 2017) submitted with the approved Reserved Matters application. The principles of the drainage scheme have been negotiated with officers, the Lead Local Flood Authority and Wessex Water. The Environment Agency and the Lower Severn Internal Drainage Board were consulted on the scheme but raised no objections. The Drainage Summary January 2017 submitted following ongoing discussions with the above parties provides an overview of the changes from the outline drainage scheme to the revised arrangement. In summary, SGG and Wessex Water have agreed this.

Officers have assessed the proposal and the Lead Local Flood Authority have no objection to the proposal, subject to the inclusion of suggested conditions.

## 5.7 **Ecology**

The site is not covered by any statutory or non-statutory nature conservation designations and therefore there are no ecological constraints to granting planning permission.

A Landscape and Ecology Mitigation and Enhancement Strategy Drawing number 2179/P24 was submitted with the reserved matters (PT16/4055/RM) application (dated June 2016). An Ecological Assessment was prepared to inform the extant outline application (Tyler Grange report reference 2179\_R07b\_AH\_HM dated 26th June 2015), for which an extended Phase 1 habitat survey and suite of further phase 2 surveys were undertaken.

The ecological mitigation measures approved under the extant outline permission have been carried forward into the re-plan full application and proposals are considered acceptable in terms of ecology. It is therefore considered that subject to compliance with the suggested conditions, the Council's ecologist has no further comment or objection to the proposed development.

#### 5.8 Archaeology and Heritage

The NPPF outlines that great weight should be given to the conservation of heritage assets. Planning permission should be refused where development would lead to substantial harm or loss of significance of a designated heritage asset. Where harm is identified and considered to be less than substantial this should be attributed significant weight and weighed against the public benefits of the proposal.

Paragraph 196 is a restrictive policy, as outlined under paragraph 11 and footnote 6 of the NPPF. Paragraph 196 states: "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."

Paragraph 197 of the NPPF states the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In accordance with Paragraph 197 of the NPPF, "the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."

Policy CS9 of the Core Strategy also requires that new development will be expected to ensure heritage assets are conserved, respected and enhanced in a manner appropriate to their significance.

The statutory duty of Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess must also be given detailed consideration by decision makers. Section 38(6) of the Planning and Compulsory Purchase Act 2004 also requires decision makers to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

In summary, officers have assessed the potential for the site to be developed for housing without adversely affecting designated heritage assets and if there is less than substantial harm would it be outweighed by the public benefits of the proposal. Less than substantial harm to the Grade II listed Morton House was identified. It was considered under the extant outline planning permission that when weighed against the public benefits of the proposal, less than

substantial harm to the designated heritage asset was outweighed by the public benefits and therefore planning permission should be granted, in accordance with the presumption in favour of sustainable development. The same assessment is made for this full application, that the public benefits of the scheme outweigh the identified harm.

With regard to archaeology, the Council's archaeologist has confirmed that the required works identified under the outline application have been undertaken. From an archaeology perspective, the proposed development is considered acceptable in accordance with the NPPF and Policy CS9 of the Core Strategy.

5.9 Arts and Development

The proposals are considered acceptable, providing a planning condition for a public art programme that is relevant and specific to the development and locality and commensurate with its size and importance is attached to the permission. The programme should be integrated into the site and its phasing plan. There is no reference to public art in the Design and Access statement nor has a specific document relating to public art been supplied. Therefore, the condition should require full details and designs to be agreed.

5.10 Waste

The proposed waste collection strategy and vehicle swept path analysis tracking for refuse vehicles are considered acceptable by officers, in accordance with the South Gloucestershire Waste SPD (adopted).

5.11 Environmental Impacts

Air Quality

In terms of air quality, the full application does not raise any further issues than were considered and approved with the outline consent and is in accordance with Policy PSP 21.

Noise

The principle of up to 125 dwellings and the noise associated with their construction and future occupation is established through the original outline consent. The full application for an additional 7 dwellings raises no additional matters related to noise and is in accordance with Policy PSP 21.

A condition requiring the submission of a Construction Environmental Management Plan prior to commencement of development is suggested by officers.

5.12 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. 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. 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 as equality matters have duly been considered in planning policy.

#### 5.13 Planning Balance

It is considered that the benefits of the proposal considerably outweigh any resulting harm and that the recommendation is therefore that subject to the conditions below, the decision is that the application 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.

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

### 7. RECOMMENDATION

7.1 That authority be delegated to the Director of Planning, Transportation and Strategic Environment to grant planning permission, subject to the conditions set out below and the applicant first voluntarily entering into an agreement under section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:

As the application site has an existing S106 Agreement it has been agreed that the following contributions will be sought, in addition to those secured under the extant Outline Permission for the wider Post Farm site.

- 35% of dwellings to be delivered as affordable housing, as defined by the NPPF.
- Tenure split of 73% social rent (2 homes) 27% intermediate (1 homes), as identified by the West of England Strategic Housing Market Assessment (SHMA) 2009 and Addendum to SHMA 2009.
- **Delivery and Phasing:** The Council to refer potential occupants to all first lettings and 75% of subsequent lettings. Delivery is preferred through the Council's list of Approved Registered Providers. In the event of the developer choosing a Registered Provider from outside the partnership then the same development and management standards will need to be adhered to. Affordable Homes to be built out with the market housing on site in line with agreed triggers within the S.106 Agreement.
- **Rent Levels and Affordability:** Social Rent homes to be let at Target Rent (Rent Standard Direction 2014). Shared Ownership homes to be sold at no more than 40% of market value, and annual rent on the equity retained by the RP should be no more than 1.5%. Affordable Rent

homes to be let up to 80% local market rents including service charges, but not exceeding LHA. Service charges will be capped at £650 per annum (April 2016 base and linked to RPI) to ensure that all housing costs are affordable to future occupants.

- Capital receipts on intermediate housing to be recycled as capital expenditure on approved affordable housing schemes in South Gloucestershire, with subsidy levels to increase by any capital appreciation.
- The Travel Plan obligations secured for the Outline Application S106 extended to this Planning Application. A Residential Travel plan shall be submitted to include: targets to reduce the single occupancy vehicle mode share for the 5 years following the first survey, monitoring to include annual surveys and automatic traffic counters for 5 years after the first survey, appointment of Travel Plan Co-ordinator, promotion of sustainable transport choices, and the mechanism for distribution Sustainable Travel Vouchers
- Additional Traffic calming measures secured in the Outline Application S106 extended to this Planning Application. Within one month of the off-site highway works being carried out a speed survey on Butt Lane shall be carried out at the western approach to the site. If the results show 85%ile speeds greater than 33mph in either Direction the applicant shall enter into a S278 Highway Works Agreement to implement a traffic calming scheme on Butt Lane.
  - Provision of the following additional on-site public open space:
  - An additional minimum of 33.6sq.m. of allotments
  - An additional 42sq.m of play area

Off-site POS provision/ enhancement contribution	An additional £13,488.55 over and above that listed in the S106 for PT15/2917/O, dated 17/05/16
Off-site POS maintenance contribution	An additional £4,082.53 over and above that listed in the S106 for PT15/2917/O, dated 17/05/16
POS inspection fees	Rates already included in the outline S106

- Maintenance by a private maintenance company or other body in perpetuity as public open space and on-site surface water infrastructure

The reason for the above obligations is to provide a suite of measures to mitigate the impacts of the development on the existing community and to ensure that the future community is sustainable.

- 7.2 That the Head of Legal and Democratic Services be authorised to prepare and seal the agreement.

- 7.3 That the Section 106 agreement shall be completed and the decision issued within 6 months from the date of this resolution.

**Contact Officer: Catherine Loveday**  
**Tel. No. 01454 868150**

## **CONDITIONS**

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

### Reason

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

2. Prior to the commencement of the external finishing of any of the dwellings hereby approved samples of the roofing and external facing materials proposed to be used on all external surfaces will 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 Dec 2013); and the National Planning Policy Statement.

3. All hard and soft landscaping works shall be carried out in accordance with the details hereby approved. The works shall be carried out prior to the occupation of the relevant part of the development or in accordance with the programme agreed with the Local Planning Authority. Any trees or plants shown on the approved landscaping scheme to be planted or retained which die, are removed, are damaged or become diseased within 5 years of the completion of the approved landscaping scheme shall be replaced by the end of the next planting season. Replacement trees and plants shall be of the same size, location and species as those lost.

### Reason

In the interests of the visual amenity of the scheme and in accordance with Policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy Adopted 2013.

4. Development shall be carried out in accordance with Landscape and Ecological Management Plan (LEMP) dated 1<sup>st</sup> July 2016 and Landscape and Ecology Mitigation and Enhancement Strategy (Plan 2179/P24) dated June 2016 submitted with the application. All development shall be carried out in accordance with the details so approved.

Reason 1

In the interests of the character and visual amenity of the site and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

Reason 2

In the ecological interests of the site and to accord with policy CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

5. Prior to the construction of the LEAP the details of the equipment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason

In the interests of ensuring quality of the play space and to accord with Policy CS24 of the South Gloucestershire Local Plan Core Strategy (Adopted December 2013).

6. The bin storage shown on the drawings hereby approved shall be provided before the plots to which it relates are first occupied, and thereafter retained for that purpose.

Reason

In the interests of the amenities of the area and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted December 2013).

7. Detailed drawings of the allotments, associated access and parking, including the provision of 3 car parking spaces shall be submitted to and be approved in writing by the Local Planning Authority before the relevant part of work is begun. The detail thereby approved shall be carried out in accordance with that approval and thereafter retained for those purposes.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and amenity of the area, and to accord with Policies CS1, CS8 and CS29 of the South Gloucestershire Local Plan: Core Strategy (Adopted Dec 2013).

8. Development shall be carried out in accordance with the Arboricultural Impact Assessment Addendum. The protective fencing approved by the Local Planning Authority shall remain in place and fully intact until all dwellings are complete and occupiable or other timescale to be first agreed in writing with the Local Planning Authority. The approved arboricultural method statement shall be adhered to at all times.

Reason

To protect trees and landscape features within the site to protect the character and appearance of the area in accordance with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (adopted Dec 2013).

9. The development must be completed exactly in accordance with the following plans:

Planning Statement

Design and Access Statement;

• Architectural Drawing Pack:

- Site Location Plan (Drg Ref: SLP01A);
- Site Layout (Drg Ref: SL.01B);
- External Materials Plan (Drg Ref: EM01B);
- Tenure Mix Plan (Drg Ref: TM.01B);
- Refuse Strategy Layout (Drg Ref: RSL.01B);
- Site Layout – Coloured (Drg Ref: CSL.01);
- Streetscene Elevations (Drg Ref: SE.01);
- Open Market Housing Type Pack June Update (in accordance with Thrive Drawing Issue Sheet dated 21st June 2018);
- Affordable House Type Pack June Update (in accordance with Thrive Drawing Issue Sheet dated 21st June 2018);
- Overlay 1;
- Overlay 2;

• Detailed Landscaping Scheme:

- Soft and Hard Landscape Scheme Sheet 1 (Drg Ref: 2179\_P34B);
- Soft and Hard Landscape Scheme Sheet 2 (Drg Ref: 2179\_P34B);
- Soft and Hard Landscape Scheme Sheet 3 (Drg Ref: 2179\_P34B);
- Soft and Hard Landscape Scheme Sheet 4 (Drg Ref: 2179\_P34B);
- Revised LEAP Design (Drg Ref: 1805.19349)
- Public Open Space Quantities (Drg Ref: 2179\_P25D)
- Surface Finishes Plan 1 of 3 (Ref: L410-139B)
- Surface Finishes Plan 2 of 3 (Ref: L410-140A)
- Surface Finishes Plan 3 of 3 (Ref: L410-141)
- Long Sections (Ref: L410-142B)
- North Pond Cross Section (Ref: L410-143);
- Topographical Survey (Ref: A120/7943/1B);
- Landscape and Ecological Management Plan (February 2018);
- Ecological Assessment (Tyler Grange, 26th June 2015)
- Arboricultural Impact Assessment Addendum (Tyler Grange Report, 2179\_R19a);
- Ecological Addendum (Report 2179\_R20a\_Phase 1 Re-Plan Dated 20th February 2018);

- Hedgehog Mitigation Strategy (Tyler Grange, Nov 2016)
- Landscape and Visual Assessment Addendum (R018\_Addendum, Dated 14th February 2018, PFA Consulting);
- Engineering Drawings:
  - Proposed Levels and Contours (Ref: L410/130C);
  - Highway Construction Detail (Drg Ref: L410-29E);
  - Lighting Lux Plan (Drg Ref: L410-134A);
  - Adoption Plan (Drg Ref: L410-135B);
  - Private Construction Detail (Drg Ref: L410-37E);
  - Control Manhole and Headwall Details (Drg Ref: L410-34D);
  - Drainage Construction Detail (Drg Ref: L410-33);
  - Proposed Drainage Plan Sheet 1 of 3 (Ref: L410-136B);
  - Proposed Drainage Plan Sheet 2 of 3 (Ref: L410-137A);
- Flood Risk Assessment (Dated February 2018, PFA Consulting);
- Transport Statement, including swept path analysis (February 2018, PFA Consulting);
- Energy Statement (February 2018);
- Phase 1 Ground Investigation (Report 14451/DS Dated September 2014);
- Approved Access Plan (Drg Ref: FMW1418-SK05 B);
- Agricultural Land Classification Report (June 2015);
- Air Quality Assessment (June 2015);
- Historic Environment Assessment (October 2014);
- Utilities Assessment (July 2015);

#### Reason

In the interests of completeness.

10. A site specific Construction Environmental Management Plan (CEMP), shall be agreed in writing with the Local Planning Authority prior to commencement of development. The CEMP as approved by the Council shall be fully complied with at all times.

The CEMP shall address the following matters:

- (i) Measures to control the tracking of mud off-site from vehicles.
- (ii) Measures to control dust from the demolition and construction works approved.
- (iii) Adequate provision of fuel oil storage, landing, delivery and use, and how any spillage can be dealt with and contained.
- (IV) Adequate provision for the delivery and storage of materials.
- (V) Adequate provision for contractor parking.
- (vi) A lorry routing schedule.

#### Reason

In the interests of highway safety and to accord with PSP Policy PSP11.

The condition is required prior to commencement to ensure all works on site do not result in harm to residential amenity.

11. No dwelling shall be occupied until the access arrangements including the central refuge crossing on Butt Lane and footway links thereto have been completed in accordance with drawing no.FMW1418-SK05 A.

Reason

In the interests of highway safety and to accord with PSP Policy PSP11.

12. No dwelling shall be occupied until a bus stop and 3 bay shelter including seating, lighting and real time passenger information has been provided on the north side of Butt Lane and a bus stop with flag has been provided on the south side of Butt Lane at the locations shown on drawing FMW1418-SK05 A, all in accordance with details to be submitted to and approved in writing by the Local Planning Authority beforehand.

Reason

To promote sustainable transport choices and to accord with South Gloucestershire Councils Supplementary Planning Document residential car parking standards and PSP Policies PSP11 and 16

13. No dwelling shall be occupied until a street lighting scheme along Butt Lane between Morton Street and Gloucester Road has been implemented in accordance with details to be submitted to and approved in writing by the Local Planning Authority beforehand.

Reason

In the interests of highway safety and to accord with South Gloucestershire Councils Supplementary Planning Document residential car parking standards and PSP Policies PSP11 and 16.

14. No dwelling shall be occupied until the highway linking that dwelling to the existing public highway has been provided with street lighting, completed to base course level for the carriageway and surface course level for the footway or shared surface, all in accordance with details to be submitted to and approved by the Local Planning Authority.

Reason

In the interests of highway safety, to ensure all dwellings are provided with a safe and suitable access and to accord with South Gloucestershire Councils Supplementary Planning Document residential car parking standards and PSP Policies PSP11 and 16.

15. No dwelling shall be occupied until car and cycle parking has been provided in accordance with the submitted details and each dwelling shall be provided with an electric vehicle charging point in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason

In the interest of highway safety, to promote sustainable transport choices and to accord with South Gloucestershire Councils Supplementary Planning Document residential car parking standards and PSP Policies PSP11 and 16.

16. Prior to occupation of any building on site as-built drawings and surveys shall be submitted to the Local Planning Authority for written approval to show compliance with the design of the SUDS drainage scheme.

Reason

To ensure that the drainage scheme has been built in accordance with the approved FRA and Drainage Strategy and to accord with policies CS9 and CS26 of the adopted Core Strategy (December 2013)

17. Prior to first occupation of any building details of the implementation; maintenance and management of the sustainable drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:
- a timetable for its implementation, and
  - a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason

To prevent pollution of the water environment and to accord with Policy CS9 and CS26 of the South Gloucestershire Local Plan Core Strategy adopted December 2013. To ensure that constructed drainage systems are effective and mitigate the risk of flooding.

18. All drainage works on-site shall be carried out fully and in accordance with the following submitted drainage details before the development hereby approved is completed:

- Control Manhole and Headwall Details (Drg Ref: L410-34D);
- Drainage Construction Detail (Drg Ref: L410-33);
- Proposed Drainage Plan Sheet 1 of 3 (Ref: L410- 136B);
- Proposed Drainage Plan Sheet 2 of 3 (Ref: L410-137A);
- Flood Risk Assessment (Dated February 2018, PFA Consulting)

#### Reason

To comply with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013); and Policy PSP20 of the South Gloucestershire Local Plan Policies, Sites and Plans Plan (Adopted November 2017); and the National Planning Policy Framework 2018.

19. Prior to commencement of development details of the off-site surface-water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details. The scheme shall include:

- Confirmation of permission to connect to the off-site system / outfall
- Discharge Rates
- Discharge Volumes
- Sizing of features - attenuation volume
- Detailed drainage layout with pipe numbers
- SUDS (list the suds features mentioned within the Proof of Concept/Surface Water
- Drainage Strategy to ensure they are carried forward into the detailed drainage strategy)
- Network drainage calculations as a MicroDrainage model (xdm file).

#### Reason

To ensure that a satisfactory means of surface and foul drainage is provided, and to accord with policies CS9 and CS26 of the adopted Core Strategy (December 2013). To further ensure the effective drainage of the site and ensure that development does not cause or exacerbate any adverse conditions on the development site, adjoining properties, infrastructure and environment with respect to flood risk.

The condition is required prior to commencement to ensure all works on site do not result in harm or exacerbate any adverse conditions on the development site, adjoining properties, infrastructure and environment with respect to flood risk.

20.A. Prior to commencement of development, excepting necessary demolition works, a Risk Assessment with respect to the existing buildings on site as a potential source of contamination shall be carried out within the footprint of the barn and any other farm buildings to be demolished. The Risk Assessment shall be carried out by a suitably qualified person to ascertain the extent, nature and risks any contamination may pose to the development in terms of human health, ground water and plant growth. Where potential contaminants are identified, a report shall be submitted for the written approval of the Local Planning Authority setting out the findings (presented in terms of a conceptual model) and identifying what mitigation measures are proposed to address unacceptable risks. Thereafter the development shall proceed in accordance with any agreed mitigation measures.

B. Prior to occupation, where works have been required to mitigate contaminants (under section A) a report verifying that all necessary works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority

C. Any contamination found during the course of construction of the development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found additional remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development (or relevant phase of development) is resumed or continued.

Thereafter the works shall be implemented in accordance with any further mitigation measures so agreed.

#### Reason

To ensure that adequate measures have been taken to mitigate against contaminated land to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

The condition is required to be assessed prior to the commencement of development to ensure that land contamination is resolved.

21. Development shall be implemented in accordance with the great crested newt mitigation measures outlined in paragraphs 6.15 to 6.22 of Section 6 (Mitigation and Enhancement Strategy) of the submitted Ecological Assessment dated 26th June 2015 by Tyler Grange.

#### Reason

To ensure the works are carried out in an appropriate manner and in the interests of the protected species on site, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

22. Development shall be implemented in accordance with Lighting Lux Plan (Drg Ref: L410-134A) to prevent light spill over great crested newt habitat and bat commuting/foraging habitat. All works are to be carried out in accordance with the approved scheme. The approved scheme of street lighting shall be adhered to at all times.

#### Reason

To ensure the works are carried out in an appropriate manner and in the interests of the protected species on site, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

23. Development shall be implemented in accordance with the mitigation strategy Hedgehog Mitigation Strategy (Tyler Grange, Nov 2016). All works are to be carried out in accordance with approved strategy.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the protected species on site, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

24. Prior to occupation of any building details of a public art plan for a unique site specific integrated scheme of Public Art (including timescale and triggers) to be implemented within the development site shall be submitted to the Local Planning Authority for approval in writing. For the avoidance of doubt the submission shall be prepared in line with recommendations in the Council's Art and Design in the Public Realm - Planning Advice Note. Thereafter the artwork/s shall be installed in accordance with the details so agreed and retained as such.

Reason

To ensure public art is appropriately included within the scheme in the interests of the visual amenity of the development and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

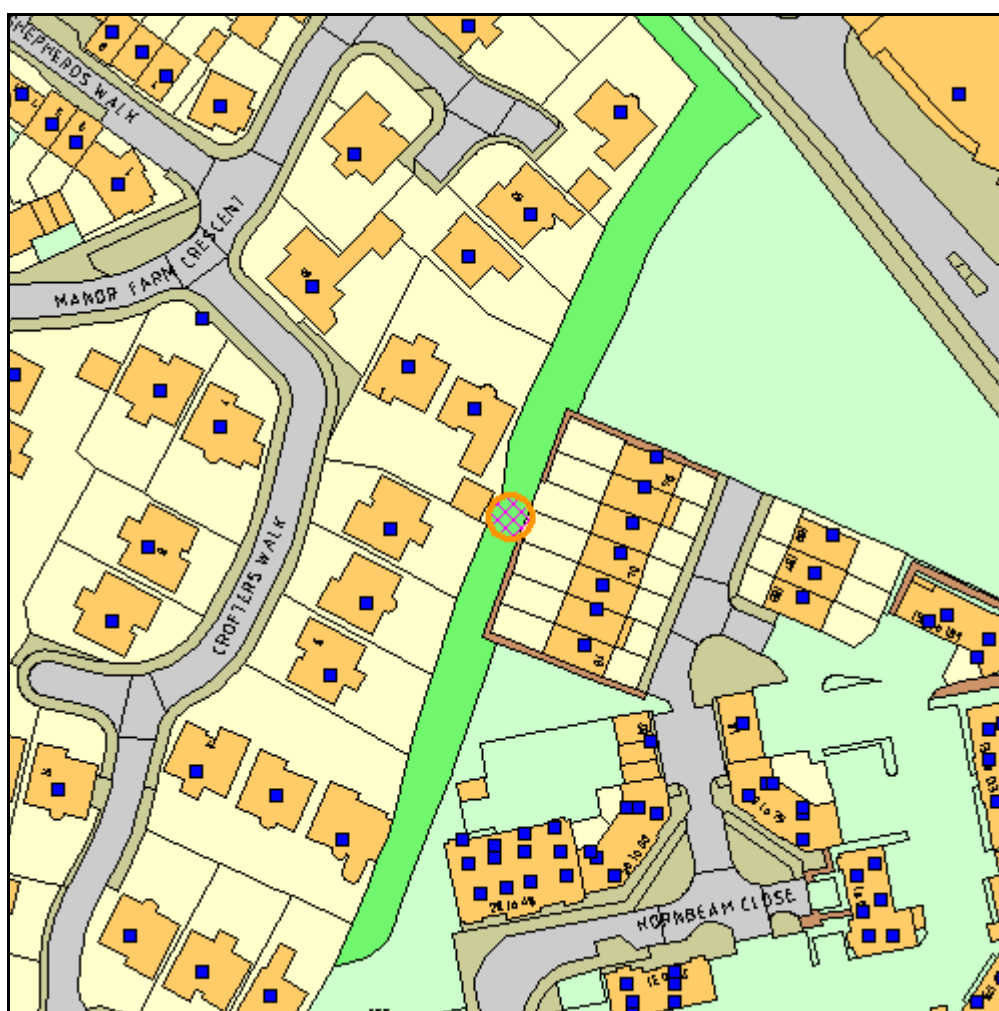
25. No above ground development shall take place until details of how the development will reduce total residual energy consumption by at least 20% have been submitted to and approved in writing by the local planning authority. No building shall be first occupied until the approved energy saving measures have been carried out and evidence provided to demonstrate the building performance set out in the Energy Statement (February 2018) has been achieved to the satisfaction of the LPA.

Reason

To ensure reduce total residual energy consumption and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and PSP Policy PSP 6.

## CIRCULATED SCHEDULE NO. 39/18 - 28 SEPTEMBER 2018

<b>App No.:</b>	PT18/2341/TRE	<b>Applicant:</b>	N Sheriff Mainstay
<b>Site:</b>	Land Behind 70 Hornbeam Close Bradley Stoke Bristol BS32 8FD	<b>Date Reg:</b>	21st August 2018
<b>Proposal:</b>	to 1no Oak tree to laterally reduce branches on building side (70 Hornbeam Close) to attain a finished maximum clearance of 3 metres and crown thin lower part of canopy by 15%. Tree covered by South Gloucestershire Tree Preservation Order 24/06 dated 29th June 2006	<b>Parish:</b>	Bradley Stoke Town Council
<b>Map Ref:</b>	361602 181782	<b>Ward:</b>	Bradley Stoke Central And Stoke Lodge
<b>Application Category:</b>	Works to trees	<b>Target Date:</b>	10th October 2018



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100023410, 2008. N.T.S. PT18/2341/TRE

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

This application has been referred to the circulated schedule due to comments contrary to the officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 Works to 1no Oak tree to laterally reduce branches on building side (70 Hornbeam Close) to attain a finished maximum clearance of 3 metres and crown thin lower part of canopy by 15%. Tree covered by South Gloucestershire Tree Preservation Order 24/06 dated 29th

### **2. POLICY CONTEXT**

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

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

- 3.1 None Relevant

### **4. CONSULTATION RESPONSES**

- 4.1 Bradley StokeTown Council  
No Objection

#### **Other Representations**

- 4.2 Local Residents

Comments objecting to the planning application have been received.

The main concerns are that damage may occur to the native hedgerow during operations.

Works may affect privacy and noise screening.

Concern that more than the applied for works could take place.

Works could impact on the environment.

Comments in support of the application have been received

The commenter is in support of the reduction of the over-hanging branches and would like to prune back the branches over-hanging their own property.

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

- 5.1 Principle of Development

The only issues to consider are whether the proposed works would have an adverse impact on the health, appearance, or visual amenity offered by the tree to the locality and whether the works would prejudice the long-term retention of the specimen.

## 5.2 Consideration of Proposal

The proposal is to laterally reduce branches on the building side of 1no. Oak tree to give a maximum clearance from the building of 3m and to thin the lower crown by 15%. The reduction of the branches will not affect the amenity provided to the local area by the tree and as the diameter of the proposed branches for removal is low the works will not be adversely detrimental to the health of the tree. The proposed 15% thin of the lower canopy does not represent a significant amount of foliage removal and should not be detrimental to the health of the tree or affect the trees ability to photosynthesise adequately.

In response to objection comments received. The Council considers whether or not the proposed tree works are appropriate. How the works are carried out will be a matter between the homeowner and the contractor.

The consent is only for the works applied for any further works would require a subsequent application. Otherwise a breach of condition would occur.

With regard to the commenter in support of the application if they require works to the tree over-hanging their own property they will apply for tree works via the South Gloucestershire planning system.

## 6. RECOMMENDATION

- 6.1 That permission is GRANTED subject to conditions detailed in the decision notice.

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

## CONDITIONS

1. The works hereby authorised shall be carried out within two years of the date on which consent is granted.

Reason

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

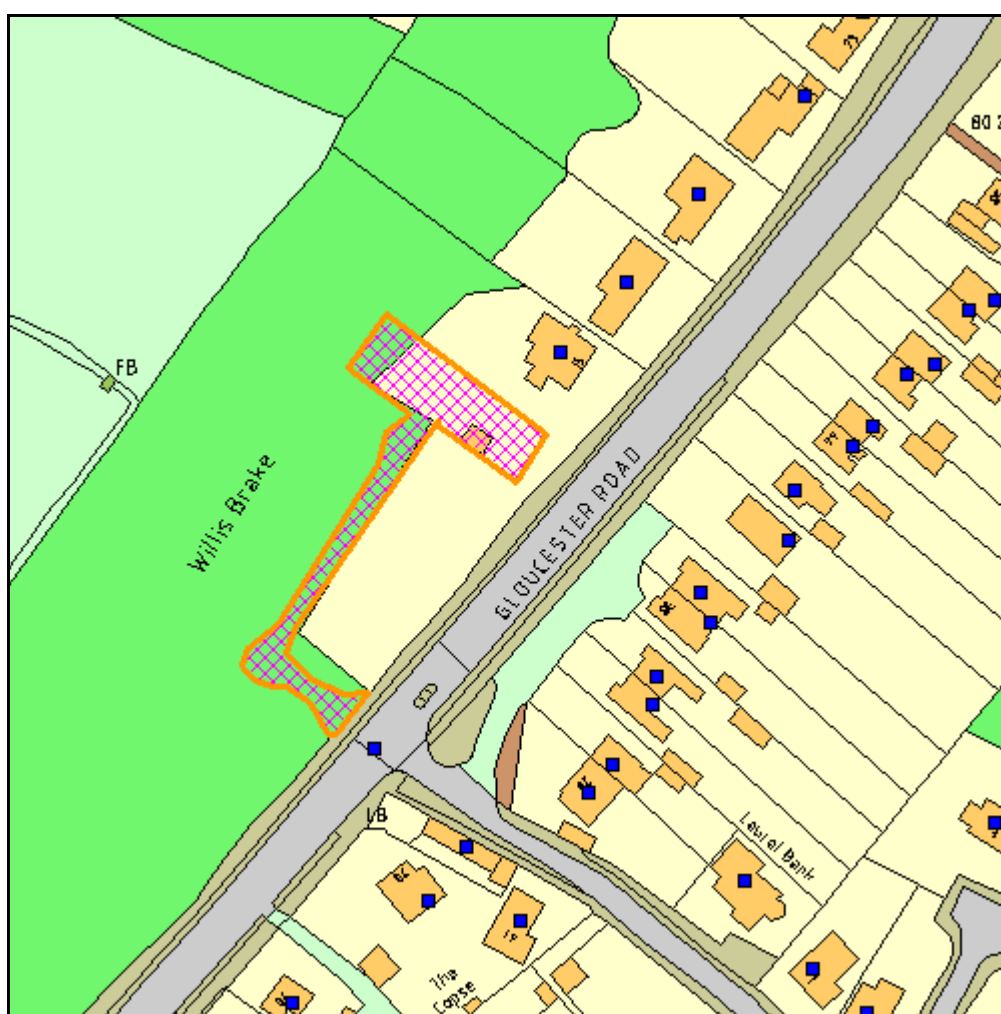
2. The works hereby authorised shall comply with British Standard 3998: 2010 - Recommendations for Tree Work.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the tree(s), and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

## CIRCULATED SCHEDULE NO. 39/18 – 28 SEPTEMBER 2018

<b>App No.:</b>	PT18/2497/F	<b>Applicant:</b>	Mr M Lewis
<b>Site:</b>	Minerva 15 Gloucester Road Rudgeway South Gloucestershire BS35 3SF	<b>Date Reg:</b>	25th June 2018
<b>Proposal:</b>	Demolition of existing outbuildings. Erection of 1no detached dwelling with parking and associated works.	<b>Parish:</b>	Alveston Parish Council
<b>Map Ref:</b>	362480 186468	<b>Ward:</b>	Thornbury South And Alveston
<b>Application Category:</b>	Minor	<b>Target Date:</b>	17th August 2018



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PT18/2497/F

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

This application appears on the Council's Circulated Schedule procedure following letters from local residents which are contrary to the officer recommendation within this report.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the demolition of existing outbuildings and the erection of 1 no. dwelling with parking and associated works at Minerva, 15 Gloucester Road, Rudgeway.
- 1.2 The application site is within the open countryside and the Bristol/Bath Green Belt, and is outside the settlement boundary of Rudgeway.
- 1.3 During the course of the application, an amended plan was received to show a vehicular turning head. There was no need for a public re-consultation.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

National Planning Policy Framework July 2018  
National Planning Policy Guidance

#### **2.2 Development Plans**

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

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

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

PSP1 Local Distinctiveness  
PSP2 Landscape  
PSP3 Trees and Woodland  
PSP7 Development in the Green Belt  
PSP8 Residential Amenity  
PSP16 Parking Standards  
PSP19 Wider Biodiversity  
PSP38 Development within Residential Curtilages  
PSP40 Residential Development in the Countryside  
PSP43 Private Amenity Standards

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

South Gloucestershire Design Checklist SPD (Adopted) 2007

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

- 3.1 COM/11/1082/OD/1 Enforcement Notice in effect from 20/08/2012  
Change of use of the land from agricultural/woodland to mixed use including storage of items for ancillary residential and commercial purposes
- 3.2 PT09/0084/F Refusal 25/02/2009  
Erection of detached ancillary building to provide games room, study, bedroom and shower room

*Refusal reasons:*

1- *By virtue of its size and scale the proposed development is considered to be a disproportionate addition to the original dwelling. It is therefore inappropriate development with the Green Belt, and by definition harmful to the openness of the Green Belt. The applicant has not demonstrated very special circumstances to overcome the normal presumption against inappropriate development. This is contrary to policy 16 of the Joint Replacement Structure Plan and policy GB1 of the adopted South Gloucestershire Local Plan 2006 and advice in the Adopted Supplementary Planning Document -Development in the Green Belt (June 2007).*

2- *The proposed extension by reason of its scale, massing and the excavation required would be out of character with the original dwelling, and harmful to it. This is contrary to policies D1 and H4 of the South Gloucestershire Local Plan 2006 and the adopted Supplementary Planning Document - South Gloucestershire Design Checklist (August 2007).*

3- *It is considered the proposal fails to safeguard and enhance landscape attributes and features of the locality and neither does it sufficiently provide for the protection and management of a landscape feature, the existing Oak tree, in such a manner as to ensure its long term viability contrary to policies GB1, D1 and L1 of the South Gloucestershire Local Plan 2006 and the adopted Supplementary Planning Document - South Gloucestershire Design Checklist (August 2007).*

- 3.3 PT05/1089/F Refusal 20/12/2005  
Alterations to previously approved scheme under planning permission PT02/3194/F.

*Refusal reasons:*

1- *By virtue of its size and scale the development carried out is considered to be a disproportionate addition to the original dwelling. It is therefore inappropriate development with the Green Belt, and by definition harmful to the openness of the Green Belt. This is contrary to policy 16 of the Joint Replacement Structure Plan; policy RP34 of the Rural Areas Local Plan; and policy GB1 of the South Gloucestershire Local Plan (As Intended to be Adopted) November 2005.*

2- *The proposed extension by reason of its scale, massing and the excavation required would be out of character with the original dwelling, and harmful to it. This is contrary to policy RP1 and RP81 of the Rural Areas Local Plan; and policies D1 and H4 of the South Gloucestershire Local Plan (As Intended to be Adopted) November 2005.*

- |     |  |                         |            |
|-----|--|-------------------------|------------|
| 3.4 | PT04/1806/F  | Refusal                 | 29/06/2004 |
|     | Erection of two storey rear and single storey side extension to form extended lounge, dining room and additional bedroom with extended bedroom and landing above, to include rear balcony. |                         |            |
| 3.5 | PT03/3576/F  | Refusal                 | 11/12/2003 |
|     | Erection of detached garage  |                         |            |
| 3.6 | PT02/3194/F  | Approve with conditions | 09/12/2002 |
|     | Erection of single storey rear and side extension to form sitting room, kitchen, lounge, new entrance and bedroom.   |                         |            |
| 3.7 | PT02/0302/F  | Refusal                 | 21/03/2002 |
|     | Partial demolition of existing dwelling and erection of extension to form two storey dwelling.   |                         |            |

*Refusal reasons:*

1- *The proposed development by reason of its disproportionate size to the original development would be inappropriate and by definition harmful to the green belt and as such would be contrary to policy RP34 of the Rural Areas Local Plan and policy GB1 of the South Gloucestershire Local Plan (Deposit Draft).*

2- *The proposed development, by reason of its height and scale, close proximity to the site boundary would have a detrimental affect on the amenities currently enjoyed by the occupiers of the adjoining property, contrary to policy RP81 of the Rural Areas Local Plan and policy H4 of the South Gloucestershire Local Plan (Deposit Draft).*

3- *The proposed extension, by reason of its scale, height and massing would be out of keeping with the existing dwellinghouse and if allowed would fail to enhance the character and distinctiveness of the site and its surroundings contrary to policy RP81 of the Rural Areas Local Plan and policies D1 and H4 of the South Gloucestershire Local Plan (Deposit Draft).*

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

- 4.1 Alveston Parish Council  
No comment received.

- 4.2 Other Consultees

Tree Officer  
Further information required.

#### Highway Structures

No comment.

#### Lead Local Flood Authority

Clarity on the methods for both foul sewage and surface water disposal have now been confirmed therefore, we have No Objection.

#### Sustainable Transport

Adequate room to manoeuvre is now provided and as such there are no transportation objections.

#### Archaeology

Site is archaeologically sensitive. Condition for archaeological watching brief is recommended in the event the application is approved.

#### Ecology Officer

I would recommend a condition for a lighting plan and ask for more info on any tree removal that may occur.

### **Other Representations**

#### 4.3 Local Residents

Two support letters have been received making the following points:

- Design is innovative and will have minimal visual impact
- Dwelling is intended for the applicant's son
- No objection to and support for proposed house, however note that there is a commercial business run from the address. Sometimes commercial vehicle activity is in the early hours of the morning, we would not wish for any increase in nocturnal commercial traffic

## **5. ANALYSIS OF PROPOSAL**

#### 5.1 Principle of Development

Policies CS5 and CS34 of the South Gloucestershire Core Strategy state that new build housing should be limited to urban areas and established settlement boundaries. In that regard, this proposal is contrary to the adopted development plan as it proposes a new dwelling outside of any established settlement boundaries shown on the Proposals Map and is located within the open countryside.

#### 5.2 *Five Year Housing Land Supply*

The Authority's Monitoring Report 2017 states that the Council cannot demonstrate a five year housing land supply. With reference to the NPPF advice, policies CS5 and CS34 of the adopted Core Strategy are therefore considered not to be up-to-date, as they do relate to the supply of housing. Paragraph 11 of the NPPF states a presumption in favour of sustainable development unless the application of policies in the NPPF that protect areas of particular importance provides a clear reason for refusing the development proposed. The Green Belt is listed as one such area.

- 5.3 The starting point remains the development plan policy which would resist housing in principle. The question is what weight to attribute to the NPPF, as an important material consideration in light of the current housing supply shortfall. The thrust of paragraph 11 is such that simply being located outside of the designated settlement boundary alone is unlikely to justify a refusal. The site should be demonstrably unsustainable or be within a specifically protected area. In this case considerable weight is given to the advice in the NPPF as an important material consideration.
- 5.4 *Green Belt*  
The NPPF confirms that inappropriate development is by definition harmful to the Green Belt and should not be approved unless there are very special circumstances. Moreover, substantial weight should be given to any harm to the Green Belt. Paragraph 133 confirms that the essential characteristic of the Green Belt is that it is permanently open, and Paragraph 134 lists the five purposes including safeguarding the countryside from encroachment. Paragraphs 145 and 146 of the NPPF state that, other than the types of development listed as exceptions in that paragraph, the construction of new buildings in the Green Belt is inappropriate, subject to five exceptions, including '*limited infilling in villages*'. This then is an important judgement in this case, as the applicant contends the proposal does constitute limited infilling in a village, and thereby appropriate development in the Green Belt.
- 5.5 Officers do not dispute that the proposal is limited, as it is for only one unit. The Core Strategy defines infilling as 'the development of a relatively small gap between existing buildings, normally within a built up area'. Rudgeway is a small settlement with no obvious centre, indeed it is dominated by A38 and takes the primary form of a cluster of development along the road. Officers would disagree that this is infilling as it is extending development to the south east of the site, where there are currently no properties. It also extends an area of residential curtilage much further to the north east than any of the adjacent properties on Gloucester Road, including the lawful residential curtilage for no. 15. Areas not within the curtilage of no. 15 were confirmed under enforcement notice COM/11/1082/OD/1 which was served in 2012.
- 5.6 Furthermore, the gap that the application site fills between no. 15 and properties to the south of Gloucester Road and along Rudgeway Park cannot be considered to be a 'relatively small' gap. The gap between built form separated by the highway is significantly larger than gaps between any of the surrounding dwellings along Gloucester Road, and is also larger than the lower density properties to the south of Rudgeway Park.
- 5.7 Whilst it is noted that there are existing outbuildings on site, these are ancillary to the existing residential use. In terms of openness, the scale of this proposal is much larger than the existing outbuildings and there would be further harm to openness due to the subdivision of the site. Overall it is judged that this proposal would not constitute limited infilling in a village, and would be inappropriate development in the Green Belt. It would also encroach built form further into the countryside in contravention of one of the 5 purposes of the Green Belt. Given the above, officers consider the development to be inappropriate development in the Green Belt, as it does not fall within any of the

exceptions within paragraph 145 of the NPPF. Substantial weight is given to this.

5.8 *Sustainable Development*

The planning system aims to achieve sustainable development. The counter position to this is that the planning system should resist development that is unsustainable in nature. For planning there are three strands to sustainable development - economic, social, and environmental. The site is situated outside of the settlement boundary of Rudgeway, however it is situated very close to the settlement, with no. 15 being within the settlement boundary and the application site being just outside of it. The walk into the village is safe, as pavements are available, however the services within Rudgeway are very limited.

- 5.9 Paragraph 79 of the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities, and that isolated new homes in the countryside should be avoided. As the site is well related to the existing settlement, the Local Planning Authority would consider it to represent sustainable development from a social, environmental and economic perspective, and therefore the presumption in favour of sustainable development in paragraph 11 of the NPPF is applicable to this site.

5.10 Design and Visual Amenity

Minerva, no. 15 Gloucester Road is a detached bungalow with a deep hipped roof, situated within a site well enclosed with vegetation. The character of the surrounding properties varies, with single storey and two storey properties visible in the vicinity, with hipped and gable roof lines, and a mix of traditional materials such as render, reconstructed stone and red brick.

- 5.11 The design of the proposed dwelling is contemporary with a box-like structure, appearing as 1.5 storeys from the front as the land slopes down towards the rear. The external finish will be cedar cladding, stone, bronze and a flat cantilevered roof. It is considered that the cedar will enable the dwelling to blend into the wooded surroundings to the south and west. Although no other modern, flat roof properties can be seen in the vicinity, the site will only be visible in glimpses when travelling along the A38, due to the existing boundary of trees and hedges. The dwelling will also only be related closely to the adjacent Minerva, which is not of any particularly architectural merit. Overall the development is acceptable in terms of policy CS1 of the Core Strategy.

5.12 Landscape Considerations

As previously mentioned, the site is adjacent to a wooded area and there are a number of trees and hedges forming a boundary to enclose the site. The Tree Officer considers that the development will affect those trees and, in the absence of a Tree Survey, Arboricultural Method Statement and Tree Protection Plan, there is insufficient information to ensure that harm to vegetation is minimised. The development may result in loss of tree and hedge cover, and this tree cover forms a strong boundary treatment which is considered to make a positive contribution to the character of the north-west side of the A38. Furthermore the boundary vegetation and the trees within and

adjacent to the site form part of a wider wooded area to the north of the A38 along the Ridge, which is a positive feature in the landscape visible over a long distance due to the elevated topography. The impact that this development would have on trees forming part of this wooded area cannot be confirmed and this is to the contrary of policy PSP2 and PSP3 of the Policies Sites and Places Plan.

5.13 Residential Amenity

There is no inter-visibility between the proposal and Minerva as no openings are proposed on the north-east elevation of the development. As the proposal is low lying, using the topography of the site to form a second floor, the development will not overbear onto the host property, and Minerva will retain adequate amounts of private amenity space. The proposed dwelling has been allocated private amenity space which would exceed the minimum requirements for a three bedroom property within policy PSP43. The development is in accordance with policy PSP8.

5.14 Ecology

The Council's Ecology Officer has recommended a condition ensuring that a lighting strategy is designed and implemented prior to occupation is included on any planning permission, to prevent light pollution in this rural location. The loss of trees as habitat may need to be mitigated against, however the extent of this loss is unclear as discussed in paragraph 5.12. Once tree loss has been established, a condition on the decision notice would ensure mitigation measures are followed, if required. Subject to this, the development is acceptable in terms of policy PSP17.

5.15 Transport

Currently the site has two access – to the front of Minerva, and along a track to the south-west. Following development, the proposed dwelling will utilise only the access track and the existing dwelling will retain the front entrance off of the A38. The Transport officer requested a turning head for the existing dwelling, and amendments have been received to show that vehicles can access and egress both properties safely and in a forward gear. Two off-street parking spaces have been provided for the proposed dwelling and the existing parking for Minerva has been retained in accordance with policy PSP16. A condition on the decision notice will ensure the proposed parking and turning for vehicles is implemented and maintained for that purpose thereafter.

5.16 Archaeology

The site lies adjacent to the boundary of the medieval settlement of Rudgeway, and so is archaeologically sensitive. The proposal has a large footprint than the existing outbuilding, and so in the event of an approval a condition requiring archaeological investigation to take place would be required.

5.17 Planning Balance

As the development does not fall within one of the categories of appropriate development within the Green Belt, the development is not acceptable in principle. The harm to the openness of the Green Belt is given substantial weight outweighs the slight contribution of one unit to the housing land supply.

It is not considered that a case of very special circumstances has been made. There is additional potential for harm caused by the lack of a tree survey.

5.18 Consideration of likely impact on Equalities

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

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

6. **CONCLUSION**

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

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

7. **RECOMMENDATION**

7.1 That planning permission is **REFUSED** for the reason on the decision notice.

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

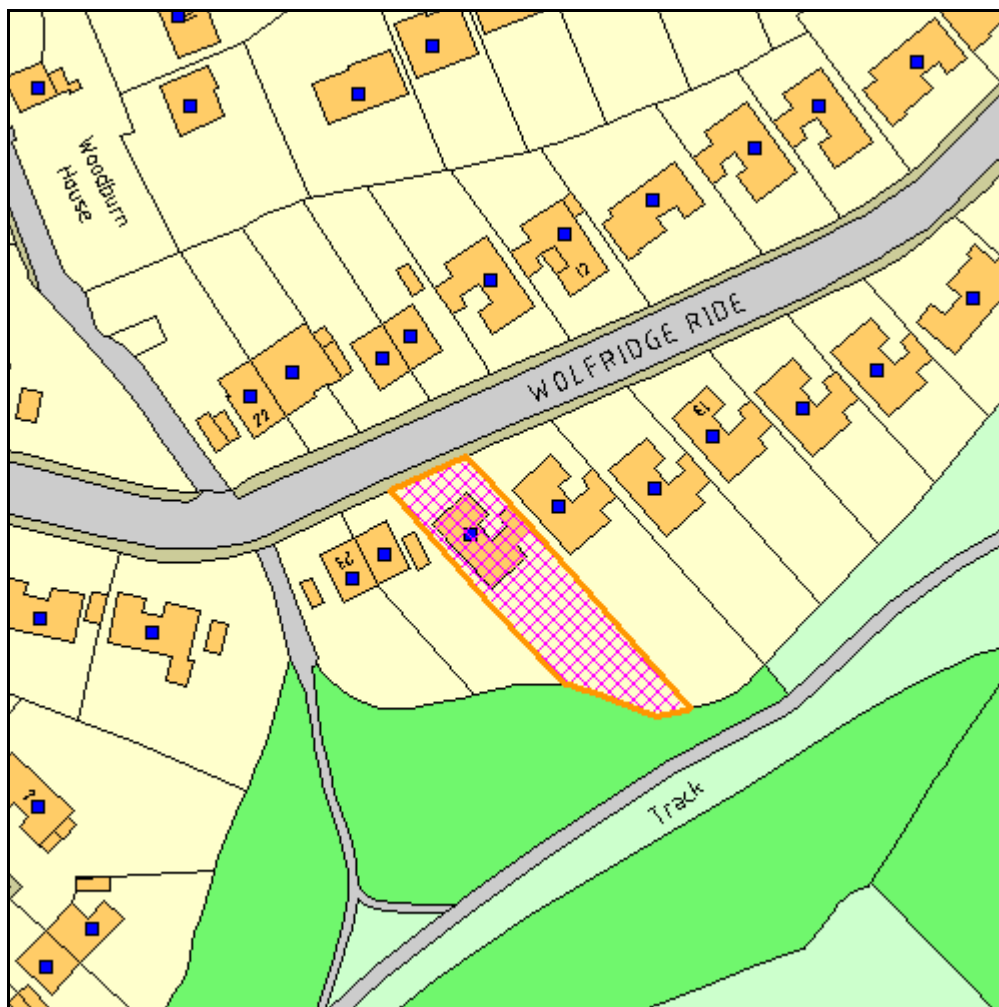
**REFUSAL REASONS**

1. The site is located within the Bristol/Bath Green Belt and the proposal does not fall within the limited categories of development normally considered appropriate within the Green Belt. In addition, the applicant has not demonstrated that very special circumstances apply, such that the normal presumption against development in the Green Belt should be overridden. The proposal is therefore contrary to the provisions of Policy CS5 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, policy PSP7 of the Policies Sites and Places Plan (Adopted) November 2017 and the National Planning Policy Framework.

2. Insufficient information has been received to assess the impact the development would have on existing vegetation within and surrounding the site, and the impact this would have on the character of the landscape and the visual amenity of the area. In the absence of a Tree Survey, Arboricultural Method Statement and Tree Protection Plan, the Local Planning Authority is unable to ensure that the development complies with policies PSP2 and PSP3 of the Policies Sites and Places Plan (Adopted) November 2017 and the National Planning Policy Framework.

**CIRCULATED SCHEDULE NO. 39/18 – 28 SEPTEMBER 2018**

<b>App No.:</b>	PT18/3750/F	<b>Applicant:</b>	Mr & Mrs Braund
<b>Site:</b>	19 Wolfridge Ride Alveston Bristol South Gloucestershire BS35 3RA	<b>Date Reg:</b>	22nd August 2018
<b>Proposal:</b>	Installation of 1 No. side dormer window and alterations to roof line to facilitate loft conversion. Erection of single storey infill extension to form additional living accommodation.	<b>Parish:</b>	Alveston Parish Council
<b>Map Ref:</b>	363094 187737	<b>Ward:</b>	Thornbury South And Alveston
<b>Application Category:</b>	Householder	<b>Target Date:</b>	16th October 2018



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

The application appears on the Circulated Schedule as the officer recommendation is contrary to comments made by local residents.

### **1. THE PROPOSAL**

- 1.1 The site is located in Alveston and is located within the Settlement Boundary. Alveston and is washed over by the Green Belt. The subject dwelling consists of a single storey 3 bedroom modern detached dwelling dating from the mid 20<sup>th</sup> Century. The property is accessed directly from Wolfridge Ride and includes driveway and garage parking.
- 1.2 The proposed development consists of the construction of a small extension to the Eastern elevation of the dwelling; and alterations to the roof of the dwelling including the introduction of a small dormer window in the Western Elevation. It is also proposed to introduce new roof lights and with a 'Juliet Style' balcony on the Southern Elevation facing towards the rear garden of the subject property, and a new widow in the North (front) elevation at first floor level.

### **2. POLICY CONTEXT**

#### **2.2 Development Plans**

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

CS1 High Quality Design  
CS4a Sustainable Development  
CS5 Location of Development  
CS8 Improving Accessibility

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

PSP1 Local Distinctiveness  
PSP7 Development in the Green Belt  
PSP8 Residential Amenity  
PSP16 Parking Standards  
PSP38 Development within Existing Residential Curtilages

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

South Gloucestershire Design Checklist (Adopted) August 2007  
Residential Parking Standard SPD (Adopted) December 2013

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

- 3.1 None

### **4. CONSULTATION RESPONSES**

- 4.1 Alveston Parish Council  
No objection

4.2 Highway Authority

No Objection – sufficient off street parking is available to comply with South Gloucestershire Standards

**Other Representations**

4.3 Local Residents

One letter has been received. The writer has set out that there is no objection to the proposed development. However, it is requested that there is no noise at the site is not started before 8am (9am on Saturdays) and finishes before 7pm; with no building on a Sunday.

**5. ANALYSIS OF PROPOSAL**

5.1 The proposed development consists of a domestic extension. The site is within the Village Development Boundary associated with Almondsbury. The site is washed over by the Green Belt.

5.2 Principle of Development

Policy PSP38 of the South Gloucestershire Policies, Sites and Places Plan (adopted) November 2017 is relevant to this application. The policy indicates that residential extensions are acceptable in principle subject to the following considerations.

5.3 Green Belt

The site is located within the Village Settlement Boundary associated with Alveston which is washed over by the Green Belt.

5.4 Paragraph 145 of the National Planning Policy Framework sets out the limited categories of development that is appropriate within the Green Belt. In particular, the NPPF sets out that the extension or alteration of an existing building is appropriate development provided that it does not result in a disproportionate addition, over and above the size of the original building.

5.5 In respect of extensions to existing buildings Policy PSP7 of the South Gloucestershire Policies, Sites and Places Plan (adopted) November 2017 carries this principle forward, and it is relevant to proposals for domestic extensions. It goes further and sets out that, as a general guide that additions of up to 30% of the volume of the original building would likely be considered appropriate. Where an extension would exceed this up to 50% the proposal would be carefully assessed and in particular paying attention to the scale and proportion of the extension. Where proposed extensions exceed 50%, the policy indicates that this would likely be considered disproportionate and therefore inappropriate.

5.6 In this instance, the proposed development would result in minor changes to the roof of the main house and the addition of a roof over the existing garage. It is also proposed to add a small dormer window. The effect of the development would result in less than 10% additional volume over and above the original dwelling. Furthermore, although the site is within the Green Belt, the dwelling is located within the Village Settlement Boundary and set within a built up area of

the village. This factor has the benefit of considerably reducing the overall impact of the development upon the openness of the Green Belt such that there would be no material impact. Furthermore, for the reasons set out below, officers are satisfied that the proposed development is well proportioned and would not appear out of scale with the original dwelling and the immediate surrounding area.

- 5.7 On this basis, officers are satisfied that the proposed development is acceptable in Green Belt terms.

5.8 Design

The existing building dates from the mid 20<sup>th</sup> Century and is set amongst a wider estate of similar detached dwellings dating that period. The general character of the village in this location is dominated by mid 20<sup>th</sup> Century buildings and are of a wide range of styles, scale and size. It is noted that revised plans have been received which simply alter the position of roof-lights. These changes do not materially alter the appearance of the proposed development and as such no further consultation is necessary.

- 5.9 The proposed development would provide a modest extension that would enclose an open glazed porch and provide a roof over the existing flat roof garage and link to the main house. The development would also provide a small dormer window, but it is not proposed to raise the height of the existing ridgeline. The development would facilitate a loft conversion and provide additional bedroom and bathroom facilities. The general appearance of the building, its size, proportion and scale would remain consistent with the surrounding locality. Indeed, there are several examples of similar extensions very close by. Officers consider that the proposal represents high quality design; and on this basis is acceptable in that regard.

5.10 Residential Amenity

The existing dwelling sits in a generous plot, as do the existing dwellings which surround the application site. Officers note that the development would introduce a 'Juliet Style' balcony to the Southern elevation. This would allow views across neighbouring curtilages where currently no such views exist. However, the relationship of the subject dwelling with the neighbouring dwellings is such that these view would be compatible with the context of the site. The development would not result in an unacceptable impact upon the amenity of the occupants of nearby dwellings; or the subject dwelling. On this basis, the proposed development is acceptable in residential amenity terms.

- 5.11 It is noted that neighbours have suggested that a restriction should be applied to working hours during the construction of the development. This is to reduce the perceived impact from noise during construction. It is suggested that no work occurs before 8am during the week and 9 am on Saturday and no work occurs after 6pm or on a Sunday.

- 5.12 Working hours restrictions are normally applied to more substantial construction sites (for instance the development of a new house or group of houses). It is not normally applied to a domestic extension as that approach would be somewhat disproportionate. In this instance, the proposed

development is domestic in nature and is in itself relatively modest in scale. It is not anticipated that noise levels during construction would result in a significant impact whilst the period of construction activity would be over a temporary period of time. Should working practices occur where noise levels result in a noise nuisance then this would be a matter for separate enforcement action under environmental health legislation; and is beyond the remit of planning legislation. On this basis, officers consider that the suggested restriction would not be appropriately applied using a planning condition.

5.13 Transportation and Highway Safety

The proposed development would utilise the existing access arrangements onto Wolfridge Ride. The development would also provide adequate off street parking and is compliant with the South Gloucestershire parking standards. On this basis, officers are satisfied that the proposed development would not result in a material impact in highway safety and transportation terms.

5.14 Consideration of likely impact on Equalities

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

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

6. **CONCLUSION**

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

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

7. **RECOMMENDATION**

7.1 That planning permission is granted subject to the following condition.

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

## **CONDITIONS**

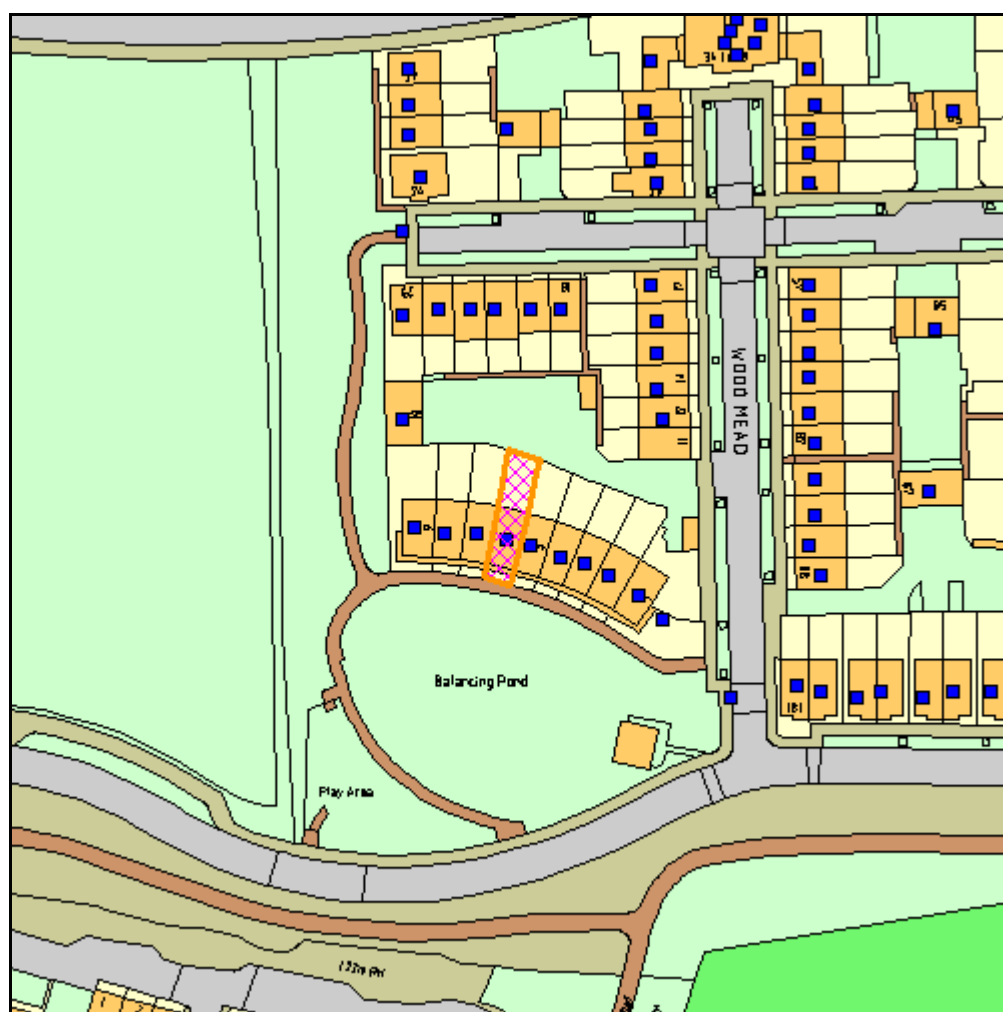
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 39/18 – 28 SEPTEMBER 2018

<b>App No.:</b>	PT18/3753/CLP	<b>Applicant:</b>	Mr & Mrs Shepherd
<b>Site:</b>	6 Wood Mead Stoke Gifford South Gloucestershire BS16 1GQ	<b>Date Reg:</b>	22nd August 2018
<b>Proposal:</b>	Proposed installation of rear dormer to facilitate loft conversion.	<b>Parish:</b>	Stoke Gifford Parish Council
<b>Map Ref:</b>	361566 177715	<b>Ward:</b>	Frenchay And Stoke Park
<b>Application Category:</b>	Certificate of Lawfulness	<b>Target Date:</b>	9th October 2018



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100023410, 2008.

N.T.S.

PT18/3753/CLP

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

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

### **1. THE PROPOSAL**

- 1.1 The applicant is seeking a formal decision as to whether the proposed installation of a rear dormer to 6 Wood Mead, Stoke Gifford would be lawful.
- 1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based solely on the facts presented.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

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

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 PT11/1684/RVC – Approved - 18.07.2011  
Variation of condition 9 attached to planning ref PT04/0684/O (approved 02/11/05) to allow the submitted reserved matters application to achieve a minimum average density of 40 dwellings per hectare over the application site as a whole (as opposed to 50 dwellings originally approved).
- 3.2 PT08/3118/RM – Approved - 01.09.2009  
Reserved Matters Application for 77 dwellings, parking, landscaping, public open space and associated infrastructure. (Approval of reserved matters to be read in conjunction with outline planning permission PT04/0684/O).
- 3.3 PT04/0686/RVC – Approved - 21.10.2008  
Erection of 4No. 3-storey office buildings (Variation of condition M of planning permission N3510/4, condition E of planning permission N3510/4ap, condition 8 of planning permission P85/0055/4 and condition 4 of planning permission P85/0055/2).
- 3.4 PT04/0684/O – Approved - 02.11.2005  
Residential development at a density of 50 units per hectare overall across the site together with supporting infrastructure and ancillary facilities.

- 3.5 P85/0055/4 – Approved - 02.07.1989  
Erection of 1,345,000 sq.Ft. Of buildings for the manufacture of high technology products including light industrial processes, computerised and manual wiring assembly, research development and technical support. Construction of car parking, recreational areas and landscaping. (Details following outline.) (To be read in conjunction with N3510/4.)
- 3.6 N3510/4 – Approved - 07.10.1982  
Erection of buildings totalling 2,200,000 sq. ft. (204,386 sq. m.) for the manufacture of high technology products and the provision of associated research and development facilities, together with ancillary facilities and accommodation on 146 acres (58.4 hectares). (Outline).

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

- 4.1 Local Councillor  
No comment

Stoke Gifford Parish Council  
No objection

#### **Other Representations**

- 4.2 Local Residents  
No comments

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

- 5.1 Block Plan  
Existing Combined Plans  
Proposed Combined Plans  
Site Location Plan

(Received by Local Authority 14<sup>th</sup> August 2018)

#### **6. ANALYSIS OF PROPOSAL**

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

- 6.2 The key issue 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 installation of a 1no rear dormer. This development would fall within Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015, which permits the enlargement of a dwellinghouse consisting of an addition or alteration to its roof. This allows dormer additions and roof alterations subject to the following:

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

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

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

- (b) Any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;**

The height of the proposed dormer window would not exceed the highest part of the roof, and therefore the proposed development meets this criterion.

- (c) Any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms a principal elevation of the dwellinghouse and fronts a highway;**

The proposed dormer window would be located to the rear of the property, and as such would not extend beyond any existing roof slope which forms a principal elevation of the dwellinghouse and fronts a highway. As such the proposal meets this criterion.

- (d) The cubic content of the resulting roof space would, as a result of the works, exceed the cubic content of the original roof space by more than –**

- (i) 40 cubic metres in the case of a terrace house, or**  
**(ii) 50 cubic metres in any other case**

The property is a terraced house and the proposal would result in an additional volume of no more than 40 cubic metres.

- (e) It would consist of or include –**

- (i) the construction or provision of a verandah, balcony or raised platform, or**

- (ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe; or

The proposal would include none of the above.

- (f) The dwellinghouse is on article 2(3) land

The host dwelling is not on article 2(3) land.

**B.2 Development is permitted by Class B subject to the following conditions—**

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

Submitted plans confirm materials of similar appearance.

- (b) the enlargement must be constructed so that –
  - (i) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension –
    - (aa) the eaves of the original roof are maintained or reinstated; and
    - (bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge or the eaves; and
  - (ii) other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse; and

The rear dormers would be approximately 0.6 metres from the outside edge of the eaves of the original roof respectively. Additionally, the proposal does not protrude beyond the outside face of any external wall of the original dwellinghouse.

- (c) any window inserted on 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.

Plans show no proposed side windows.

## **7. RECOMMENDATION**

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

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

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