

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. 22/19

Date to Members: 31/05/2019

Member's Deadline: 06/06/2019 (5.00pm)

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

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

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

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

NOTES FOR COUNCILLORS

– formal arrangements for referral to committee

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

- a) Be made in writing using the attached form by emailing MemberReferral@southglos.gov.uk 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 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:

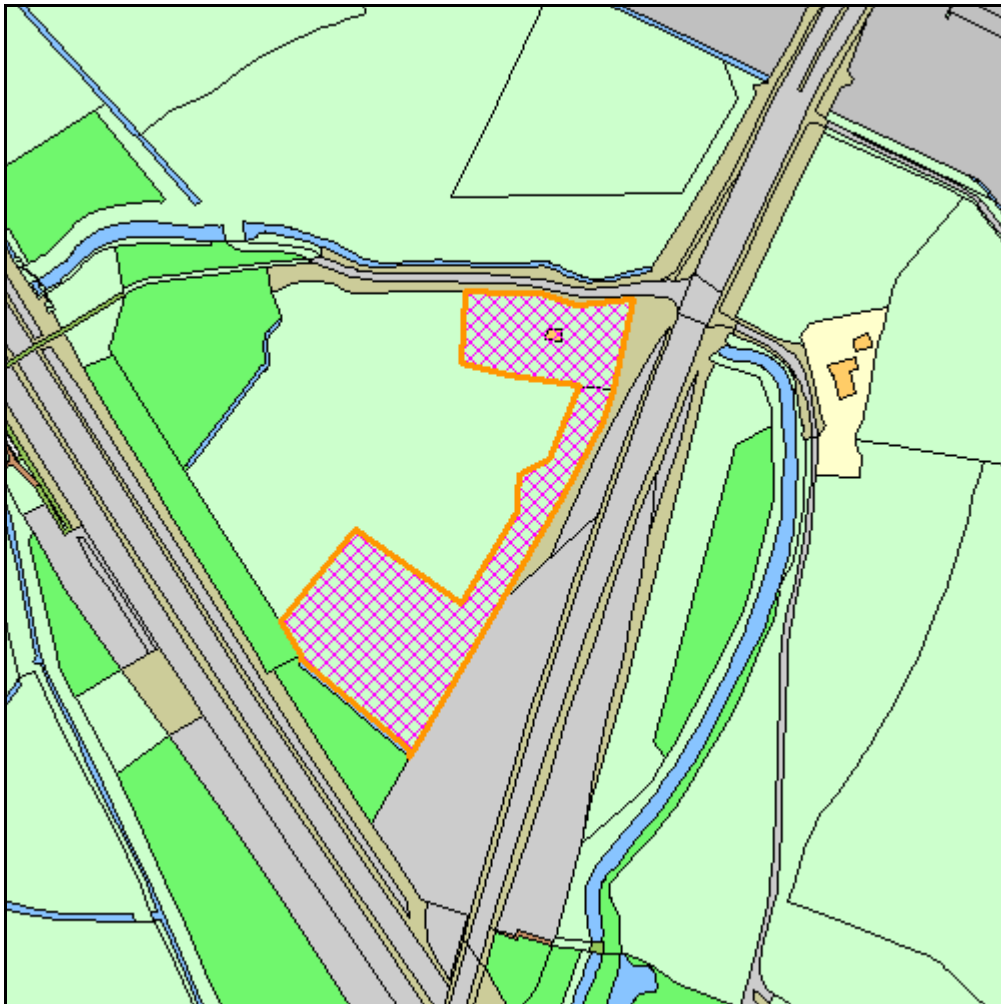
To be emailed to MemberReferral@southglos.gov.uk

CIRCULATED SCHEDULE - 31 May 2019

ITEM NO.	APPLICATION NO.	RECOMMENDATION	LOCATION	WARD	PARISH
1	P19/1049/RVC	Approve with Conditions	Land Off Church Road Severn Beach South Gloucestershire BS35 4PW	Pilning And Severn Beach	Pilning And Severn Beach Parish Council
2	P19/1438/RVC	Approve with Conditions	Former B & Q Fox Den Road Stoke Gifford South Gloucestershire BS34 8SP	Stoke Gifford	Stoke Gifford Parish Council
3	PT18/4838/F	Approve with Conditions	Court Farm Church Lane Rangeworthy South Gloucestershire BS37 7ND	Frampton Cotterell	Rangeworthy Parish Council
4	PT18/6206/RVC	Approved Subject to Section 106	Land To The West Stowell Hill Road Tytherington South Gloucestershire GL12 8UH	Frampton Cotterell	Tytherington Parish Council

CIRCULATED SCHEDULE NO. 22/19 – 31 MAY 2019

App No.:	P19/1049/RVC	Applicant:	Mr And Mrs J Clark And Mrs Jane Phelps
Site:	Land Off Church Road Severn Beach Bristol South Gloucestershire BS35 4PW	Date Reg:	30th January 2019
Proposal:	Removal of conditions 12 and 13 attached to permission PT16/4530/RVC.	Parish:	Pilning And Severn Beach Parish Council
Map Ref:	354331 184881	Ward:	Pilning And Severn Beach
Application Category:	Major	Target Date:	30th April 2019



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N.T.S.

P19/1049/RVC

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

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule following the receipt of objections from Pilning and Severn Beach Parish Council and from 5no. local residents, the concerns raised being contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 This application seeks to remove conditions 12 and 13 attached to permission PT16/4530/RVC which was previously allowed to remove condition 11 attached to the allowed appeal against the refusal of PT14/2213/F - 'Erection of building (Use Class B2/B8) to accommodate the processing and storage of chipped timber, an office, a weighbridge, an internal access road, landscaping and ancillary parking'. In effect, the removal of condition 11 allowed an unfettered use of the building for B2/B8 uses, subject to the remaining conditions. At this moment in time, the end user (should conditions 12 and 13 be removed) is unknown.

Condition 12 reads as follows:

"There shall be no direct sales from the site to the public or the trade."

Reason

"To protect the character and appearance of the area to accord with Policy L1 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013.

Condition 13 reads as follows:

"No machinery shall be operated, no process carried out and no deliveries taken at or despatched from the site outside the hours of 08:00 – 18:00 on Mondays to Fridays, 08:00 – 13:00 on Saturdays or at any time on Sundays or Bank or Public Holidays.

Reason

"In the interests of visual amenity and to protect the amenity enjoyed by those living in the locality to accord with Policy E6 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

- 1.2 The site is located between the villages of Pilning (300m to the north-east) and Severn Beach (to the south-west). The Severn Beach industrial estate lies approximately 1Km to the south. The closest residential property lies c100m to the east, on the opposite side of the A403. The application relates to 1.3ha of land to the west of the A403 and south of Church Road - a no through road which is also a public footpath. The application site is located beyond the

Severn Beach settlement boundary within the open countryside, the site does not lie within the Green Belt. The application site is however located within Flood Zone 3.

- 1.3 At the time of the original application PT14/2213/F, the north-eastern part of the site was a hard-standing area used for the processing and storage of chipped timber. There was a small office building to the north-east of the site, an area used for incoming waste timber and an area used for the storage of chipped timber. The rest of the field was undeveloped. The then existing uses benefited from planning permission PT06/1422/F with a condition limiting the height of stored timber to a maximum of 3 metres. This use has however recently ceased and the wood piles removed from the site.
- 1.4 The appeal against refusal of PT14/2213/F granted a full planning permission for the erection of a building (B2/B8) to accommodate the specific existing uses found on the north-eastern part of the field and this use was reflected in the description of the development. Permission was also granted for an associated office, a weighbridge, an internal access road, landscaping and ancillary parking. The application followed the dismissal in 2013 of an appeal (see para. 3.7 below) for a similar development (PT12/1764/O) at this site and sought to overcome the reasons for dismissal of the appeal relating to that refusal.
- 1.5 The Design and Access Statement (para. 6.15) for PT14/2213/F advised that the proposal was to satisfy a need identified, agreed and supported by the Environment Agency to mitigate problems of dust emission from the open air wood chipping processes that were being carried out on the site. Officers also considered that the existing outdoor use was unsightly and that the visual amenity and character of the landscape would be enhanced by housing the use within a suitably designed and located building. This at the time weighed in favour of the then proposal.
- 1.6 The application PT14/2213/F was supported by the following documents:
 - Planning Statement
 - Flood Risk Assessment
 - Preliminary Ecological Appraisal
 - Phase 1 Habitat Survey
 - Appeal Decision for PT12/2873/O
 - Planning Decision Notices for PT06/1422/F, PT09/0359/RVC, PT10/1235/RVC and PT12/2873/O.
- 1.7 Officers were satisfied that the original proposal PT14/2213/F did not fall within those types of developments requiring an Environmental Impact Assessment as listed in The Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework Feb. 2019
National Planning Practice Guidance 2014
The National Waste Management Plan for England - December 2013
The National Planning Policy for Waste – 16th Oct. 2014
'Planning Practice Guidance - Flood Risk and Coastal Change' - CLG, 7th March 2014.

2.2 Development Plans

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

CS1 - High Quality Design
CS2 - Green Infrastructure
CS4A - Presumption in favour of Sustainable Development
CS5 - Location of Development
CS9 - Managing the Environment & Heritage
CS13 - Non-Safeguarded Economic Development Sites
CS34 - Rural Areas
CS35 - Severnside

The West of England Joint Waste Core Strategy (Adopted) March 2011

Policy 2 - Non-residual waste treatment facilities.
Policy 11 - Planning Designations
Policy 12 - General Considerations

The South Gloucestershire Local Plan : Policies, Sites & Places Plan (Adopted) Nov. 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: European sites & Sites of Special Scientific Interest (SSSIs)
PSP19 - Wider Bio-Diversity
PSP20 - Flood Risk, Surface Water and Watercourse Management
PSP21 - Environmental Pollution and Impacts
PSP27 - B8 Storage and Distribution Uses
PSP28 - Rural Economy

2.3 Supplementary Planning Guidance

Trees on Development Sites SPG Adopted No. 2005.
SG Landscape Character Assessment as adopted Nov 2014:- LCA 20 – Piling Levels.

3. RELEVANT PLANNING HISTORY

3.1 P92/1712/AD: Use of land for pony paddocks.

Refused: 12 August 1992

- 3.2 P98/2770/P: Erection of storage barn. Prior Notification.
Approved: 18 December 1998
- 3.3 PT00/2685/F: Change of use of land for open storage of forestry products and logs (retrospective).
Refused: 5 February 2003
- 3.4 PT06/1422/F: Change of use from agriculture to allow continued use of land for storage of forestry products and logs (Class B8) as defined in the Town and Country Planning (Use Classes) Order 2005.
Refused: 21 June 2006
Appeal Allowed: 15 October 2007
- 3.5 PT09/0359/RVC: Variation of Condition A attached to planning permission PT06/1422/F to allow the land to be used for the storage of forestry products and machined timber including waste timber.
Allowed: 2 April 2009
- 3.6 PT10/1235/RVC: Variation of Condition 1 attached to planning permission PT09/0359/RVC to allow the site to be used for the storage of forestry products, machined timber including timber waste and processing.
Allowed: 14 October 2010
- 3.7 PT12/1764/O: Erection of a building (Outline) to house shredding machinery and for the storage of chipped waste timber; all matters reserved.
Refused: 19 July 2012 for the following three reasons:
1. *The introduction of an industrial building in this rural location that is beyond the built up area and any settlement boundary would detract from the open rural character and appearance of the application site and would be contrary to Planning Policies D1, L1 and E6 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist (Adopted) Supplementary Planning Document.*
 2. *Insufficient information has been provided to demonstrate that noise associated with the development hereby proposed would not have an unacceptable adverse impact on residential amenity. The proposal is therefore considered to be contrary to Planning Policies E6 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist (Adopted) Supplementary Planning Document.*
 3. *Insufficient information has been provided to demonstrate that the proposal would be acceptable having regard to issues of flood risk. The proposal is therefore considered to be contrary to Planning Policies EP2 and L17 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist (Adopted) Supplementary Planning Document.*

APPEAL APP/P0119/A/12/2188035 dismissed 13th March 2013 on the grounds that a building of the scale proposed would adversely affect the character and appearance of the surrounding area.

- 3.8 PT12/2928/RVC: Variation of condition 3 attached to planning permission PT10/1235/RVC to allow the storage of forestry and timber products and timber waste to a height not exceeding 5 metres.

Refused 6th Nov. 2012 for the following reason:

'The increased height (5 metres) of the forestry, timber products and timber waste proposed in this rural location that is beyond the built up area and any settlement boundary would have a significantly greater visual impact than the permitted height (3 metres) that would be detrimental to the character and appearance of the surrounding rural landscape. The proposal would therefore be contrary to Planning Policies D1, L1 and E6 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist (Adopted) Supplementary Planning Document.'

APPEAL APP/P0119/A/12/2188037 dismissed 13th March 2013.

- 3.9 PT14/2213/13/F - Erection of building (Use Class B2/B8) to accommodate the processing and storage of chipped timber, an office, a weighbridge, an internal access road, landscaping and ancillary parking.

Refused 31st October 2014 for the following reasons:

1. *The introduction of a utilitarian building of the scale proposed, together with the associated yard, track, weighbridge and office into this rural location, that is beyond the built up area and any settlement boundary, would detract from the rural character and appearance of the area, contrary to Policies L1 and E6 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policies CS1 and CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013.*
2. *In the absence of the appropriate ecological surveys of the site, it has not been demonstrated that the proposal would not have an adverse impact upon protected species and/or their habitat, contrary to Policies L7 and L9 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 and the requirements of the NPPF (paras. 109-125).*
3. *The level of detail in support of this application is insufficient to demonstrate that the proposal would not have an adverse impact on the archaeological resource of the site, contrary to Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 and Policy L11 of the South Gloucestershire Local Plan (Adopted) 6th Jan. 2006 and the requirements of the NPPF.*

Appeal APP/P0119/W/15/3028051 Allowed 11 Nov. 2015

It should be noted that by the time the Inspector made his decision, refusal reasons 2 and 3 had fallen away following the submission of further information; so the appeal decision only really related to refusal reason 1.

- 3.10 Removal of condition 11 attached to Appeal Decision for PT14/2213/F.
Approved 11th November 2016.
The removal of condition 11 allowed an unfettered use of the building for B2/B8 uses, subject to the remaining conditions.

4. **CONSULTATION RESPONSES**

4.1 Pilning and Severn Beach Parish Council

Pilning & Severn Beach Parish Council strongly object to this application to remove conditions 12 and 13 attached to permission PT16/4530/RVC for the following reasons:

- 1) This is an 'island' site in an otherwise green area of the Coastal Zone and constitutes part of the established green buffer between the commercial developments of Severnside and the residential areas of Pilning and Severn Beach. The locality is intersected by M49, A403 and the Paddington to Cardiff main railway, so it is vital that the remaining green areas are defended.
- 2) Any development on this site MUST be surrounded by structural planting to all boundaries, so removal of condition 12 should be refused.
- 3) Both conditions were imposed to protect amenity and their removal would be harmful to the surrounding area.
- 4) Further the volume of potential visitors to the site would warrant amended access provisions which would require a significant S106 contribution.
- 5) Finally the usual marketing test is 3 years and the period of less than 1 year running into Brexit can hardly be considered wholly illustrative.
- 6) Same application as previous with the nightmare scenario of trading to the public and processing of timber products 24/7.
- 7) Concerns about toxic waste storage and processing within the settlement boundary of Severn Beach. Noxious rotting toxic wood fumes will prevail in the immediate vicinity.
- 8) The PROW adjacent to the site will once again be put at risk because of excessive vehicular movements.
- 9) There is no decent egress from the A403 on to the minor lane with reference to vehicular movements. This will most likely cause major hazards on the A403.
- 10) Huge fire risk. As demonstrated when the previous wood processing enterprise suffered from a major fire that effected residents in Pilning and Severn Beach.

4.2 Other Consultees

Transportation D.C.
No objection

Wessex Water
No response

Avon Wildlife Trust

No response

PROW

This application will affect public footpath ORN28. This site has been the cause of some difficulty for users of the public footpath as it shares the access with the site but there has been little regard from the site owners for users of the footpath. The footpath has been blocked by lorries and rubbish from the site and we received a number of complaints but there have been none since the site ceased operating. This is a busy footpath and if the application was to be allowed I would wish to see robust mitigation measures put in place to ensure that the public are safe and not continually inconvenienced.

Open Spaces Society

No response

Landscape Officer

No response

The Environment Agency

No response

Lead Local Flood Authority

No objection

Environmental Protection

The Rating Noise Level of any plant and machinery on site (to include, but not exclusively, sound from the loading and unloading of goods and materials; and sound from mobile plant and vehicles that is an intrinsic part of the overall sound emanating from premises and processes) shall not exceed the pre-existing LA90 Background Noise Level when measured and assessed in accordance with the British Standard 4142:2014 as amended, at any time.

Any reversing alarms should be broad band alarms.

Other Representations

4.3 Local Residents

5no local residents objected to the proposal. The concerns raised are summarised as follows:

- This is the same as the previous application.
- Adverse impact on residential amenity.
- Would allow storage of all types of timber and laminates which contain prohibited ingredients.
- The entrance would be over a PROW.
- The access onto the A403 is dangerous.
- Timber being stored on the site previously caught fire.
- Adverse impact on the character of the area.

- Excessive traffic noise.
- Unwanted industrial development within the settlement boundaries.
- Anti-social operating hours (noise).
- Fire hazard.
- Previous planning breaches.
- The current planning conditions aim to strike a fair balance between protecting the interests of local residents against the ability to make use of the land. Any relaxation of these conditions would be detrimental to the conditions for local residents.
- Highway hazards – entrance to Whitehouse Farm opposite site entrance.

5. **ANALYSIS OF PROPOSAL**

Principle of Development

- 5.1 The scope of a variation/removal of condition application (section 73 application) is more limited than a full planning application. The Local Planning Authority may only consider the question of the condition(s), and cannot revisit or fundamentally change the original permission. It may be decided that the permission should be subject to the same conditions as were on the original permission; or that it should be subject to different conditions; or that permission may be granted unconditionally. There is a right of appeal in the usual way against any conditions imposed.
- 5.2 In assessing this application it is necessary to consider whether or not the relevant conditions (12 & 13 of permission PT16/4530/RVC) or any variations satisfy the requirements of planning conditions as set out in the National Planning Policy Framework (NPPF). The NPPF requires all planning conditions to pass three tests, these being that conditions should be: –
- i. Necessary to make the development acceptable
 - ii. Directly related to the development
 - iii. Fairly and reasonably related in scale and kind
- 5.3 Whilst being mindful of the reason for attaching the conditions (12 & 13) in the first instance, when assessing this current application officers must consider whether the removal of the conditions would undermine the objectives of Policies within the Development Plan and NPPF to take account of the impact on the environment and amenity of the locality.
- 5.4 In assessing this application, officers will give significant weight as to why the conditions were imposed in the first place and whether or not there is clear justification now for the removal of the conditions. In doing so, officers will consider the applicant's submitted justification for removing the conditions and whether or not there have been changes in policy since the conditions were imposed or whether there have been any relevant changes on the ground.

Policy Regime

- 5.5 On 27th March 2012 the National Planning Policy Framework (NPPF) was published and subsequently amended on Feb 2019. It is considered that the Development Plan policies as stated in section 2.2 of this report are broadly in

- compliance with the NPPF. It is noted that the NPPF puts considerable emphasis on delivering sustainable development and not acting as an impediment to sustainable growth, whilst also seeking to ensure a high quality of design and good standard of amenity for all existing and future occupants of land and buildings.
- 5.6 The South Gloucestershire Local Plan Core Strategy was adopted in Dec. 2013 and forms part of the Development Plan. The South Gloucestershire Local Plan : Policies, Sites and Places Plan was formally adopted Nov. 2017.
- 5.7 The National Planning Policy Framework generally supports the sustainable growth and expansion of rural based businesses.
- 5.8 The South Gloucestershire Local Plan has now been superseded by the South Gloucestershire Local Plan: Policies, Sites and Places Plan. Nevertheless the acceptance in principle of the B2/B8 use of the approved building has already been established. Core Strategy Policy CS1 (3) requires development to demonstrate that existing features of landscape, nature conservation, heritage or amenity value and public rights of way, are safeguarded and enhanced through incorporation into the development. Policy PSP2 also seeks to conserve and enhance the character, distinctiveness, quality and amenity of the landscape.
- 5.9 Core Strategy Policy CS9 seeks to protect the natural and historic environment. Clause 3 of Policy CS9 expects development to “conserve and enhance the character, quality, distinctiveness and amenity of the landscape”.

Reasons for Imposing Conditions 12 and 13

- 5.10 The Inspector at para.11 of his appeal decision letter relating to PT14/2213/F stated that:-

“Limits to the use, a prohibition on direct sales and outside storage and a restriction on the hours of operation all go to ensuring no harmful environmental or amenity impact.”

- 5.11 The Inspector, to some extent, clarified this statement in his concluding comments at paras. 12 and 13, where he stated:-

“Looked at in isolation, the proposed development would run contrary to Core Strategy Policy CS9 and saved Policy L1 because of its impact on landscape character and appearance. However, the existing use is a lawful one and the proposal is, in effect, an extension or consolidation of that use, in a new location within the same site. The greater prominence of the stacks of material presently sited in the open air must be balanced against the impact of the proposal. Saved Policy E6 resists new employment/industrial/distribution uses in the countryside – but the use of the site is, existing and lawful, so this policy ought not apply. Core Strategy Policy CS1 is satisfied because the design of the proposed building respects the countryside character of the site; the scheme also enhances that character by removing the open air storage and activity associated with the existing operation; and appropriate landscaping is shown on the plans and can be secured by condition.

On balance, the enhancement from bringing the existing unsightly use of the land indoors outweighs the harmful impact on landscape character of a large new building. The net effect does not represent a breach of adopted or saved policy. The appeal may be allowed and planning permission granted subject to conditions.”

Applicant’s Justification for the Removal of Condition 12

- 5.12 Condition 12 reflects one of the conditions included in the original 2014 appeal decision (PINS ref: APP/P0119/W/15/3028051), however no reason is given for its inclusion by the Inspector.
- 5.13 The 2016 decision notice included reference to policy L1 of the Local Plan (2006), which no longer forms part of the Development Plan. This policy related to landscape protection and enhancement. Also referenced is policy CS1 of the Core Strategy which remains a relevant policy however, this is a general policy relating to design.
- 5.14 Both these policies are not considered relevant reasons for justifying this condition. Notwithstanding this, there is a need to remove this condition given that it is restricting interest by potential occupiers and the attached letter from experienced local commercial agents Burston Cook confirms that this is one of the reasons why the site has not been developed. It also confirms that if this condition was removed, it would introduce more flexibility for potential occupiers and greatly increase its chances of being built out.
- 5.15 Therefore, this condition should be removed to maximise the site’s potential to be built out and occupied and provide valuable jobs to the local economy.

Applicant’s Justification for the Removal of Condition 13

- 5.16 Condition 13 restricts the hours that machinery or other operations can take place for reasons relating to protecting residential amenity. The letter from Burston Cook referred to above, also confirms that this is severely restricting the potential interest in the site and should be removed to enable the building to be built.
- 5.17 In addition to this, a Noise Assessment has been prepared by Building Analysis & Testing Ltd (BAT) which confirms that by allowing an occupant to operate 24 hours/day will have no adverse impact on the amenity of any nearby residents. The report tests two scenarios against the background noise levels, including an HGV at the site during the night and a forklift operating during this period.
- 5.18 For each scenario, the report concludes that there would be no adverse impact given the existing background noise levels arising from the M49 and A403. The report concludes that the benefit of protecting residential amenity 24hrs each day rather than only during the current approved operational hours. This latter point is an important one as there are currently no restrictions on the noise that occupiers of the site could generate during operating times.

- 5.19 Two scenarios are proposed in the Noise Assessment to assess the impact against the existing background noise levels and the levels at the nearest noise sensitive residential dwelling. The report confirms that there is no harmful impact on residential amenity from these potential future night time activities and that the existing background noise level is influenced as much by the HGVs that pass the site on the A403 and M49.
- 5.20 For this reason, it is concluded that the variation of this condition with the following wording (as set out in the Noise Assessment) is acceptable to ensure that residential amenity is protected:

“Any sound from industrial and manufacturing processes, sound from fixed installations which comprise mechanical and electrical plant and equipment, sound from the loading and unloading of goods and materials, sound from mobile plant and vehicles that is an intrinsic part of the overall sound emanating from proposed site or processes (such as that from forklift trucks), on or around the proposed site, should be assessed in accordance with BS4142 2014 and rated to ensure no adverse impacts occur at the nearest noise sensitive premises. Typically, this means the ‘rating level’ should not exceed the background level (LA90 dB) in the assessed period.”

Burston Cook Letter

- 5.21 The Burston Cook Letter referred to above makes the following case:

“I am writing to confirm that Burston Cook have been instructed to market the site for sale since March 2018. Since then we have been conducting a marketing campaign including internet advertising, mailshots to our extensive database, a large for-sale board on the site and introducing the opportunity to any enquiries we have from parties looking to acquire sites of this nature.”

“As yet, we have been unable to secure a purchaser for the site, two contributing factors to this are considered to firstly be the operating time restrictions which have been placed on the site as a condition of the planning consent, namely that no machinery shall be operated, no process carried out, no deliveries taken out or dispatched from the site outside the hours of 0800 and 1800 on Mondays – Fridays and 0800 – 1300 on Saturdays or any time on Sundays, bank or public holidays. Secondly the prohibition of direct sales from the site to the public or the trade.”

“Many of the interested parties which we have talked to have been involved with storage and distribution or rely on the delivery of goods and dispatch of goods and vehicle movements which often take place outside of these restricted hours. We have also had interest from companies which would like to be able to have either public or trade customers visiting their site to purchase products and the restriction on this has proved to be an issue. It is considered that if the operational hours were less limiting and the prohibition on sales to trade and the public from the site were lifted, then the site would be more appealing to occupiers and therefore it would be easier to find a purchaser for the site.”

Analysis

Condition 12

- 5.22 It is the appellant's case that the Inspector for the original appeal decision did not give any reasons for imposing Condition 12. Your officer has clarified above at paras. 5.10 & 5.11 that this is not the case and that the reasons for this condition were to ensure "no harmful environmental or amenity impact."
- 5.23 The condition was carried over to the 2016 decision and quoted Local Plan Policy L1 and Core Strategy Policy CS1 in the reason for the condition. The appellant states that Policy L1 no longer exists. Whilst The South Gloucestershire Local Plan has been superseded by the Policies, Sites and Places Plan, Policy PSP2 has in effect replaced L1 and still seeks to conserve the quality and amenity of the landscape, so the situation hasn't changed in that respect.
- 5.24 Policy CS1 is still an adopted Policy of the Core Strategy. It remains a general policy that seeks the highest possible standards of design and site planning. The policy *inter alia* seeks to respect the amenity of the site and its context as well as incorporate existing features of landscape, amenity value and to safeguard public rights of way (PROW).
- 5.25 Officers consider that it was never envisaged that the approved building was to be a retail outlet for either trade or the general public. If Condition 12 were removed this would result in the potential for the building to be used by both and thus significantly increase the comings and goings to-from the site. This would adversely impact the existing rural character of the site to the detriment of its amenity. Furthermore users of the PROW would be further compromised by the additional traffic using the access.
- 5.26 It may well be that the removal of condition 12 would make the approved building more marketable but nothing has changed on the ground since the original approval and the Policy regime remains unaltered. Furthermore, officers are mindful of the reasoning for the building in this rural location in the first instance as outlined above in para. 1.5. On balance therefore, it is considered that there is insufficient justification for the removal of Condition 12.

Condition 13

- 5.27 Condition 13 was imposed to protect both the visual amenity of the site and to protect the amenity of those living in the locality. Policy E6 of the then adopted South Gloucestershire Local Plan was quoted in the reason.
- 5.28 Again this Policy E6 has been superseded by the Policies in the Policies, Sites and Places Plan (Adopted) Nov. 2017; most notably Policy PSP8 which relates specifically to residential amenity and Policy PSP28 which relates to the Rural Economy; PSP21 controls environmental impacts such as noise and disturbance. The latter requires development to be of a scale which is consistent with its function, use and rural location.

5.29 Whilst nothing has changed on the ground and the Policy regime remains much the same since the condition was imposed, what is now available is an up to date Noise Assessment; this was not available to the Inspector for the original appeal decision.

5.30 Having considered the findings of the Noise Assessment, the Council's Environmental Health Officer (EHO) is now satisfied that the site can operate on a 24 hour basis but only subject to a condition to control the resultant noise levels as follows:

"The Rating Noise Level of any plant and machinery on site (to include but not exclusively sound from the loading and unloading of goods and materials; and sound from mobile plant and vehicles that is an intrinsic part of the overall sound emanating from premises and processes) shall not exceed the pre-existing LA90 Background Noise Level when measured and assessed in accordance with the British Standard 4142:2014 as amended, at any time.

Any reversing alarms should be broad band alarms"

This would cover deliveries, loading/unloading and any operations within the building and make the building more marketable whilst at the same time protect the amenities of the location and those living in the locality.

5.31 Planning Balance

Officers consider that the above conclusions represent a satisfactory compromise that on the one hand continues to protect the character of the rural location and amenities of local residents but on the other hand will make the building more marketable to the benefit of the rural economy. The new information available in the Noise Assessment carries significant weight. Officers are also mindful of the possible fall-back position should the scheme not be built out i.e. that the unsightly, uncontrolled outdoor uses could potential re-start on the site.

5.32 Consideration of likely impact on Equalities

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

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

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 That planning permission PT16/4530/RVC be re-issued as P19/1049/RVC with Condition 12 retained and condition 13 replaced by the following condition:

“The Rating Noise Level of any plant and machinery on site (to include but not exclusively sound from the loading and unloading of goods and materials; and sound from mobile plant and vehicles that is an intrinsic part of the overall sound emanating from premises and processes) shall not exceed the pre-existing LA90 Background Noise Level when measured and assessed in accordance with the British Standard 4142:2014 as amended, at any time.

Any reversing alarms should be broad band alarms”

Reason

To protect the amenity of the area and the amenity enjoyed by those living in the locality to accord with Policies PSP8, PSP21 and PSP28 of The South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) Nov. 2017.

All other relevant conditions to be carried over and reason wording revised to take account of the newly adopted Policies, Sites and Places Plan.

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CONDITIONS

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

Reason

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 12-1565-200 Rev E; 12-1565-201 Rev E; 12-1565-202 Rev F; 12-1565-203 Rev C; 12-1565-204 Rev D (two plans with the same number together showing all four elevations of the building); and DQ1212 Rev E.

Reason

For the avoidance of doubt.

3. The access road and vehicle parking and turning areas shown on the approved plans shall be completed before the building hereby permitted is first brought into use.

Reason

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

4. The development hereby approved shall be completed in accordance with the materials samples approved 26th August 2016 under application DOC16/0243.

Reason

In order that the development is of an appropriate quality of design to protect the character and appearance of the area in accordance with the national guidance set out at the NPPF and to accord with Policy PSP2 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) Nov 2017 and Policy CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013.

5. The development hereby approved, shall be carried out in full accordance with the Landscape Details approved 26th August 2016 under application DOC16/0243.

Reason

To protect the character and appearance of the area to accord with Policy PSP2 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) Nov. 2017 and Policy CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013.

6. The development hereby approved, shall be carried out in full accordance with the Ecological Management Plan approved 26th August 2016 under application DOC16/0243.

Reason

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

7. The development hereby approved, shall be carried out in full accordance with the External Lighting Details approved 26th August 2016 under application DOC16/0243.

Reason

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

8. The development hereby approved, shall be carried out in full accordance with the Scheme of Enhancement Details for that part of Church Road between the A403 and entrance to the site, approved 26th August 2016 under application DOC16/0243.

Reason

In the interests of the users of the PROW and to accord with Policy PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) Nov. 2017.

9. The development hereby approved, shall be carried out in full accordance with the details of surface water drainage and flood resilience measures, approved 26th August 2016 under application DOC16/0243.

Reason

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to reduce the impact of flooding on the proposed development and future occupants in accordance with Policy PSP20 of The South Gloucestershire Local Plan : Policies, Sites and Places Plan (Adopted) Nov. 2017.

10. Before the building hereby permitted is brought into use, a scheme for the restoration to agricultural land of existing areas used for hardstanding and storage shall be submitted to and approved in writing by the Local Planning Authority. Restoration shall be carried out in accordance with the approved scheme within one month of the building hereby permitted being first brought into use.

Reason

To protect the character and appearance of the area to accord with Policy PSP2 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) Nov. 2019 and Policy CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013.

11. There shall be no outside storage of materials.

Reason

To protect the character and appearance of the area to accord with Policy PSP2 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) Nov. 2019 and Policy CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013.

12. There shall be no direct sales from the site to the public or the trade.

Reason

To protect the character and appearance of the area to accord with Policy PSP2 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) Nov. 2019 and Policy CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013.

13. The Rating Noise Level of any plant and machinery on site (to include but not exclusively sound from the loading and unloading of goods and materials; and sound from mobile plant and vehicles that is an intrinsic part of the overall sound emanating from premises and processes) shall not exceed the pre-existing LA90 Background

Noise Level when measured and assessed in accordance with the British Standard 4142:2014 as amended, at any time

Any reversing alarms should be broad band alarms

Reason

To protect the amenity of the area and the amenity enjoyed by those living in the locality to accord with Policies PSP8, PSP21 and PSP28 of The South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) Nov. 2017.

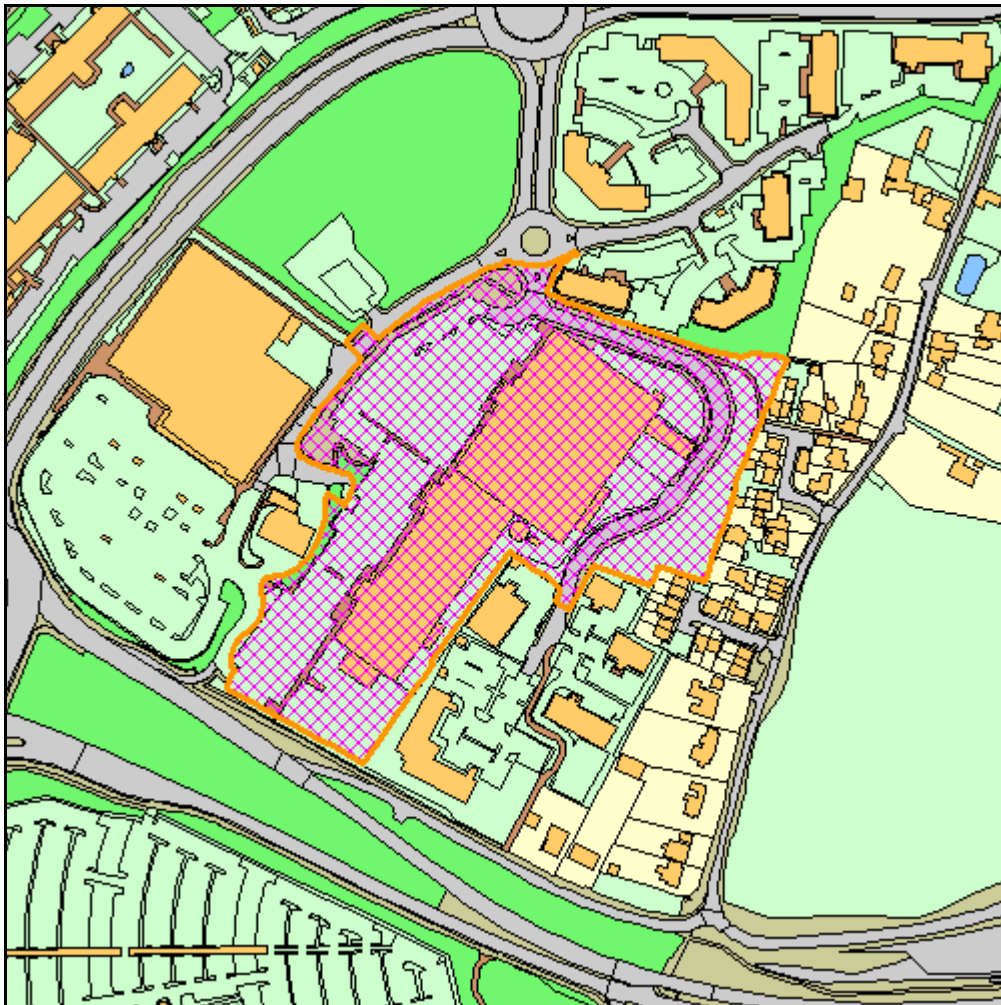
14. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 3 (Classes I and P) shall be carried out without the prior written consent of the Local Planning Authority.

Reason

Having regard to the site's location in the open countryside and Flood Zone 3, to accord with Policies PSP2 and PSP20 respectively of The South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) Nov. 2017, Policy CS5 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 and the provisions of the NPPF.

CIRCULATED SCHEDULE NO. 22/19 – 31 MAY 2019

App No.:	P19/1438/RVC	Applicant:	Mr Daniel Preece Lidl UK
Site:	Former B & Q Fox Den Road Stoke Gifford South Gloucestershire BS34 8SP	Date Reg:	12th February 2019
Proposal:	Removal of condition 12 attached to planning permission PT17/1763/RVC.	Parish:	Stoke Gifford Parish Council
Map Ref:	361865 178848	Ward:	Stoke Gifford
Application Category:	Major	Target Date:	13th May 2019



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100023410, 2008.

N.T.S.

P19/1438/RVC

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 REFERRAL TO THE CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application relates to Unit 2A, of the former B&Q store at Fox Den Road, Stoke Gifford. Planning permission PT00/0215/F was granted in May 2000 for the 'Erection of single retail unit with associated garden centre, along with car parking, service area and landscaping'.
- 1.2 A subsequent planning permission PT16/0914/F was granted in April 2016 for "Change of use of the southern part of the building from Class A1 (retail) to Class D2 (Assembly and Leisure) and associated external alterations and works". This permission facilitated the re-occupation of 2,500 sq.m. of vacant floor space by a new health and fitness centre i.e. DW Fitness.
- 1.3 A subsequent Section 73 application was granted approval to *inter alia* vary conditions 11 and 16 of permission PT00/0215/F to allow the sub-division of the former B&Q unit and permit the retail sale of food & drink goods from 2,323 sq.m. of floor space i.e. Unit 2A.
- 1.4 Both proposals i.e. the Gym and the Food Store formed part of a wider package of investment seeking to bring the floor space back into productive economic use and replace the jobs lost following the closure of B&Q. There were no changes in either proposal to the footprint or scale of the building and no increase in the amount of floor space. The building is now fully occupied as follows:

Unit 1 – 'The Range' - retail/garden centre and café.
Unit 2A - Lidl
Unit 2B - Poundstretcher
Unit 3 - DW Fitness
- 1.5 Subsequent S73 permissions PT16/6859/RVC & PT17/1763/RVC were granted to vary the delivery hours and allow some additional sales of food and drink from the site, respectively.
- 1.6 Condition 12 attached to PT17/1763/RVC granted a 12 month temporary consent to extend the delivery hours to unit 2A only as detailed in Condition 4 i.e. no deliveries between 21.00 hrs and 07.00 hrs Mondays to Saturdays (including Bank Holidays) and between 20.00 hrs and 09.00 hrs on Sundays. Otherwise the delivery hours to the remaining retail units would not take place between the hours of 18.30 hrs and 08.00 hrs Mondays to Saturdays with no deliveries on Sundays and Bank Holidays. Upon the expiry of the 12 month

period the delivery hours to Unit 2A would revert back to those of the other retail units.

- 1.7 The reason for the temporary 12 month period was as follows:
“To give the Council the opportunity to fully assess the impact of noise disturbance resulting from deliveries to the food-store operating from Unit 2A as shown on the approved Existing Layout Plan; in the interests of residential amenity and to accord with saved Policy RT5 of the South Gloucestershire Local Plan (Adopted) 6th January 2006.”
- 1.8 Given that the 12 month period has now passed the applicant merely seeks to remove Condition 12 to make the revised hours for deliveries permanent.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework (NPPF) Feb 2019
National Planning Practice 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
CS8	Improving Accessibility
CS14	Town Centres and Retail
CS25	Communities of the North Fringe of Bristol

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

PSP8 - Residential Amenity
PSP11 - Transport Impact Management
PSP16 - Parking Standards
PSP21 - Environmental Pollution and Impacts
PSP31 - Town Centre Uses

2.3 Supplementary Planning Guidance

The South Gloucestershire Design Check List SPD (Adopted) 23 Aug 2007.

3. RELEVANT PLANNING HISTORY

- 3.1 PT00/0215/F - Erection of single retail unit with associated garden centre, car parking, service area and landscaping.
Approved 3 May 2000.
- 3.2 PT01/0453/F - Erection of sprinkler storage tank and pump house.
Approved 19 March 2001.
- 3.3 PT01/0453/F - Erection of sprinkler storage tank and pump house
Approved 19 March 2001.

- 3.4 PT01/0528/F - Erection of fence and gate to surround service yard.
Refused on the grounds of size and scale and detriment to visual amenity 20 March 2001.
- 3.5 PT01/0586/F - Change of use of part of service yard to form external sales area.
Approved 30 March 2001.
- 3.6 PT01/1743/F - Retention of 4m high fence and gate to surround service yard.
Approved 24 September 2001.
- 3.7 PT02/0686/RVC - Variation of Condition 11 attached to planning permission PT00/0215/F to allow the subdivision of the unit.
Approved 25 April 2002.
Not implemented
- 3.8 PT03/1617/RVC - Erection of single retail unit with associated garden centre, car parking, service area and landscaping. Variation of Condition 11 attached to planning permission PT00/0215/F to allow subdivision into 7 units.
Approved 7 August 2003.
Not implemented
- 3.9 PT06/0221/F - Formation of Service Yard in place of existing external garden centre, relocation of garden centre to existing staff parking area, enclosed by 3 metre high fencing, relocation and construction of new double sprinkler tank and pump-house in new service area and blocking off of an existing service door on rear elevation (in accordance with amended plans received by the Council on 23rd February 2006 and 21 March 2006).
Approved 31st March 2006
- 3.10 PT06/1188/CLP - Certificate of Lawfulness for the proposed installation of a mezzanine floor.
Granted 26th May 2006
- 3.11 PT06/1489/F - Formation of service yard in place of existing external garden centre, relocation of garden centre to existing staff parking area enclosed by 4.2m high fencing. Installation of 2no. sets of auto B1-parting doors between store and garden centre (amendment to previously approved scheme PT06/0221/F).
Approved 23 June 2006
- 3.12 PT06/2349/F - Erection of extension to enclose part of the existing garden centre sales area.
Refused 19 Oct. 2006
- 3.13 PT06/3338/F - Erection of 7 metre high anti-theft netting around perimeter of external garden centre (retrospective).
Approved 4 Jan 2007

- 3.14 PT16/0914/F - Change of use of part of building from Class A1 (Retail) to Class D2 (Assembly and Leisure) and associated external alterations and works.
Approved 21 April 2016
- 3.15 PT16/4626/RVC - Installation of full height glazing and sliding double door and creation of trolley bay to facilitate variation of conditions 11 and 16 attached to planning permission PT00/0215/F to allow the subdivision of unit and permit the retail sale of food and drink from 2323 square metres of floor-space.
Approved 9th December 2016
- 3.16 PT16/6471/F - Installation of mezzanine floor.
Approved 10th Feb. 2017
- 3.17 PT16/6859/RVC - Variation of condition 4 attached to planning permission PT16/4626/RVC to change delivery times.
Approved 17th March 2017
- 3.18 PT17/1763/RVC - Variation of Condition 10 attached to planning permission PT16/6859/RVC to allow the sale of additional food and drink sales from the site.
Approved 15th Sept. 2017

4. CONSULTATION RESPONSES

4.1 Stoke Gifford Parish Council

Objection – Council notes continuing concerns raised by residents and also the Environmental Protection comment refers to a different building, namely Brook House situated above and adjacent to the storage area and therefore Council objects to reversion to the previous condition 4 which would result in much longer delivery hours.

The EHO has since confirmed that his comments do relate to the application site and not Brook House.

Other Consultees

Wessex Water

No response

Environmental Protection

No objection - No complaints have been received regarding this premises.

Economic Development

No objection

Other Representations

4.3 Local Residents

The following objection was received from a local resident:

“I am objecting to any changes to the delivery times, especially if they are going to be later or over-night. Presently the deliveries are just about bearable, albeit the lorries park up and leave engines running at all times. These can still be heard in my property during the winter with all windows closed and is even worse during the summer months. Additionally, and this is a general comment to relating to all the lorry drivers who think it is OK to throw their rubbish out of their cabs. The amount of litter around the back of the former B&Q store is terrible and is possibly resulting in the huge increase of rats seen over the last 6 months or so.”

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

It is merely proposed to remove Condition 12 of planning permission PT17/1763/RVC to permanently retain the extended delivery hours for Unit 2A that were previously granted temporary 12 month consent.

5.2 The scope of a removal/variation of condition application (section 73 application) is more limited than a full planning application. The Local Planning Authority may only consider the question of the condition(s), and cannot revisit or fundamentally change the original permission. It may be decided that the permission should be subject to the same conditions as were on the original permission; or that it should be subject to different conditions; or that permission may be granted unconditionally. There is a right of appeal in the usual way against any conditions imposed.

5.3 In assessing this application it is necessary to consider whether or not the relevant condition no.12 or any variations thereto, satisfy the requirements of planning conditions as set out in the National Planning Policy Framework (NPPF). The NPPF requires all planning conditions to pass three tests, these being that conditions should be: –

- i. Necessary to make the development acceptable
- ii. Directly related to the development
- iii. Fairly and reasonably related in scale and kind

5.4 Policy CS4 of The South Gloucestershire Local Plan Core Strategy accords with para. 38 of the NPPF, in enforcing the presumption in favour of sustainable development. Core Strategy Policy CS4A states that:- ‘when considering proposals for sustainable development, the Council will take a positive approach and will work pro-actively with applicants to find solutions so that sustainable development can be approved wherever possible’.

5.5 The application site forms part of a wider commercial area that includes a Sainsbury’s food-store, a number of Class B1 office parks along Fox Den Road, and residential properties to the rear on Harry Stoke Road. Lidl commenced trading from Unit 2A on the 5th April 2018.

Justification for the Removal of Condition 12

- 5.6 In the first instance, officers must consider the reason why condition 12 was imposed in the first instance and whether or not circumstances have changed in the interim to now justify the removal of the condition.
- 5.7 The purpose of the condition was to allow Lidl's to operate from Unit 2A for a temporary 12 month period using the extended delivery hours referred to in para. 1.6 above; this was to allow the Council the opportunity to assess the impact of any noise disturbance for local residents.
- 5.8 In support of the application, the applicant has submitted the following justification for the removal of the condition:

"I write to you in reference of the above application and removal of aforementioned condition which will allow Lidl to benefit from the varied delivery hours on a permanent basis.

As part of the original planning permission Lidl were granted a variation of delivery hours for a 12 month period. The reason for this temporary variation was:

"To give the Council the opportunity to fully assess the impact of noise disturbance resulting from deliveries to the food-store operating from Unit 2a as shown on the approved Existing Layout Plan; in the interests of residential amenity and to accord with saved Policy RT5 of The South Gloucestershire Local Plan (Adopted) 6th January 2006."

To my knowledge, there have been no complaints made to the Environmental Health Officer regarding this condition at the time of writing this letter. In addition, I have consulted with our customer service and logistics teams who have both confirmed they are yet to receive any complaints relating to deliveries or delivery hours for this store.

I would like to reiterate the importance of retaining the varied delivery hours on a permanent basis to enable us to efficiently operate from this site. The delivery restrictions on the original planning consent "no deliveries to the premises shall take place between the hours of 18.30 and 08.00 Mondays to Saturdays and no deliveries shall take place on Sundays or Bank Holidays" prevent us from doing so and will be of a significant detriment to our future operation from this site."

Analysis

- 5.9 The authorised use of Unit 2A as a food-store was established with the grant of PT16/4626/RVC and that matter is not for consideration in this application, which merely seeks to remove Condition 12 in order to make the extended delivery hours granted temporary consent under PT17/1763/RVC, permanent.
- 5.10 Lidl has operated successfully from the site for a period now in excess of 12 months. Despite this, only one objection to the current application, has been received from a local resident regarding noise; which is considerably less than for the original application to extend the delivery hours. It is also noted that the

objector considers the current (extended) delivery hours to be “*..just about bearable*”. It should also be noted that removal of condition 12 would merely retain the existing extended delivery hours that were granted temporary consent under PT17/1763/RVC, **there are no proposals to extend the hours further.**

- 5.11 The Council's EHO has confirmed that he has received no complaints about noise in relation to the site over the past 12 months; this is despite the fact that all of the units within the former B&Q building are now occupied.
- 5.12 Officers are mindful of the operational requirements of the food store as opposed to the other retail units within the former B&Q building. The current extended delivery hours enable greater flexibility for deliveries to the store and enable goods to be delivered, unloaded and stocked on the shop floor prior to the trading day. Deliveries are typically unloaded two hours before opening, which allows for stock to be fully unloaded and the shelves stocked. This is particularly important to ensure that shelves are not being stocked whilst customers are moving around the store, which would cause inconvenience to the mobility impaired or parents with young children.
- 5.13 Since the approval of PT17/1763/RVC the Policies, Sites and Places Plan has superseded the South Gloucestershire Local Plan but the policies and issues relating to this current application remain much the same.
- 5.14 The nearest residential properties most likely to be affected by the hours for deliveries are those to the east (rear) of the site, lying some 40/45m away in Harry Stoke Road. It is also noted that the service yard where deliveries are made to the premises and accessed from Fox Den Road, lies to the rear of the store, directly opposite the nearest houses in Harry Stoke Road, but at a lower level. Noise mitigation measures are however already in place in the form of a substantial landscaped bund, located between the houses and the service yard, and a very high solid acoustic fence around the service yard, along the length of Fox Den Road. The residential properties further afield on John Saint Quinton Close have further protection through the presence of 2.5 storey office buildings on Fox Den Road. Officers can confirm that the vast majority of vegetation on the bund comprises deciduous trees that have matured over time.

Planning Balance

- 5.15 The NPPF para. 80 places a significant weight on the need to support economic growth and productivity. Officers consider that the refusal of this application would adversely affect the operational needs of the business which could have a detrimental effect on the overall success of the business. Given the very low level of objection to the application, the lack of complaints during the 12 month trial period and the existing level of mitigation in place, it would be unreasonable to refuse this application and therefore re-impose the stricter delivery hours that apply to the other (retail) units within the former B&Q building.

Consideration of likely impact on Equalities

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

Other Matters

- 5.18 Concerns were raised by the local resident about litter in Fox Den Road. No such litter was observed by the officer during his site visit. All other relevant conditions would be carried forward. The Environmental Health Officer has confirmed that his comments do in fact relate to the application site and not Brook House.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 That planning permission PT17/1763/RVC be re-issued as P19/1438/RVC with condition 12 deleted and all other relevant conditions carried forward.

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CONDITIONS

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

Previously Approved under PT16/4626/RVC

Site Location Plan Drawing No. 16-140-16-01

Existing Elevations 1 of 2 Drawing No. 15-238/Brist/10/01

Existing Elevations 2 of 2 Drawing No. 15-238/Brist/11/01

Proposed Elevations 1 of 2 Drawing No. 15-238/Brist/12/01

Proposed Elevations 2 of 2 Drawing No. 15-238/Brist/13/00

Proposed GA and Site Plan Drawing No. 15-238/Brist/13/01

Existing GA and Site Plan Drawing No. 15-238/Brist/14/01

All received by the Council on the 5th August 2016

Site Location Plan Drawing no.16

Existing Layout Drawing No. 15*-238/Brist/13

Both received 19th December 2016

Reason

For the avoidance of doubt.

2. All surface water run-off from outside storage, parking or vehicle washdown areas shall at all times pass through an oil/petrol interceptor or such other alternative system as may be agreed with the Council, before discharge to the public sewer.

Reason

To meet the requirements of the Environment Agency and to prevent the pollution of nearby watercourses and to accord with Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th December 2013 and to accord with Policies PSP20 & PSP21 of The South Gloucestershire Local Plan : Policies, Sites and Places Plan (Adopted) November 2017.

3. For the food-store operating from Unit 2A only, as indicated on the approved Existing Layout Plan Drawing No. 15*-238/Brist/13; no deliveries shall take place between the hours of 21.00hrs and 07.00hrs Mondays to Saturdays (including Bank Holidays) and between 20.00hrs and 09.00hrs on Sundays. Otherwise, for the remaining retail units within the premises to which this consent relates, no deliveries shall take place between the hours of 18.30hrs and 08.00hrs Mondays to Saturdays and no deliveries shall take place on Sundays and Bank Holidays.

Reason

To protect adjoining levels of residential amenity and to accord with Policies PSP8 and PSP21 of The South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) Nov 2017.

4. Other than public services vehicles, all vehicular traffic to the site, including construction traffic, shall access the site from Fox Den Road.

Reason

To protect adjoining levels of residential amenity and to accord with Policies PSP8 and PSP21 of The South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) Nov 2017; and in the interests of highway safety to accord with Policy PSP11 of The South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) Nov. 2017.

5. The units hereby authorised and shown on the approved 'Proposed GA and Site Plan' Drawing No: 15-238/Brist/13/01 shall not be sub-divided to form smaller units.

Reason

To protect the viability of nearby centres and to accord with Policy PSP31 of The South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) Nov. 2017.

6. No outside storage shall take place at the premises.

Reason

To protect adjoining levels of residential amenity and to accord with Policies PSP8 and PSP21 of The South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) Nov 2017.

7. No external lighting shall be installed on the building or within the service area except in accordance with a scheme originally approved in writing by the Local Planning Authority under planning consent PT00/0215/F.

Reason

To protect adjoining levels of residential amenity and to accord with Policies PSP8 and PSP21 of The South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) Nov 2017.

8. Other than the 2,648 sq.m. of floor space for the retail sale of food and drink goods hereby permitted, the retail units hereby authorised shall not be used for any purpose other than non-food retail, without the prior consent of the Local Planning Authority.

Reason

To protect the viability of nearby centres and to accord with Policy PSP31 of The South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) Nov. 2017.

CIRCULATED SCHEDULE NO. 22/19 – 31 MAY 2019

App No.: PT18/4838/F

Applicant: Mrs Pauline
Howes

Site: Court Farm Church Lane Rangeworthy
Bristol South Gloucestershire
BS37 7ND

Date Reg: 29th October 2018

Proposal: Alterations and extensions to 3no existing agricultural buildings to facilitate conversion to 3no dwellings with landscaping and associated works.

Parish: Rangeworthy
Parish Council

Map Ref: 368763 186265

Ward: Frampton Cotterell

Application Minor

Target 21st December

Category:

Date: 2018



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100023410, 2008.

N.T.S.

PT18/4838/F

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

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule following comment from the Parish Council contrary to Officer recommendation.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for alterations and extensions to 3no. existing agricultural barns to facilitate conversion to 3no. dwellings with landscaping and associated works.
- 1.2 The application site relates to Court Farm, Church Lane, Rangeworthy. The site is outside the settlement boundary. The buildings are not listed nor curtilage listed, but do contribute to the setting of the nearby Grade II* Rangeworthy Court and the Grade II* 11th century Holy Trinity Church.
- 1.3 During the course of the application and following comments from the conservation officer and landscape officer, revised plans were requested and received to address the points raised.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework July 2018
National Planning Guidance
Planning (Listed Buildings and Conservation Areas) Act 1990
Planning (Listed Buildings and Conservation Areas) Regulations 1990 (as amended)
National Planning Practice Guidance – Conserving and Enhancing the Historic Environment;
Historic England's Good Practice Advice in Planning Note 2 "Managing Significance in Decision-Taking in the Historic Environment".
Historic England's Good Practice Advice in Planning Note 3 "The Setting of Heritage Assets (2nd Edition)".

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP7	Development in the Green Belt
PSP8	Residential Amenity
PSP9	Health Impact Assessments
PSP10	Active Travel Routes
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP18	Statutory Wildlife Protection
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water, and Watercourse Management
PSP21	Environmental Pollution and Impacts
PSP28	Rural Economy
PSP40	Residential Development in the Countryside
PSP43	Private Amenity Space Standards

2.3 Supplementary Planning Guidance

Trees on Development Sites SPG (Adopted) Nov. 2005.
South Gloucestershire Design Checklist (Adopted) 2007)
South Gloucestershire SPD: Residential Parking Standards (Adopted) 2013
Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide
SPD – (Adopted) March 2015
SPD: Development in the Green Belt (Adopted) 2007
South Gloucestershire Council Waste Collection: guidance for new
developments SPD (Adopted) Jan 2015

3. RELEVANT PLANNING HISTORY

There is a long planning history attached to the Court Farm site. The most recent are listed below.

- | | | |
|-----|----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3.1 | PT18/4380/PNGR | Prior notification of a change of use from Agricultural Building to 2 no. residential dwellings (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). |
| | Refused | 21.11.18 |
| 3.2 | PT14/1356/F | Erection of Agricultural building for livestock |
| | Approved | 25.6.14 |
| 3.3 | PT14/1362/F | Erection of Agricultural building for livestock. |
| | Approved | 25.6.14 |
| 3.4 | PT14/4962/F | Conversion of 4no. agricultural buildings to 4no. dwellings with landscaping and associated works (Resubmission of withdrawn PT14/2191/F) |
| | Refused | 26.2.15 |

Appeal dismissed.

- | | | |
|------|---------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3.5 | PT13/4060/PNA | Prior notification of the intention to erect an extension to an existing agricultural building for the storage of machinery and fodder.
No objection
27.11.13 |
| 3.6 | PT10/0591/PNA | Prior notification of the intention to erect an agricultural building for the storage of fodder and machinery.
No objection
7.4.10 |
| 3.7 | PT06/1175/LB | Internal and external alterations to facilitate conversion of former stables to form dwelling.
Approved
16.6.06 |
| 3.8 | PT06/1133/REP | Conversion of former stable block to form dwelling (Renewal of Planning Permission P99/2187 dated 23rd April 2001).
Approved
16.6.06 |
| 3.9 | P99/2240/L | Change of use and conversion of former stable block to dwelling.
Approved
23.4.01 |
| 3.10 | P99/2187 | Change of use and conversion of former stable block to dwelling.
Approved
23.4.01 |

4. CONSULTATION RESPONSES

4.1 Rangeworthy Parish Council

Objection:

This application differs from the Prior Notification application for this site. Previous applications in 2014 and 2016 were refused by SGC and subsequent Appeals dismissed by the Planning Inspectorate. This application has been re-hashed and the agent now considers the reasons for the refusals have been addressed. Rangeworthy Parish Council do not believe this to be the case.

The access road will now be via the farm track to the north side of the site rather than Church Lane - this is outside of the settlement boundary. Further this access road would join with the already extremely busy Wotton Road.

When combined with the existing farm managers dwelling, the two prior notification houses, this application would make six residences in close proximity to one another - basically, a small housing estate. Rangeworthy Parish Council therefore feel this is over-development of the site.

The site is adjacent to the listed buildings of Rangeworthy Church and tranquillity of the cemetery, and Rangeworthy Court.

It is one of the last remaining historic corners of Rangeworthy, its charm and appeal is the quiet, tranquil and rural aspect which would be greatly compromised by this proposed intensity of development. Also, the SGC PSP Plan identified this site as unsuitable because of the historic nature of the surrounding buildings.

Rangeworthy Parish Council therefore urge South Gloucestershire Council to refuse this application.

Internal Consultees

4.2 Ecology

Objection:

There is not enough recent information to satisfy the three 'tests' required to obtain a European Protected Species mitigation licence. The Bat Survey Report recommends these further surveys are completed as is best practice.

Updated comments:

Objection removed following submission of new information, subject to conditions

4.3 Conservation

Objection:

There are a number of design amendments and further information considered necessary before this application could be supported.

As presented the proposed scheme would result in significant change in character to this existing group of buildings that would be harmful to the setting and in turn the significance of mainly the Grade II* Rangeworthy Court.

Updated comments:

Following revised plans which have for the most part addressed initial objections the scheme can be approved subject to conditions.

4.4 Landscape

Better mix of planting is required – suggestions given in comments

Revised plans received

4.5 Highway Structures

No objection

Statutory / External Consultees

4.6 Drainage

No objection

4.7 Transport

Pedestrian access onto Church Road recommended

Revised plans now include this access

Other Representations

4.8 Local Residents

One hand written letter stating 'no objection' to the application has been received.

5. ANALYSIS OF PROPOSAL

5.1 The proposal is for alterations and extensions to 3no. existing agricultural barns to facilitate conversion to 3no. dwellings with landscaping and associated works.

5.2 Principle of Development

The application stands to be assessed against the above listed policies and all material considerations. Any new development must accord with all the relevant policy tests and these include design, appearance, impact on the character of the area, impact on amenity space and on highway safety. PSP40 lists the type of development that is acceptable in the countryside and Policy CS5 establishes the spatial strategy for development in the district. Under this policy, new development is directed to the existing urban areas, market towns, and defined rural settlements. Residential development outside of these locations is strictly controlled. Similarly, Policy PSP2 and CS34 aim to protect the countryside from inappropriate development which can adversely affects its natural beauty.

5.3 The ethos of Policies PSP28 and CS34 is to support existing rural businesses and farm diversification. Other pertinent matters include the impact on transport and on residential amenity and on the setting of the nearby listed buildings

5.4 Following the publication in December 2018 of an extract from the Authority Monitoring Report, South Gloucestershire Council can demonstrate a 5 year housing land supply. Policies that restrict the supply of housing is no longer be considered out of date and can be afforded full weight in decision taking. The tilted balance – on the basis of housing supply policies – is no longer applied.

5.5 Under the spatial strategy set out above, development of this nature should therefore be permitted only in the urban areas or defined settlements. The site is not within a defined settlement and nor does the built form in this location represent a village.

5.6 It therefore follows that there is an in principle objection to the proposed development as it does not accord with the spatial strategy as expressed in the Development Plan.

5.7 Notwithstanding this, and whilst the majority of applications for new residential development outside of settlement boundaries should be resisted in accordance with the Council's spatial strategy, the Local Planning Authority do consider that it may be suitable, in a few circumstances, to recommend approval of dwellings outside of the settlement boundary.

- 5.8 This will only apply when the site lies close to the edge of the defined settlement boundary and has a direct relationship with it (for example, may be linked to the settlement boundary by other buildings, or have good footpath links to the settlement boundary). Essentially, it should read as a natural extension to the settlement boundary. However in the interests of the Council's overall spatial strategy for new housing, this should only apply to very small development proposals of 1-2 dwellings.
- 5.9 Given the above, policies relating to housing such as CS5 and PSP40 are considered up to date and attract full weight.
- 5.10 Rural economy:
PSP28 and the NPPF are supportive of a strong rural economy and it is recognised that farm diversification can assist farmers stay in business. However, to protect the countryside for its own sake only certain development that meets specific criteria can be supported. Policy PSP28 states in the case of conversion or re-use of existing buildings their re-development can be appropriate where:
- a. The building is of permanent construction; and
 - b. The buildings are in-keeping with their surroundings in terms of character, form, build and overall design; and
 - c. The proposal is of a scale which is consistent with its function, use and rural location
- 5.11 The application has been accompanied by a planning statement which indicates that the traditional range of buildings no longer meets the needs of the modern farming enterprise at Court Farm and are therefore surplus to the requirements of the business. In addition, a structural survey has been included with the information which concluded that Barn B was in a reasonable condition in need of some repairs to the roof structure, a small amount of masonry stitching and strapping to the gable end to stabilise the roof; Barn C in very good condition having undergone significant repairs and Barn D in a reasonable condition although some small timber repairs have been identified. The byre to the north is in poor condition but represents a relatively small proportion of the building.
- 5.12 The proposal is considered to accord with policy PSP28.
- 5.13 Residential development in the countryside:
In a similar vein to PSP28 residential development in outside established settlement boundaries must accord with a set of criteria to protect the countryside from inappropriate development. The conversion and re-use of existing buildings for residential purposes is acceptable where: the building is of permanent and substantial construction; and would not adversely affect the operation of the rural business or working farms; and any extension as part of the conversion or subsequently is not disproportionate to the original building; and if the building is redundant or disused, the proposal would lead to an enhancement of its immediate surroundings.

5.14 Conclusion of principle of development:

The proposal is considered to be acceptable in principle subject to other matters including impact on heritage assets, overall design, residential amenity, transport and ecological matters.

5.15 Conservation/heritage assets

Historic cartographic evidence conforms that the complex of what is Court Farm once formed part of the Rangeworthy Court estate. The Rangeworthy Court is now in use as a hotel and from a chronology of ownership and use (as set out within a supporting statement), it appears that the house and farm buildings were subdivided sometime in the 1950s. With the house listed in 1952, at least two of the structures subject to this application could therefore have been potentially curtilage listed. However, as this issue was not pursued as part of an application in 2014 to convert these buildings, this matter will not be considered any further.

5.16 On the submitted site plan the barns are identified as “Barn B”, “Barn C” and Barn D”. Not included therefore is “Barn A” which previously formed part of the 2014 application. Barn A is a modern structure of no architectural and historic interest and is located directly adjacent to Mews Court, which is a residential conversion of what are considered to be the former stables that once served the Court.

5.17 The three barns subject to this application vary in scale, character and form. The contrasting scales, construction and characters help create a clear hierarchy of building uses, forms and functions. Along with Rangeworthy Court and the church, these buildings can be considered to form what is part of an attractive and historic group of buildings.

5.18 Their form, function, layout and appearance contributes positively to the overall architectural and historic interest of the site and the intimate setting of both the Court and the Holy Trinity Church. This close, spatial, physical and functional relationship is evident in both historic maps and the layout of the buildings as seen today. As they can be considered to form part of the immediate surroundings in which the listed buildings are experienced, they subsequently form an important part of their respective settings. In respect of the Court, their ancillary character and agrarian nature also reinforces its traditional and rural setting, as it provides a clear narrative on the historic relationship between the buildings and the evolution of the site. To expand this point further, along with the scale and architectural form of the Court, these buildings can be considered to contribute to an understanding of the Court’s historical importance, as they allowed their original owners to make a statement about their social standing. At its simplest, the surrounding farmland informs the observer that these are farm buildings and one is entitled to assume that its manifest architectural importance comes directly from the prosperity generated from their relationship to the adjacent farmland. Whilst this contribution to its significance may be diminished due to the severing of ownership and change of use, the rural landscape setting which includes the 3no. structures subject to this application still contributes to the understanding and significance of Rangeworthy Court.

- 5.19 Retaining this relationship, particularly with regard to the Court, is an important consideration when considering any development proposals if its historic significance is not to be compromised. The conversion of these buildings needs to demonstrate through design, layout and detailing that the existing character of the buildings will not be harmed, which in turn, will help preserve the setting of the Grade II* Court and Holy Trinity Church.
- 5.20 Barn B is a traditional cow byre, single storey, dual pitched roof and linear in form. Barn C is a shell of a new building, attached to Barn B with a central main two storey element and single storey extension. Barn D is of the most interest and significance as a good example of a threshing barn/ grain store with the distinctive midstrey, albeit somewhat lost in later additions to the southern elevation. To the north elevation is a timber framed cart shed set on a perpendicular building line. Despite being subject to a number of alterations, Barn D still retains its distinctive cart entrances and ventilation slits and can be considered to make a positive and significant contribution to the character and identity of the building group and is the most prominent in views to and from the listed buildings.
- 5.21 In considering the potential impact the conversion of the existing buildings upon the setting of the listed buildings in more detail, the attached barns B and C back onto a typical hard surfaced farmyard which lies directly to the west of Rangeworthy Court and north-west of the Holy Trinity Church. The eastern gable of Barn D faces directly out into a car park associated with the hotel. There is clear inter-visibility and co-visibility between/with Barn D and Rangeworthy Court. Running directly to the rear of Barn D is a 1.8m (approximately) high concrete wall. This wall connects with a more traditional course rubble stone wall with cock and hen coping that runs on a north-south axis enclosing the rear farmyard.
- 5.22 Views of the south facing elevation of Barn D are visible from the churchyard, although the high concrete block wall limits views of the building to just below the eaves and above and so along with the eaves, the heads of the existing openings are visible. Views of Barns B and C are limited to the point of being largely incidental and the existing boundary treatment would visually enclose any views out from the farmyard westwards.
- 5.23 Along with its contribution to the wider setting, Barn D can also be considered to make a direct and significant impact on the setting of Rangeworthy Court. Along with views from the building itself, the converted barn will be visible in views from the curtilage to the north and west of Rangeworthy Court. There are also views from the north where the clear co-visibility between the buildings leaves Rangeworthy Court providing an direct and attractive backdrop to the barns that can be considered to help contribute to the legibility of the agricultural origins of the building group.
- 5.24 Moving on to the design and detail, revised plans have responded to officer comments and the amendments have included, for example, setting back the glazed and timber screens from the piers to retain sense of depth, the retention of two courses of stone slates, the reduction in the number of rooflights, single

- bay car ports and the removal of timber close-boarded fencing as boundary treatment.
- 5.25 The NPPF declares that when determining applications the LPA should take into account the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal. The LPA is required to take into account:
- a. The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation
 - b. The positive contribution that conservation of heritage assets can make to sustainable communities and
 - c. The desirability of new development making a positive contribution to local character and distinctiveness
- 5.26 Where development will lead to less than substantial harm to the significance of a designated heritage asset this harm should be weighed against the public benefit including, where appropriate, securing its optimum viable use.
- 5.27 In this instance, it is concluded that, subject to appropriate conditions, the proposed scheme would help preserve the setting of the Grade II Rangeworthy Court and the Grade II* Church and would furthermore, provide an additional 3 new homes to the housing supply. There are therefore no objections in heritage terms.
- 5.28 Residential amenity:
The proposed site plan indicates that each of the converted barns would have amenity space. Barn B would have an area to the rear and to the front, Barn C would have its amenity space entirely to the rear whereas the amenity space for Barn D would be to the front.
- 5.29 Adopted planning policy PSP43 states the required amenity space for new development according to the number of bedrooms. Amenity space should be private and functional. The amount of garden area allocated to each property is considered to accord with adopted policy. Barn D would have its garden and parking/manoeuvring area to the front to be enclosed by a 1.2 metre high rubble stone wall. The parking and turning area for this property would also be to the front. Given the countryside location of this new property and its limited number of neighbours, the style of amenity space is considered appropriate and acceptable.
- 5.30 Landscape
Submitted plans indicate some planting within the gardens and around the parking areas to provide screening for the new dwellings. The historic significance of the site has been highlighted above and comments have suggested that formal planting would announce the residential use of the buildings to a level that would be harmful to character of the building group and the setting of the adjacent listed building. Informal planting in the form of native hedges and single specimen trees could be acceptable.
- 5.31 Following initial comments, a revised landscape scheme was submitted and considered acceptable.

5.32 Transport

This site is located in a rural area away from many significant facilities which is likely to make these houses very car-dependent. Therefore, it is considered that the proposal does not accord with the requirements of Policy PSP11 of the adopted South Gloucestershire Local Plan: Policies, Sites and Places document in terms of juxtaposition to necessary facilities and access by all travel modes.

5.33 However, it is unlikely that a single dwelling will generate more than about 7 new vehicular movements in a 24 hour day, giving a total of about 21 new trips on the local highway network per day for the whole site. Consequently, the scheme will not create a significant amount of new traffic, thus it will not produce any highways or transportation issues which could be considered to be severe. As a result, a transportation objection on this basis could not be sustained in an appeal situation. In addition, the new properties will possess 2, 2 and 5 bedrooms respectively (counting the rooms marked a study as potential bedrooms). Therefore, to conform to the Council's adopted Residential Car Parking Standards, the applicant will be required provide at least 5 off-street car parking. It is noted that the area of hardstanding will be available for this level of parking and that space remains for turning vehicles so that they can leave the site in forward gear.

5.34 The new dwellings will be able to use the farm's existing access arrangements which will not be altered any way, an arrangement suggested by Transport DC officers at the time of previous application. Hence, this appears satisfactory.

5.35 During the course of the application it was recommended that the access onto Church Lane is retained in a limited from as it would provide a much safer pedestrian route, particularly to the school also situated on that road. Revised plans indicate this arrangement.

5.36 Given the above there are no transport objections to the proposal.

5.37 Ecology

The application is accompanied by a survey and report undertaken by CTM Wildlife (updated version 13.12.18) to assess the ecological impact of the proposal. The report concluded that bats are a material consideration for Barn D and potentially for Barn B. Mitigation measures are suggested in the form of two replacement bat roosting places to Barn D, bat provision to Barn B and the fitting of bird nesting boxes. The submitted plans are indicative and therefore a condition is to be attached to the decision notice requiring precise details. The application would pass the three tests required for a licence by:

- Applying appropriate mitigation and ecological supervision during the proposed works to the building including the use of 'soft' techniques, i.e. removing tiles by hand etc.)
- Providing compensatory roost space within Building 1 and for Building 5; and
- By not installing external lighting near the roosts or important flight routes

5.38 On this basis there are no ecological objections to the proposal.

5.39 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.

5.40 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.

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

5.42 Planning conclusion:

The proposal would result in the conversion of 3no. existing barns into residential accommodation. The site is in the open countryside but the above assessment has indicated that the scheme would comply with policies PSP28 and 40 and as such is acceptable. The overall design of the scheme to convert the barns is considered acceptable subject to conditions; sufficient residential amenity and parking spaces can be provided on site to accord with adopted policies. The scheme has been found not to have a significant adverse impact on the setting of the nearby by listed buildings, to be of public benefit and ecological mitigation measures will off-set impact on bats and birds.

Given the above the proposal is recommended for approval.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CONDITIONS

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

Reason

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

2. Plans
Development shall proceed in accordance with the below listed plans.

As received by the Council on 22.10.18:

Location plan - 01

Site plan - 02

Site layout plan - 03

Plan Barn B - 04

Elevations Barn B - 05

Plans Barn C - 06

Elevations Barn C - 07

Plans Barn D - 08

Elevations Barn D - 09

Elevations Barn D - 10

Proposed north and east elevations Barn D - 17

As received by the Council on 16.4.19:

Proposed plan Barn B - 11a

Proposed elevations Barn B - 12a

Proposed plan Barn D - 15a

Proposed plan Barn D - 16a

Proposed site plan - 19a

Proposed site plan - 21

Proposed ecological mitigation - 23

Proposed ecological mitigation - 24

Proposed ecological mitigation - 25

As received by the Council on 10.5.19:

Proposed landscaping - 22a

As received by the Council on 21.5.19:

Proposed site layout - 13B

Proposed elevations barn C - 14B

Proposed elevations barn D - 18B

Reason

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

3. Details of design

Prior to the commencement of the relevant works, the detailed design of the following items shall be submitted and approved in writing by the local planning authority.

- a. All new windows and fixed glazing (including cill, head, reveal and glass details)
- b. All new rooflights
- c. All new doors (including frames and furniture)
- d. All new vents and flues
- e. Eaves (including rainwater goods), verges and ridges

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

Reasons

In order that the development serves to preserve the architectural and historic interest of the building(s) and the setting of the listed buildings, in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out in the NPPF, Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013 and Policy PSP17 of the South Gloucestershire Policies Sites and Places Plan (Adopted) 2017.

4. Retention of stone slates

The lower course of stone slates to south and north facing roofs to Barn B are to be retained and reused as part of any conversion and retained insitu thereafter.

Reason

In order that the development serves to preserve the architectural and historic interest of the building(s) and the setting of the listed buildings, in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out in the NPPF, Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013 and Policy PSP17 of the South Gloucestershire Policies Sites and Places Plan (Adopted) 2017.

5. Samples

Notwithstanding the details indicated on the submitted elevations, representative sample panels of natural stonework (for both building and boundary walls) of at least one metre square demonstrating the stone, coursing, mortar and pointing (and in the case of the boundary walls the coping) are to be erected on site and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The approved sample panel shall be kept on site for reference until the stonework is complete. Development shall be carried out in accordance with the agreed sample.

Reason

In order that the development serves to preserve the architectural and historic interest of the building(s) and the setting of the listed buildings, in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out in the NPPF, Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013 and Policy PSP17 of the South Gloucestershire Policies Sites and Places Plan (Adopted) 2017.

6. Details of repairs
Prior to the commencement of the relevant works on site, a detailed specification for the repairs, including any stonework repairs, any proposed structural works (in respect of which approval is expressly reserved), shall be submitted to the council for approval. The specification shall include details of the extent of proposed replacement of historic fabric, and all new materials to be used.

Reason

In order that the development serves to preserve the architectural and historic interest of the building(s) and the setting of the listed buildings, in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out in the NPPF, Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013 and Policy PSP17 of the South Gloucestershire Policies Sites and Places Plan (Adopted) 2017.

7. Details of floors, walls and ceiling finishes
Prior to commencement of the relevant part of the development, full details of the proposed floors, wall and ceiling finishes for Barns B and D shall be submitted and agreed in writing by the local planning authority. The development shall thereafter be carried out strictly in accordance with the agreed details. For the avoidance of doubt, in light of their solid masonry construction and character, the objective should be a specification of floor construction, insulation and internal finishes that are breathable but also provide for an aesthetically appropriate finish. Therefore, battened off dry-lining with skimmed plaster finish won't be acceptable for the main walls of the building. Where the floors are to be (re)constructed, then a limecrete or glasscrete floor could be considered.
All work shall take place in accordance with the submitted details.

Reason

In order that the development serves to preserve the architectural and historic interest of the building(s) and the setting of the listed buildings, in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out in the NPPF, Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013 and Policy PSP17 of the South Gloucestershire Policies Sites and Places Plan (Adopted) 2017.

8. Timber cladding
Prior to the commencement of that part of the development [details/samples] of the timber cladding proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

In order that the development serves to preserve the architectural and historic interest of the building(s) and the setting of the listed buildings, in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out in the NPPF, Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013 and Policy PSP17 of the South Gloucestershire Policies Sites and Places Plan (Adopted) 2017.

9. Tile sample

Prior to the commencement of that part of the development [details/samples] of the roofing tile proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

In order that the development serves to preserve the architectural and historic interest of the building(s) and the setting of the listed buildings, in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out in the NPPF, Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013 and Policy PSP17 of the South Gloucestershire Policies Sites and Places Plan (Adopted) 2017.

10. Landscape

Prior to the first occupation, a scheme of landscaping, shall be carried out as per Proposed Landscape Scheme drawing 22a received on 13.5.19.

Reason

To protect the character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP17 of the South Gloucestershire Policies Sites and Places Plan (Adopted) 2017 and the National Planning Policy Framework.

11. Ecology

The development shall proceed in strict accordance with the Mitigation Measures provided in Chapter 5 of the Day and Night Time Bat Surveys Report (CTM Wildlife, December 2018).

Reason

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

12. Mitigation

Prior to first occupation, a plan showing the location and specification of bat boxes, bird boxes and new planting recommended in the Day and Night Time Bat Surveys Report (CTM Wildlife, December 2018) and evidence of their installation, erection and/or planting has been submitted to the local authority for approval in writing. All work shall take place in accordance with the submitted details.

Reason

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

13. Demolish

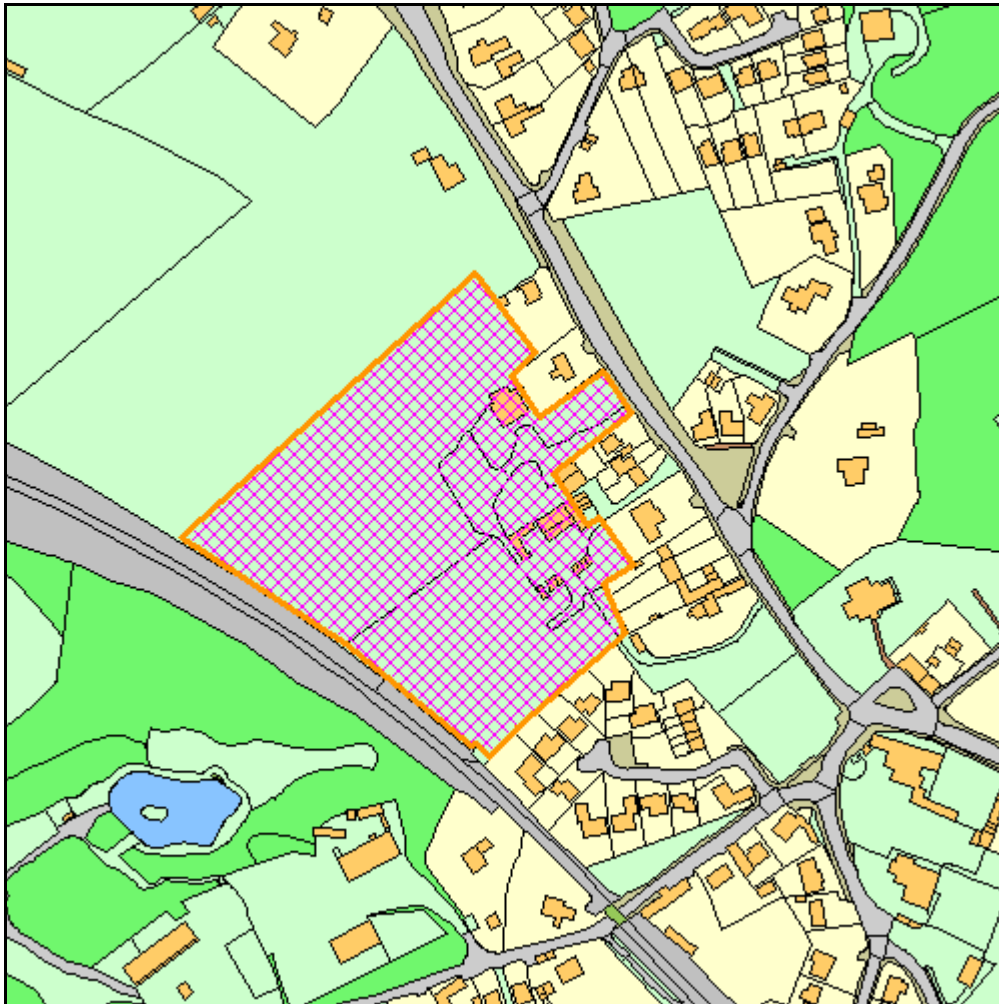
Prior to the first occupation the two buildings to the north of Barn B and Barn C as identified on Site Plan 02 shall be demolished.

Reason

In order that the development serves to preserve the architectural and historic interest of the building(s) and the setting of the listed buildings, in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out in the NPPF, Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013 and Policy PSP17 of the South Gloucestershire Policies Sites and Places Plan (Adopted) 2017.

CIRCULATED SCHEDULE NO. 22/19 – 31 MAY 2019

App No.:	PT18/6206/RVC	Applicant:	Mr David Baker Caddick Land Limited
Site:	Land To The West Stowell Hill Road Tytherington South Gloucestershire GL12 8UH	Date Reg:	24th December 2018
Proposal:	Variation of condition 5 attached to planning permission PT17/2331/O to substitute approved plans with Site location plan, Illustrative masterplan Y81:1018.12 rev C and Illustrative masterplan Y81:1018.11 rev C.	Parish:	Tytherington Parish Council
Map Ref:	366734 188447	Ward:	Frampton Cotterell
Application Category:	Major	Target Date:	21st March 2019



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100023410, 2008.

N.T.S.

PT18/6206/RVC

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

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Scheduled following objections from local residents.

1. THE PROPOSAL

1.1 This planning application is made under Section 73 ("s73") of the Town and Country Planning Act 1990 (as amended) ("the Act"). Applications made under this section of the Act seek to develop land without compliance with conditions previously attached to the relevant planning permission. In this instance, the applicant seeks to vary condition 5 of original application PT17/2331/O for Erection of 29no. dwellings (Outline) with layout, siting and access to be determined. All other matters reserved to substitute approved plans with Site location plan, Illustrative masterplan Y81:1018.12 rev C and Illustrative masterplan Y81:1018.11 rev C.

1.2 The application relates to land to the west of Stowell Hill Road, Tytherington. The site is situated outside of the settlement boundary of Tytherington in the countryside, however it directly abuts the settlement and the Tytherington Conservation Area to the south-east. The site is not situated within the Green Belt. The grade II listed Old Manor House is situated immediately to the north of the proposed development, and Chapel Cottage, a locally listed building, lies to the east. The site is also approximately 100m from a Scheduled Ancient Monument known as the Castle, which is situated to the east. A 'mothballed' railway line lies to the west. It is stated on the application form that part of the site is previously developed, used as workshops and outside storage comprising of plant, vehicles, skips, caravans, machinery etc. The remainder of the site is agricultural. No public rights of way run across the site.

1.3 Condition 5 of PT17/2331/O approved on 21.9.18 read:

The proposal shall be in accordance with the following plans:

As received by the Council on 15.5.17:

Site location plan

As received by the Council on 4.12.17:

Illustrative masterplan Y81:1018.12 rev A

Illustrative masterplan Y81:1018.11 rev A

Reason:

For the avoidance of doubt

1.4 This purpose of this substitution is to re-position the affordable housing elements within the site.

- 1.5 As the approved scheme was subject to a S106 agreement, amendments have had to be made to that legal document.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework February 2019
National Planning Guidance
Planning (Listed Buildings and Conservation Areas) Act 1990
Planning (Listed Buildings and Conservation Areas) Regulations 1990 (as amended)
National Planning Practice Guidance – Conserving and Enhancing the Historic Environment;
Historic England’s Good Practice Advice in Planning Note 2 “Managing Significance in Decision-Taking in the Historic Environment”.
Historic England’s Good Practice Advice in Planning Note 3 “The Setting of Heritage Assets (2nd Edition)”.

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS2	Green Infrastructure
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS6	Infrastructure and Developer Contributions
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS10	Minerals
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS18	Affordable Housing
CS34	Rural Areas

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP7	Development in the Green Belt
PSP8	Residential Amenity
PSP9	Health Impact Assessments
PSP10	Active Travel Routes
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP18	Statutory Wildlife Protection
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water, and Watercourse Management

PSP21	Environmental Pollution and Impacts
PSP40	Residential Development in the Countryside
PSP43	Private Amenity Space Standards

2.3 Supplementary Planning Guidance

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

South Gloucestershire Design Checklist (Adopted) 2007)

South Gloucestershire SPD: Residential Parking Standards (Adopted) 2013

Affordable Housing SPD (Adopted) Sept.2008.

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

SPD: Development in the Green Belt (Adopted) 2007

South Gloucestershire Council Waste Collection: guidance for new
developments SPD (Adopted) Jan 2015

3. **RELEVANT PLANNING HISTORY**

- 3.1 PT17/2331/O Erection of 29no. dwellings (outline) with layout, siting and access to be determined. All other matters reserved
Approved

4. **CONSULTATION RESPONSES**

4.1 Tytherington Parish Council

Objection:

There would appear to be much more traffic into the south side of the proposed development with these new plans. The change should be rejected as it will significantly affect the existing residents. The revised plans extend the road at the south of the site nearly into gardens of the current residents in The Orchard. This is made worse by increasing the density of the houses in this part of the development, therefore increasing the number of cars using this road. The lights of these vehicles will shine directly into the living areas and bedrooms of the existing residents in The Orchard.

If the North side of the development had the higher housing density there would be existing houses affected

Internal Consultees

4.2 Housing enabling

No objections following discussions to clarify the position of the affordable housing units.

Previous comments stand:

This scheme would generate a requirement for 10no. affordable homes.

- 35% affordable housing with a tenure split of 73% social rent and 27% shared ownership

Tenure:

The application form proposes 10 affordable homes as social rent and under paragraph 4.2 of the Design and Access Statement submitted on 15.5.17 states
"The units are proposed to be a mix of one to four bed detached, semi-

detached and short terraces across the site of which 35% (subject to viability) will be a mixture of Affordable and Starter Homes”. The following tenure mix is required and for the avoidance of doubt Enabling can confirm that until such times as the necessary national and local plan policies are in place regarding starter homes we will not secure starter homes as part of the affordable housing mix. To meet identified housing need, as set out in the Wider Bristol Strategic Housing Market Assessment (SHMA), as follows:

- 73% Social Rent
- 22% Shared Ownership
- 5% Affordable Rent (ART)

As 5% ART requirement generates 1.45 unit, Enabling will seek a tenure split of 73% social rent and 27% shared ownership. Based on a requirement of 10 affordable homes this will generate a tenure split of:

- 7 social rent
- 3 shared ownership

Type:

A range of Affordable Homes to meet housing need, based upon the SHMA house types shown below:

Social Rent:

Percentage	Type	Min Size
m2		
15%	1 bed 2 person flats	50
15%	2 bed 4 person flats	70
28%	2 bed 4 person houses	79
34%	3 bed 5 person houses 2 storey	93
8%	4 bed 6 person houses 2 storey	106

Shared Ownership:

Percentage	Type	Min Size
m2		
8%	1 bed 2 person flats	50
16%	2 bed 4 person flats	70
35%	2 bed 4 person houses	79
41%	3 bed 5 person houses 2 storey	93
0%	4 bed 6 person houses 2 storey	106

Affordable homes must be built in line with the same standards as the market units and to include lifetime homes standard, part 2 of Secured by Design and compliance with a specified registered providers requirements. One wheelchair accessible home is required and this will be discussed in full with the enabling team under reserved matters to establish the house type. The standards are:

Standards of Design

Affordable Homes to be built in line with the same standards as the market units (if higher) and include Lifetime Homes standard, Part 2 of Secured by Design, and compliance with the RP Design Brief as follows;

- i all rear gardens to be turfed and generally to have 1.8m high close boarded fencing to boundaries and privacy panels;
- ii All properties to have vinyl/tiles on floor in all ground floor rooms
- iii Ceiling height tiling to 3 sides of bathroom to be provided
- iv Provide wall mounted shower (either electric or valve and kit);
- v. Provide gas and electric points to cooker space (where gas is available);
- vi. Painted softwood curtain battens to each window (where construction is traditional as opposed to timber frame) 8% of the Affordable Homes provided to meet wheelchair accommodation standards. The wheelchair specification can be found here [Wheelchair specification](#)

Clustering and Distribution

Affordable Homes to be distributed throughout the site in clusters of no more than 6 units.

Delivery Mechanism

The Council to refer potential occupants to all first lettings and 75% of subsequent lettings.

Delivery is preferred through the Council's list of Approved Registered Providers. In the event of the developer choosing a Registered Provider from outside the partnership then the same development and management standards will need to be adhered to.

Affordable Homes to be built at the same time as the market housing on site in line with agreed triggers as per S.106 agreement. Where the development will proceed over more than one phase, the location, amount, type and tenure of the Affordable Housing in each phase will need to be set out in an Affordable Housing Masterplan and Schedule. The Affordable Housing Plan and Schedule to be approved prior to submission of the first residential Reserved Matters application.

Rent Levels and Affordability

Social Rent homes to be let at Target Rent, as per the Direction on the Rent Standard 2014. Shared Ownership homes to be sold at no more than 40% of the market value, and the annual rent on the equity retained by the RP should be no more than 1.5%. Service charges will be capped at £650 per annum (April 2016 base and linked to RPI) to ensure that all housing costs are affordable to potential occupants. Capital receipts on intermediate housing to be recycled as capital expenditure on approved affordable housing schemes in South Gloucestershire, on the basis that the subsidy increases by any capital appreciation on that subsidy.

4.3 Conservation

No comment

- 4.4 Ecology
No objection:
- 4.5 Landscape
No objection.
- 4.6 Natural England
No objection.
- 4.7 Urban Design
No objection Suggestions to be taken up at reserved matters stage.
- 4.8 Drainage
No objection but the SUDS condition attached to PT17/2331/O or any associated Reserved Matters application, is required to be discharged prior to the commencement of any development.
- 4.9 Transport
No objection
- 4.10 Tree Officer
No objection
- 4.11 Environmental Protection
No objection
- 4.12 Public open space
No objection.

Other Representations

- 4.13 Local Residents
Seven letters of objection/comments have been submitted. The points raised are summarised as follows:
- Will a refuse collection vehicle be able to manoeuvre around the site?
 - Plans increase the density and the roads to the south of the site – lights of vehicles will shine directly into living areas and bedrooms of existing residents in The Orchard
 - Object to footpath being created to the play area due to possible encroachment onto our access, will reduce security of our property and neighbours
 - Size of development inappropriate as local infrastructure inadequate
 - Dangerous access

5. ANALYSIS OF PROPOSAL

- 5.1 The applicant seeks to vary condition 5 relating to approved plans.

5.2 Principle of Development

Applications made under s73 of the Act seek permission for the development of land without compliance with conditions subject to which a previous planning permission was granted. With applications made under s73, the Local Planning Authority shall consider only the conditions subject to which planning permission was granted; the principle of development is therefore established.

5.3 If the Local Planning Authority decides that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, the Authority should grant permission accordingly.

5.4 If the Authority decides that planning permission should be granted subject to the same conditions, then the application should be refused.

5.5 In assessing this application it is necessary to assess whether the relevant condition, or any variations satisfy the requirements of planning conditions as set out in the National Planning Policy Framework (NPPF). The NPPF requires all planning conditions to pass three tests – that conditions should be:

- i. Necessary to make the development acceptable
- ii. Directly related to the development
- iii. Fairly and reasonably related in scale and kind

5.6 Analysis of the proposal

The application seeks to amend condition 5 to substitute approved plans:

Site location plan

Illustrative masterplan Y81:1018.12 rev A and

Illustrative masterplan Y81:1018.11 rev A

For:

Site location plan,

Illustrative masterplan Y81:1018.12 rev C and

Illustrative masterplan Y81:1018.11 rev C.

5.7 The purpose of condition 5 was to ensure the scheme was built according to the submitted plans given the location of the site and the close proximity of heritage assets.

5.8 It is acknowledged that the principle of development on this site has been established and therefore the fall-back position is that development can proceed as per the approved scheme PT17/2331/O.

5.9 The changes proposed under the revised plans do not alter the amount of development on the site: the scheme would still result in the erection of 29no. new dwellings. The changes would however, alter the position of some of the affordable houses within the site. For ease of reference the following table sets out the changes in the location of the houses within the site:

		House Type	Old Plot nos.	New Plot nos.
Social Rented	3 no. 2 bed 4 person houses at minimum size 79 square metres	B	17, 18, 19	18, 19, 20
	1 no. 2 bed 4 person house as a wheelchair adapted	D	10	10
	3 no. 3 bed 5 person 2 storey house at minimum size 93 square metres	C	20, 28, 29	21, 12, 13
Intermediate Housing	2 no. 2 bed 4 person house at minimum size 79 square metres	B	26, 27	27, 28
	1 no. 3 bed 5 person 2 storey house at minimum size 93 square metres	D	11	11

5.10 Assessment:

Heritage, ecology and landscape and transport

The changes to the position of the affordable housing units within the site would not result in any adverse impact on the heritage assets, on ecology or landscape.

5.11 Design and visual amenity:

Changes proposed under this scheme would not alter the design or appearance of the dwellings previously approved and as such the alterations within the site would be visually acceptable.

5.12 Residential Amenity

Comments received from local residents state there would be an increase in density to the south of the site and an increase in disturbance from vehicle lights. Essentially following the changes, four houses would face out onto a proposed green corridor rather than as before, only 3 and parking spaces for Units 12 and 13 would also be at the far south end as opposed to a turning head. Due to the reconfiguration within the site, the position of the closest house to The Orchard would not change. The new houses would therefore remain at the same distance away from properties in Orchard Close and separated by the same boundary treatment as previously approved. There would therefore be no adverse impact on the amenity of existing houses in Orchard Close

5.13 Heritage, ecology and landscape and transport

The changes to the position of the affordable housing units within the site would not result in any adverse impact on the heritage assets, on ecology or landscape.

5.14 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

5.15 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.

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

5.17 Balance

It is considered that alterations to the approved plans as proposed under this scheme would not result in unacceptable issues and as such the substitution of plans can be supported.

5.18 Pre commencement conditions:

Since the outline scheme was approved it is now necessary for the LPA to gain agreement from agents where conditions are prior to commencement of development. This applies to the following conditions which have been re-attached to this decision notice:

- Details of composite façade calculations for noise levels
- Bat friendly lighting scheme
- Location and type of bat and bird boxes
- Contamination
- Landscape

Prior to the commencement of demolition:

- Bat method statement
- Bat box

It is confirmed that the agent has agreed to the above.

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

7. **RECOMMENDATION**

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

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

a) Affordable housing:

35% of dwellings to be delivered as affordable housing on site, as defined by the NPPF. For the proposed development of 29no. dwellings, this would equate to 10 dwellings for affordable housing

Tenure split of 73% social rent and 27% shared ownership. Based on a requirement of 10 affordable homes this will generate a tenure split of:

- 7 social rent
- 3 shared ownership

In all other respects the development shall comply with the requirements as set out in paragraphs 4.2 above of this report.

The reason for this :

To accord with Policy CS18 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 11th December 2013.

b) Transport to school:

A financial contribution of £26,964 towards the costs of providing home to school transport for secondary pupils.

The reason for this:

To accord with Policy CS23 of the South Gloucestershire Local Plan Core Strategy (Adopted) 2013.

c) Public open space:

Category of open space	Minimum spatial requirement to comply with policy CS24 (sq.m.)	Minimum spatial amount provided on site (sq.m.)	Shortfall in provision (sq.m.)	contributions towards off site provision and/or enhancement	Maintenance contribution
Informal recreational open space	800.40	800.40	0	0	0
Natural and semi natural open space	1044.00	1044.00	0	0	0

Outdoor sports facilities	1,113.60	0	1,113.60	£55,881.12	£16,913.36
Provision for children and young people	174.00	0	174.00	£29,257.04	£30,764.00
Allotments	No allotments within the recommended access standards				

The reason for this:

To accord with Policy CS24 of the South Gloucestershire Local Plan Core Strategy (Adopted) 2013.

- 7.2 It is recommended that the Head of Legal and Democratic Services be authorised to check and agree the working of the Agreement.
- 7.3 That should the agreement not be completed within 3 months of the date this report is published, that delegated authority be given to the Director of Environment and Community Services to refuse the application.

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CONDITIONS

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

Reason

This relates to outline permission only (granted on 21.9.18) and the reserved matters shall be made to the Local Planning Authority.

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

Reason

This relates to outline permission PT17/2331/O (granted on 21.9.18) and the reserved matters shall be made to the Local Planning Authority.

3. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date permission was granted for PT17/2331/O on 21.9.18.

Reason

This relates to outline permission PT17/2331/O (granted on 21.9.18) and the reserved matters shall be made to the Local Planning Authority.

4. The development hereby permitted shall be begun either before the expiration of three years from the date the outline permission was granted (21.9.18), or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason

This relates to outline permission PT17/2331/O (granted on 21.9.18) and the reserved matters shall be made to the Local Planning Authority.

5. The proposal shall be in accordance with the following plans:
As received by the Council on 14.12.18

Site location plan,

Illustrative masterplan Y81:1018.12 rev C

Illustrative masterplan Y81:1018.11 rev C

Reason

To protect the amenities of the occupiers of nearby dwelling houses and of future occupants, to protect the character of the area and nearby heritage assets and in the interests of highway safety and thereby to accord with Policies CS1, CS8, CS9 and CS18 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013; Policies PSP1, PSP8, PSP11 and PSP17 of the South Gloucestershire Policy Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework.

6. Where the site is adjacent to residential or business premises, heavy plant, noisy equipment or operations and deliveries, shall not take place outside the hours of;

Monday - Friday.....7.30 - 18.00

Saturday.....8.00 - 13.00.

No noisy activities on Sundays or Bank Holidays.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy PSP8 and PSP21 of the South Gloucestershire Policy Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework.

7. Prior to the commencement of development details of the composite facade calculations regarding internal noise levels are to be submitted to the LPA for written approval and implemented in accordance with the approved details.

Reason

To protect the amenities of the occupiers and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013; Policy PSP8 and PSP21 of the South Gloucestershire Policy Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework. A pre-

commencement condition is needed in order to avoid the need for future remedial action.

8. The reserved matters details referred to in condition 1 shall include full details of the drainage as detailed below and all works shall be implemented in accordance with the approved details.

No development shall commence until surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection have been submitted and approved by the Local Planning Authority.

The following details are expected when discharging the above conditions:

- o Any departures from the surface water discharge hierarchy in relation to infiltration such as soakaways, need to be justified and supported by evidence, percolation / soakage test results and test locations are to be submitted in accordance with BRE 365, in line with the requirements of Building Regulations and to ensure best practice and sustainable development.
- o If applicable, confirmation and acceptance from Wessex Water of the connection point (Manhole Number) and agreed discharge rate to their existing surface water sewer to be provided.
- o A clearly labelled drainage layout plan showing the pipe networks and any attenuation / storage tanks or oversized pipe systems.
- o Updated drainage calculations to show there is no flooding on site in 1 in 30 year storm events; and no flooding of buildings or off site in 1 in 100 year plus an allowance for climate change storm event (winter and summer).
- o Where attenuation forms part of the Surface Water Network, calculations showing the volume of attenuation provided, demonstrating how the system operates during a 1 in 100 year plus an allowance for climate change storm event (winter and summer).
- o Where infiltration forms part of the proposed Surface Water Network such as Soakaways, percolation / soakage test results and test locations are to be submitted in accordance with BRE 365 and in line with the requirements of Building Regulations.
- o The drainage layout plan should also show exceedance / overland flood flow routes, and where applicable if flooding occurs the likely depths of any flooding.
- o The plan should also show any pipe node numbers referred to within the drainage calculations.
- o A manhole / inspection chamber schedule to include cover and invert levels.
- o Ownership and/or responsibility, along with details of the maintenance regime in relation to the Surface Water Network and any components such as Attenuation/Infiltration features and Flow Control Devices where applicable.

Reason

To comply with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and National Planning Policy Framework.

9. At reserved matters stage a phased tree protection plan and details of the 'no-dig' construction method shall be submitted to the LPA for full consideration.

Reason

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

10. Prior to the commencement of demolition, a Bat Method Statement must be submitted to the council for approval in writing and implemented in accordance with the approved details. This can be in the form of a Natural England bat mitigation licence application (based on section 6.3 Ecological Impact Assessment (ADAS, January 2017)).

Reason

In the interests of protected species and to accord with Policy L9 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013. This is a prior to commencement condition to ensure that clearance works do not harm protected species.

11. Prior to the commencement of demolition, the bat box recommended in Section 6.3 of the Ecological Impact Assessment (ADAS, January 2017) must be installed and its location must be submitted to the council for approval in writing and located in accordance with the approved details.

Reason

This is a prior to commencement of the demolition condition to avoid any unnecessary remedial work in the future and to ensure the works are carried out in an appropriate manner and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

12. Prior to commencement of development, a bat friendly lighting scheme must be submitted to the council for approval in writing (based on Section 6.3 of the Ecological Impact Assessment (ADAS, January 2017) and implemented in accordance with the approved details.

Reason

This is a prior to commencement condition to avoid any unnecessary remedial work in the future and to ensure the works are carried out in an appropriate manner and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

13. Prior to commencement of development, the location and type of five bat roost bricks/tiles or four bats boxes, and four bird boxes (as set out in Section 7 of the Ecological Impact Assessment (ADAS, January 2017)) should be submitted to the local planning authority for approval in writing and implemented in accordance with the approved details.

Reason

This is a prior to commencement condition to avoid any unnecessary remedial work in the future and to ensure the works are carried out in an appropriate manner and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

14. The development should proceed in accordance with the recommendations made in the in Section 6.3 and 7 of the Ecological Impact Assessment (ADAS, January 2017). This includes the retention and enhancement through native planting of the existing hedgerow, retention of trees, inspection and soft felling of ash trees (if necessary), avoidance of harm to reptiles and European hedgehog and timing of works regarding breeding bird season.

Reason

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

15. Contaminated Land

A. Prior to the commencement of development, an investigation shall be carried out by a suitably qualified person to ascertain the extent, nature and risks potential sources of contamination may pose to the development in terms of human health, ground water and plant growth. A report shall be submitted prior to commencement of the development for the written approval of the Local Planning Authority setting out the findings (presented in terms of a conceptual model) and identify what mitigation measures are proposed to address

unacceptable risks. Thereafter the development shall proceed in accordance with any agreed mitigation measures.

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

C. If unexpected contamination is found after the development is begun, development shall immediately cease upon the part of the site affected. The Local Planning Authority must be informed immediately in writing. A further investigation and risk assessment should be undertaken and where necessary an additional remediation scheme prepared. The findings and report should be submitted to and agreed in writing to the Local Planning Authority prior to works recommencing. Thereafter the works shall be implemented in accordance with any further mitigation measures so agreed.

Note: An appropriate investigation is likely to include the following:

- i) A comprehensive desk study to identify all potential sources of contamination both arising on-site and migrating onto site from relevant adjacent sources.
- ii) A comprehensive ground investigation including sampling, to quantify the extent and nature of contamination.
- iii) An appropriate risk assessment to determine the scale and nature of the risks to human health, groundwater, ecosystems and buildings arising from the contamination. This will normally be presented in the form of a conceptual model.
- iv) A report detailing the remediation options including the final proposals for mitigating any identified risks to the proposed development.

v) All works should be carried out with reference to the most relevant, appropriate and up to date guidance.

Reason

To ensure that adequate measures have been taken to mitigate against contaminated land to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and the National Planning Policy Framework. A pre-commencement condition is needed in order to avoid the need for future remedial action.

16. The reserved matters details referred to in condition 1 shall include full details for a unique site specific integrated public art scheme including but not limited to detailed designs, timescales and triggers. For the avoidance of doubt the submission shall be prepared in line with recommendations in the Council's Art and Design in the Public Realm - Planning Advice Note.

Reason

To protect the character, distinctiveness and visual amenity of the site and the surrounding locality; and to accord with Policy CS23 - Community Infrastructure and Cultural Activity and Policy CS1 - High Quality Design Point 7 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

17. Prior to the commencement of development full details of both hard and soft landscaping works shall be submitted in writing to the Local Planning Authority for approval and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines indicating lines, manhole); retained historic landscape features and proposals for restoration where relevant. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme. Development to proceed in accordance with the approved scheme.

Reason

To protect the character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework. A precommencement condition is needed in order to avoid the need for future remedial action.

18. Application for the approval of the reserved matters shall be in accordance with the indicative parameters described in the design and access statement (Resolved Developments ADAS) dated January 2017 and the design and access addendum (PRA Architects) dated October 2017.

Reason

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

19. Visibility splays of 2.4 x 52m in each direction must be provided prior to first use of the proposed access onto Stowell Hill Road, with no obstruction greater than 0.9m high within the prescribed visibility splays.

Reason

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

20. No development shall take place until construction details of the proposed access have been submitted to and approved by the Council, with the development proceeding in accordance with the approved details.

Reason

In the interests of highway safety, and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework. This is a pre-commencement condition to avoid any remedial action in future.