

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. 14/20

Date to Members: 03/04/2020

Member's Deadline: 09/04/2020 (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 list 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

Schedule Number	Officers Deadline reports to support	Date to Members	Members deadline	Decisions issued from
15/20	12 O'clock Tuesday 7 th April	9am Wednesday 8 th April	5pm Thursday 16 th April	Friday 17 th April
16/20	5pm Wednesday 15 th April	9am Friday 17 th April	5pm Thursday 23 rd April	Friday 24 th April

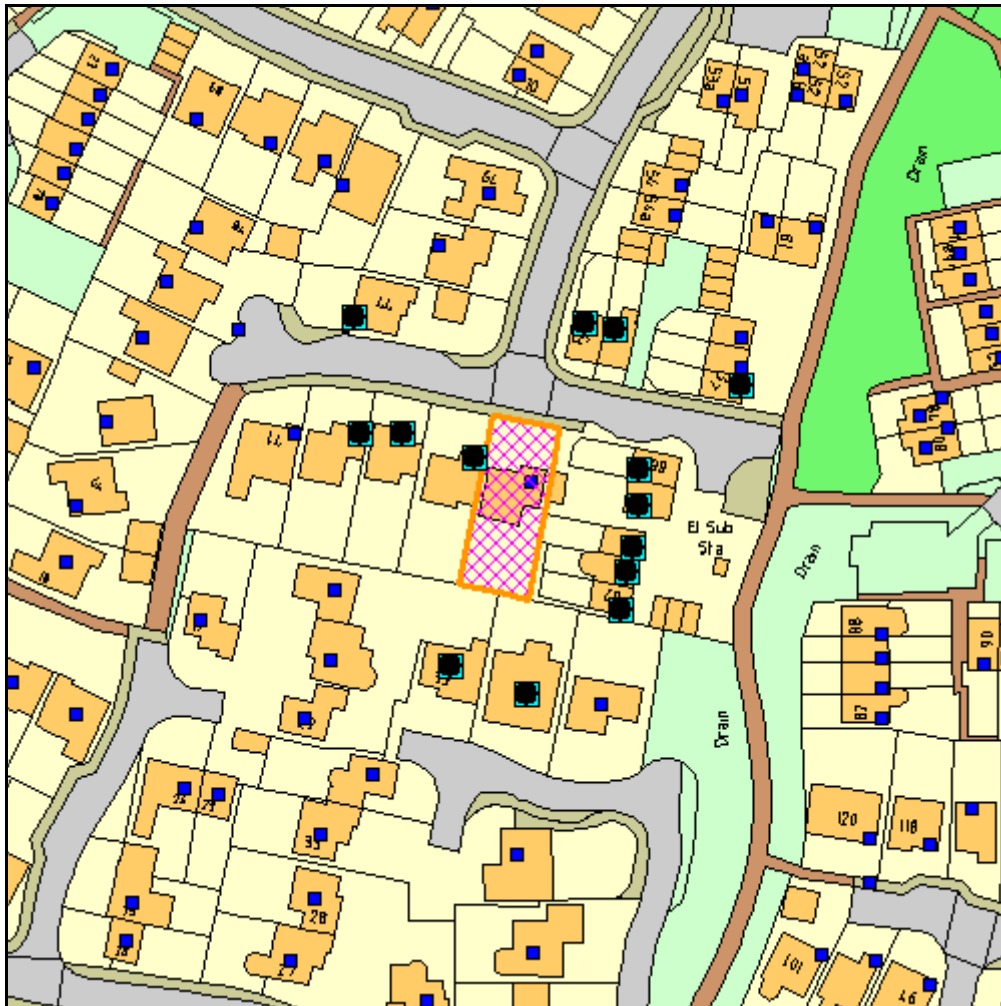
Dates and officer deadlines for Circulated Schedule Easter Bank Holidays 2020

CIRCULATED SCHEDULE - 03 April 2020

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	P19/19019/F	Approve with Conditions	67 Berkeleys Mead Bradley Stoke South Gloucestershire BS32 8AU	Stoke Gifford	Bradley Stoke Town Council
2	P20/00792/F	Approve with Conditions	38 Gayner Road Filton South Gloucestershire BS7 0SW	Filton	Filton Town Council
3	P20/01184/F	Approve with Conditions	2 Bath Road Bitton South Gloucestershire BS30 6HZ	Bitton And Oldland	Bitton Parish Council
4	P20/01250/F	Approve with Conditions	Foxhole Farm Barn Pilning Street Pilning South Gloucestershire BS35 4JJ	Pilning And Severn Beach	Pilning And Severn Beach Parish Council
5	P20/03476/TRE	Split decision See D/N	Meadowcroft 99 Hicks Common Road Winterbourne South Gloucestershire BS36 1LH	Winterbourne	Winterbourne Parish Council

CIRCULATED SCHEDULE NO. 14/20 - 3rd April 2020

App No.:	P19/19019/F	Applicant:	Mr Hanam Saeed
Site:	67 Berkeleys Mead Bradley Stoke Bristol South Gloucestershire BS32 8AU	Date Reg:	20th December 2019
Proposal:	Change of use from dwelling (Class C3) to a 8 no. bedroom HMO (Sui Generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) (Retrospective). Erection of cycle shed.	Parish:	Bradley Stoke Town Council
Map Ref:	363049 180584	Ward:	Stoke Gifford
Application Category:	Minor	Target Date:	14th February 2020



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

REASONS FOR REPORTING TO CIRCULATED SCHEDULE

This application is to appear on Circulated Schedule due to the receipt of an objection from the Town Council and objections from three local residents which are contrary to the officer's recommendation.

1. THE PROPOSAL

- 1.1 This application seeks retrospective planning permission for the change of use of the property from a dwelling to a 8 no. bedroom house of multiple occupation (HMO) at 67 Berkeleys Mead, Bradley Stoke. The application also consists of the erection of a cycle shed in the rear garden.
- 1.2 The application relates to a two storey detached dwelling situated in a cul de sac in the established residential area of Bradley Stoke, found within the north fringe of the Bristol urban area.
- 1.3 The proposal consists of internal alterations from a four bedroom dwelling to now accommodate 8 bedrooms along with a communal area and shared kitchen. The proposal does not include any external change to the property, apart from the erection of a cycle store in the rear garden.
- 1.4 Over the course of the application, due to comments received from the Council's Highways officer amended parking plans were submitted by the agent. Due to this a full period of re-consultation of 21 days was carried out. Also, an amended plan of the cycle store was requested due to an incorrect scale being shown.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework February 2019

- 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
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS25	Communities of the North Fringe of Bristol Urban Area

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

PSP1	Local Distinctiveness
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PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP38	Development with Existing Residential Curtilages, Including Extensions and New Dwellings
PSP39	Residential Conversions, Sub-Divisions and Houses in Multiple Occupation
PSP43	Private Amenity Space Standards

3. **RELEVANT PLANNING HISTORY**

- 3.1 PT15/0327/F - Erection of two storey side extension to form additional living accommodation – Approved with conditions – 12th March 2015
- 3.2 PT17/3660/NMA - Non material amendment to PT15/0327/F to change the garage door to a window on the front elevation – Approved 5th September 2017

4. **CONSULTATION RESPONSES**

4.1 Bradley Stoke Town Council

During the first round of consultations:

Objection due to:

- overdevelopment and over intensity of the site,
- insufficient amenity space provision,
- insufficient parking provision, and;
- out of keeping with the area.

No further comments received during the second round of consultations.

4.2 Other Consultees

Sustainable Transport

During the first round of consultations:

“In looking at this proposal I am mindful that the parking provision for HiMO usually relates to 50% of the number of bedrooms (which is the same ratio as for 4 bedroom dwellings and above).

In this instance we would require a minimum of 4 off-street car parking spaces, whilst the plans indicate 3 (which would not be acceptable) it is noted that the frontage of the site has been block paved and contrary to the site plan that shows 3 spaces 4 spaces can easily be achieved.

However, although the frontage has been block paved to provide off-street car parking 3 of the 4 car parking spaces are currently not accessible due to the full height kerb fronting the property.

In the event of an approval therefore I would require the following condition.

Within 1 month of any approval the footway fronting the property is required to be changed to a vehicle cross over with dropped kerbs. Details to be submitted

for approval, with the works completed in line with the approved details within 3 months of said approval.

Reason to comply with the requirements of policy PSP16 .

An informative should be applied to any permission advising the applicant to contact the Council's StreetCare Team in relation to getting the relevant license/permission/specification to enable the works to be completed."

No further comments received during the second round of consultations.

Other Representations

4.3 Local Residents

Three objection comments were received during the first round of consultations, they are summarised as follows:

- inadequate parking provisions
- plans not specific showing location of the cycle storage
- HMO is incongruous to local area which is mainly family orientated
- over intensive use of the site
- would lead to anti-social behaviour and increased noise and disturbance.
- is there appropriate provisions or amenities for disabled occupants
- would approval set a precedent for the area

No further comments received during the second round of consultations

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Conversions of residential properties to a house of multiple occupancy (HMO) consisting of 6 bedrooms and under do not require formal planning permission. This application seeks to add an additional 2 bedrooms than that permitted, therefore formal planning permission is required. It is therefore reasonable to assess the impact of these additional rooms being added. Due to this the principle of development is primarily being assessed under PSP 39 Residential Conversions, Sub-divisions and Houses in Multiple Occupation where development proposals will be acceptable providing they would not impact on the character and amenities of their location, not prejudice the amenity of neighbours, provide adequate amenity space, provide refuse storage and servicing, and; provide parking in accordance with the councils parking standards. There are no objections in principle to the development subject to the considerations below.

5.2 Residential amenity

There are no proposed changes to the existing residential private amenity space at the property, with only the introduction of both cycle and waste storage areas within the rear garden. For a residential property with 4+ bedrooms policy PSP 43 states that 70m² of amenity space should be provided. The submitted plans show approximately 126m² amenity space to the rear is

provided at the property, when taking into consideration the size of the cycle store and bin storage area. As such, the private amenity space provision is considered sufficient in this instance. It is also considered the proposal would not have any further impacts to neighbouring residential amenity as there are no proposed changes to the property externally, bar the addition of a cycle store to the rear garden.

5.3 Concerns were raised over both over intensity and over development of the site. However, due to no further external changes to the property, the so called 'over development' has been previously assessed in the permission for the extensions to the property. With regards to over intensity, the bedroom spaces meet the requirements set both locally and nationally, and the Council's Private Sector Housing team have granted the relevant licences for the property. Therefore, the proposed development is not considered to be detrimental to residential amenity; and is deemed to comply with policies PSP 39 and PSP 43.

5.4 Transport and waste

The parking requirements for an 8 bed HMO is 4 spaces along with providing adequate secure cycle storage at the property for 8 cycles. Due to comments received from the Council's Transport officer, where submitted plans originally showed 3 spaces to the front of the property, further plans were submitted to show that the required 4 spaces can be accommodated to the front of the property, which is already block paved. Concerns were raised over the amount of parking at the property, however, the amount of parking proposed meets the policy requirements. Plans were also submitted showing an adequate cycle store to the rear garden, which has easy access from the front via a side access. Whilst a dropped kerb is required to access the proposed spaces, as the property is not on a classified road, the creation of an access does not require a further formal permission as this can be achieved under Schedule 2 Part 2 Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015.

5.5 HMO properties should also ensure that adequate waste storage and recycling provision is provided to ensure the needs of all present and future occupiers. Proposed plans show that along with the cycle parking, an area for refuse storage will be provided in the rear garden of the property, with a side access to the rear garden. Therefore it is considered that waste storage and recycling provision is sufficient, and is positioned outside the public realm, it would not be appropriate to require additional facilities to be provided. Subject to a condition retaining the cycle store and parking to the front the proposal complies with policy PSP 16 and PSP 39.

5.6 Location of development and other considerations

The proposal is located in a defined urban area of mixed housing stock. Objections were received that a HMO is not suitable for the area, however Bradley Stoke is an established urban area with varying needs for accommodation that suits the needs of people living there. Concerns were also raised about setting a precedent for the area, however this application is

assessed on its own merits. As highlighted previously, planning permission is not required for properties of up to 6 bedrooms operating as a HMO. Whilst it appears on the Council systems that there are no other formal HMO planning permissions currently within the area, during correspondence with the Council's Private Sector Housing team, officers have stated there is a small pool of HMO properties within Bradley Stoke that may fall out of the scope of requiring planning permission. Thus it is considered that this proposal would not have a negative impact on the amenity of the locality.

- 5.7 As part of the impact on the amenity of the locality and street character, it is also appropriate to consider the loss of the front garden due to the installation of additional parking to meet the parking requirements. The front garden was historically a single driveway and lawn, whereas it is now entirely block paved, including showing the capabilities of three spaces on the submitted existing plans. Whilst the paving could have been carried out under Schedule 2 Part 1 Class F of the Town and Country Planning (General Permitted Development) (England) Order 2015 prior to the change of use subject to this application, the paving of front lawns has also been carried out at other properties in the locality. Therefore, it is not considered the loss of the front garden in this instance, if carried out as part of the change of use, carries a negative impact on the amenity of the locality or street character.
- 5.8 Concerns were also raised surrounding potential anti-social behaviour and noise disturbances. As this is a retrospective application the enforcement team have not received reports surrounding either of these issues. Whilst this is a consideration when taking into account impacts of HMO proposals there is no evidence to suggest this is the case in this instance. Therefore, it is considered that the proposal complies with policies PSP 8 and PSP 39.

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

7. RECOMMENDATION

- 7.1 That planning permission is **granted** subject to the conditions outlined below.

CONDITIONS

1. The parking provisions, as shown on plan "Proposed plans drawing number 1730-03 revision A" received by the Council on 4th February 2020, shall be implemented within three months of the date of decision and retained solely for that purpose thereafter.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and to accord with Policies PSP 16 and PSP 39 of the South Gloucestershire Local Plan Policies, Sites and Places Plan (Adopted) November 2017

2. The cycle store as shown on plan "Proposed Cycle Shed drawing number 1730-04 revision A" received by the Council on 12th March 2020 shall be erected within three months of the date of decision and retained solely for that purpose thereafter.

Reason

To ensure the satisfactory provision of cycle storage facilities to promote sustainable transport and to accord with Policies PSP 16 and PSP 39 of the South Gloucestershire Local Plan Policies, Sites and Places Plan (Adopted) November 2017.

Contact Officer: Aaron Bush
Tel. No. 01454 863117

CONDITIONS

1. The parking provisions, as shown on plan "Proposed plans drawing number 1730-03 revision A" received by the Council on 4th February 2020, shall be implemented within three months of the date of decision and retained solely for that purpose thereafter.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and to accord with Policies PSP 16 and PSP 39 of the South Gloucestershire Local Plan Policies, Sites and Places Plan (Adopted) November 2017

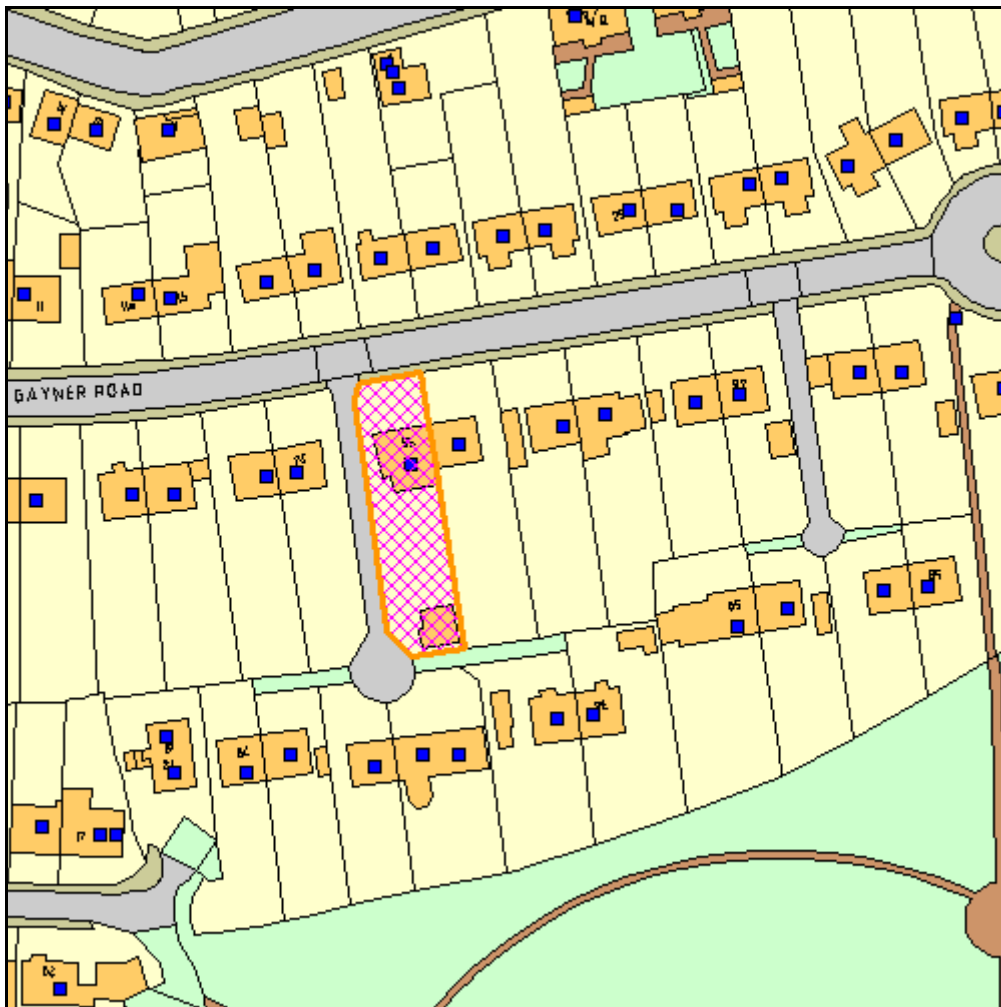
2. The cycle store as shown on plan "Proposed Cycle Shed drawing number 1730-04 revision A" received by the Council on 12th March 2020 shall be erected within three months of the date of decision and retained solely for that purpose thereafter.

Reason

To ensure the satisfactory provision of cycle storage facilities to promote sustainable transport and to accord with Policies PSP 16 and PSP 39 of the South Gloucestershire Local Plan Policies, Sites and Places Plan (Adopted) November 2017.

CIRCULATED SCHEDULE NO. 14/20 - 3rd April 2020

App No.:	P20/00792/F	Applicant:	Mr Mohammad Hajizade
Site:	38 Gayner Road Filton Bristol South Gloucestershire BS7 0SW	Date Reg:	16th January 2020
Proposal:	Erection of two storey side and single storey rear extensions to provide additional living accommodation.	Parish:	Filton Town Council
Map Ref:	360134 178482	Ward:	Filton
Application Category:	Householder	Target Date:	11th March 2020



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 100023410, 2008. **N.T.S.** **P20/00792/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 APPEARING ON CIRCULATED SCHEDULE

This application appears on the Council's Circulated Schedule procedure following 11 public comments against the proposal and an objection from the Parish Council to the contrary of the officer recommendation detailed below.

1. THE PROPOSAL

- 1.1 Planning permission is sought for the erection of a two storey side and rear and single storey rear extension to form additional living accommodation at 38 Gayner Road, Filton.
- 1.2 The application site comprises a two-storey semi-detached property within the settlement boundary. The property is set within a moderately sized plot and benefits from off-street parking and ample private amenity space.
- 1.3 Amended plans have been received during the course of determination, altering the design of the proposal which is discussed in further detail below.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development

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

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

- 2.3 Supplementary Planning Guidance

Design Checklist SPD (Adopted) 2007
Residential Parking Standards SPD (Adopted) 2013

3. RELEVANT PLANNING HISTORY

- 3.1 Ref. P19/16065/PNH. Proposal: The erection of a single storey rear extension which would extend beyond the rear wall of the original house by 6.0 metres, for which the maximum height would be 4.0 metres, and for which the height of the eaves would be 3.0 metres. Refused on 28/11/2019.

4. CONSULTATION RESPONSES

- 4.1 Filton Town Council – Object to the application due to over intensive plans and inadequate parking.
- 4.2 Sustainable Transport – No objection subject to conditions.
- 4.3 Highway Structures – No objection subject to conditions.

Other Representations

- 4.4 Local Residents – 11 objection comments have been received from the neighbours, 3 of which came after re-consultation due to amended plans. Key points have been summarised below:
- Scaffolding blocking the access road. [Officer Comment] Addressed below;
 - Car and pedestrian safety on access road [Officer Comment] Addressed below;
 - Door opening onto access road [Officer Comment] A door would not be opening onto the access road;
 - Problems with parking provision [Officer Comment] Addressed below;
 - Impact upon any future extension to No.40. [Officer Comment] This does not form a planning consideration; and
 - Strange the house would have two front doors. [Officer Comment] Addressed below.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy PSP38 of the Policies, Sites and Places Plan permits extensions and alterations to existing dwellings within established residential curtilages subject to an assessment of design, amenity and transport. The development is acceptable in principle but will be determined against the analysis set out below.

5.2 Design and Visual Amenity

Policy CS1 of the Core Strategy and policy PSP38 of the Policies, Sites, and Places Plan seek to ensure that development proposals are of the highest possible standards of design. This means that developments should be informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context.

- Two Storey Side Extension*
- 5.3 The proposed two storey side extension measures 3.7m in width, which has been reduced from the original proposal so to acknowledge comments received from the councils transport officer. The extension would incorporate a .9m setback at first floor level and a drop of ridge height of .4m. Eaves height would match the existing. The roof has also been changed from the original submission, now forming a hipped instead of a pitched, so to match the existing style and neighbouring counterpart. As such, the proposal would appear as a subservient addition when viewed in relation to the host dwelling. The windows and door on the front elevation are similar in appearance to those already existing on the property. Whilst having two front doors is unusual, it is not unreasonable. When the proposal is compared to other extensions seen within the vicinity of the site, it would not appear out of character or context.
- Single Storey Rear Extension*
- 5.4 A single storey rear extension has also been proposed which would span the entire width of the property. It would feature 4 skylights and 2 sets of bi-fold doors on its rear elevation. The property would be finished in white render and roof tiles to match those existing on the property. Due to the sitting, size, scale and design, the proposed rear extension would appear as a subservient addition and would not result in unreasonable harm to the character or appearance of the host dwelling and its context.
- 5.5 Whilst the application seeks a considerable amount of development to the property, the extensions have been designed in such a manner that respect is provided to the character, distinctiveness and amenity of both the site and its context. The proposed development would therefore comply with CS1 and PSP38.
- 5.6 Residential Amenity
Policy PSP38 of the Policies, Sites and Places Plan 2017 explains that development will be permitted provided that it would not detrimentally impact the residential amenities of nearby occupiers and would not prejudice the retention of adequate private amenity space. Policy PSP8 specifically relates to impacts on residential amenity, and outlines that unacceptable impacts could result from (but are not restricted to); loss of privacy and overlooking; overbearing and dominant impact; loss of light; noise or disturbance; and odours, fumes or vibration.
- 5.7 Given the scale and location of the proposed extension, including the degree of separation between the neighbouring properties, the proposed development would not result in unacceptable impacts as described above. Whilst a window has been proposed on the first floor side elevation, this can be conditioned to be obscure glazed so to protect the neighbouring property against concerns of overlooking or loss of privacy. A sufficient area in excess of 70m² of private amenity space would remain at the application site. The development would therefore comply with PSP8, PSP38 and PSP43.
- 5.8 Access and Parking
The revised drawings have addressed previous transport concerns by removing the side door entrance and setting the proposed new extension side wall

350mm from the highway boundary which is at least 500mm from the side lane tarmac surface.

- 5.9 Three parking spaces have now been provided to the front of the property which meet the council's minimum residential standards for a 4 bed dwelling.
- 5.10 Concerns have been raised by neighbouring residents with regard to the construction phase of the proposed development and that the access road to the side of the property could be blocked - therefore preventing/ inhibiting resident's access to their homes. As such, measures to ensure that the access lane to the side of the site is maintained clear of obstruction at all times and safe for use by pedestrians, cyclists and vehicles shall be taken. This would form part of a site specific Construction Environmental Management Plan, to be agreed in writing with the LPA prior to commencement of work – the applicant has agreed to this measure.
- 5.11 Consideration of likely impact on Equalities
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.
- 5.12 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 permission** has been taken having regard to the policies and proposals in the development plan set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 That the application be **APPROVED** subject to conditions.

Contact Officer: **Thomas Smith**
Tel. No. **01454 865785**

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 materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Reason

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

3. Prior to the use or occupation of the extension hereby permitted, and at all times thereafter, the proposed first floor window on the side elevation shall be glazed with obscure glass to level 3 standard or above with any opening part of the window being above 1.7m above the floor of the room in which it is installed.

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy PSP38 and PSP8 of the South Gloucestershire Policies, Sites and Places Plan 2017; and the National Planning Policy Framework.

4. The development shall not be occupied until the access and parking spaces have been provided in accordance with the submitted details.

Reason: In the interest of highway safety and to accord with PSP Policies PSP11 and 16.

5. The ground floor side window shall be designed and set so as not to open over the public highway.

Reason: In the interest of highway safety and to accord with PSP Policy PSP11.

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

The CEMP shall address the following matters:

(i) Measures to ensure that the access lane to the side of the site is maintained clear of obstruction

at all time and safe for use by pedestrians, cyclists and vehicles.

(ii) Adequate provision for the delivery and storage of materials.

(iii) Use of a banksman for all construction and delivery vehicle reversing movements.

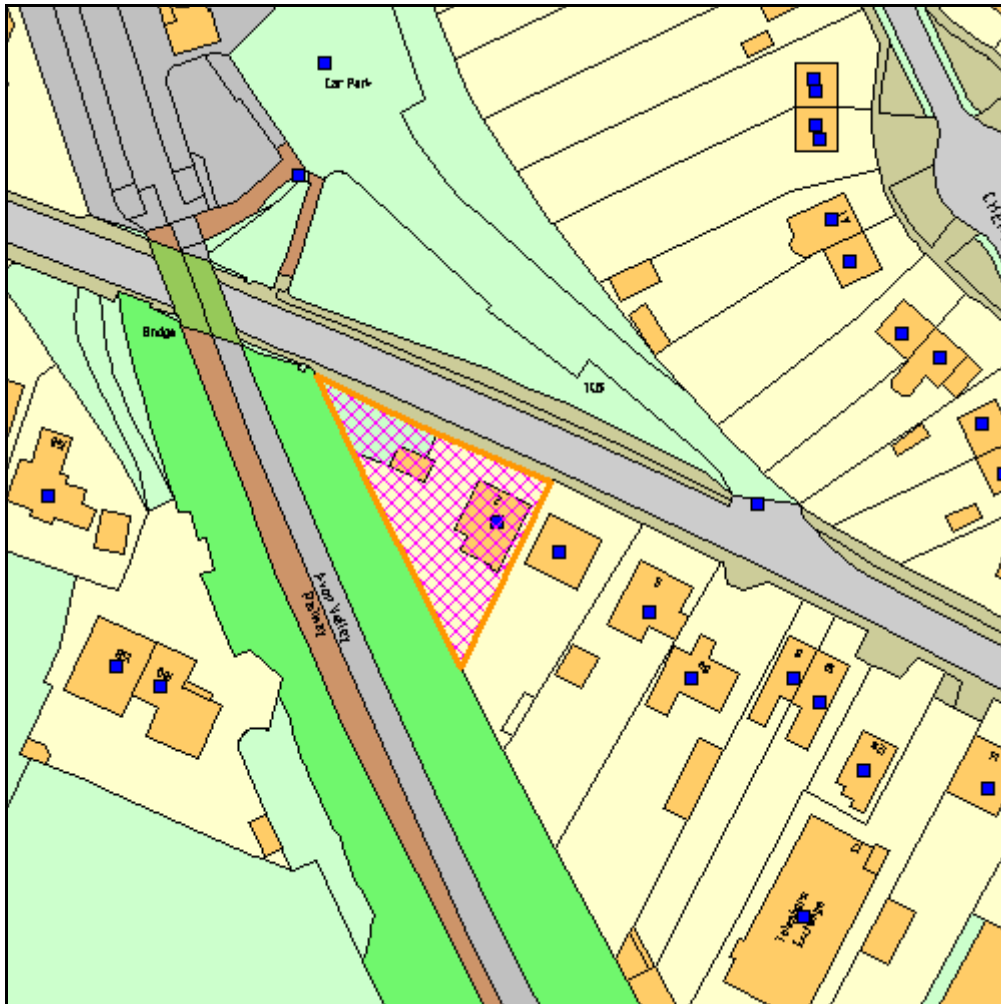
Reason: To prevent remedial action and in the interests highway safety and to accord with Policies PSP11 of the adopted South Gloucestershire Policies, Sites and Places DPD.

7. Details of excavations and the temporary support that is to be provided during construction are to be submitted to satisfy the highway authority that support to the highway is provided at all times and shall be agreed in writing with the Local Planning Authority prior to commencement of development.

Reason: To prevent remedial action and in the interests highway safety and to accord with Policies PSP11 of the adopted South Gloucestershire Policies, Sites and Places DPD.

CIRCULATED SCHEDULE NO. 14/20 - 3rd April 2020

App No.:	P20/01184/F	Applicant:	Mr Edward Morgan
Site:	2 Bath Road Bitton Bristol South Gloucestershire BS30 6HZ	Date Reg:	22nd January 2020
Proposal:	Demolition of existing garage and erection of a detached building to form 3no apartments, with garage, access and associated works. (re-submission of P19/7848/F).	Parish:	Bitton Parish Council
Map Ref:	367040 170218	Ward:	Bitton And Oldland Common
Application Category:	Minor	Target Date:	13th March 2020



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

REASON FOR REFERRING TO CIRCULATED SCHEDULE

This application is referred to the circulated schedule due to concerns received from the Parish Council which are contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of a two storey building to provide 3no self-contained flats at 2 Bath Road, Bitton.
- 1.2 The site is located in the defined East Fringe of the Bristol Urban Area. The application site relates to land within the residential curtilage of 2 Bath Road; the existing property is a traditional, two-storey stone built dwelling.
- 1.3 The application is a re-submission of a previously refused application, reference P19/7848/F. The previous application was refused on highway safety grounds.

Refusal Reason

The proposed development fails to provide adequate car parking, appropriate turning facilities and safe vehicular site access by virtue of lack of space and appropriate visibility splays. As a result, vehicles using the proposed access would be in danger and the proposal would therefore result in a harmful impact on highway safety and is contrary to Policy CS1 and CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP11 and PSP16 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the provisions of the 2019 National Planning Policy Framework.

- 1.4 During the course of the application the number of flats within the proposed building were reduced and the proposed parking arrangements amended in an attempt to overcome Officer concerns.

2. POLICY CONTEXT

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013
CS1 High Quality Design
CS4a Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage

CS15 Distribution of Housing
CS16 Housing Density
CS17 Housing Diversity
CS29 Communities in the East Fringe of Bristol Urban Area

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

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

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

3. RELEVANT PLANNING HISTORY

- 3.1 P19/7848/F
Erection of building to form 4no. flats and erection of 1no. detached garage with parking, access and associated works.
Refused: 19/11/2019

4. CONSULTATION RESPONSES

- 4.1 Bitton Parish Council
Objection- intensification of the site. Railway embankment will dominate views from the south of the property. Insufficient space to allow vehicles to enter and exit the site in forward gear.
- 4.2 Sustainable Transport
No objection, subject to suggested conditions.
- 4.3 Lead Local Flood Authority
No objection subject to soakaways located a minimum of 5m from the public highway.
- 4.4 Housing Enabling
No comments received.
- 4.5 Oldland Parish Council
No comments received.
- 4.6 Highway Structures
There are structures 67060 Willsbridge Railway Bridge on Road that has structural weight restriction. Any vehicle accessing the site via these structures must be plated at less than the weight restriction. There are no

exemptions to the restrictions. Please contact Highway Structures team for further details.

Structure 67060 is close to the application site. No excavation within 5 metres of the existing structure is to be undertaken without providing details of the proposed excavation to the Highway Structures team at least 10 working days prior to the excavation.

The embankment supporting the Avon Valley Railway is not to be altered under any circumstances.

- 4.7 Archaeology
No comments.

Other Representations

- 4.8 Local Residents
No comments received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy CS5 of the South Gloucestershire Core Strategy outlines the locations at which development is considered to be appropriate; new development is directed towards the existing urban areas and defined rural settlements. As such, based solely on the location of the site, the principle of development is acceptable.

In principle the development is acceptable under the provisions of policy CS5, and it is acknowledged that the provision of 3no flats towards housing supply would have a modest socio-economic benefit. However, the impacts of the development proposal must be further assessed against relevant policy in order to identify any potential harm.

5.2 Design and Visual Amenity

The design of the building is unchanged from the previously submitted application; the proposed building would replicate the size, scale and appearance of the adjacent property and as a result it is considered that the proposal would respect the character and appearance of the immediate built form and surrounding area. Given the proposal is attempting to replicate the traditional appearance of the neighbouring properties, the use of appropriate materials is considered important in order to successfully achieve high quality design and to protect the visual amenity of the area. Therefore, subject to a condition for the approval of the proposed materials, no objection is raised in terms of design.

5.3 Residential Amenity

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

- 5.4 The impact of the proposal on the residential amenity currently enjoyed by the occupiers of neighbouring properties has been considered. Given the separation distance from the neighbouring 2 Bath Road the residential amenity of the neighbouring occupiers is not considered to be adversely impacted.
- 5.5 Policy PSP43 states that every new home should have access to suitable private and/or communal amenity space through, for example, one or more of the following: private gardens, communal gardens, courtyards, patios, balconies and roof terraces. Flat 3 would benefit from a Juliet balcony and the all flats within the building would have access to a shared communal garden to the rear of the property, approximately 50 square metres in size. It is acknowledged that the occupants would not have individual amenity space, however the communal garden is generous in size and it is therefore considered that a sufficient level of amenity can be provided. The internal living space is also considered to be acceptable.
- 5.6 Concern was raised by the Parish Council in regards to the outlook onto the railway embankment from the rear of the proposed building. Given the context of the site, the impact to the outlook for future occupiers is not considered by the Officer to be so severely detrimental as to warrant refusal. Furthermore, the embankment is awash with mature trees and vegetation which is considered to somewhat mitigate any unpleasant views.
- 5.7 Sustainable Transport and Parking Provision
As mentioned above, the previous application was refused due to the highway safety implications of the parking layout. In order to overcome the issues of the previous proposal, the number of flats was reduced from 4 to 3 which allowed for a reduced number of parking spaces within the plot. The proposed parking layout includes the provision of 1 car parking space per flat with sufficient parking also provided for the existing property to comply with policy PSP43. The removal of 1 parking space has allowed sufficient room for manoeuvring and turning to ensure that vehicles can enter and exit the site safely in forward gear. As such, subject to a condition, the proposal is considered to have sufficiently overcome the concerns of the previous application and therefore no objections are raised in terms of transportation.
- 5.8 Equalities
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

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

6. CONCLUSION

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

7. RECOMMENDATION

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

Contact Officer: James Reynolds
Tel. No. 01454 864712

CONDITIONS

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

Reason

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

2. Prior to the commencement of development details of the roofing and external facing materials 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

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

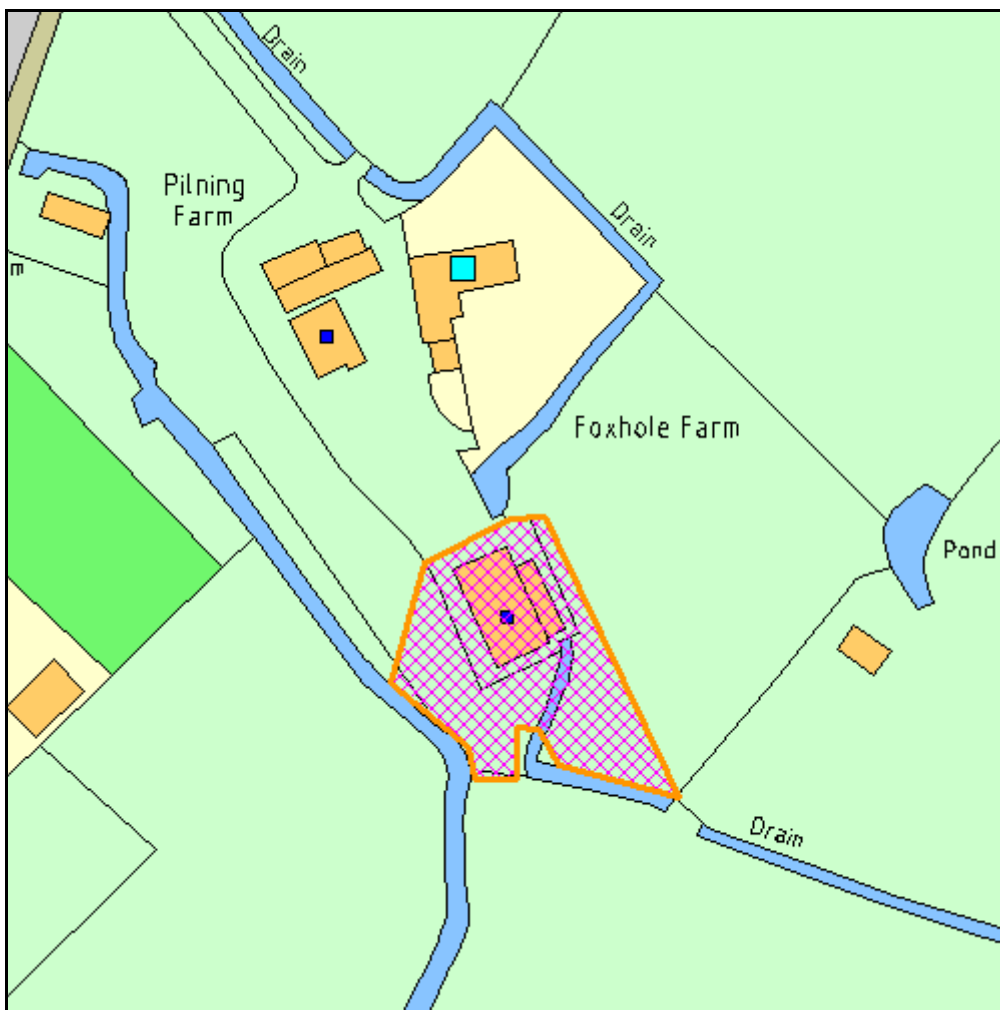
3. Prior to the occupation of any of the flats hereby approved, the proposed car and cycle parking as well as the off street turning area shall be provided in line with the approved block plan (drawing number: BAT1320) and subsequently all to be maintained satisfactorily thereafter.

Reason

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

CIRCULATED SCHEDULE NO. 14/20 - 3rd April 2020

App No.:	P20/01250/F	Applicant:	Mr And Mrs Griffiths
Site:	Foxhole Farm Barn Pilning Street Pilning Bristol South Gloucestershire BS35 4JJ	Date Reg:	23rd January 2020
Proposal:	Conversion and extension of existing barn to form 1no. dwelling with associated works (resubmission of P19/5300/F)	Parish:	Pilning And Severn Beach Parish Council
Map Ref:	356980 184791	Ward:	Pilning And Severn Beach
Application Category:	Minor	Target Date:	18th March 2020



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

REASONS FOR REPORTING TO CIRCULATED SCHEDULE

A representation has been made by the parish council, which is contrary to the findings of this report. Under the current scheme of delegation it is therefore required to be taken forward under the Circulated Schedule procedure.

1. THE PROPOSAL

- 1.1 Planning permission is sought for the conversion and extension of an existing barn to form 1no. dwelling with associated works. The application relates to Foxhole Farm Barn, Pilning Street, Pilning. The application is a resubmission of previously refused application P19/5300/F.
- 1.2 The application site comprises an existing barn situated to the rear of the main farmhouse at Foxhole Farm, Pilning. The main farmhouse is Grade II listed. In terms of location, the site is situated outside of any defined settlement and within the Bristol and Bath Green Belt. The site is also located within EA Floodzone 3.
- 1.3 Prior approval was granted for the conversion of the barn to a residential unit in September 2018.
- 1.4 A revised site location plan, which sought to alter the application site boundary in order to include access from the highway, was accepted by the Local Planning Authority on 4th March 2020. The changes to the application site boundary triggered an additional round of consultation, which ran from 5th March 2020 – 26th March 2020.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework Feb 2019
National Planning Policy Guidance (2014)

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

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

PSP1	Local Distinctiveness
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PSP2	Landscape
PSP3	Trees and Woodland
PSP7	Development in the Green Belt
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water and Watercourse Management
PSP21	Environmental Pollution and Impacts
PSP40	Residential Development in the Countryside

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

3. **RELEVANT PLANNING HISTORY**

3.1 **P19/5300/F**

Conversion and extension of existing barn to form 1no. dwelling with associated works (Class C3).

Refused: 22.10.2019

Refusal Reason 1: The site is located outside of an established settlement boundary, in an unsustainable location, and as such would be contrary to policies CS5, CS8 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013; policies PSP11 and PSP40 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the provisions of the 2019 National Planning Policy Framework.

Refusal Reason 2: The proposed development would not achieve a high standard of design, detailing, materials or construction. The works are unsympathetic to the character and appearance of the original barn and will result in a loss of rural character. Moreover, the works would not protect the setting of Foxhole Farm (grade II listed). The 'less than substantial' harm identified would not be outweighed by the conversion and residential use of the property because an approved alternative design solution has been shown to exist. Accordingly the development is contrary to Policies CS1, CS9 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; policies PSP1, PSP17 and PSP40 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the provisions of the 2019 National Planning Policy Framework.

3.2 PT18/3403/PNGR

Prior notification of a change of use from Agricultural Building to 1no. residential dwelling (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) to include operational development.

Approved: 18.09.2018

3.3 PT17/4933/F

Creation of new vehicular access and dedicated driveway.

Approved: 02.02.2018

3.4 PT15/0337/F

Erection of single storey building to form temporary office accommodation for a period of five years.

Approved: 29.05.2015

3.5 PT04/3699/PNA

Erection of agricultural building.

Approved: 10.12.2004

4. CONSULTATION RESPONSES (FIRST ROUND OF CONSULTATION)

4.1 Pilning and Severn Beach Parish Council

Objection as proposed conversion is not subservient to listed farmhouse. Conversion of existing building to residential unit would be acceptable if it were subservient.

4.2 Other Consultees

Archaeology Officer

No comment

Conservation Officer

Prior notification already approved and therefore principle of conversion established. This would cause an element of harm, and harm compounded by decision to grant consent for separate access. However given that principle of conversion is established, scope for comment is limited. Harm In terms of revised proposals, concerns expressed as part of previously refused application largely addressed. Some clarity regarding access required, as to avoid creating additional separate access in countryside.

Ecology Officer

Would reiterate comments made and conditions recommended for previous application P19/5300/F. In addition to these comments would recommend that bat box be installed on building.

Environment Agency

No objection subject to condition requiring works to be carried out in accordance with submitted Flood Risk Assessment (FRA).

Environmental Protection

No objection. Recommend contamination informative.

Highway Structures

No comment

Landscape Officer

No comment

Lead Local Flood Authority

No objection subject to works being carried out in accordance with submitted FRA.

Sustainable Transport

Object due to unsustainable location of proposed residential unit.

Other Representations

4.3 Local Residents

No comments received

5. CONSULTATION RESPONSES (SECOND ROUND OF CONSULTATION)

5.1 Pilning and Severn Beach Parish Council

Object as development not suitable in Green Belt. Conservation Officer is not happy, and site also not sustainable location.

5.2 Other Consultees

Archaeology Officer

No comment

Conservation Officer

Revised plans show existing access being used, and therefore final objection falls away. Therefore no objection subject to conditions requiring approval of details and removal of permitted development rights.

Ecology Officer

Comments as per previous

Environment Agency

No comment

Environmental Protection

No comment

Highway Structures

No comment

Landscape Officer

No comment

Lead Local Flood Authority

No further comment

Sustainable Transport

No further comment

Other Representations

5.3 Local Residents

No comments received

6. ANALYSIS OF PROPOSAL

6.1 The application seeks permission for the conversion of an existing barn to a residential unit. The application site is located outside of any defined settlement and therefore within the open countryside. The site is also located within the Bristol and Bath Green Belt, and EA Flood Zone 3.

6.2 Principle of Development – Conversion

Policy CS5 of the Core Strategy sets out the Council's locational strategy for development in the district. CS5 directs development to urban areas and defined settlement boundaries. The application site is located outside of any settlement boundary, as defined on the Proposals Map. Under policy CS5, any land outside of urban areas or defined settlement boundaries can be considered as open countryside. CS5 states that development in the open countryside will be strictly limited.

6.3 However policy PSP40 of the Policies, Sites and Places Plan does allow for certain types of residential development in the countryside. The policy outlines that the conversion and re-use of existing buildings for residential purposes will be acceptable where:

- i. the building is of permanent and substantial construction; and
- ii. it would not adversely affect the operation of a the rural business(es) or working farm(s); and
- iii. any extension as part of the conversion or subsequently is not disproportionate to the original building; and

- iv. if the building is redundant or disused; the proposal would also need to lead to an enhancement of its immediate setting.
- 6.4 PSP40 also sets out that in all of the above circumstances, development proposals including any alterations, extensions or creation of a residential unit will be acceptable where they do not have a harmful effect on the character of the countryside, or the amenities of the surrounding area.
- 6.5 On the basis that prior approval has previously been granted for the conversion of the building, and the structural soundness was not raised as an issue as part of the latest application, the building is considered to be of a permanent and substantial construction. This was confirmed during a site visit. The proposal would also not affect the operation of a rural business or working farm, and the minor extension to the building proposed is considered to be proportionately sized. As such, clauses (i), (ii) and (iii) of PSP40 are satisfied. In terms of the impact of the development on setting and the character of the countryside, this assessment will be made in a later section of this report.
- 6.6 Principle of Development – Green Belt
Policy CS5 and CS34 of the Core Strategy and policy PSP7 of the Policies, Sites and Places Plan support the protection of the Green Belt from inappropriate development. The NPPF also attaches great importance to the Green Belt – with the fundamental aim of preventing urban sprawl and keeping the land open in nature. In order to achieve this, there is a general presumption against inappropriate development in the Green Belt. However certain categories of development are not considered to be inappropriate. These exception categories are set out in paragraphs 145 and 146 of the NPPF.
- 6.7 Paragraph 146 of the NPPF sets out certain forms of development in the Green Belt that are not inappropriate, provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. One such form of development is the re-use of buildings provided that the buildings are of a permanent and substantial construction. As discussed previously, the subject building is considered to be of a permanent and substantial construction, and the conversion is therefore an appropriate form of development in the Green Belt.
- 6.8 It is however noted that the proposal also involves the extension of the existing building. As per paragraph 145 of the NPPF, extensions to existing buildings are an appropriate form of development, provided that they do not result in a disproportionate addition over and above the original size of the building. The applicant has outlined that as a result of the works, the overall volume of the building would increase by 6.9%. Given the modest increase in scale, it is considered that the proposed extension would be proportionate. As such, the proposal as a whole is considered to be an appropriate form of development in the Green Belt.
- 6.9 Principle of Development – Flood Risk
The application site is situated within EA Flood Zone 3. Residential units are proposed, which the National Planning Practice Guidance (NPPG) identifies as ‘more vulnerable’ to flooding than many other use classes. As identified in the

NPPF, inappropriate development at risk of flooding should be avoided. As such, residential development should only be allowed where the Sequential Test and Exception Tests are passed. In passing these tests it must be demonstrated that the development could not be accommodated at a sequentially preferable site, that the wider sustainability benefits to the community would outweigh the flood risk, and that the development would be safe for its lifetime.

- 6.10 However in this case, the application primarily relates to the conversion of an existing building. Changes of use are not subject to the Sequential Test and Exception Test in the same way as new build developments. Whilst it is noted that the proposal includes an extension, this is of a minor scale, and the development does not rely on this extension to make the conversion viable.
- 6.11 Nevertheless, the proposed use will involve a greater number of people using the building than the existing situation, and therefore there is an increase in the number of people at risk in the event of a flood. This is supported by the change in 'vulnerability' category set out in the NPPG. The Framework requires that when determining applications, in the light of a site specific flood risk assessment, amongst other things, it is necessary to demonstrate a safe access and escape route is included in the proposals and where appropriate, as part of an agreed emergency plan.
- 6.12 The NPPG indicates that when considering safety, specific local circumstances need to be taken into account. This includes the characteristics of a possible flood event e.g. the type and source of flooding and frequency, depth, velocity and speed of onset.
- 6.13 A flood risk assessment (FRA) has been submitted in support of the application. The document details the proposed surface water and foul water drainage strategies for the site. The FRA has been reviewed by both the Environment Agency and the Lead Local Flood Authority, and has been found to be acceptable.
- 6.14 As such, subject to a condition requiring the proposed development to be carried out as per the FRA and the detailed mitigation measures implemented, the development is considered to be acceptable in terms of flood risk. It should also be noted that the same assessment was made for the previous application, and no fundamental issues were raised in respect of flood risk.
- 6.15 Design, Visual Amenity and Heritage Impact
Policy CS1 of the Core Strategy seeks to ensure that development proposals are of the highest possible standards and design. This means that developments should have appropriate: siting, form, scale, height, massing, detailing, colour and materials which are informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context. Policy CS1 is fully compliant with design guidance in the NPPF.
- 6.16 In terms of any heritage impact, Policy PSP17 of the Policies, Sites and Places Plan and policy CS9 of the Core Strategy seek to protect the character and

- appearance of conservation areas and the significance and setting of heritage assets such as listed buildings.
- 6.17 It is acknowledged that the previous application was primarily refused on the grounds of an inappropriate design. It was considered that the works would be unsympathetic to the character and appearance of the original barn, and would result in the loss of rural character. It was concluded that this in turn would have a detrimental impact on the setting and significance of the adjacent listed farmhouse.
- 6.18 In terms of the latest re-design, the levels of glazing has been significantly reduced when compared to the previously refused scheme. Further, cladded sliding doors are proposed which would conceal the majority of windows when not in use. Overall the scheme of conversion is now considered to be sufficiently sympathetic; with the agricultural origins of the building still legible. It is therefore considered that a satisfactory standard of design has been achieved, and the proposal therefore accords with policy CS1 of the Core Strategy.
- 6.19 On the basis that an appropriate design has been achieved, it is also concluded that the significance and setting of the adjacent listed building would be preserved. The proposal therefore complies with policies CS9 and PSP17. However in order to ensure a satisfactory standard of external finish, a condition will be attached to any consent requiring the detailed schedule of materials to be agreed.
- 6.20 To add to the above, it is also considered that the overall setting of the building, as well as the character of the countryside, would be preserved. The proposal is therefore fully compliant with the criteria of PSP40. That said it is acknowledged that the further domestication of the site beyond the works permitted could adversely impact the character of the surrounding countryside, as well as the setting of adjacent heritage assets. It is therefore considered reasonable and necessary to restrict permitted development rights afforded to the property, as to manage future development at the site.
- 6.21 Residential Amenity
Policy PSP8 of the Policies, Sites and Places Plan outlines that development proposals will be acceptable provided that they do not create unacceptable living conditions or have an unacceptable impact on the residential amenity of the occupiers of the development or of nearby properties. Unacceptable impacts could result from (but are not restricted to); loss of privacy and overlooking; overbearing and dominant impact; loss of light; noise or disturbance; and odours, fumes or vibration.
- 6.22 The subject building is set some 30m from the nearest neighbouring property. Given the degree of separation, it is not considered that the proposal would adversely impact the amenity of neighbouring residents through overbearing, overshadowing or overlooking effects. It is however noted that neighbours may experience some disturbance during the construction phase. Given the quiet, rural setting, it is considered reasonable to restrict the permitted hours of operation during the construction period by way of a suitably worded condition.

- 6.23 In terms of the amenity of future occupants of the proposed residential unit, the building is considered to contain sufficient internal floorspace as to provide adequate living conditions. It is also considered that a sufficiently large, usable area of private amenity space would be provided to the rear and side of the building. Subject to the aforementioned working hours condition, it is concluded that the development would have no unacceptable impact on residential amenity.
- 6.24 Transport
The concerns raised by the transport officer regarding the sustainability of the location are noted. However the application relates to the conversion of an existing building. This is a form of development in the countryside which is specifically covered by policy PSP40. As such, provided that the development meets the requirements of PSP40, the unsustainable nature of the location would not substantiate a reason for refusing the application.
- 6.25 In terms of access, an existing driveway would provide vehicular access to the proposed dwelling from the highway. This access point is considered to be sufficiently safe. In terms of parking, sufficient external space would be retained around the building as to provide parking for a number of vehicles. Furthermore, submitted plans indicate that two single garages will provide an additional 2no. internal parking spaces. Overall there are no concerns with proposed parking arrangements, and there are no fundamental concerns with the development from a transportation perspective.
- 6.26 Ecology
The ecology officer has reviewed the proposals and has raised no fundamental objections to the development. Conditions relating to lighting, trench-digging, vegetation removal and the provision of a bat box have however been recommended in the interests of preserving and enhancing biodiversity at the site. Conditions to this effect will be applied to any consent.
- 6.27 Contamination
The environmental health officer has advised that previous uses of the land and/or the buildings could have caused contamination. A relevant informative note will therefore be appended to any decision notice.
- 6.28 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.

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

7. **CONCLUSION**

7.1 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.

7.2 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.

8. **RECOMMENDATION**

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

Contact Officer: Patrick Jackson
Tel. No. 01454 863034

CONDITIONS

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

Reason

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

2. The development hereby approved shall be carried out in accordance with the approved Flood Risk Assessment (FRA) [Clive Onions Consulting Engineers 15 January 2020 V5] and the following mitigation measures detailed within the FRA:

- 1) Finished floor levels are set no lower than 6.425 metres above Ordnance Datum (AOD) for the ground floor and no lower than 8.925 metres above Ordnance Datum (AOD) for the first floor as identified on page 7, Figure 6 of the FRA.

- 2) Flood-proofing measures detailed on page 11, section 7 of the FRA.

These measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason

To reduce the risk of flooding to, and the impact of flood on the proposed development and future occupants, to accord with Policy PSP20 of the South Gloucestershire Local

Plan: Policies, Sites and Places Plan (Adopted) November 2017 and the provisions of the National Planning Policy Framework.

3. Prior to the application of any external materials, details of the roofing and external facing materials 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

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

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

Reason

To manage any future development at the site in the interests of preserving the character of the countryside, the significance and setting of designated heritage assets, and the openness of the Green Belt, to accord with Policies CS5, CS9 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policies PSP2, PSP7 and PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework.

5. The hours of working on site during the period of construction shall be restricted to 0730 - 1800 on Mondays to Fridays and 0800 - 1300 on Saturdays; and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy PSP8 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

6. Any lighting shall be designed sensitively to minimise light spill and potential impacts on bats in accordance with best practice, as outlined in Bats and Lighting in the UK (Stone, 2013). This includes:

- 1) Light restricted to selected areas by fitting hoods, cowls or shields which direct the light below the horizontal plane, to avoid light spillage;

- 2) Reducing the height of light units to keep the light as close to the ground as possible and reduce the volume of illuminated space. The angle of light fittings should preferably be less than 70 degrees above the horizontal line to avoid any upward light spill; and
- 3) Blue/white light should be avoided, or if mercury lamps are installed, these should be fitted with UV filters.

Reason

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

7. Any trenches built during construction shall be backfilled before nightfall, or otherwise equipped with a means of escape or covered to avoid badgers and other animals becoming trapped.

Reason

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

8. Any vegetation to be removed is to be conducted outside of the bird nesting period (late February to late August). If this is not possible a qualified ecologist shall survey the site for nesting birds and provide a watching brief to the Local Planning Authority to confirm the absence of birds.

Reason

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

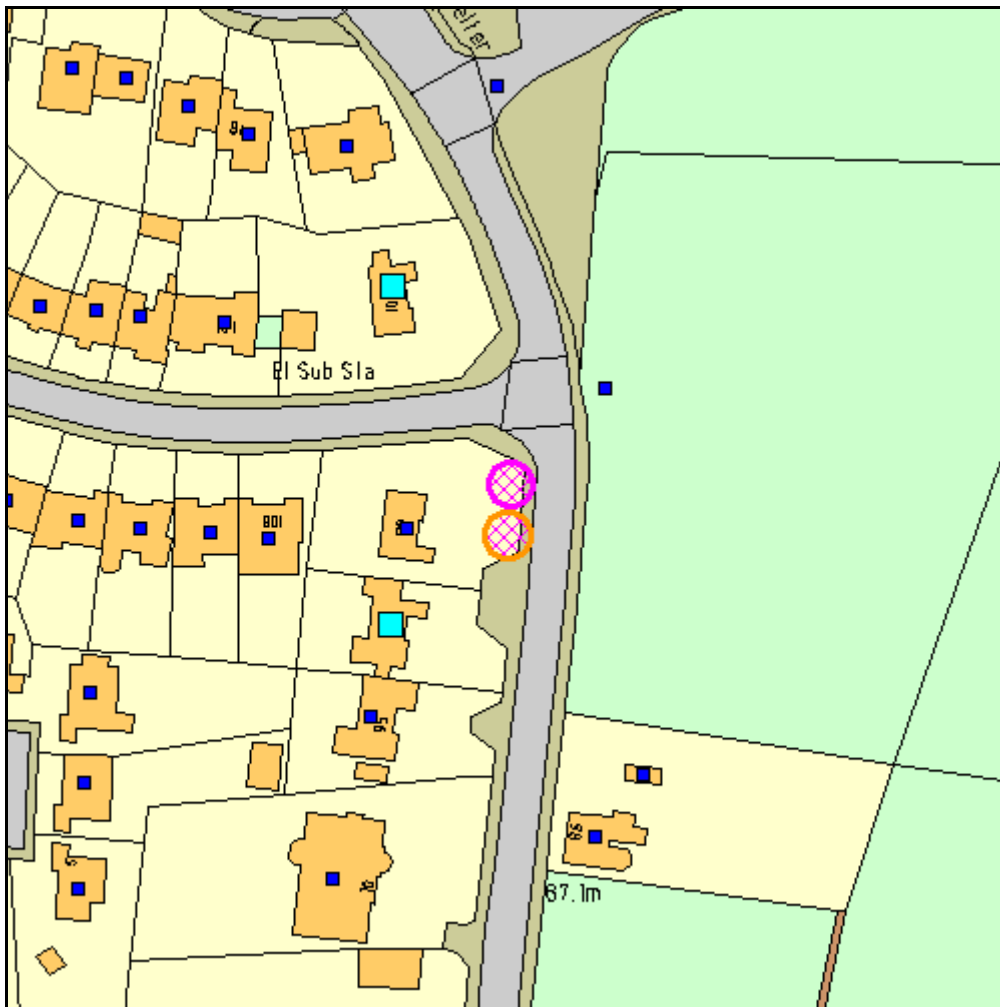
9. Prior to the first occupation of the dwelling hereby approved, the exact location of a bat box shall be submitted to the local planning authority for approval in writing. The bat box shall then be provided in accordance with the agreed details, and within 3 months of the first occupation of the approved dwelling. For clarity, the bat box shall be installed 3m above ground level, away from artificial lighting and preferably facing a south-easterly or south-westerly direction.

Reason

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

CIRCULATED SCHEDULE NO. 14/20 - 3rd April 2020

App No.:	P20/03476/TRE	Applicant:	Mr Oxley
Site:	Meadowcroft 99 Hicks Common Road Winterbourne South Gloucestershire BS36 1LH	Date Reg:	27th February 2020
Proposal:	Works to fell 1 no. Ash and 1 no. Sycamore Tree. Trees covered by TPO 404, dated 12/07/1989.	Parish:	Winterbourne Parish Council
Map Ref:	365427 180617	Ward:	Winterbourne
Application Category:		Target Date:	20th April 2020



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 100023410, 2008. N.T.S. P20/03476/TRE

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

1. THE PROPOSAL

- 1.1 Works to fell 1 no. Ash and 1 no. Sycamore Tree
- 1.2 Meadowcroft, 99 Hicks Common Road, Winterbourne

2. POLICY CONTEXT

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

3. RELEVANT PLANNING HISTORY

- 3.1 None relevant

4. CONSULTATION RESPONSES

- 4.1 Winterbourne Parish Council

The comments of The Parish Council are Objection. The Parish Council notes the possibility of the installation of a root barrier which could save this very prominent group of trees. We ask the Tree Officer to consider the same when making a decision.

Other Representations

- 4.3 Local Residents

An objection comment has been received concerning nesting birds.
A neutral comment was received concerning replacement trees if consent to remove the existing trees is given.

5. ANALYSIS OF PROPOSAL

- 5.1 Works to fell 1 no. Ash and 1 no. Sycamore Tree
- 5.2 Principle of Development

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

The application is to remove 2 x Trees - one Ash tree and 1 x Sycamore tree on the grounds that the trees are causing subsidence to the property. Following analysis of the submitted documentation it is clear that the property has experience some subsidence causing damage to the property. As evidenced

within the submitted Crawford Technical report the damage was categorised as follows;

In structural terms the damage falls into Category 2 of Table 1, Building Research Establishment3 Digest 251, which describes it as "slight".

Category 0	"negligible"	< 0.1mm
Category 1	"very slight"	0.1 - 1mm
Category 2	"slight"	>1 but < 5mm
Category 3	"moderate"	>5 but < 15mm
Category 4	"severe"	>15 but < 25mm
Category 5	"very severe"	>25 mm

Extract from Table 1, B.R.E. Digest 251

Classification of damage based on crack width

- 5.4 Further to the above evidence, when the roots that were present within the borehole adjacent to the damage were analysed, they were identified as Ash roots. No other species of roots were identified.
- 5.5 The trees are of very high amenity and under normal circumstances it would be my recommendation to seek to future proof the property **only** by way of underpinning, root barrier or resin injection into the soil below the foundation to stabilise the soil. However given the ever present Ash dieback disease, which is affecting Ash trees presently and will most likely kill this Ash tree within the next year or so, and the presence of identified Ash roots, I would recommend the removal of the Ash tree **only** and also that the applicant should seek to **future proof the property** given the number of identified other vegetation that could possibly affect the hydration/desiccation of the soil and also the likelihood of prolonged dry spells as experienced over the summer 2018 to end of summer 2019 which further affects the availability of water in the soil. Once the Ash tree has been removed and future proofing has been under-taken a further period of observation can take place in order to monitor the levels of recovery.
- 5.6 With regard to the received comments an informative regarding the Countryside and Wildlife Act will be attached to the decision notice.

6. RECOMMENDATION

- 6.1 The recommendation is that a split decision is issued:

PART REFUSAL – That consent is **NOT GRANTED** for the removal of T3 Sycamore.

PART CONSENT - That consent is **GRANTED** for the removal of T2 Ash.

Contact Officer: Lea Bending
Tel. No. 01454 864201

CONDITIONS

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

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the tree, and to accord with The Town and Country Planning (Tree Preservation) (England) Regulations 2012

CONDITIONS

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

Reason

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

1. The proposed works to remove Sycamore (T2) would be detrimental to the appearance of the tree and the visual amenity of the locality.