

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. 48/18

Date to Members: 30/11/2018

Member's Deadline: 06/12/2018 (5.00pm)

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

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

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

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

NOTES FOR COUNCILLORS

– formal arrangements for referral to committee

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

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

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

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

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

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

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

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

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

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

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

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

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

c. All applications for non-material amendments

d. All applications to discharge planning conditions

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

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

Additional guidance for Members

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

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

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

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

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

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

A template for referral is set out below:

Referral from Circulated Schedule to Development Management Committee

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

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

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

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

a) Referring Member:

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

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

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

Date:

To be emailed to MemberReferral@southglos.gov.uk

Schedule Number	Officers Deadline reports to support	Date to Members	Members deadline	Decisions issued from
50/18	Wednesday 12 th December 5pm	Friday 14 th December 9am	Thursday 20 th December 5pm	Friday 21 st December
51/18	Wednesday 19 th December 5pm	Friday 21 st December 9am	Thursday 3 rd January 5pm	Friday 4 th January
No Circulated on Friday 28 th December				

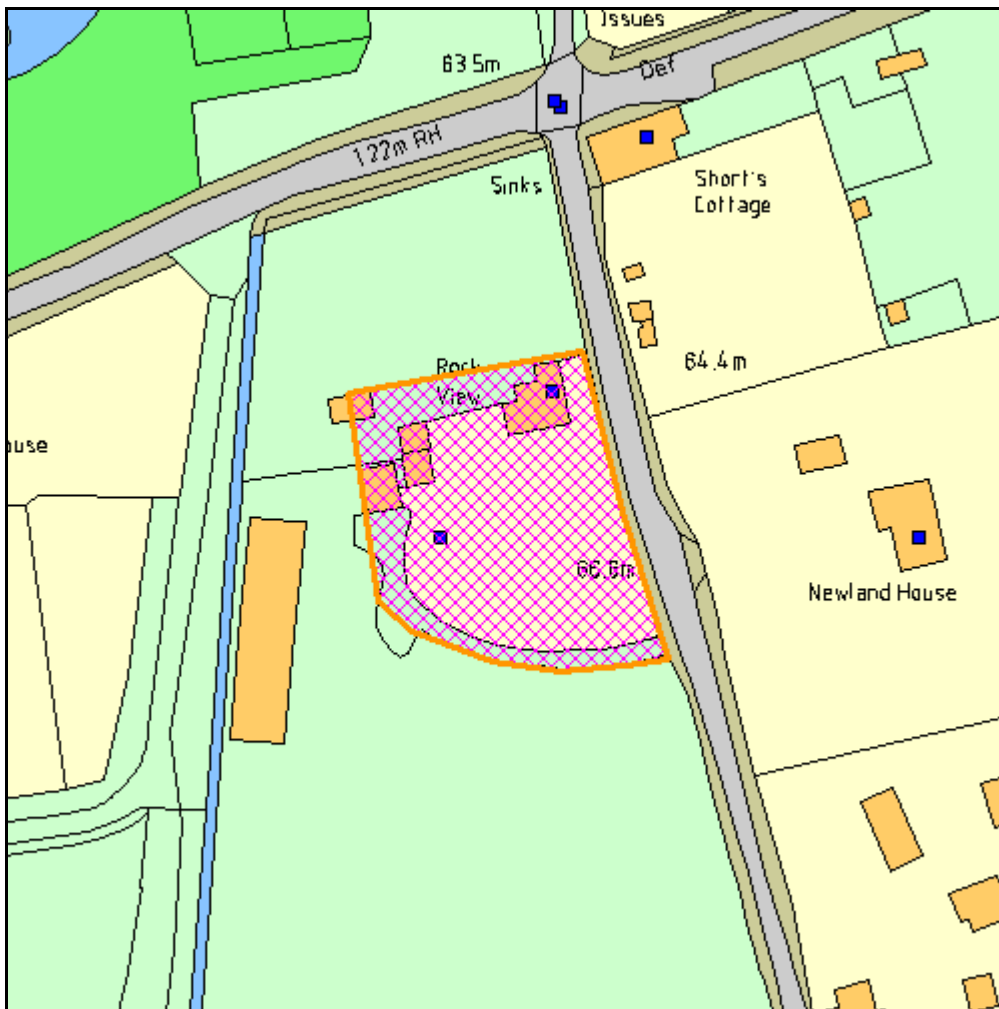
Dates and officer deadlines for Circulated Schedule Christmas Holidays 2018

CIRCULATED SCHEDULE - 30 November 2018

ITEM NO.	APPLICATION NO.	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK18/3886/F	Approve with Conditions	Rock View Engine Common Lane Yate South Gloucestershire BS377PX	Ladden Brook	Iron Acton Parish Council
2	PK18/4476/F	Refusal	Barn Between Home Farm And Pool Farmhouse High Street Hawkesbury Upton Badminton South Gloucestershire GL9 1AY	Cotswold Edge	Hawkesbury Parish Council
3	PK18/4477/LB	Refusal	Barn Between Home Farm And Pool Farmhouse High Street Hawkesbury Upton Badminton South Gloucestershire GL9 1AY	Cotswold Edge	Hawkesbury Parish Council
4	PK18/4560/F	Approve with Conditions	26 St Annes Drive Oldland Common South Gloucestershire BS30 6RB	Bitton	Bitton Parish Council
5	PK18/4735/F	Approve with Conditions	72 Hampden Close Yate South Gloucestershire BS37 5UP	Yate North	Yate Town Council
6	PT18/4806/F	Refusal	Land On The West Side Of Itchington Road Tytherington Wotton Under Edge South Gloucestershire GL12 8QE	Ladden Brook	Tytherington Parish Council

CIRCULATED SCHEDULE NO. 48/18 – 30 NOVEMBER 2018

App No.:	PK18/3886/F	Applicant:	Ms D Townsend
Site:	Rock View Engine Common Lane Yate South Gloucestershire BS37 7PX	Date Reg:	31st August 2018
Proposal:	Creation of new vehicular access onto Engine Common Lane and installation of driveway. Erection of single storey side and front extension to form garage and additional living accommodation.	Parish:	Iron Acton Parish Council
Map Ref:	370043 185017	Ward:	Ladden Brook
Application Category:	Householder	Target Date:	17th October 2018



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 100023410, 2008. **N.T.S.** **PK18/3886/F**

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

REASONS FOR REPORTING TO CIRCULATED SCHEDULE

The application has been subject to representations contrary to the findings of this report, with the number of contrary representations made exceeding a total of three. Under the current scheme of delegation it is therefore required to be taken forward under the Circulated Schedule procedure.

1. THE PROPOSAL

- 1.1 Planning permission is sought for the creation of a new vehicular access and the installation of a driveway. The application also involves the erection of a single storey side and front extension to form a garage and additional living accommodation. The application relates to Rock View, Engine Common Lane, Yate.
- 1.2 The application site consists of a detached property set within a large plot. The site is situated to the north of Yate, and outside of any defined settlement boundary. Planning permission was granted in 2011 for the erection of a replacement dwelling at the site. Planning permission was also recently granted for the erection of 4no. dwellings on land immediately to the north and west of the application site.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework July 2018
National Planning Policy Guidance (2014)

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

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

PSP1	Local Distinctiveness
PSP3	Trees and Woodland
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards

PSP38 Development within Existing Residential Curtilages, Including Extensions and New Dwellings

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

3. **RELEVANT PLANNING HISTORY**

Application Site

3.1 **PK15/2944/F**

Change of Use of land from Agricultural to residential (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) to include mobile home to be used as annex ancillary to main dwelling (Retrospective)

Refused: 14.10.2015

3.2 **PK11/2680/F**

Erection of 1no. detached replacement dwelling with access and associated works. (Resubmission of PK11/1384/F).

Approved: 20.10.2011

3.3 **PK11/1384/F**

Erection of 1no. detached replacement dwelling with access and associated works.

Withdrawn: 18.07.2011

Adjacent Land

3.4 **PK18/3104/F**

Erection of 4no. detached houses with associated access, parking, hard/soft landscape works and drainage.

Approved: 09.10.2018

3.5 **PK17/4492/O**

Erection of up to 4no. dwellings (outline) with access and layout to be determined: all other matters reserved.

Approved: 18.04.2018

4. CONSULTATION RESPONSES

4.1 Iron Acton Parish Council

Any new and original entrance to Rock View to be used for the access to the dwelling only.

4.2 Rangeworthy Parish Council

No comment

4.3 Other Consultees

Sustainable Transport

Following submission of revised plan showing location of previously approved access, it is considered that adequate visibility can be achieved. Recommended that any reconstructed part of wall does not exceed its current height.

Highway Structures

No comment

Tree Officer

No comment

Other Representations

4.4 Local Residents

A total of 3 letters of objection, and 6 letters of support were received. The main concerns raised within the **objection** letters are summarised below:

- New entrance already being constructed.
- Old entrance will be used to facilitate traffic for new housing.
- Use of old entrance will put heavy traffic onto narrow lane with no footpaths, and create excess traffic and noise pollution for surrounding residents.
- Increased traffic will cause danger to horse riders, walkers and cyclists.
- Granting permission without conditions could allow for access on to Engine Common Lane to be used for new houses on adjacent land.
- Suggest that condition be imposed, requiring existing track be reinstated to agricultural field parcel.

The main points raised within the **support** letters are summarised below:

- Detached house of this size should have garage.
- Proposed garage is in keeping with main property.
- Does not affect neighbours in any way.
- Erection of garage would not increase road traffic.
- Access previously approved.
- Rock View has been constructed to an excellent standard so far.
- Proposed garage matches similar garages in area.

- Wooden posts on verge cause far greater obstruction.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application seeks permission for the creation of a new vehicular access, the installation of a driveway, and the erection of an extension. Policy PSP38 of the Policies, Sites and Places Plan permits extensions and alterations to existing dwellings within established residential curtilages subject to an assessment of design, amenity, transport and loss of trees and vegetation. The development is acceptable in principle but will be determined against the analysis set out below.

5.2 Design and Visual Amenity

Policy CS1 of the Core Strategy and policy PSP38 of the Policies, Sites and Places Plan seek to ensure that development proposals are of the highest possible standards and design. This means that developments should have appropriate: siting, form, scale, height, massing, detailing, colour and materials which are informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context.

5.3 The proposed extension would be split in to a garage and a study. The structure would attach to the main dwelling at its north-eastern corner. The extension would incorporate a shallow pitched roof, and would be finished in re-constituted stone with Redland Farmhouse roof tiles to match the main dwelling. The extension would be positioned adjacent to the highway, and would therefore be visible from the public areas offered along Engine Common Lane.

5.4 The overall form and scale of the proposed extension are considered to be appropriate. It is considered that length of the structure and the incorporation of a shallow roof would allow for the extension to appear as a typical rural outbuilding. It is also considered that the proposed garage would appear as a proportionate addition, which would integrate successfully in to the host dwelling. In terms of the more detailed elements of the design, the intention to finish the extension in external materials to match the host is considered to be a suitable design approach. Overall it is not considered that the proposed extension would detract from the appearance of the property, or the character of the surrounding area.

5.5 In terms of the proposed access and driveway, the arrangement would be similar to that approved under application ref. PK11/2680/F. The overall arrangement is considered to be acceptable, and it is not considered that this element of the proposal would have any detrimental impact from a visual perspective.

5.6 For the reasons set out above, it is considered that an acceptable standard of design has been achieved. The proposal therefore accords with policy CS1 of the Core Strategy and policy PSP38 of the Policies, Sites and Places Plan,

5.7 Residential Amenity

- Policy PSP38 of the Policies, Sites and Places Plan explains that development will be permitted provided that it would not detrimentally impact the residential amenities of nearby occupiers and would not prejudice the retention of adequate private amenity space. Policy PSP8 specifically relates to impacts on residential amenity, and outlines that unacceptable impacts could result from (but are not restricted to); loss of privacy and overlooking; overbearing and dominant impact; loss of light; noise or disturbance; and odours, fumes or vibration.
- 5.8 The proposed garage would be set away from any existing neighbouring properties. The structure would also be set away from any of the new dwellings approved under application ref. PK18/3104/F. As such, it is not considered that the erection of the extension would have any significant impact on the residential amenity of neighbours. It is also not considered that the erection of the garage, or the installation of the new driveway, would cause any unacceptable disturbance to local residents during the construction period. In terms of amenity space, it is considered that ample external amenity space would be retained at the large plot following the development.
- 5.9 For the reasons set out above, it is not considered that the proposal would have any unacceptable impacts on residential amenity. The proposal therefore accords with policies PSP8 and PSP38 of the Policies, Sites and Places Plan.
- 5.10 Transport
- It is noted that at present, the existing vehicular access to the site is situated to the south of the main dwelling. Under application ref. PK11/2680/F, which granted permission for the reconstruction of the dwelling at the site, the dwelling was to be served by an existing vehicular access to the south of the main dwelling, and a new access to the north.
- 5.11 The current proposal seeks to replace the new access approved under PK11/2680/F, with a similar, slightly re-positioned access. This would be positioned approximately 2.5m to the north of the previously approved access. During the course of the application, an indicative plan was submitted, showing the newly proposed access in relation to the new access approved under PK11/2680/F. Given the similarities between the two accesses, it is considered that sufficient visibility would be provided when exiting the site. It has been outlined that a proposed boundary wall will be erected, and will measure 0.9m in height. It is considered that constructing a wall above this height could reduce visibility, and as such a condition will be attached to any decision, ensuring that any boundary treatment does not exceed 0.9m in height.
- 5.12 In terms of parking provision, a large proposed parking area would provide space for the parking of a number of vehicles. Overall the proposed access is considered to be acceptable, and sufficient on-site parking space would be provided. As such, it is not considered that the development would have any detrimental impacts on highway safety, or place additional pressure on the surrounding transportation network.

- 5.13 The concerns raised regarding the existing access to the south of the main dwelling have been taken in to account. It is acknowledged that there is concern that this access will be used to serve the 4 dwellings recently approved on adjacent land. However this access falls outside of the application site for the 4-dwelling development, and as such could not be used to serve the development without the granting of planning permission.
- 5.14 It has been suggested that if the new access to the north of the dwelling is to be permitted, the existing access to the south should be blocked up. However provided that the existing access is used in association with Rock View, it is not considered that its retention would lead to a significant increase in the number of vehicular movements at the access point. Furthermore, it is noted that land to the south of Rock View will remain within the ownership of the applicant. The existing access appears to provide the only practical means of vehicular access to this parcel of land, as access from the north would likely be unfeasible given the positioning of the main dwelling.
- 5.15 Overall, it is not considered that the provision of a vehicular access to both the north and south of the main dwelling at Rock View would lead to a significant increase in vehicular movements along Engine Common Lane. As such, it is not considered necessary or reasonable to require the existing access to the south to be blocked up.
- 5.16 Trees and Vegetation
It is noted that several mature trees are situated within, or in close proximity to the site. However the applicant has outlined that no trees or hedges will be removed or pruned as part of the development. Furthermore, the tree officer has raised no concerns with the proposal. Overall, it is not considered that the proposal would result in the loss of any trees or vegetation that contribute significantly to the character of the locality.
- 5.17 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.
- 5.18 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: Core Strategy (Adopted) December 2013 and the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

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

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

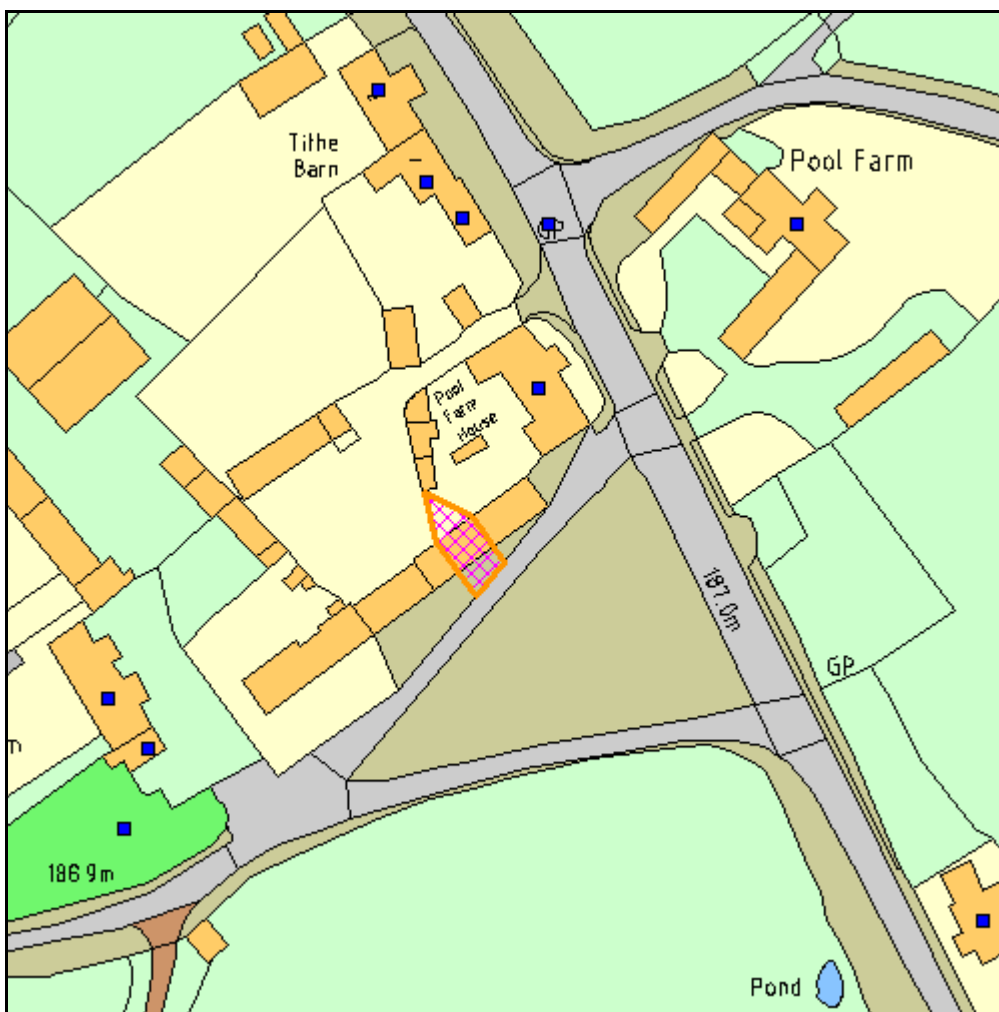
To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).

2. Any boundary treatment at the eastern boundary of the site shall not exceed 0.9m in height.

To ensure that adequate visibility is provided when exiting the site, in the interests of highway safety and to accord with Policy CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013 and Policy PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

CIRCULATED SCHEDULE NO. 48/18 – 30 NOVEMBER 2018

App No.:	PK18/4476/F	Applicant:	Ms S Mansfield-Cox
Site:	Barn Between Home Farm And Pool Farmhouse High Street Hawkesbury Upton Badminton South Gloucestershire GL9 1AY	Date Reg:	5th October 2018
Proposal:	Conversion of existing barn to 1no. attached dwelling with access, parking and associated works.	Parish:	Hawkesbury Parish Council
Map Ref:	377411 187318	Ward:	Cotswold Edge
Application Category:	Minor	Target Date:	29th November 2018



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 100023410, 2008. **N.T.S.** **PK18/4476/F**

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

1. **THE PROPOSAL**

- 1.1 This application seeks planning permission for the conversion of a barn to a single residential dwelling at Pool Farmhouse in Hawkesbury Upton. However, it was evident once on site that the barn has now substantially disappeared through demolition. The south side is mostly open whilst the north and west sides are heavily covered with vegetation. The east side is the most intact and represents the only elevation which is completely built up. The changes proposed would therefore go well beyond what could reasonably be described as a 'conversion' and would amount to a 'rebuilding'. As a result, the proposal will be assessed as a rebuild.
- 1.2 The site is located just outside the defined settlement boundary of Hawkesbury Upton and is therefore within the open countryside. It is also curtilage listed being within the curtilage of the grade II farmhouse, within the village conservation area, the Cotswolds Area of Outstanding Natural Beauty (AONB) and within an area of archaeological interest.
- 1.3 This application is accompanied by an application for listed building consent PK18/4477/LB.

2. **POLICY CONTEXT**

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
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
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment

PSP18	Statutory Wildlife Sites
PSP19	Wider Biodiversity
PSP20	Flood Risk
PSP40	Residential Development within the Countryside

- 2.3 Supplementary Planning Guidance
 Design Checklist SPD (Adopted) 2007
 Residential Parking Standard SPD (Adopted) 2013
 Landscape Character Assessment SPD (Adopted) 2014
 CIL and S106 SPD (Adopted) 2015
 Waste Collection SPD (Adopted) updated 2017

3. **RELEVANT PLANNING HISTORY**

- 3.1 PK18/2894/LB
 Replacement of 6 no. doors, 5 no. windows on front and rear elevation.
 Replacement of outbuilding roof.
 Approval
 03.09.2018
- 3.2 PK13/0451/LB
 Erection of single storey rear extension to form garden room
 Approval
 11.04.2013
- 3.3 P94/1088/L
 Minor demolition work to facilitate erection of first floor extension and creation of garage
 Consent
 13.07.1994
- 3.4 P94/1087
 Erection of first floor extension to outbuilding for use as living accommodation (ancillary to that of the main house) above, car parking facilities
 Approval
 13.07.1994
- 3.5 P89/1124/L
 Enlargement and renovation of outbuilding for domestic use in connection with associated dwelling.
 Consent
 16.03.1989
- 3.6 P86/2549
 Erection of two detached domestic garages.
 Approval
 26.11.1986
- 3.7 P86/2548/L
 Demolition of outbuildings to facilitate erection of two detached domestic garages.

- Consent
06.04.1987
- 3.8 P86/2074/L
Remove roof slates, felt and batten, replace stone slate on front pitches and install reconstituted stone slate on rear pitches; remove render and point stonework.
Consent
01.12.1986
- 3.9 P85/2822
Renovation and conversion of barn and outbuildings to form annexe to pool farm house. (In accordance with the revised plans received by the council on 22ND January 1986.)
Approval
20.04.1986
- 3.10 P85/2821/L
Minor works of demolition to facilitate renovation and conversion of barn to form annexe to pool farm house. (In accordance with the revised plans received by the council on 22ND January 1986.)
Consent
20.04.1986
- 3.11 P85/2338/L
Alterations and minor works of demolition to facilitate change of use of agricultural buildings to form five dwellings.
Refusal
17.12.1985
- 3.12 P85/2337
Change of use of existing agricultural buildings to form five dwellings
Refusal
17.12.1985

4. CONSULTATION RESPONSES

- 4.1 Hawkesbury Parish Council
Support
- falls within the vicinity of an ancient historic landmark “The Drovers Pool”
 - design out of keeping with the area, specifically the paved frontage
 - parking proposed on possibly public land; potential verge loss and could set precedent
 - insufficient parking provision
 - refuse storage not identified
- 4.2 Other Consultees
- Highway Structures
No objection

Lead Local Flood Authority

No objection

Sustainable Transport

Objection

- acceptable in terms of location
- parking provision unclear

Conservation Officer

Objection

- proposal fails to preserve the setting of the listed buildings and to preserve or enhance the character and appearance of the Hawkesbury Conservation Area

Ecology Officer

Objection

- insufficient information regarding bats

Planning Enforcement

No comment

Landscape Officer

No objection

Other Representations

4.3 Local Residents

None received

5. ANALYSIS OF PROPOSAL

5.1 This application seeks planning permission for the erection of 1no attached dwelling.

5.2 Principle of Development

There are several matters that affect the principle of development on this site. Planning law requires the decision taker to determine applications in accordance with the development plan unless material considerations indicate otherwise.

5.3 Under policy CS5, development is directed to the existing urban areas and the defined settlements. The application site is not within a defined settlement and therefore is in the open countryside. Under policy PSP40, only certain forms of residential development are permitted in the countryside. The proposal does not, however, fall under any of the permissible forms of development listed in PSP40. Therefore the development would conflict with the locational strategy outlined in the development plan. In other circumstances, the application would be refused on this alone.

- 5.4 However, at present the authority cannot demonstrate a 5 year supply of deliverable housing sites. NPPF paragraph 11 requires that where relevant planning policies are out of date, as in this case, permission should be granted unless one of two criteria are met. The first of these is where the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. That includes policies relating to AONBs and designated heritage assets, both of which are applicable in this case. As such, paragraph 11(d)(i) is engaged.
- 5.5 *Impact on the barn, Pool Farm and other heritage assets*
The structures to which this application relates comprises the remains of a simple agricultural barn which, based on tithe map evidence, was historically associated with Pool Farmhouse to the mid-late 17thC building. The structure is therefore curtilage listed and originally formed part of a run of key-key traditional barns on the north side of the village pool, a triangular pond and small green where animals on their way to market would have been watered. A series of historic photos submitted by the applicant, and also held on file, show the gradual transformation of the outbuildings from the simple origins as roofed structures with minimal ground floor openings to the south, with the larger openings facing into the farmyard to the north. The structures had their roofs removed in the late 20thC and replaced with a mono-pitched covering of corrugated sheeting. In the 1990s, the buildings were part-converted to ancillary domestic use, this entailing the replacement of the roof over part of the barn and the introduction of two first floor window openings overlooking the pond. Comparison of the present barn and archive photos from 1994 highlights a degree of rebuilding of the original structure.
- 5.6 Notwithstanding the present condition of the site, the combination of the pool and the farm building to the north creates a pleasant and picturesque group that makes an important, positive contribution to the informal, rural character of the conservation area. The part of the barn that forms the application site is understood to have been in separate ownership to the eastern section that was converted in the 1990s. It retains its mono-pitch roof covering and had been deteriorating over a prolonged period of time. Following concerns over the structures stability, the applicant has removed the remains of the roof and has taken down sections of walling, the remains of which are being stored on site. The site is now untidy and detracts from the setting and significance of the adjoining historic barns and farmhouses.
- 5.7 The proposal is to rebuild the structure, replacing the walls to the north and south and reinstating a pitched roof very slightly lower than the barn to the east. Three new windows and a door will be introduced to the previously blank south elevation whilst the north elevation will be given a door and window at ground floor and a pair of dormers lighting the attic space. The building is proposed to become a 1-bed dwelling and an area of parking and pedestrian access is proposed to the south, on the verge overlooking the pond.
- 5.8 Whilst the reinstatement of the barn is acceptable in principle given its contribution to the historic group setting of the two listed buildings and the character and appearance of the conservation area, the design itself cannot be supported. The introduction of 3 new window openings and a new front door on

such a small building has the unwelcome effect of overtly domesticating the south facing elevation, eroding the simple, unassuming nature of the barns overlooking the pond. Whilst the dilapidated condition of the structure has affected an appreciation of the original form of the building, this was originally a solid, unbroken elevation. Prior to the removal of the roof, it also had eaves and a ridgeline that matched the rest of the barn to which it is attached. For a long time it had the appearance of a simple boundary wall enclosing the farmyard, adding to the sense of enclosure on the north side of the pond and contributing to the informal, agricultural character of the area.

- 5.9 The creation of multiple new openings and the proposal to recreate the roof with a lower eaves and ridge line creates the impression of a distinct and separate domestic structure that no longer reads as part of a homogenous group of barns associated with the listed farmhouses. Furthermore, the creation of a domestic frontage overlooking the pond also reverses the historic relationship between the barn and the farmhouse, one in which the barn traditionally faced into the yard with long stretches of unbroken wall to the public realm. This reversal of the building, from it being an ancillary outbuilding facing into the yard to it becoming a dwelling with a street frontage changes the entire character of the structure and the character of the locality. The change in orientation of the building also results in the creation of a defined parking area with grassguard pavements on the narrow area of grass verge which presently contributes to the open setting of the pond and the listed farmhouses. Whilst the small green and grass verges may occasionally be used for informal, temporary parking, the introduction of a permanent, defined parking area, and what is inevitably going to be seen/used as a front garden space, will radically change the character and appearance of the site. Such an arrangement will appear discordant and incongruous given its context and as a result will harm the setting of the listed buildings and the character and appearance of the conservation area.
- 5.10 The harm would be, in terms of the NPPF, "less than significant". The NPPF requires that such harm be weighed against the public benefits of the scheme. In this case, taking into account that the Council is unable to demonstrate a 5 year supply of housing land, there would be very modest social benefits from the provision of 1 new house. There would also be some very small economic benefits arising from the construction and occupation of the new home and an environmental benefit from the rebuilding of the wall between the barns. Balanced against this is the harm that would arise to the setting of the listed buildings and conservation area. As there are statutory obligations on decision-makers to have special regard to the desirability of preserving listed buildings and conservation areas and their settings, great importance is attached to protecting them. In the Officers view, the harm in this case would not be outweighed by the benefits.
- 5.11 Officers therefore conclude on the first main issue that the proposal would result in material harm to the setting of the listed buildings and the Hawkesbury Conservation Area, which would not be outweighed by the benefits, and would conflict with the aims of the NPPF, sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and Local Plan policy PSP17.

5.12 *Impact on Cotswolds AONB*

As in relation to the impact upon the listed buildings and conservation area, the impact of the hardstanding on the landscape character and scenic beauty of the AONB is less harmful when compared to the wider development of the site. Nonetheless, the hardstanding adds to the sense of urbanisation, particularly when viewed front on. The hardstanding is also integral to the development of the site, with associated domestication and increased activity. Those impacts will have an adverse effect on the scenic quality of the landscape in a visual sense and in terms of its tranquil character, particularly noting the context of the site adjacent to pool and the importance of the listed buildings in shaping the character of the landscape.

5.13 Consequently, Officers find on the second main issue that the proposal will cause moderate harm to the scenic beauty of the local landscape within the AONB, contrary to the aims of the NPPF and Local Plan policy PSP2.

5.14 While regard has been had to the benefits of the proposal, Officers have found that the listed building and AONB policies provide clear reasons why the development proposed should not be allowed. Therefore, the application scheme is not a form of sustainable development for which the NPPF has a presumption. However, for completeness, Officers turn now to the remaining issues.

5.15 Residential Amenity

Development should not be permitted that has a prejudicial impact on residential amenity or which fails to provide an adequate level of residential amenity to the future occupiers of the proposed development.

5.16 Having viewed the application site, it is not considered the new build would not adversely affect the amenities of any nearby occupier.

5.17 In terms of private amenity space, the space indicated on the Site & Location Plan appears to broadly correlate with that required under the policy and although not all the proposed space appears to be particularly useable due to its irregular shape, Officers are satisfied it would meet the various day-to-day needs of any future occupants. The provision of suitable boundary treatment could therefore be secured by planning condition.

5.18 Transport and Parking

Despite being closely located to Hawkesbury Upton, Officers consider it would be highly likely that future residents of the proposal would use private transport to access most of their day to day needs. However, a single house does not have the potential to generate a level of traffic which would have a detrimental impact on highway safety. Therefore, no objection is raised to the proposal on this basis.

5.19 Officers now turn to the proposed parking provision. The applicant intends to put down hardstanding over a grassed highway verge to form parking for 1 vehicle. Whilst it is accepted that the applicant could construct a parking hard surface on his land adjacent to the verge, to allow access, work would still be required to the highway verge which lies outside the applicant's control.

- Furthermore, given an incorrect certificate has been signed on the planning application form, the Council have not had the opportunity to comment as to whether they would be agreeable to such works. As a result, Officers are not satisfied that the proposal would provide adequate parking for future residents or safe and suitable access.
- 5.20 For the above reasons the development would not provide a safe and suitable access to the site and would thus fail to make adequate arrangements for parking. Accordingly, the proposal would not meet the requirements of the NPPF and Local Plan policies PSP11 and PSP16.
- 5.21 Ecology
The barn may be home to birds and although unlikely suitable itself, the neighbouring buildings may house bat roosts. The works have the potential to disturb the latter, particularly the one to the east. Disturbance of a bat in its resting place, or the potential to damage a roost through vibration/noise would constitute an offence under the Wildlife and Countryside Act 1981 and Habitats Regulations 2017.
- 5.22 No ecological information has been submitted alongside this application and in the absence of this, Officers cannot be satisfied that the proposal would not have a significant impact upon protected species and other biodiversity. Officers therefore have insufficient information before them to determine whether the proposal would accord with the aims of the NPPF and Local Plan policy PSP19.
- 5.23 Other Matters
Had the proposal been acceptable in all respects, bin storage could have been addressed by means of the imposition of a planning condition.
- 5.24 Impact on Equalities
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. As a result of that Act the public sector Equality Duty came into force. Among other things, the Equality Duty requires that public bodies to have due regard to the need to: eliminate discrimination; advance equality of opportunity; and, foster good relations between different groups when carrying out their activities.
- 5.25 Under the Equality Duty, public organisations must consider how they could positively contribute to the advancement of equality and good relations. This should be reflected in the policies of that organisation and the services it delivers.
- 5.26 The local planning authority is statutorily required to apply the Equality Duty to its decision taking. With regards to the Duty, the development contained within this planning application is considered to have a neutral impact.
- 5.27 Overall Planning Balance
As aforementioned, footnote 6 to NPPF paragraph 11 gives examples of policies which indicate that development should be restricted, and those pertaining to designated heritage assets and AONBs are amongst them.

In this case, the “tilted balance” required by paragraph 11 in favour of development does not apply here. Thus, the harms that Officers have found are compelling reasons to refuse the application.

6. CONCLUSION

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

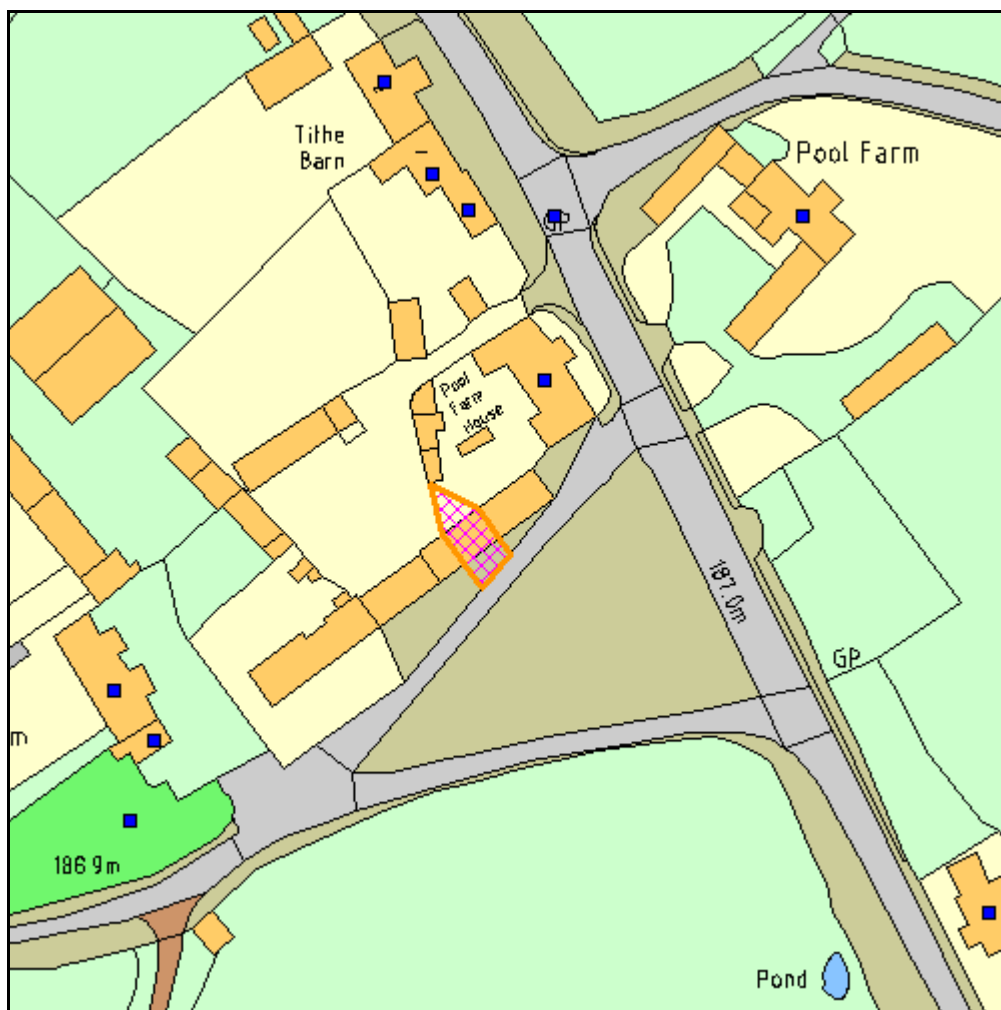
REASONS FOR REFUSAL

1. If permitted, the erection of a new attached dwelling and the creation of a formalised area of permanent residential parking in such a sensitive location would fail to preserve or enhance the setting of the listed buildings or the character and appearance of the Hawkesbury Conservation Area. It is therefore contrary to Policy PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; the revised National Planning Policy Framework; and sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
2. If permitted, the creation of a formalised area of permanent residential parking would fail to conserve or enhance the special qualities of the Cotswolds Area of Outstanding Natural Beauty. It is therefore contrary to Policy PSP2 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; the Revised Landscape Character Assessment SPD (Adopted) November 2014; and the revised National Planning Policy Framework.
3. Insufficient information has been submitted with the application to enable an assessment of the impact of the proposal on protected species and biodiversity. As a result, the Local Planning Authority cannot be assured that the development would not result in harm. Therefore, the proposal fails to accord with Policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the revised National Planning Policy Framework.

4. If permitted, the proposal would fail to provide safe and suitable access to the site or sufficient parking to meet the needs arising from the development. It is therefore contrary to Policy PSP11 and PSP16 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the revised National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 48/18 – 30 NOVEMBER 2018

App No.:	PK18/4477/LB	Applicant:	Ms S Mansfield-Cox
Site:	Barn Between Home Farm And Pool Farmhouse High Street Hawkesbury Upton Badminton South Gloucestershire GL9 1AY	Date Reg:	5th October 2018
Proposal:	Conversion of existing barn to 1no. attached dwelling with access, parking and associated works.	Parish:	Hawkesbury Parish Council
Map Ref:	377411 187318	Ward:	Cotswold Edge
Application Category:	Minor	Target Date:	29th November 2018



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N.T.S.**PK18/4477/LB**

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

1. THE PROPOSAL

- 1.1 This application seeks listed building consent for the conversion of a barn to a single residential dwelling at Pool Farmhouse in Hawkesbury Upton. However, it was evident once on site that the barn has now substantially disappeared through demolition. The south side is mostly open whilst the north and west sides are heavily covered with vegetation. The east side is the most intact and represents the only elevation which is completely built up. The changes proposed would therefore go well beyond what could reasonably be described as a 'conversion' and would amount to a 'rebuilding'. As a result, the proposal will be assessed as a rebuild.
- 1.2 The site is located just outside the defined settlement boundary of Hawkesbury Upton and is therefore within the open countryside. It is also curtilage listed being within the curtilage of the grade II farmhouse, within the village conservation area, the Cotswolds Area of Outstanding Natural Beauty (AONB) and within an area of archaeological interest.
- 1.3 This application is accompanied by an application for planning permission PK18/4476/F.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework July 2018
Planning (Listed Building and Conservation Areas) Act 1990

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS9 Managing the Environment and Heritage

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

PSP17 Heritage Assets and the Historic Environment

3. RELEVANT PLANNING HISTORY

- 3.1 PK18/2894/LB
Replacement of 6 no. doors, 5 no. windows on front and rear elevation.
Replacement of outbuilding roof.
Approval
03.09.2018

- 3.2 PK13/0451/LB
Erection of single storey rear extension to form garden room
Approval
11.04.2013
- 3.3 P94/1088/L
Minor demolition work to facilitate erection of first floor extension and creation of garage
Consent
13.07.1994
- 3.4 P94/1087
Erection of first floor extension to outbuilding for use as living accommodation (ancillary to that of the main house) above, car parking facilities
Approval
13.07.1994
- 3.5 P89/1124/L
Enlargement and renovation of outbuilding for domestic use in connection with associated dwelling.
Consent
16.03.1989
- 3.6 P86/2549
Erection of two detached domestic garages.
Approval
26.11.1986
- 3.7 P86/2548/L
Demolition of outbuildings to facilitate erection of two detached domestic garages.
Consent
06.04.1987
- 3.8 P86/2074/L
Remove roof slates, felt and batten, replace stone slate on front pitches and install reconstituted stone slate on rear pitches; remove render and point stonework.
Consent
01.12.1986
- 3.9 P85/2822
Renovation and conversion of barn and outbuildings to form annexe to pool farm house. (In accordance with the revised plans received by the council on 22ND January 1986.)
Approval
20.04.1986

- 3.10 P85/2821/L
Minor works of demolition to facilitate renovation and conversion of barn to form annexe to pool farm house. (In accordance with the revised plans received by the council on 22ND January 1986.)
Consent
20.04.1986
- 3.11 P85/2338/L
Alterations and minor works of demolition to facilitate change of use of agricultural buildings to form five dwellings.
Refusal
17.12.1985
- 3.12 P85/2337
Change of use of existing argicultural buildings to form five dwellings
Refusal
17.12.1985

4. CONSULTATION RESPONSES

4.1 Hawkesbury Parish Council

Support

- falls within the vicinity of an ancient historic landmark “The Drovers Pool”
- design out of keeping with the area, specifically the paved frontage
- parking proposed on possibly public land; potential verge loss and could set precedent
- insufficient parking provision
- refuse storage not identified

4.2 Other Consultees

Conservation Officer

Objection

- proposal fails to preserve the setting of the listed buildings and to preserve or enhance the character and appearance of the Hawkesbury Conservation Area

National Amenity Societies

Georgian Group

No objection

Planning Enforcement

No comment

Other Representations

4.3 Local Residents

None received

5. ANALYSIS OF PROPOSAL

- 5.1 This application seeks listed building consent for works to facilitate the erection of 1 no attached dwelling.
- 5.2 Principle of Development
This is an application for listed building consent. As such, the only consideration is what impact the proposed development would have on the special historic or architectural features of the building.
- 5.3 *Impact on Heritage Asset*
The structures to which this application relates comprises the remains of a simple agricultural barn which, based on tithe map evidence, was historically associated with Pool Farmhouse to the mid-late 17thC building. The structure is therefore curtilage listed and originally formed part of a run of key-key traditional barns on the north side of the village pool, a triangular pond and small green where animals on their way to market would have been watered. A series of historic photos submitted by the applicant, and also held on file, show the gradual transformation of the outbuildings from the simple origins as roofed structures with minimal ground floor openings to the south, with the larger openings facing into the farmyard to the north. The structures had their roofs removed in the late 20thC and replaced with a mono-pitched covering of corrugated sheeting. In the 1990s, the buildings were part-converted to ancillary domestic use, this entailing the replacement of the roof over part of the barn and the introduction of two first floor window openings overlooking the pond. Comparison of the present barn and archive photos from 1994 highlights a degree of rebuilding of the original structure.
- 5.4 Notwithstanding the present condition of the site, the combination of the pool and the farm building to the north creates a pleasant and picturesque group that makes an important, positive contribution to the informal, rural character of the conservation area. The part of the barn that forms the application site is understood to have been in separate ownership to the eastern section that was converted in the 1990s. It retains its mono-pitch roof covering and had been deteriorating over a prolonged period of time. Following concerns over the structures stability, the applicant has removed the remains of the roof and has taken down sections of walling, the remains of which are being stored on site. The site is now untidy and detracts from the setting and significance of the adjoining historic barns and farmhouses.
- 5.5 The proposal is to rebuild the structure, replacing the walls to the north and south and reinstating a pitched roof very slightly lower than the barn to the east. Three new windows and a door will be introduced to the previously blank south elevation whilst the north elevation will be given a door and window at ground floor and a pair of dormers lighting the attic space. The building is proposed to become a 1-bed dwelling and an area of parking and pedestrian access is proposed to the south, on the verge overlooking the pond.
- 5.6 Whilst the reinstatement of the barn is acceptable in principle given its contribution to the historic group setting of the two listed buildings and the character and appearance of the conservation area, the design itself cannot be

- supported. The introduction of 3 new window openings and a new front door on such a small building has the unwelcome effect of overtly domesticating the south facing elevation, eroding the simple, unassuming nature of the barns overlooking the pond. Whilst the dilapidated condition of the structure has affected an appreciation of the original form of the building, this was originally a solid, unbroken elevation. Prior to the removal of the roof, it also had eaves and a ridgeline that matched the rest of the barn to which it is attached. For a long time it had the appearance of a simple boundary wall enclosing the farmyard, adding to the sense of enclosure on the north side of the pond and contributing to the informal, agricultural character of the area.
- 5.7 The creation of multiple new openings and the proposal to recreate the roof with a lower eaves and ridge line creates the impression of a distinct and separate domestic structure that no longer reads as part of a homogenous group of barns associated with the listed farmhouses. Furthermore, the creation of a domestic frontage overlooking the pond also reverses the historic relationship between the barn and the farmhouse, one in which the barn traditionally faced into the yard with long stretches of unbroken wall to the public realm. This reversal of the building, from it being an ancillary outbuilding facing into the yard to it becoming a dwelling with a street frontage changes the entire character of the structure and the character of the locality. The change in orientation of the building also results in the creation of a defined parking area with grassguard pavements on the narrow area of grass verge which presently contributes to the open setting of the pond and the listed farmhouses. Whilst the small green and grass verges may occasionally be used for informal, temporary parking, the introduction of a permanent, defined parking area, and what is inevitably going to be seen/used as a front garden space, will radically change the character and appearance of the site. Such an arrangement will appear discordant and incongruous given its context and as a result will harm the setting of the listed buildings and the character and appearance of the conservation area.
- 5.8 The harm would be, in terms of the NPPF, “less than significant”. The NPPF requires that such harm be weighed against the public benefits of the scheme. In this case, taking into account that the Council is unable to demonstrate a 5 year supply of housing land, there would be very modest social benefits from the provision of 1 new house. There would also be some very small economic benefits arising from the construction and occupation of the new home and an environmental benefit from the rebuilding of the wall between the barns. Balanced against this is the harm that would arise to the setting of the listed buildings and conservation area. As there are statutory obligations on decision-makers to have special regard to the desirability of preserving listed buildings and conservation areas and their settings, great importance is attached to protecting them. In the Officers view, the harm in this case would not be outweighed by the benefits.
- 5.9 Officers therefore conclude on this issue that the proposal would result in material harm to the setting of the listed buildings and the Hawkesbury Conservation Area, which would not be outweighed by the benefits, and would conflict with the aims of the NPPF, section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and Local Plan policy PSP17.

6. RECOMMENDATION

6.1 It is recommended that listed building consent is REFUSED.

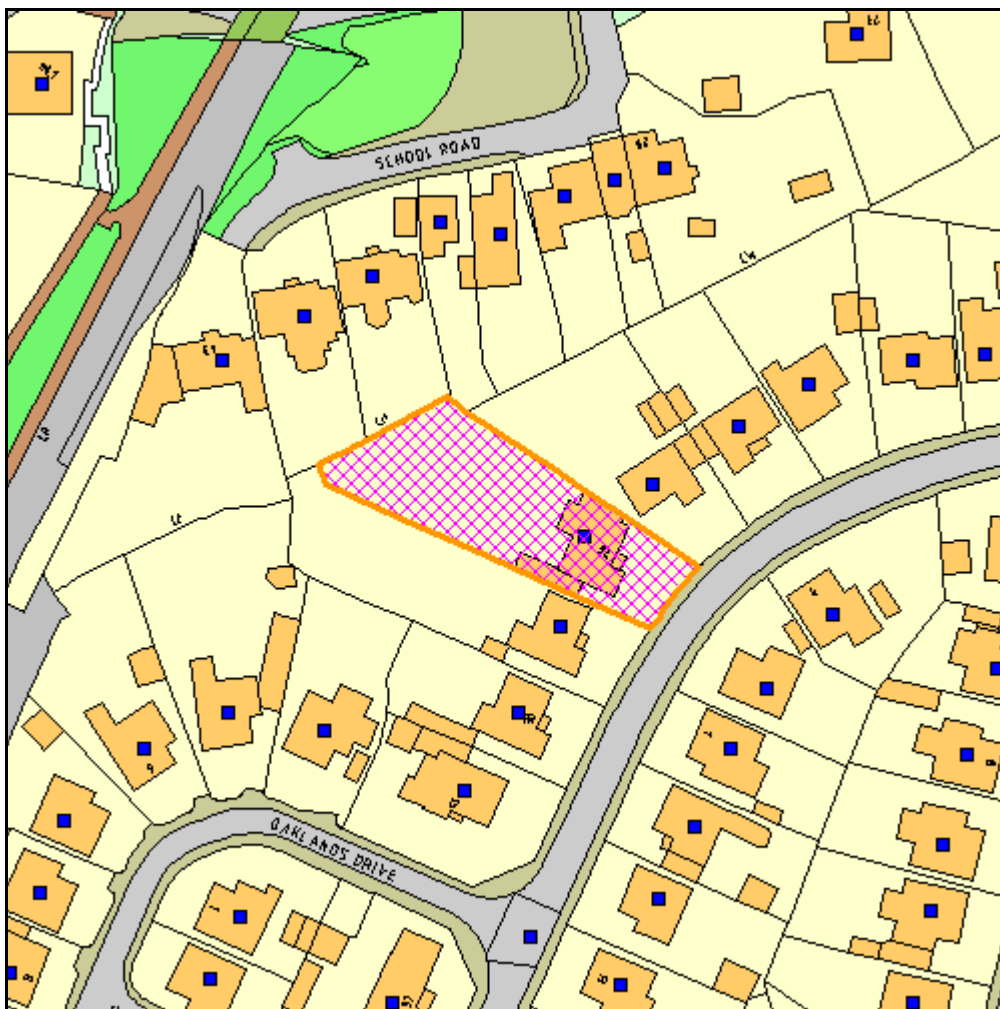
Contact Officer: Helen Braine
Tel. No. 01454 863133

REASONS FOR REFUSAL

1. If permitted, the erection of a new attached dwelling and the creation of a formalised area of permanent residential parking would fail to preserve or enhance the setting of the listed buildings. It is therefore contrary to Policy PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; the revised National Planning Policy Framework; and section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

CIRCULATED SCHEDULE NO. 48/18 – 30 NOVEMBER 2018

App No.:	PK18/4560/F	Applicant:	Mr J Lippiatt
Site:	26 St Annes Drive Oldland Common Bristol South Gloucestershire BS30 6RB	Date Reg:	8th October 2018
Proposal:	Erection of a front extension to form additional living accommodation.	Parish:	Bitton Parish Council
Map Ref:	367116 171019	Ward:	Bitton
Application Category:	Householder	Target Date:	30th November 2018



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

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application has been submitted to the Council's circulated schedule procedure due to the comments received from the local Parish Council.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of a single storey front extension to form additional living accommodation at 26 St Annes Drive, Oldland Common.
- 1.2 The application site relates to a detached bungalow property which is located within a residential area of Oldland Common.

2. POLICY CONTEXT

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

CS1 High Quality Design
CS4a Presumption in Favour of Sustainable Development
CS5 Location of Development

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

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

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

3. RELEVANT PLANNING HISTORY

- 3.1 No planning history

4. **CONSULTATION RESPONSES**

4.1 Bitton Parish Council

No objections to the extension. However Councillors are concerned that the shiplap cladding on the roof may be out of keeping but have insufficient details.

Other Representations

4.2 Local Residents

No Comments

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

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

5.2 Design and Visual Amenity

The application seeks full planning permission for the erection of a single storey front extension to form additional living accommodation. The proposed single storey floor front extension will have a width of approximately 3metres, a depth of 2.5metres and a maximum height of 3.6metres. The existing front porch will be demolished to facilitate the proposal.

5.3 The proposal will introduce vertical cedar wood cladding to the principal elevation. It is considered that the design approaches, siting and scale allow for the proposed extension to appear both proportionate to the host dwelling and appear in keeping with the domestic character of the building. It was also noted that many properties in the area have benefitted from development similar to the proposal.

5.4 Residential Amenity

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

5.5 An objection comment has raised concerns that the proposed cladding on the principal elevation will appear out of keeping with the area. During a site visit the case officer noted many adjacent properties have benefitted from development similar in scale and design to the proposal. Furthermore, cladding can be seen on the existing principal elevation.

- 5.6 The impact of the proposal on the residential amenity currently enjoyed by the occupiers of neighbouring properties has been considered. Due to the location of the extension, it is not considered that its erection would materially harm the residential amenity at any of the adjoining properties. Due to levels of separation, it is not deemed that the proposed extension would impact upon the residential amenity enjoyed at properties
- 5.7 The proposal will occupy additional floor space, however sufficient private amenity space will remain following development and there is no objection with regard to this.
- 5.8 The subject property is located within a built up residential area and given the scale and location of the proposed development, the proposal will not result in an unacceptable impact on the residential amenity of its neighbouring occupiers. Therefore, the development is not considered to be detrimental to residential amenity and is deemed to comply with Policy PSP38 of the PSP Plan (November 2017).
- 5.9 Sustainable Transport and Parking Provision
The proposed development does not affect bedroom numbers, access or current parking provision. Therefore, there are no objections on highways grounds.
- 5.10 Equalities
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

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

6. CONCLUSION

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

7. RECOMMENDATION

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

Contact Officer: Westley Little
Tel. No. 01454 862217

CONDITIONS

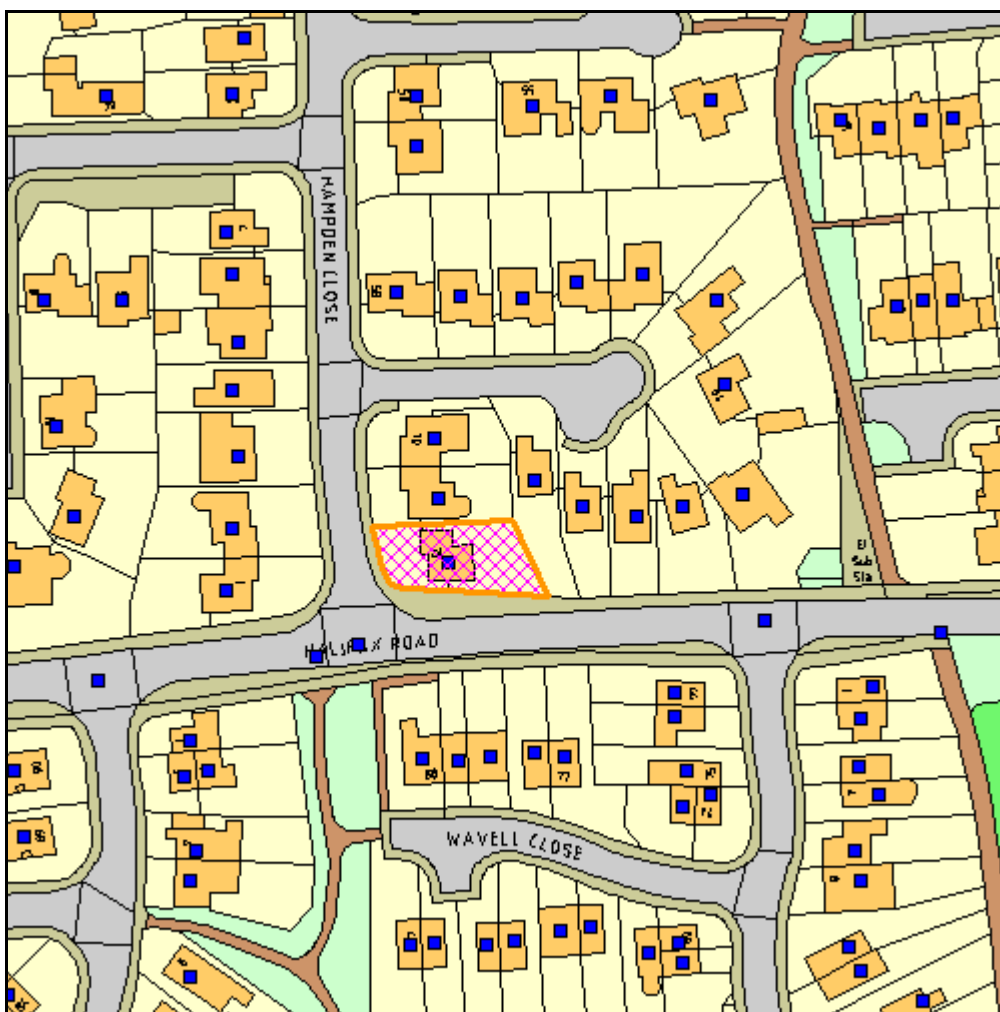
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 48/18 – 30 NOVEMBER 2018

App No.:	PK18/4735/F	Applicant:	Mr Tom Godsell
Site:	72 Hampden Close Yate Bristol South Gloucestershire BS37 5UP	Date Reg:	26th October 2018
Proposal:	Erection of two storey rear and side extension, first floor side extension and conversion of garage to provide additional living accommodation.	Parish:	Yate Town Council
Map Ref:	370846 183550	Ward:	Yate North
Application Category:	Householder	Target Date:	20th December 2018



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

1. THE PROPOSAL

- 1.1 The proposal seeks full planning permission for the erection of a two storey rear and side extension, first floor side extension and conversion of garage to provide additional living accommodation at 72 Hampden Close, Yate.
- 1.2 The site consists of a two storey detached dwelling located within a residential area of Yate.

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

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

PSP1 Local Distinctiveness

PSP8 Residential Development

PSP11 Transport

PSP16 Parking Standards

PSP38 Development within Existing Residential Curtilages

PSP34 Private Amenity Standards

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted 2007)

Residential Parking Standards SPS (Adopted) 2013

3. RELEVANT PLANNING HISTORY

- 3.1 N593/1. Decision and date: Approve with conditions, 19/07/1976
Residential and ancillary development on approximately 125 acres (Outline).
- 3.2 N593/104. Decision and date: Approve with conditions, 08/12/1983
Erection of 72 dwellings with associated garages and construction of associated estate roads. (As amended by letter and plan from the applicant's Agent received by the Council on 22nd November, 1983).

- 3.3 N593/4. Decision and date: Approve with conditions, 19/07/1976
Erection of 1,101 terraced, semi-detached and detached dwellings and garages; erection of 1 small supermarket and six shops with flats above; construction of associated estate roads, footpaths and parking spaces; provision of open spaces, a primary school, social services facilities and community facilities, on approximately 125 acres.
- 3.4 N593/97. Decision and date: Approve with conditions, 11/08/1983
Erection of 72 dwellings with associated garages and construction of associated estate roads (in accordance with the revised plans received by the Council on 27th July 1983).
- 3.5 P84/0100/1. Decision and date: Approval, 02/02/1984
Erection of 72 dwellings with associated garages and construction of associated estate roads (in accordance with the additional details received by the council on 25th January 1984).

4. CONSULTATION RESPONSES

4.1 Yate Town Council

Plans do not show an indication of parking allowance for the residence and visitor parking. It will become 5 bed dwelling, as such the SGC Residential Parking Standards specify in Appendix A that the dwelling needs to be able to accommodate 3 off-street parking spaces plus 0.2 for a visitor. Given this is on the corner at the entrance to the road leading off a bus route, there is no basis for relaxing that minimum. Concerns are raised about reversing onto a blind bend.

4.2 Transport

Transport did not raise an objection to the proposal. They did however raise concerns about parking provision at the site, due to the conversion of the existing garage and the access to the site and its location next to the junction with Halifax Road.

Other Representations

4.3 Local Residents

Objection comments have been submitted from 4 local residents. Their comments are summarised as follows:

- Concerns regarding parking and access at the site
- Concerns about the removal of the tree (protected under the covenant of the estate) in the front garden to create additional parking
- The design and external appearance would be out of keeping with the character of the existing dwelling and would detriment the visual amenity of the immediate street scene and neighbouring properties
- The owners of No. 58 had their application for a two storey extension rejected on the grounds of visual amenity
- Concerns relating to the size of the proposed development
- The Council is asked to confirm if Permitted Development Rights are still intact at the property

- The design and access statement date stamped 17/10/2018 states that “neighbours have been consulted” which is incorrect as we had not been consulted
- The current garage outer walls are single skinned and there is therefore a high likelihood that their footings are not substantial enough for a two storey build. Effectively only a small percentage of the existing garage would remain intact
- The underpinning of existing garage footings may be required; I am concerned of the affected to our property
- Concerns regarding the overbearing nature of the proposal
- Concerns of the shading effect on the residential amenity of no.71 Hampden Close
- Light Access/Shade Diagrams have been submitted to show the shadowing effect of the proposal
- The proposal would significantly affect the plant/trees in my garden
- The proposal would be contrary to the original design and intention of the architect of the Estate
- The two storey proposal would block reception of signals to my satellite dish

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

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

5.2 Design and Visual Amenity

The application site is a detached, two storey property with mock Tudor panelling on the front elevation situated on a corner plot. Its elevations are brickwork, render and timber with brown UPVC windows. To the front is a driveway and front garden area. The surrounding buildings are of a similar style and appearance.

5.3 The existing garage has a width of 2.48 metres, a depth of approximately 5.4 metres and a maximum height of 3.9 metres. The proposed two storey side extension will involve the conversion of the garage into living accommodation. The width of the proposed extension will remain consistent with the existing garage at 2.48 metres, it will project from the rear of the existing garage by approximately 3.35 metres. The overall two-storey structure, including the garage conversion will therefore have a depth of approximately 8.75 metres and a maximum height of 6.55 metres.

5.4 Concerns have been raised about the overall size of the conversion and extension. The case officer acknowledges that collectively, the additions and alterations will increase the overall size of the dwelling. However, the principle of a two-storey side and rear extension is acceptable and the addition to the

- rear of the existing garage is considered to be a fairly modest addition. The conversion of the existing garage and two-storey side extension are also considered to be acceptable. The proposed roof will be hipped and will join the existing roof 400mm from its ridge line. Policy PSP38 states that in order to appear subservient, extensions should be set down by 400mm from the existing roofline. It also states that they should be set back from the front elevation by the same amount. The case officer acknowledges that in this case the proposed development has not been set back from the existing. However, it does not project from the front elevation and the roofline is set down from the existing and as such an acceptable level of subservience has been achieved.
- 5.5 Local residents have also raised concerns that the design and external appearance of the proposed extension would be detrimental to the character of the existing dwelling and the visual amenity of the immediate street scene. The proposed extension will utilise materials that will match the existing dwellinghouse. The Tudor style panelling and design will be maintained and adopted into the proposed development, on the front, side and rear elevations. This is in order to preserve the existing character of the dwelling and the visual amenity of the street scene. As a result of this, the case officer does not believe that the development will pose any significant harm to the street scene or existing dwelling in terms of visual amenity.
- 5.6 As discussed above, it is considered the development is informed by the site and its surroundings. Moreover, the current plans have addressed the concerns from local residents and the case officer in terms of design. As such, the proposal is deemed to comply with policy CS1 of the Core Strategy and Policy PSP38 of the PSP Plan.
- 5.7 Residential Amenity
Policies PSP8 and PSP38 of the PSP Plan sets out that development within existing residential curtilages should not prejudice residential amenity through overbearing; loss of light; and loss of privacy of neighbouring occupiers.
- 5.8 Concerns have been raised regarding the impact of the proposal on the residential amenity currently enjoyed by the neighbouring occupiers at no.71. The neighbour has raised the point that an almost 5m high wall would be positioned 1m from the boundary fence and overlap their garden by 3m and will cause an overbearing impact. This is noted, however the proposed two storey extension will not extend beyond the existing rear elevation of the dwelling and will be a continuation of the building line. Other properties in the locality have two storeys close to the boundary line. As the house is situated in a built-up residential area and the proposed extension will not extend beyond the existing rear elevation, the case officer considers that although there will be some, limited overbearing impact the effects are not deemed unacceptable enough to warrant a refusal on these grounds.
- 5.9 The neighbour has also raised concerns about the shading that will be experienced at no.71 as a result of the proposed development. The gardens of nos.71 and 72 are east facing and as such, the sun will travel east to west behind the proposed development site which is located to the south of no.71. The case officer acknowledges the shade diagrams that have been submitted

by the neighbour of no.72 to show the shadowing effect of the proposal. These are not considered to be a truly accurate reflection of the shadowing effect which will occur as a result of the proposal; they do not account for differences in the height of the sun and its movement throughout the day. During the winter months, the sun is lower in the sky and the existing arrangement at no.72 already causes shading to no.71. Whilst it is clear the proposed development will cause some additional shading to no.71 it is not believed that it will have a severe impact in terms of the natural lighting levels enjoyed at the property. It is acknowledged that in the summer, the proposed development will cause more of a shadowing effect to the conservatory at certain times of the day than is currently present, although the height of the sun at this time of year will offset this. Furthermore, the development passes the 45 degree test set out in the South Gloucestershire Council's Technical Advice Note on assessing residential amenity. Overall, the case officer acknowledges that there will be a shadowing effect on no.71 but, for the reasons described above, does not deem the effects of shading and over-shadowing on the occupiers of no.71 caused by the development to be severe enough to warrant a refusal reason. The levels of natural, ambient light enjoyed at no.71 after the proposed development is deemed to be sufficient.

- 5.10 There are no proposed windows in the side elevation of the property and as such the potential for overlooking into the garden of no.71 is limited. Due to degrees of separation, the windows in the rear elevation are not deemed to have a negative impact on the privacy and residential amenity currently enjoyed by the houses to the rear of the proposal.
- 5.11 The proposal will occupy additional floor space. It is acknowledged that the plot size is modest. However, the proposal would occupy a modest amount of space and so it is deemed that sufficient private amenity space will remain after the development.
- 5.12 On balance, although the proposal is likely to have some impact on residential amenity, it is not considered that the proposal would cause significant harm. It is therefore considered to comply with policies PSP8 and PSP38 of the Policies, Sites and Places Plan (Adopted November 2017).
- 5.13 Transport
The Highways Authority, Yate Town Council and local residents have raised concerns regarding parking provision and access at the site. Yate Town Council state that the property will become a 5 bedroom dwelling after the proposal and thus 3 parking spaces are required. However, the plans show that the property will have 3 bedrooms and dressing room. Even in the event that the dressing room is utilised as bed space in the future, the provision of 2 parking spaces to comply with South Gloucestershire Council's minimum parking standards is required.
- 5.14 A revised Block Plan was submitted on 12/11/2018 which demonstrates that 2 parking spaces can be made available within the curtilage of the dwelling. Whilst the case officer does not think that the 2 cars will be able to park at the orientation indicated on the plan, it is thought that two cars would be able to park comfortably on the drive and as such, there is no objection in regard to

this. This satisfies the concerns of local residents who have commented that parking on the road is an issue in the area. It also addresses the concerns of Yate Town Council, as it demonstrates that the minimum parking requirement can be met.

5.15 The Highways Authority have raised concerns over access to the site. From a site visit, the case officer does not believe the existing access would need to be changed in order to accommodate 2 cars on the driveway. Yate Town Council have also raised concerns over reversing onto a blind bend at the entrance of the cul-de-sac. This point is noted. However, the proposed development does not materially alter the existing access to the site and is therefore not causing an additional highways issue; and as such remains acceptable.

5.16 The NPPF (July 2018) states that “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”. The case officer does not consider that there will be a severe impact on highway safety as a result of the proposal, the parking provision at the site complies with Policy 16 of the PSP (November 2017) Plan.

5.17 Trees and Vegetation

A number of local residents have raised concerns over the removal of a tree in the front garden of the house, which they understand to be protected under a Covenant of the Land. The proposal does not show that the tree will be removed. In addition, comments from the Arboricultural Officer have confirmed that there is no Tree Protection Order on this tree, or any other tree at the site. It is unlikely given the nature of the tree that it is worthy of a Tree Preservation Order. The presence of a Covenant is a civil matter and is afforded no weight in the determination of this planning application.

5.18 Other Matters

A neighbour has raised concerns that the proposed development will block signals to their satellite dish. This is not considered to be a planning matter and as such has been given limited weight.

The occupier of no.71 has concerns over the underpinning of the garage footings and how this may affect the neighbouring property. In addition, the neighbour points out that the garage outer walls are single skinned and their footings may not be substantial enough for a two storey build; effectively only a small percentage of the existing garage would remain. This is not considered to be a planning matter and is instead a matter of Building Regulations. As such, this comment has been given limited weight in this report.

The neighbour is concerned that the proposal will affect the plants and trees in their garden. The impact of the development upon trees and plants in the garden of third party land is a civil matter and is afforded no weight in the determination of this planning application. The impacts of over-shadowing in terms of residential amenity have been considered above.

It has been stated that the owners of no.58 had their application for a two storey extension rejected on the ground of visual amenity. It should be noted that every application is assessed on its own merit and as such, this is not considered relevant to this application.

A neighbour has asked whether Permitted Development Rights remain intact for 72 Hampden Close. Permitted Development Rights were restricted under application ref. N593/1:

Condition (n) Notwithstanding the provisions of the First Schedule to the Town and County Planning General Development Order 1973, no wall, fence or structure of any kind other than those which may be approved pursuant to the submission of the detailed plans referred to in condition (a) above shall be erected without the prior consent of the Council.

5.19 Consideration of likely impact on Equalities

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

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Isabel Daone
Tel. No. 01454 863787

CONDITIONS

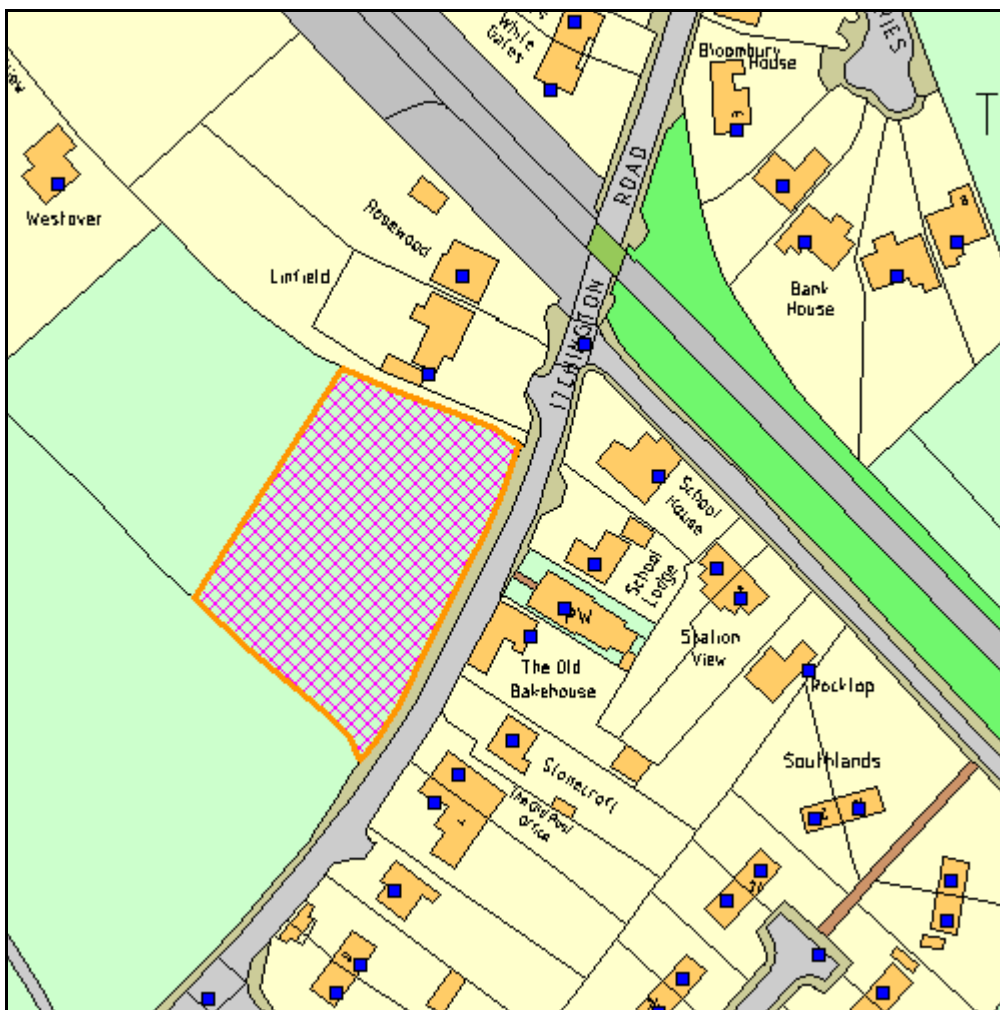
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 48/18 – 30 NOVEMBER 2018

App No.:	PT18/4806/F	Applicant:	Mr A NewmanTan Homes Ltd
Site:	Land On The West Side Of Itchington Road Tytherington Wotton Under Edge South Gloucestershire GL12 8QE	Date Reg:	24th October 2018
Proposal:	Erection of 3no detached dwellings and garages with associated works. Creation of new vehicular and pedestrian access.	Parish:	Tytherington Parish Council
Map Ref:	366746 187934	Ward:	Ladden Brook
Application Category:	Minor	Target Date:	14th December 2018



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

REASON FOR REFERRING TO CIRCULATED SCHEDULE

This application has been referred to circulated schedule due to 12no. support comments having been received, which are contrary to the Officers recommendation.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of 3no. detached dwellings with garages and associated works, as well as the creation of new vehicular and pedestrians accesses, at the site known as 'Land at the West Side of Itchington Road'.
- 1.2 The site relates to an area of paddock land which is outside but adjacent to the settlement boundary of Tytherington. The site is bound by mature vegetation and trees to both sides, and the remainder of the paddock to the rear (west). The front boundary is adjacent to the highway (Itchington Road) and its treatment comprises agricultural metal fencing/hedgerow. Dwellings are situated opposite the site (across the highway), and beyond the side boundary to the north. The site is otherwise surrounded by paddock land to the south/north west.
- 1.3 The existing paddock has a vehicular access off Itchington Road. The site is within part of the Bristol/Bath Green Belt and within Flood Zone 1. It also constitutes Grade 3 agricultural land.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework July 2018
National Planning Policy Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

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

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

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

3. RELEVANT PLANNING HISTORY

- 3.1 There is no relevant planning history relating to the application site.

4. CONSULTATION RESPONSES

- 4.1 Tytherington Parish Council
'Tytherington Parish Council with to object to this application as the development would adversely affect the visual amenity of the Green Belt. The government's National Planning Policy Framework (Section 9), with good reason, attaches great importance to Green Belts. The policy states very clearly that "Development within Green Belt should not be approved except in very special circumstances" and that "A local planning authority should regard the construction of new buildings as inappropriate in Green Belt". Tytherington Parish Council wishes to safeguard the Parish's green Belt from inappropriate development now, and in the future, and as there has been a great deal of objections from parishioners would ask that the application is placed on the Circulating Schedule'
- 4.2 Sustainable Transport
No objection in principle. Some matters need clarifying.
- 4.3 Landscape Officer
No objection, subject to further landscaping details.
- 4.4 Ecology Officer
Further information required.
- 4.5 Lead Local Flood Authority
No objection in principle, subject to condition.

- 4.6 Highway Structures
Suggested informatives.
- 4.7 Tree Officer
No comments received
- 4.8 Archaeology Officer
No comments received
- 4.9 Public Rights of Way
Public Right of Way is shown incorrectly on plan. If development is approved, the public right of way will cross two of the properties gardens. A diversion order is needed.

Other Representations

- 4.10 Local Residents
18no. letters of objections have been received from 17no. local residents. Comments summarised as follows:
- Harm openness of Green Belt
 - Is inappropriate development in the Green Belt
 - Will set a precedent for similar development in the Green Belt and other agricultural sites
 - Reduction in agricultural land will reduce biodiversity .
 - Development should be within the settlement boundary
 - Query whether village has sufficient facilities to support more housing
 - Not infill development
 - Harmful visual amenity impact
 - Already a huge increase in housing permitted in and around Tytherington – cumulative impact of these plus this development
 - Poor transport facilities in surrounding area. Specific reference to B4059.
 - There are no special circumstances for permitted this development in the Green Belt
 - This would form ribbon development along Itchington Road
 - Further development could come forward at the remainder of the paddock towards the rear of the site.
 - This section of the road has no footpath
 - This could result in community spirit being undermined.
 - Concerns regarding loss of on-street parking to front of site.
 - Increased chance of road user collisions
 - Does not keep to existing building lines
 - The Avon Cycle Way runs nearby – this development could result in danger to other road users.
 - Loss of light and privacy impacts to properties
 - This development is modern and out of character with area (generally stone buildings with stone walls/hedging boundary treatments)
 - High density compared to surroundings
 - This is unsustainable development
- 4.11 12no. letters of support were received from local residents. Comments summarised as follows:

- precedent for building in this area has already been established (Station Road)
- good size of development
- in keeping in terms of scale and location.
- Income for local people/builders
- Will enhance this area of the village
- Will bring new families into the village
- Facilities need more business to be sustained
- applicants are long standing members of the village community
- enhance village character

5. **ANALYSIS OF PROPOSAL**

- 5.1 This application involves the erection of 3no. dwellings on an existing paddock, which is situated outside of any defined settlement boundary, within the open countryside and part of the Bristol/Bath Green Belt.

Rural Areas

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

Residential Development in the Countryside

- 5.3 PSP40 sets out that residential development within the countryside, could be acceptable in a number of circumstances. These include; rural housing initiatives, rural workers dwellings, replacement dwellings, and the re-use of disused buildings. The development would not comply with any of these exceptions. This policy goes on to state that in all of the circumstances, development proposals will only be acceptable where they do not have a harmful effect on the character of the countryside, or the amenities of the surrounding area. Furthermore, that the replacement of residential caravans which do not benefit from permanent planning permission will only be acceptable where allowed for under PSP41 (rural workers dwellings).

5 Year Housing Land Supply

- 5.4 Notwithstanding the above, the Council cannot demonstrate a five year housing land supply, and in accordance with footnote 7 of paragraph 11 of the NPPF, relevant policies for the supply of housing should not be considered up-to-date.
- 5.5 The effect of this is that policies which generally restrict residential development within the open countryside, are now considered to constitute limited weight in planning assessments. A number of local residents raised concerns that the development should be within the settlement boundary. However, given the above and in simple terms, this means the Local Planning Authority can no longer refuse planning applications for residential development because they

are outside of a settlement boundary. Rather, residential development should be assessed in terms of adopted up-to-date development plan policies and paragraph 11 of the NPPF.

- 5.6 Paragraph 11 states that there is a presumption in favour of sustainable development, and states that proposals that accord with the development plan should be approved without delay, and where relevant policies are out-of-date planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF.

Green Belt

- 5.7 The application site is located within part of the Bristol/Bath Green Belt. A number of consultation responses raised concerns with regard to the appropriateness of the development in this location. Development in the Green Belt is one of the protected areas of particular importance as set out in footnote 6 of paragraph 11 of the NPPF. Policy CS5 of the Core Strategy sets out that this type of development within the Green Belt will need to comply with the provisions of the NPPF or relevant local plan policies. CS34 of the Core Strategy provides the vision for rural areas, it aims to protect designated Green Belt areas from inappropriate development.

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

- *Buildings for agriculture and forestry*

The dwelling would not be for agriculture or forestry

- *Provision outdoor sport/recreation/cemeteries*

The development would not provide any of the above.

- *The extension or alteration of a building*

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

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

The development does not replace a building.

- *Limited infilling in villages*

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

The site itself is an area of paddock land which is outside (but adjacent to) the settlement boundary of Tytherington. The site is partly bound to one side by the property known as 'Linfield', and there are houses opposite the frontage, on the other side of Itchington Road. The site is bounded by the remainder of the paddock to the rear, with the nearest dwelling in this direction being approximately 80 metres away. To the south west is paddock land and 100 metres beyond this; an agricultural workers dwelling.

In the first instance, the application site is not considered to be within part of a village. Firstly, the site is not included within the Tytherington settlement boundary. The site clearly forms a rural and open setting to this part of Tytherington. This is in contrast to the more built up nature of development opposite the site and also to the north.

Notwithstanding the above, and for completeness, Officers will also assess whether the site can be considered limited infill. The agent in their submissions states that there is housing to the north, east and north east of the site and therefore that the site forms infill development. Officer's acknowledge that the site is bound by development to the north. However, it is directly bound to the south west and north west by paddock land. In this way, the site is not between existing buildings. Further to the above, the site is expansive with a frontage measuring approximately 70 metres and a total area of 2682sqm. Officers therefore also dispute that the site comprises a 'relatively small' area.

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

- *Limited affordable housing for local community needs*

This development does not involve affordable housing

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

The site is not considered to be previously developed land.

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

Location of Development

- 5.12 At the heart of the NPPF is the presumption in favour of sustainable development. It sets out the three dimensions – economic, social and environmental - that need to be considered, and that the roles should not be taken in isolation. Moreover, paragraph 78 of the NPPF states that in order to promote sustainable development, housing should be located where it would enhance or maintain the vitality of rural communities. Paragraph 79 goes on to state that housing development in rural areas should not be promoted where such development would not lead to isolated homes within the countryside. The principle issue is to consider whether the development would be in a sustainable location.
- 5.13 The sustainability of the location is assessed under PSP11. This policy sets out the appropriate walking and cycling distances from key services and facilities and bus stops for residential development. It also sets out that walking and cycling routes should be safe and useable, and that if key services are not accessible by walking and cycling, new residential development should be located an appropriate distance from public transport networks which connect to destinations containing key services and facilities.
- 5.14 In this instance, the application site would largely not be within the appropriate walking or cycling distance to key services and facilities. This is also reflected in some of the consultation responses that have been received. However, it would be only 215 metres from the nearest bus stop which would connect the site on a regular basis to nearby areas with key services and facilities. This includes Yate, Thornbury, Chipping Sodbury, and Cribbs Causeway. On this basis, it is concluded that the development would be in accordance with PSP11 and that it

would be possible to access key services and facilities through public transport networks.

Summary of Principle of Development

- 5.15 While the location of the site has been considered acceptable with regards to PSP11, it has been identified that the development would constitute inappropriate development within the Green Belt. It is therefore unacceptable in principle. Detailed matters are discussed below.
- 5.16 Design and Visual Amenity
Policy CS1 only permits new development where the “highest standards” of site planning and design are achieved. This policy requires that siting, overall layout, density, form, scale, height, massing, detailing, colour and materials, are informed by, respect and enhance the character, distinctiveness and amenity of both the site and the locality.
- 5.17 Plans show that the development would involve the erection of 3no. dwellings with garaging and associated works. The existing access would be widened and would provide access to the remaining paddock to the rear of the application site. Each dwelling would be detached and two storey with 4-bedrooms, they would also each have a detached double garage. They would form a small cul-de-sac off Itchington Road with a courtyard and communal parking/turning areas. Each plot would be spacious with large amenity areas.
- 5.18 The proposed cul-de-sac layout is considered to be out of place with the immediate surrounding area which is largely comprised of linear development. Having said this, it is not considered that an objection can be raised on this basis given that there are a number of similar arrangements within Tytherington itself.
- 5.19 In terms of the specific design of the dwellings themselves, they would each have feature gables to the front and rear, as well as a small single storey element to the side and front elevations. Local residents raised concerns that the dwellings were modern and out of character with the area. Information submitted states that external materials would comprise render, with some brick detailing and concrete roof tiles. The surrounding area does have a mixed character, but the site would be opposite predominately natural stone buildings and low stone walls. These features make a particularly positive contribution to the distinctiveness of the locality. As such, and notwithstanding the submitted information, in the event of approval a condition is recommended to ensure that the materials proposed reflect the distinctiveness of the immediate area.
- 5.20 Given the above, and subject to conditions to ensure materials and boundary treatments are agreed in writing, no objection is raised in relation to design and visual amenity.
- 5.21 Residential Amenity
Policy PSP8 of the Policies, Sites and Places Plan outlines that development proposals will be acceptable provided that they do not create unacceptable living conditions or have an unacceptable impact on the residential amenity of

- the occupiers of the development or of nearby properties. Unacceptable impacts could result from (but are not restricted to); loss of privacy and overlooking; overbearing and dominant impact; loss of light; noise or disturbance; and odours, fumes or vibration. In order to be acceptable, any development proposal must be compatible with its immediate surroundings.
- 5.22 The site would be situated close to a number of dwellings, and a number of consultation comments raised concerns that the dwellings would cause privacy and loss of light concerns. The nearest residential properties are to the north at 'Linfield' and opposite Itchington Road to the west. While the introduction of the properties would likely be noticeable to these nearby occupiers, given their orientation and proximity from one another, it is not considered that there would be any detrimental residential amenity impacts to surrounding properties.
- 5.23 Moving on to the future occupants themselves, the living standards are considered acceptable, with all the main living areas provided with sufficient outlook and natural light. The plots are large, and in terms of private amenity space standards, they would have well in excess of that expected as part of PSP43.
- 5.24 Given all of the above, it is considered that the development would be acceptable with regards to residential amenity.
- 5.25 Parking and Highway Safety
The site has an existing access off Itchington Road and to the front of the site (along Itchington Road), there are a number of informal on-street car parking spaces. A number of concerns were raised as part of the consultation period regarding safety of other road users, that the road has no footpath, that the Avon Cycle Way runs nearby and this could result in increased danger to cyclists and other users. Further concerns were raised in relation to the inadequate wider transport network and that parking to the front of the site could be lost.
- 5.26 The development would involve widening of the existing access. The Highways Authority have reviewed the proposals and have requested additional information with regards to the access. In the absence of this information being received prior to determination, it is recommended in the event of approval that a condition is imposed to ensure full details in including visibility splays are submitted prior to the relevant stage of development.
- 5.27 In relation to parking, each 4 bedroom dwelling would be expected to provide 2no. off-street parking spaces, in accordance with PSP16. Plans show that this would be provided, in addition to the proposed double garages proposed. Furthermore, the double garages comply with the minimum dimensions set out by PSP16 and therefore also provide sufficient cycle parking. As such, the development complies with PSP16, in the event of approval a condition is recommended to ensure the parking is completed and made available prior to first occupation.

5.28 The concerns in relation to the increased risk to cyclists and pedestrians are understood. However, this is a development of 3no. dwellings which would likely give rise to no more than 7 vehicular movements per dwelling per day. This is a minimal increase in movements, and it is not considered that this scale of development would give rise to unacceptable highway safety impacts. Comments in relation to the wider transport network are noted, strategic improvements and changes to these would need to come forward as part of a transport policy strategy.

5.29 Public Rights of Way

The public rights of way Officer has reviewed the proposed development, and has confirmed that an existing footpath would run through two of the properties gardens. They have acknowledge that an appropriate diversion would not impact the amenity of the public right of way. In the event of approval, a separate application for the diversion of the public right of way would need to be made under Section 257 of the Town and Country Planning Act.

5.30 Ecology

A number of consultation comments referred to the loss of biodiversity as part of the development. An Ecological Appraisal (Crossman Associates, October 2018) was submitted alongside the application. This report recommended various mitigation and enhancement measures to prevent biodiversity loss, and to enable biodiversity gain through the proposed development. It also recommended that a precautionary method statement is conditioned. The ecology officer has reviewed this report and has concerns that the proposed widening of the access could result in loss of hedgerow. From the evidence before Officers there would be no hedgerow removed as part of the development. Having said this, in the event of approval, conditions are recommended to ensure that the development proceeds in accordance with the report and that additional details are approved.

5.31 Drainage

The application site is within Flood Zone 1, with a low probability of flooding. The Lead Local Flood Authority have reviewed the proposal and have raised no objection in principle to the application. They have requested that a detailed drainage layout plan is submitted for the site, showing the location of the proposed soakaway and other SUDs that are to be used in order to manage surface water runoff. It is noted that this additional information has not been received prior to determination, and as such, in the event of approval, a condition is recommended to this regard.

5.32 Other matters

Comments received as part of the consultation period stated that the provision of internal access to the remainder of the paddock could lead to further residential development. Whilst these concerns are understood, there is no certainty of this, and any development to the rear of the site would require planning permission in its own right.

- 5.33 A large number of consultation comments referred to larger development which has recently been permitted in Tytherington (refs. PT17/2240/F for 28 dwellings, and PT17/2331/O for 29 dwellings). While Officers are mindful of these permissions, every application is assessed on its own merits.
- 5.34 A number of comments related to positive comments regarding the applicants themselves. While these views are understood, they do not form a material planning consideration.
- 5.35 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.
- 5.36 With regards to the above this planning application is considered to have a neutral impact on equality.
- 5.37 Overall Planning Balance
The application would be assessed in the context of paragraph 11 of the NPPF, this states that proposals should be permitted unless;
- “i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*
- 5.38 Footnote 6 of paragraph 11 of the NPPF recognises that Green Belt is a protected area where development should be restricted. This assessment has found that the proposal would represent inappropriate development in the Green Belt. Paragraph 143 states that inappropriate development (in the Green Belt) is, by definition harmful and should not be approved except in very special circumstances. Very special circumstances do not exist. It is also considered that the development would represent encroachment into the countryside and would have a harmful impact on the openness of the Green Belt in this location. Substantial weight is given against the proposal for these reasons, and the application is recommended for refusal.

6. **CONCLUSION**

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

7. **RECOMMENDATION**

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

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REASON FOR REFUSAL

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