

# 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. 29/20

**Date to Members: 17/07/2020**

**Member's Deadline: 23/07/2020 (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](mailto: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](mailto: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:**

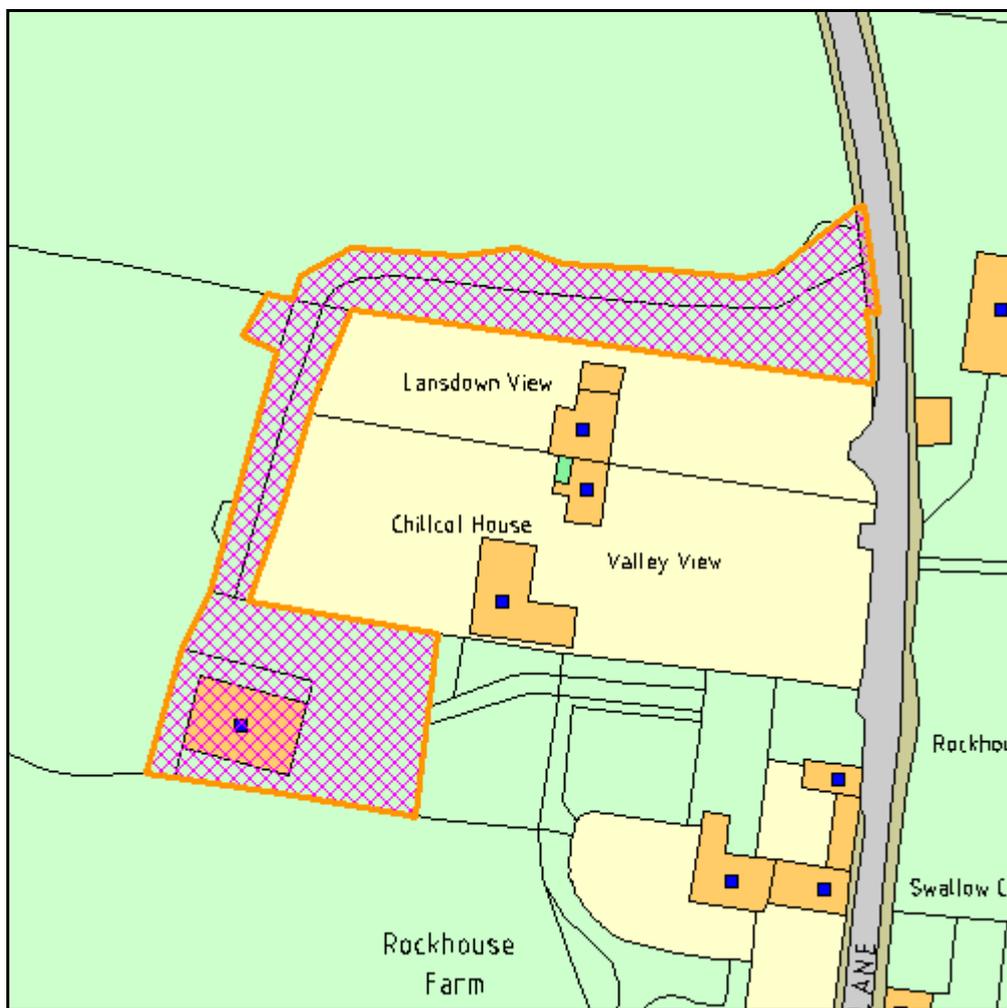
To be emailed to [MemberReferral@southglos.gov.uk](mailto:MemberReferral@southglos.gov.uk)

# CIRCULATED SCHEDULE - 17 July 2020

ITEM NO.	APPLICATION NO.	RECOMMENDATION	LOCATION	WARD	PARISH
1	<b>P19/16334/F</b>	Approve with Conditions	Hawkridge New Pit Lane Bitton South Gloucestershire BS306NT	Bitton And Oldland	Bitton Parish Council
2	<b>P19/19114/F</b>	Approve with Conditions	167 Woodend Road Frampton Cotterell South Gloucestershire BS36 2JD	Frampton Cotterell	Frampton Cotterell Parish Council
3	<b>P19/19199/O</b>	Approve with Conditions	Land Off Mill Lane Old Sodbury South Gloucestershire BS37 6SH	Chipping Sodbury And Cotswold Edge	Sodbury Town Council
4	<b>P20/01679/LB</b>	Approve with Conditions	Hambrook Court East Bristol Road Hambrook South Gloucestershire BS16 1RY	Winterbourne	Winterbourne Parish Council
5	<b>P20/01714/F</b>	Approve with Conditions	Hambrook Court East Bristol Road Hambrook South Gloucestershire BS16 1RY	Winterbourne	Winterbourne Parish Council
6	<b>P20/02997/RVC</b>	Approve with Conditions	Pipley Court Farm North Stoke Lane Upton Cheyney South Gloucestershire BS30 6NG	Bitton And Oldland	Bitton Parish Council
7	<b>P20/05841/F</b>	Approve with Conditions	Land At 51 Henfield Road Coalpit Heath South Gloucestershire BS362TG	Frampton Cotterell	Westerleigh Parish Council
8	<b>P20/09150/F</b>	Approve with Conditions	120 London Road Warmley South Gloucestershire BS30 5NA	Boyd Valley	Siston Parish Council

**CIRCULATED SCHEDULE NO. 29/20 - 17th July 2020**

<b>App No.:</b>	P19/16334/F	<b>Applicant:</b>	Mr Shane Hippisley
<b>Site:</b>	Hawkridge New Pit Lane Bitton Bristol South Gloucestershire BS30 6NT	<b>Date Reg:</b>	12th November 2019
<b>Proposal:</b>	Demolition of existing industrial building. Erection of 1 No. detached dwelling with associated works.	<b>Parish:</b>	Bitton Parish Council
<b>Map Ref:</b>	368535 170849	<b>Ward:</b>	Bitton And Oldland Common
<b>Application Category:</b>	Minor	<b>Target Date:</b>	6th January 2020



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 100023410, 2008. **N.T.S.** **P19/16334/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.

## **INTRODUCTION**

This application appears on the Circulated Schedule, as a result of consultation responses received, contrary to Officer recommendation.

### **1. THE PROPOSAL**

- 1.1 The application is for the demolition of an existing industrial building and erection of 1 No. detached dwelling with associated works.
- 1.2 The site is an existing commercial industrial building located off New Pit Lane, Bitton. It is in the Green Belt and outside of the settlement boundary, however there are several residential properties in the immediate vicinity.

### **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 (Including Green Belt)  
CS8 Improving Accessibility  
CS9 Managing the Environment and Heritage  
CS16 Housing Density  
CS17 Housing Diversity  
CS34 Rural Areas

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

PSP1 Local Distinctiveness  
PSP2 Landscape  
PSP7 Development in the Green Belt  
PSP8 Residential amenity  
PSP10 Active Travel Routes  
PSP11 Transport Impact Management  
PSP16 Parking Standards  
PSP17 Heritage Assets and the Historic Environment  
PSP19 Wider Biodiversity  
PSP28 Rural Economy  
PSP40 Residential Development in the Countryside  
PSP43 Private Amenity Space Standards

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

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

- 3.1 P97/4372 - Change of use from agriculture to store for building materials (B8).  
Approved 12.09.1997.

### 4. **CONSULTATION RESPONSES**

4.1 Bitton Parish/Town Council

The comments of the Parish Council are no objection local residents feel it would be preferable than industrial use.

4.2 Other Consultees

Conservation Officer

Initial concerns over scale and relationship with adjacent Listed Building.  
Revised plans have been subsequently received and these were considered an improvement and acceptable in the context of the site and surroundings.

Ecology Officer

No objection, subject to recommended conditions.

Lead Local Flood Authority

No objection in principle, informatives recommended

Highways Structures

No comment

Sustainable Transportation

The site is in open countryside remote from facilities and likely dependent upon motor vehicles. This would be contrary to locational criteria of the Local Plan.

### **Other Representations**

4.3 Local Residents

3 letters of objection and one letter of support have been received.

The objections are summarised as follows:

The existing proposals are too large

The site is in the Green Belt

As submitted, may give rise to element of overlooking

It may set a precedent for further development in the countryside and property speculation

A better design may be more appropriate/sympathetic

Restrictions on future development should be put in place.

The letter of support is summarised as follows:

It would be a more appropriate use than industrial in the context of its rural

area, design and impact upon surrounding area, including the Listed Building needs to be carefully considered. The proposals shouldn't lead to additional development on additional associated land.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

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 these locations is strictly controlled. PSP40 lists the type of development that is acceptable in the countryside and similarly, Policy PSP2 and CS34 aim to protect the countryside and the designated Green Belt from inappropriate development. Policy PSP7 lists the exception criteria for development in Green Belt area, Policy PSP17 deals with heritage issues and PSP28 with rural employment. The NPPF seeks to avoid isolated dwellings.

### 5.2 *Spatial Policy Considerations:*

Under the spatial strategy set out above, new residential development should be permitted only in the urban areas or defined settlements. Exceptions would be replacement dwellings, rural workers dwellings, rural housing exceptions or conversion of existing buildings. The site does not fit into these criteria, although there is a building in situ, it is industrial in nature and the proposals are for its removal as opposed to conversion. The site is also not within a defined settlement. The proposals are therefore contrary to these spatial criteria. In this instance, given the sites location, additional in principle tests include the impact on the Green Belt, the countryside and the loss of a rural employment site.

5.3 Notwithstanding the above, and the additional policy considerations that need to be tested including Green Belt location, impact upon the countryside, and potential loss of rural employment 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 does consider that it may be suitable, in a few circumstances, to recommend approval of dwellings outside of the settlement boundary.

5.4 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. 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.

5.5 The positive impacts of allowing development that conflict with certain aspects of the adopted development plan must also be appropriately considered in the overall weighing up and determining of the planning balance, as proposals that will contribute to the council's five year housing land supply provide a benefit which carries weight. The extent of the weight is a matter for consideration in the particular circumstances of the application under consideration. As the Core Strategy is more than five years old and housing proposals that will contribute

to the council's marginal five year housing land supply is a benefit which carries weight. Further to this, for each application it needs to be considered and identified what are the most important policies for determining that specific application.

5.6 *Location outside of settlement boundary:*

The site is located adjacent to a grouping of existing residential dwellings within the immediate vicinity and its curtilage would abut other residential curtilages, and is just off Golden Valley Lane which itself contains numerous dwellings in a ribbon form, along its length from the village of Bitton. The urban fringe of Bristol, at Oldland Common is also 0.8 miles to the north west. Both of these areas offer services and facilities. On this basis it is not considered that the site would be considered an isolated dwelling. Golden Valley Lane and this part of New Pit Lane, running past the application site, is an Active Travel Route as identified on the South Gloucestershire Policies Map, which are identified routes based on their catering for travel by pedestrians and cyclists.

5.7 It is also necessary for the scheme to be assessed against all other in principle policy criteria, which include its Green Belt location. This is discussed in more detail below.

5.8 *Green Belt:*

The site lies within the Bristol/Bath Green Belt. Development in this special area is limited to the criteria set out in the NPPF. The redevelopment of previously developed land (PDL) is one of the exception criteria but only where it would not have a greater impact on the openness of the Green Belt than the existing development. The site is clearly a previously developed site and contains a relatively unsympathetic and large standard industrial storage building with associated infrastructure including hardstanding/parking areas around. The revised proposals constitute a single dwelling and associated curtilage that is of less bulk than the functional industrial building and further to this would be a replacement building with a more traditional structure than that existing.

5.9 In terms of Green Belt considerations, the partial or complete redevelopment of previously developed land, whether redundant or in continuing use can be appropriate in the Green Belt, provided it does not have a greater impact upon the Green Belt than the existing development. Given the above consideration the proposals would not have a greater impact than the existing development and are therefore considered acceptable and appropriate at this Green Belt. It is considered that the building would provide for a less bulky and high development and more traditional form as such a likely improvement upon the Green Belt setting.

5.10 Loss of Rural Employment Site

The building under its previous consent was restricted specifically for the storage of building materials, with no sales from the site and conditions further restricted use to that approved under the application only, removing permitted development rights to be able to change. The employment use and potential was therefore restricted. The actual employment use of the site is therefore negligible, being used as a store and no one has been permanently based there.

It is considered that the proposals would result in a small loss of an employment unit and that would be given modest weight, and this must be weighed up against the creation of new residential accommodation.

5.11 Principle of Development Conclusion

The proposals would be acceptable and a likely improvement in Green Belt terms. The site is well linked with existing residential properties and not isolated from the nearest settlements and services and is along an active travel route. This all provides weight to the positive consideration of the proposals in this instance. The provision of a dwelling to boost housing supply in this area, albeit by one dwelling can also be afforded certain weight. Based upon the considerations above it is considered that the principle of development can on balance, when weighing up the conclusions against all of the relevant in principle planning tests, be considered acceptable.

5.12 Conservation/Design Issues

The application site lies to the west of the grade II listed Rockhouse Farm, a late 18th/early 19<sup>th</sup> century farmhouse with attached farm buildings. The farmhouse is a modest, south-facing, two storey double pile house with ashlar walling and slate roof hidden by a parapet, with ancillary catslide roofed farm buildings (now converted) attached to its east gable. A lean-to structure connects this building to a two storey converted barn and forms an extension to the natural stone wall that runs along the roadside. The farmhouse is positioned very slightly higher than the road level but the land to the west rises rapidly, creating a green backdrop in certain views of the listed building, reinforcing its informal, rural setting. To the north of the farm are a pair of semi-detached houses, built in the early/mid-20th century and a late 20th century single storey bungalow/annex.

5.13 By virtue of their elevated position, these two storey dwellings are quite prominent features in the landscape setting of the listed farmhouse, appearing to rise up higher than the historic farmstead. A footpath to the south of the farmhouse runs along a narrow lane, directly up the hill and into the fields. At the lower levels, direct views of the listed building are obscured by an incongruous and suburban style fence that forms the boundary to the listed buildings extended curtilage, and beyond this by overgrown field hedges and scrub. Occasional glimpses of the application site and listed building are obtained along this footpath but these are generally fleeting and fortuitous as a result of the vegetation growth. The existing, utilitarian warehouse structure which is the subject of this application sits to the west of the listed building and has been intentionally cut into its site and has been given a low pitch roof covering in order to hide it from views to/from/across the listed farmhouse. Its present form and scale also helps to avoid it breaking the skyline. The established conifer planting also helps to provide an evergreen screen to the building, concealing it from views from the roadside. The warehouse is seen in outline through the present hedge (no leaf cover) in one location on the footpath just past the fence line but other than that, it is very discrete in the landscape setting of the listed building.

- 5.14 There were however certain concerns over the scale and design of the initial submitted plans. The proposed development in the initial plans, whilst replacing one structure with another (albeit of a more traditional design), would alter the form, scale, height and appearance of the present structure and had the potential to affect the setting of the listed building. The taller ridge and the possibility that improvements to the residential curtilage could include removal/reduction of the planting along the southern and eastern boundaries (to facilitate views from the glazed gables, dormers and external terrace) may result in the building becoming visible to the west of the listed farmhouse and in views from the road. The concern with the proposal, therefore, was that the listed building is located at a significantly lower level than the application site, and that any addition to the height of the present warehouse has the potential to result in the new dwelling being seen, if not as taller, then at the very least, as visually competing with the listed building in views from the road. Given its elevated position and higher ridge, the new dwelling may also have been seen as a new feature in the landscape that breaks the skyline, thus drawing attention to itself and away from the farmhouse.
- 5.15 No long section were initially provided to illustrate the present relationship of the two structures, or to show the topography of the land beyond the site boundary. Therefore, whilst the loss of the warehouse is not a heritage concern, the further consideration of the impact upon the setting of Rockhouse Farm was considered necessary. This assessment should also factor in the loss (natural or otherwise), reduction or replacement of the present screen planting and how this might impact on the visibility of the building in the landscape. It is not enough to rely on the planting alone to hide the replacement building it is necessary to ensure that any replacement structure will preserve the setting of the farmhouse even in the absence of boundary planting given this can be removed without any notice and without the need for permission.
- 5.16 Subsequent to Officer advice revised plans were submitted. Revised plans and photomontages showing a reduced scheme which picks up on the items mentioned above were included. The length of the building has been reduced by c2.9m, the internal plan form rationalised to remove the lower ground floor courtyard and colonnade, and the garage/master bedroom wing pulled back from the gable of the building to make it read as a subservient addition, thereby emphasising the narrower gable in views from the road. Looking at the photomontage, the shorter length has pulled the building back into the hillside and dropped its ridge further. The overall scale and massing of the building has, therefore, been reduced from the original proposal and although it could potentially become visible from the roadside (should the belt of *leylandii* be removed in the future), the revised form and appearance is more appropriate to its context and less intrusive in the landscape setting of the farmhouse.
- 5.17 By pulling the garages back, this might free up additional garden space for some suitable planting to act as long term replacement for the conifers should they be removed and a landscaping condition should be attached. Levels data on the proposed plans and an existing levels survey has been provided to demonstrate that the height of the building is controlled and there is no risk of the ground being raised.

- 5.18 Overall, therefore the revisions have addressed the main concerns regarding the scale and massing of the new building and the revised proposal, whilst visible in the landscape setting of the listed farmhouse, will not harm its significance as a building of special architectural or historic interest. As a replacement building with a more traditional structure than that existing, it is considered acceptable in the wider landscape.
- 5.19 Residential Amenity  
Given the relationship, orientation and distance between the adjacent properties it is not considered that the proposals would give rise to significant or material overbearing or overlooking impacts. The dwelling and associated curtilage itself provides sufficient internal layout and outdoor amenity space.
- 5.20 In respect of the local concerns raised above, it is considered that the design and scale of the proposed dwelling has been reduced and improved to a significant and material degree. Each individual application and any further future proposals are required to be dealt with on their own individual merits and site specific circumstances.
- 5.21 Drainage  
The drainage comments are noted and an informative is recommended advising the applicants of the requirements in this respect.
- 5.22 Ecology  
No designated sites will be impacted by the proposals. A bat survey report was submitted with the application. The existing building was subjected to a preliminary roost inspection which confirmed that it has negligible suitability. There is suitable foraging opportunities surrounding the building. There were no bird nests, bird droppings or any other evidence was found in association with any aspect of the building. There are no ecological objections to the proposals, however conditions are recommended to ensure mitigation and secure enhancement
- 5.23 Highways  
The comments above are note, the locational issues surrounding the site are discussed in more details above. Beyond this the site can already be used for B8 purposes and the levels of associated vehicle movements that could be generated. This will be replaced by residential use. In terms of the access, the gated access already exists onto New Pit Lane. Further to this there is adequate space within the plot to provide suitable off-street parking
- 5.24 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 recommended.

**Contact Officer: Simon Ford**  
**Tel. No. 01454 863714**

## **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 shall proceed in strict accordance with the Mitigation Measures provided in Chapter 4 of the Bat survey report (Crossman Associates, August 2019)

Reason

In the interests of ecology and to accord with PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017

3. Prior to occupation, a "lighting design strategy for biodiversity" for the boundary features and any native planting shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- Identify those areas/features on site that are particularly sensitive for bats, badgers and hedgehog and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above

- species using their territory or having access to their breeding sites and resting places.
- All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority

Reason

In the interests of ecology and to accord with PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017

4. Prior to first occupation, evidence of the installation of the ecological enhancement features recommended in the Bat survey report (Crossman Associates, August 2019) shall be submitted to the local planning authority for approval in writing. This shall include, but is not limited to, bird boxes, bat boxes and native planting. Though not mentioned in the report, as the area is suitable for foraging bats one bat box is to be installed on to the new development or surrounding buildings to provide additional roosting opportunities (e.g Schwegler 1FF bat box).

Reason

In the interests of ecology and to accord with PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017

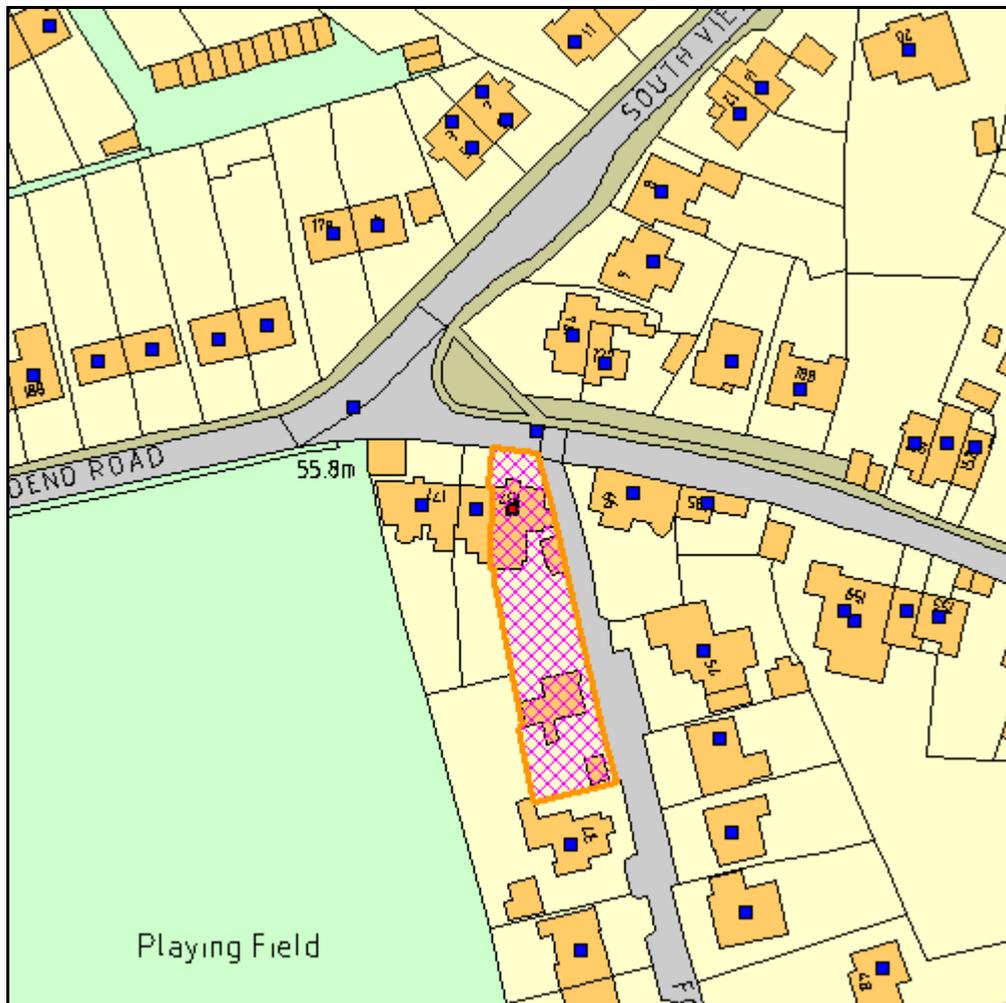
5. Prior to the commencement of development a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting (and times of planting);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

Reason

To 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.

**CIRCULATED SCHEDULE NO. 29/20 - 17th July 2020**

<b>App No.:</b>	P19/19114/F	<b>Applicant:</b>	Mr And Mrs Eddie And Shelia Prosser
<b>Site:</b>	167 Woodend Road Frampton Cotterell Bristol South Gloucestershire BS36 2JD	<b>Date Reg:</b>	23rd December 2019
<b>Proposal:</b>	Demolition of existing outbuildings and erection of 1 no. detached dwelling with associated works (resubmission of P19/12126/F).	<b>Parish:</b>	Frampton Cotterell Parish Council
<b>Map Ref:</b>	366916 181358	<b>Ward:</b>	Frampton Cotterell
<b>Application Category:</b>	Minor	<b>Target Date:</b>	13th February 2020



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 100023410, 2008. **N.T.S.** **P19/19114/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 REFERRING TO CIRCULATED SCHEDULE**

This application is referred to the circulated schedule due to objections received from the Parish Council and 6no local residents which are contrary to the Officers recommendation.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the demolition of existing outbuildings and the erection of 1 no. detached dwelling with associated works at 167 Woodend Road, Frampton Cotterell.
- 1.2 The site is situated within the established settlement boundary of the village of Frampton Cotterell. It is also within an area considered to have archaeological potential.
- 1.3 The application is a re-submission of a previously refused application. Reference P19/12126/F.

#### **Refusal reasons**

*1. The development proposed, if approved, would result in the overdevelopment of the site and a cramped layout. Furthermore, the scale, form, massing and design of the proposed dwelling does not respect the character and distinctiveness of the site and its context. This is contrary to policy CS1 of the Core Strategy (Adopted) December 2013, PSP38 of the Policies Sites and Places Plan (Adopted) Nov 2017 and the National Planning Policy Framework.*

*2. Insufficient private amenity space is proposed for the proposed dwelling, which would be harmful to their residential amenity and contrary to policy PSP8, PSP38 and PSP43 of the Policies Sites and Places Plan (Adopted) Nov 2017, policy CS1 of the Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.*

### **2. POLICY CONTEXT**

- 2.1 **National Guidance**  
National Planning Policy Framework Feb 2019  
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 Heritage and the Environment

CS15 Distribution of Housing  
CS16 Housing Density  
CS17 Housing Diversity

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PSP1 Local Distinctiveness  
PSP8 Residential Amenity  
PSP11 Transport Impact Management  
PSP16 Parking Standards  
PSP17 Environment and Heritage  
PSP38 Development within Existing Residential Curtilages  
PSP43 Private Amenity Space Standards

- 2.3 Supplementary Planning Guidance  
Design Checklist SPD (Adopted) 2007  
Waste Collection: Guidance for New Development SPD (Adopted) 2015  
(Updated March 2017)  
Technical Advice Note: Assessing Residential Amenity (Adopted) June 2016

**3. RELEVANT PLANNING HISTORY**

- 3.1 P19/12126/F  
Demolition of existing outbuildings and erection of 1no detached dwelling with  
parking and associated works.  
Refusal: 25/10/2019

**4. CONSULTATION RESPONSES**

- 4.1 Frampton Cotterell Parish Council  
Objection. The privacy of the neighbours would be impacted, as would the  
residential amenity. The development is out of character with the area.

4.2 Other Consultees

Highway Structures  
No comment.

Sustainable Transport  
No comment received.

Drainage  
No objection.

Archaeology  
Pre-commencement condition recommended.

## **Other Representations**

### 4.3 Local Residents

6no. letters of objection have been submitted making the following points in summary:

- Would obstruct views of the park and trees
- The proposed development has a significant number of windows and they would overlook neighbouring properties causing a loss of privacy. This includes no. 52, 54 and 66 Footes Lane.
- Windows more aligned with property opposite than previous proposal.
- Overshadowing and loss of daylight to no. 52 & 54 and will be overbearing on other neighbouring properties
- It is on higher ground than surrounding properties
- Footes Lane is quiet and this will increase noise and disturbance, as well as road safety
- Unacceptable increase in density which affects the existing, rural open aspect of the lane
- New build property will have an effect on the character of the neighbourhood as the surrounding properties are older style.
- Overbearing- Will dominate the lane.
- Conflicts with CS1 due to poor design – larger in plan and higher in elevation than no. 37 Footes Lane and host property
- Proposal too large for the site and is cramped.
- Increase in traffic, no pavement so dangerous for pedestrians and road safety.
- Construction traffic will block access to the lane
- Additional parking spaces will cause regular disruption to the quiet lane.

1no letter of support has been submitted, as follows;

- Lovely design and no objections.

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

Policy CS5 sets out the locational strategy for development in the district. New development is directed towards the existing urban areas and defined rural settlements. As the application site is located in Frampton Cotterell, which is within an existing settlement boundary, development is supported in principle in this location. PSP38 is also supportive of new residential dwellings within existing residential curtilages, subject to an assessment of any design, landscaping, amenity, highway safety and parking issues, as well as any other material planning considerations.

### 5.2 Design and Landscaping

No. 167 is an end terrace cottage with an asymmetric gable roofline, a pitched roof porch and a render finish. To the front is a small garden enclosed with a stone wall, and to the rear is a number of single storey extensions and a conservatory attached to the dwelling, as well as two detached outbuildings and a garage. The rear of the site, and the location of the proposed dwelling, is accessed along Footes Lane, which is a single track lane bordered by dry

stone walling of varying heights, changing to a dwarf drystone wall with fencing on top of it across the front of the site. The access is existing and currently gated, and within the rear garden is a large number of ramshackle outbuildings, finished primarily in timber and metal sheeting such as an open front double garage, a number of sheds and a glass greenhouse.

- 5.3 The largest outbuilding and the garage are proposed to be demolished to facilitate the erection of a detached chalet style, four-bedroom bungalow with first floor accommodation in the roof facilitated by a front gable end and dormer windows with roof lights to the rear. The proposed dwelling has been reduced in width substantially from the previous proposal and the roofline has been amended to dual pitched design with front gable. It also benefits from, a modern, flat roof canopy providing a covered patio and a flat roof porch. The access is to be widened to form of-street parking for two vehicles side by side, and a new access is formed in the stone wall to provide 2 no. spaces for the existing dwelling.
- 5.4 Footes Lane comprises of a variety of housing styles, which are predominantly two-storey properties. However, the introduction of a 1½ storey property in this location is not considered by the officer to result in any substantial harm to the character and appearance of the area given the mix of styles present. Furthermore, the width of the proposed dwelling and pitched roof design is now considered to somewhat reflect that of the surrounding built form.
- 5.5 In terms of layout, the footprint of the proposed dwelling has been reduced significantly, and remains located in the centre of the plot, with the rear elevation facing directly into the western boundary. This results in private amenity space split between the north and south of the site which, although not ideally situated, is considered to be an appropriate amount of private amenity space to serve the future occupants and does not appear overly cramped within the plot. That said, the boundary treatments will be an important consideration and as such a condition will be included on the decision notice to be agreed in writing.
- 5.6 Overall, the amendments to the proposed dwelling are considered to have sufficiently overcome the previous concerns with overdevelopment and cramped appearance. As such, the proposal is considered to comply with policy CS1 of the Core Strategy, subject to conditions.
- 5.7 Residential Amenity  
Policies PSP8 and PSP38 of the PSP Plan set out that development within existing residential curtilages should not prejudice residential amenity through noise or disturbance; odours, fumes or vibration; overbearing; overshadowing; loss of light; loss of outlook; and loss of privacy.
- 5.8 No significant concern with a loss of privacy was identified by the case officer on the previously refused application, however comments have been received from nearby residents that the alterations to the proposal have resulted in the front facing windows of the new dwelling and the existing dwelling opposite, directly aligning. As stated previously, the windows in question face east across Footes Lane, and whilst the window to window distance between one of the

- dormers and no. 54 Footes Lane is less than the recommended 20 metres, the affected windows face the street and are visible from the public realm already and so this will not be detrimental to their amenity, particularly as no. 54 is situated on higher ground than the proposed development. The dormer which has been moved due the reduction in width of the dwelling, has a window-to-window distance of approximately 20m which is thought to be sufficient separation to alleviate any substantially detrimental loss of privacy. The front facing rooflight will serve a stairwell and would therefore not impact upon privacy.
- 5.9 It is acknowledged some overshadowing would occur to No 37, however the impact of the previous proposal was not found to be so detrimental as to warrant refusal and the new proposal has been moved further away from the No 37, thus reducing the impact further. Given the separation distances and angles of other surrounding properties in relation to the proposed dwelling, it is not thought to lead to any significant overlooking or loss of light impacts. It is also thought that the small number of daily vehicle movements that would be generated by the addition of one, three bedroom dwelling is not considered to generate any unacceptable levels of noise.
- 5.10 The host dwelling, No 167, is considered to retain sufficient amenity space for a three bedroom property and will suffer no harm to residential amenity.
- 5.11 The council has an adopted minimum residential amenity space standard policy (PSP43) which is based on the number of bedrooms at a property. The proposed site plan for the development indicates that the amenity spaces retained for the existing dwelling (No 167) will be in excess of the space standards. The proposed dwelling will include three bedrooms; to comply with policy a three bedroom dwelling is required to provide a minimum of 60m<sup>2</sup>. As discussed above, the amenity space would be split between the north and south of the site, approximately 80m<sup>2</sup> to the north and 51m<sup>2</sup> to the south. Although not ideally situated, the area to the north of the site alone is considered to provide an adequate and functional space for the occupiers of the proposed dwelling. As such, subject to a condition to ensuring appropriate boundary treatments, the proposal is considered to comply with policy PSP43.
- 5.12 Highway Safety  
The plot is to be accessed from Footes Lane, which is a single track unclassified highway, and the development would utilise and improve visibility at the existing access due to the splayed entrance and the 900mm wall. An additional access is proposed to serve the existing dwelling, and this is also satisfactory.
- 5.13 To comply with the requirements of policy PSP16 two off-street parking spaces are provided for each of the proposed and existing dwellings. Following initial concern with the proposed access to the off-street parking spaces, amendments to the adjacent wall and vehicle tracking information was submitted. The sustainable transport officer is satisfied that there is adequate manoeuvring and visibility to enable vehicles to enter and exit the spaces safely. The access lane is considered to be wide enough to allow a vehicle to

safely pass a pedestrian/cyclist. As such, there would be no adverse impact to highway safety and no objections are raised in terms of transport.

#### 5.14 Archaeology

The application site lies within the bound of the historic settlement, with likely medieval origins. Although there are a collection of outbuildings on site already there is still potential for the survival of archaeological deposits. Therefore, a programme of archaeological work on all groundworks will be required.

#### 5.15 Other Issues

Concerns have been raised in regard to a loss of a view towards the park. However, the loss of a view is not a material planning consideration.

Concerns over the blocking of access to the lane during construction is not a material planning consideration, however it is hoped the applicant and contractor would be considerate to local residents.

#### 5.16 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 **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 a programme of archaeological investigation and recording (watching brief) for the site shall be submitted to and approved by the Local Planning Authority. Thereafter, the approved programme shall be implemented in all respects, unless the Local Planning Authority agrees in writing to any variation.

### Reason

In order to ensure the adequate protection of archaeological remains, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

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

### Reason

To 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.

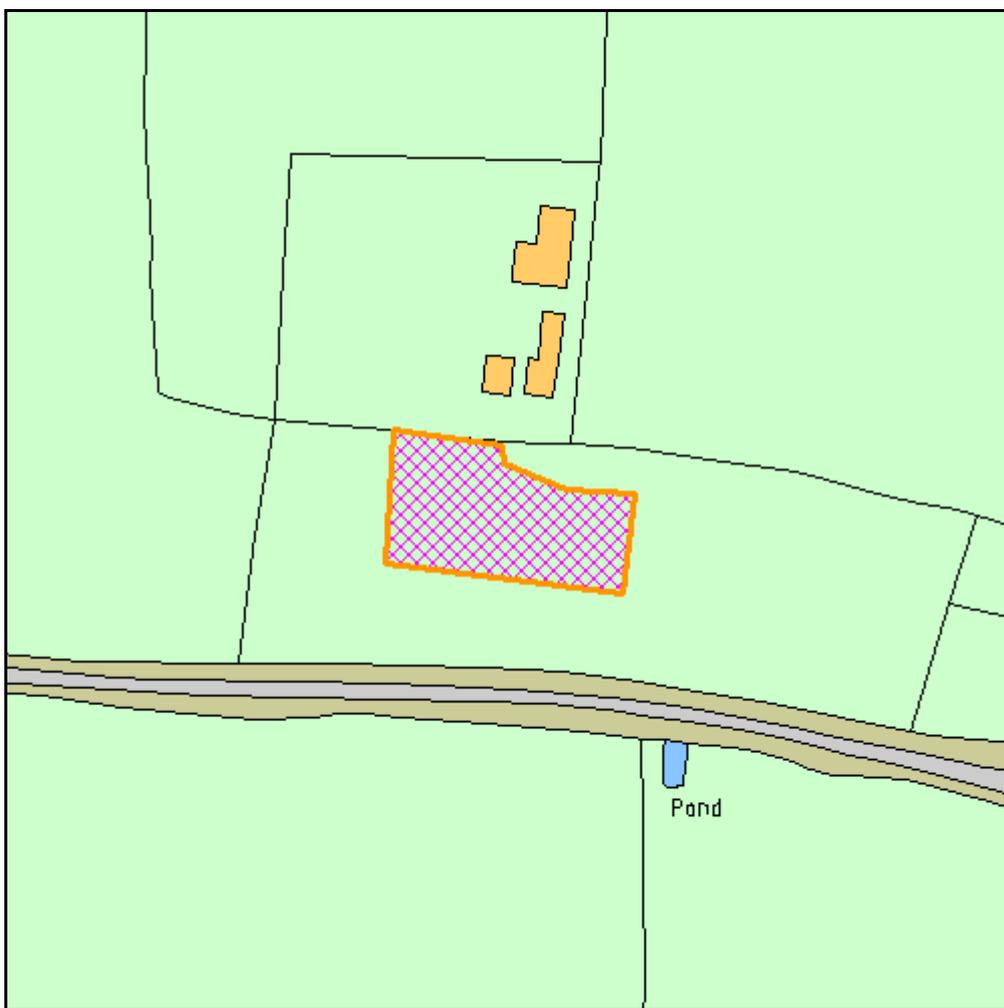
4. The off-street parking facilities (for all vehicles, including cycles) shown on the plan hereby approved (drawing no. 167WR.JUN20.PSP.1.J REV J) shall be provided before the building is first occupied, and thereafter retained for that purpose.

### 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; Policy PSP16 of the South Gloucestershire Local Plan; Policies, Sites and Places Plan (Adopted) November 2017; and the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013.

**CIRCULATED SCHEDULE NO. 29/20 - 17th July 2020**

<b>App No.:</b>	P19/19199/O	<b>Applicant:</b>	Lone Oak Stables
<b>Site:</b>	Land Off Mill Lane Old Sodbury Bristol South Gloucestershire BS37 6SH	<b>Date Reg:</b>	24th December 2019
<b>Proposal:</b>	Erection of 1no workers dwelling with annexe (Outline) with all matters reserved.	<b>Parish:</b>	Sodbury Town Council
<b>Map Ref:</b>	373912 180934	<b>Ward:</b>	Chipping Sodbury And Cotswold Edge
<b>Application Category:</b>	Minor	<b>Target Date:</b>	14th February 2020



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 100023410, 2008. **N.T.S.** **P19/19199/O**

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

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

The application represents a departure from normal Green Belt policy. Under the current scheme of delegation it is therefore required to be taken forward under the Circulated Schedule procedure.

### **1. THE PROPOSAL**

- 1.1 Outline planning permission is sought for the erection of 1no workers dwelling with annexe, with all matters reserved. The application relates to Land off Mill Lane, Old Sodbury.
- 1.2 The application relates to Lone Oak Stables. The site comprises a parcel of land adjacent to, and forming part of an establishing livery business. The site is located off Mill Lane, in the open countryside, within the Bristol and Bath Green Belt and outside of any settlement boundary.
- 1.3 The site is currently in use for the keeping of horses. A certificate confirming the lawfulness of this use, as well as the lawfulness of a number buildings and a manège present at the site, was granted by the Local Authority in July 2020.
- 1.4 A previous application seeking outline consent for the erection of a workers dwelling with annexe was refused in September 2019. Details of this application are set out in section 3 of this report.
- 1.5 Acorus Rural Property Services Limited were instructed by the Local Planning Authority to undertake an independent review of the submitted Agricultural Appraisal. A summary of the findings are set out in section 4 of this report.

### **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
CS23	Community Infrastructure and Cultural Activity
CS24	Green Infrastructure, Sport and Recreation Standards
CS34	Rural Areas

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP7	Development in the Green Belt
PSP8	Residential Amenity
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water and Watercourse Management
PSP28	Rural Economy
PSP40	Residential Development in the Countryside
PSP41	Rural Workers Dwellings
PSP43	Residential Amenity Space Standards

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

**3. RELEVANT PLANNING HISTORY**

**3.1 P20/09520/CLE**

Continued use of land and buildings for the keeping of horses (Sui Generis).

Approved: 06.07.2020

**3.2 P19/6292/O**

Erection of 1no workers dwelling with annexe (Outline) with all matters reserved.

Refused: 25.09.2019

Refusal Reason 1

*The site is located within the Bristol & Bath Green Belt and the proposal does not fall within the limited categories of development normally considered appropriate within the Green Belt. The applicant has not demonstrated that very special circumstances apply, such that the normal presumption against development in the Green Belt should be overridden. The proposal is therefore contrary to the provisions of CS1 of the South Gloucestershire Core Strategy (Adopted) December 2013; PSP7 of the South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2017; and the 2019 National Planning Policy Framework.*

Refusal Reason 2

*The proposal for a new agricultural workers dwelling in the countryside is refused on the basis that the information submitted in support of the development, along with the independent rural surveyor's report, has failed to*

*demonstrate that there is an essential need for a rural worker to live permanently on the site. The proposal is therefore contrary to the provisions of Policy CS5 and CS34 of the South Gloucestershire Core Strategy (Adopted) December 2013; Policy PSP41 of the South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2017; and the 2019 National Planning Policy Framework.*

### Refusal Reason 3

*The development would fail to be an appropriate walking or cycling distance from key services and facilities as set out within Policy PSP11. Further, due to their unlit nature and lack of footpath/cycle lane, the surrounding roads would not be suitable for use by pedestrians or cyclists. For these reasons the site is unsustainable as future occupants would have to rely heavily on travel by private car. The development is therefore contrary to Policy PSP11 of the South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2017; Policies CS5 and CS8 of the South Gloucestershire Core Strategy (Adopted) December 2013; and the 2019 National Planning Policy Framework.*

## **4. CONSULTATION RESPONSES**

### 4.1 Sodbury Town Council

No objection to the application subject to SGC being satisfied that there is a bona fide requirement for such an agricultural building.

### 4.2 Internal Consultees

#### Lead Local Flood Authority

Query the proposed method of foul sewage disposal.

#### Sustainable Transport

Provided there is a proven planning case for a rural worker's dwelling at the site, no objection.

### 4.3 External Consultees

#### Acorus Rural Property Services

The functional and financial tests are, on balance, satisfied when considering the additional information provided and the wording of the policy in particular. Whilst the business continues to evolve, it is considered that it is now suitably established to warrant the case for a permanent dwelling. Therefore support the application. It may be appropriate to consider a site-specific occupancy condition.

## **Other Representations**

### 4.4 Local Residents

No comments received

## 5. ANALYSIS OF PROPOSAL

### 5.1 Background

In terms of the lawful use of the site, the site has been used for the keeping of horses since approximately 2002. In the intervening period, a number of buildings and a manège were constructed at the site. The change in the use of the land, as well the construction of buildings and enclosures, were undertaken without the benefit of planning permission.

5.2 However a certificate of lawfulness was submitted in 2020, which sought to demonstrate that both the use and buildings were lawful through the passage of time. The submitted evidence was considered to satisfactorily demonstrate that both the use and buildings (bar one building), were lawful, and a certificate was subsequently granted.

5.3 In terms of the equine based business operating at the site, Lone Oak Stables was established by Mr and Mrs L Hobbs approximately 10 years ago. In all the property extends to roughly 6.73 hectares of permanent pasture, a stables and a manège.

5.4 The business is split in to two sections, with the main section being a livery, schooling and training at Lone Oak Stables, and the second being the teaching of external pupils. At present there are 7 permanent horses at the site, with the applicants also offering rehabilitation to horses that have undergone surgery.

5.5 The business is mainly run by Mrs B Hobbs, who has all necessary qualifications for teaching dressage. Having invested in specialist hoist equipment, Mrs Hobbs also teaches and trains disabled riders to compete in para-dressage competitions with her own horse.

5.6 The applicants have a wait list of liveries that wish to utilise their facilities, however many are put off due to the lack of 24 hours security on site or the ability to regularly check horses. The yard has been a target of thefts in the past. At present the applicants reside 4.5 miles away, which is no longer considered suitable for the welfare and security of horses.

### 5.7 Principle of Development

The development proposal relates to an existing rural enterprise. The National Planning Policy Framework (NPPF) makes a presumption in favour of sustainable development and has placed a strong emphasis in respect of supporting economic growth in rural areas. In particular, Paragraph 83 sets out that planning policies should enable;

- a) *the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*
- b) *the development and diversification of agricultural and other land-based rural businesses.*

- 5.8 In terms of the Development Plan, policy PSP28 of the Policies, Sites and Places Plan is, subject to certain criteria, supportive of the intensification, extension or alteration of existing businesses located within the rural area.
- 5.9 As the application relates to the erection of a new dwelling, Policies CS5 and CS34 of the South Gloucestershire Core Strategy are also of relevance. These policies state that new build housing should be limited to urban areas and established settlement boundaries. In this regard, the proposal is contrary to the adopted development plan as it proposes a new dwelling outside of any established settlement boundaries as shown on the Proposals Map and is located within the open countryside.
- 5.10 The Development Plan policies discussed above set out the Council's general position in terms of rural development and new housing, which are both of relevance to this case. However a policy within the adopted Development Plan relates more specifically to applications for rural worker's dwellings. Policy PSP41 of the Policies, Sites and Places Plan supports the erection of dwellings for permanent workers in agriculture, forestry or other rural businesses outside of defined settlement boundaries, provided that the applicant can demonstrate that:
- 1) *the dwelling is required to satisfy a clearly established existing functional need to live at the place of work or within the immediate area, which can't be met within the defined settlement boundaries; and*
  - 2) *the rural business has been established for at least three years, has been profitable for at least one of them, is financially sound, and has a clear prospect of remaining so; and*
  - 3) *the need could not be fulfilled by another existing dwelling or building capable of conversion on the unit, or any other accommodation or building capable of conversion in the area, which is suitable and available for occupation by the worker concerned; and*
  - 4) *the proposal(s) is satisfactorily sited in relation to the rural business and wherever possible, is sited within a hamlet or existing group of buildings.*
- 5.11 This approach is reflected in national policy. Paragraph 79 of the NPPF outlines that planning policies and decisions should avoid the development of isolated homes in the countryside unless certain circumstances apply. One such circumstance is when there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside.
- 5.12 In order to determine whether the proposal for a rural worker's dwelling is acceptable in principle, the development must be assessed against the criteria set out above. This assessment, as set out below, is made in light of the comments provided by the rural surveyor.

### Functional Need

- 5.13 In this case, given the equine nature of the activities concerned and the regular stabling of horses, the rural surveyor considers there to be an accepted functional need in principle based on animal welfare grounds. The applicant has also highlighted security issues, and has outlined that the site has been subject to a number of break-ins in recent times. As such, there is agreed to be a functional need for a worker to reside at the site.

### Financial Viability

- 5.14 New permanent accommodation cannot be justified unless the enterprise is economically viable. A financial test is necessary for this purpose. In referring to the local plan policy, it states that the business must be profitable in at least one of the last three years. Tax returns for the past four years have been provided, which indicate a profitable business. The level of profit increased substantially between 2017/18 and the latest submission of 2018/19. A projected budget also indicates that the business is set to become more profitable over the coming years. On the basis of this information, the rural surveyor is satisfied that the business is sufficiently profitable, with the level of profit exceeding the cost of employing a worker.
- 5.15 With latest trading figures exceeding comparable standard data, and the forward projections indicating further profits over the next 3 years, it is considered on balance that the financial test is satisfied.

### Established

- 5.16 The business has been established for a number of years. As the business is split into different parts, and therefore has different sources of income, the stability of the business is considered to be greater than if it were reliant on a single income source. Overall, the business is considered sufficiently established as to pass the test.

### Existing Buildings and Other Accommodation

- 5.17 There are no dwellings associated with the holding. The August 2019 report relating to the previously refused application advised that the applicants reside in Yate, approximately 3 miles away, and commute to the site on a daily basis. The latest appraisal states a distance of 4.5 miles (a 12 minute commute). This property would be sold to finance the new dwelling on site, subject to planning permission being granted. The land owner (applicant's parents) live in Chipping Sodbury approximately 1.5 miles away and the part time worker lives in Nailsea, more than 20 miles away.
- 5.18 In reviewing the existing buildings on site, there is nothing deemed suitable for conversion to form a residential dwelling. An updated Rightmove search of the area has identified that there are no properties available for rent or purchase within ½ mile of the postcode.

### Siting

- 5.19 The proposed dwelling is to be positioned to the south of existing buildings and adjacent to the entrance yard. The rural surveyor has outlined that they are satisfied that the building is within sight and sound of stabled horses, and is

content that the position is within sufficient proximity as to meet the identified functional need. Overall the siting of the building is considered appropriate.

*Is there an essential need for a key worker to live at or near to the place of work in the countryside?*

- 5.20 The case has been assessed under the guidance set out in paragraph 79 of the National Planning Policy Framework, i.e. whether there is an essential need for a worker to live at or near to the place of work in the countryside. The proposal has also been assessed against policy PSP41 of the Policies, Sites and Places Plan.
- 5.21 On the basis of the assessment made above, the evidence submitted is considered to demonstrate the need. It is also acknowledged that the business has grown since its establishment, and is anticipated to continue growing. Overall, the proposal is considered to meet each element of policy PSP41. The rural surveyor has also concluded that whilst the business continues to evolve, it is now suitably established to warrant the case for a permanent dwelling. As a result, they support the application.
- 5.22 The rural surveyor has however recommended that as the justification is very specifically based on the on-site equestrian business rather than a more general need for a rural worker in the locality, a site-specific occupancy condition should be considered. A condition of this nature is considered both reasonable and necessary, and will be attached to any decision.
- 5.23 Proposed Annexe  
It is acknowledged that an annexe is proposed as part of the development. The annexe is connected to the para-dressage element of the business. The aim is to allow for disabled riders to visit the site and stay for a certain number of days. The provision of both a specially fitted bedroom as well as a carer's bedroom would allow for suitable residential accommodation to be provided.
- 5.24 As discussed previously, both Paragraph 83 of the NPPF and Policy PSP28 of the Policies, Sites and Places Plan are generally supportive of supporting rural businesses. The information presented indicates that there is an established need for a rural worker to reside on-site, and that the business is sufficiently established and profitable to warrant this. The provision of specialist facilities to support an arm of the business is considered to be broadly consistent with the aims of Para 83 and PSP28. The rural surveyor has also highlighted that whilst there are some other Riding for the Disabled Association (RDA) riding centres in the region, these only train to a certain level and, it is understood not to competition level. The application site is said to be the first yard to provide specialist hoist facilities. As such, the benefits of providing specialist accommodation, and the impact that this has on the business, is acknowledged.
- 5.25 In terms of the layout of the annexe, indicative floor plans have been provided, which show that the annexe would form an integral part of the main dwellinghouse. The only facilities to be provided would be two bedrooms, each with en-suites, to be used by the disabled rider and their carer. Given the lack

of facilities and the overall indicative layout, there is a limited risk of the annexe being occupied independently or for any other purpose.

5.26 As such, whilst a more separated annexe would likely be found unacceptable at this location for a number of reasons, a more integral annexe as shown on indicative plans would be more acceptable. As such it is strongly recommended that an integral annexe, no larger than that shown on indicative plans, be presented at reserved matters stage. For the avoidance of doubt, a condition will be applied to the outline consent, ensuring that any annexe is only used in association with Lone Oak Stables.

#### 5.27 Summary

Having considered the information presented in light of the rural surveyor's comments, officers consider the essential need for a worker to live at the site to have been demonstrated. However the application is to be assessed against other relevant areas of consideration in order to identify any harm. In this case, the further areas of consideration include design, visual amenity, landscape, residential amenity and transport. As the site is located within the Green Belt, the development must also accord with the principles of Green Belt policy to be acceptable.

#### 5.28 Green Belt

The application site is located within the Bristol and Bath 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. Any type of development in the Green Belt is considered inappropriate, unless it falls into a predefined exception category or very special circumstances override the presumption against inappropriate development. Very special circumstances will not be found unless the harm to Green Belt and any other harm is clearly outweighed by the benefits of the proposal.

5.29 In order to be considered an appropriate form of development in the Green Belt, any development proposal must be found to fall in to an exception category, as listed in Paragraphs 145 and 146 of the NPPF. A rural worker's dwelling is not listed as an exception category, and the proposal therefore constitutes inappropriate development in the Green Belt.

#### Very Special Circumstances

5.30 The very special circumstances in this case relate to the need for accommodation at the site. Very special circumstances are generally perceived to be reasons that can only apply to the applicant and no one else, making them unique and exceptional to the proposal at hand.

5.31 When considering whether very special circumstances exist, it important to first determine the overall harm to the Green Belt that would arise from the development, as this allows for a balancing exercise to be carried out.

- 5.32 In terms of its siting, the submitted site location plan indicates that the worker's dwelling would be situated to the south of a clutch of buildings. Furthermore, the building would be screened on two sides by vegetation. As such, the building is not considered to hold an isolated or prominent position within the holding.
- 5.33 Furthermore, it should be noted that the proposal relates to the provision of a single dwellinghouse at a remote site. Whilst still inappropriate, the development would not conflict with the purposes of Green Belt policy to a significant degree. It is acknowledged that the proposal would represent the encroachment of development in to the countryside, however given the scale of the development, the impact in this regard would not be severe. This has been factored in to the overall assessment of harm to the Green Belt arising from the development.
- 5.34 Given the above factors, and whilst also having regard to the limited scale of the development in that it only relates to the erection of a single building, the overall impact on the openness of the Green Belt is considered to be moderate.
- 5.35 In terms of the specific circumstances of this case, through the assessment set out above, it has been established that there is a need for a rural worker's dwelling at the site. The rural surveyor has agreed that there is a functional need for a rural worker to reside on the site on animal welfare grounds. Security grounds have also been raised as a reason for needing on-site accommodation. It is also worth noting that the use of the site as a livery and riding school is less common than a general agricultural use. The difference between this use and use as an agricultural farm is the likely value of animals kept at the site. It is therefore acknowledged that a higher level of welfare and security is required.
- 5.36 The National Planning Policy Framework makes a presumption in favour of sustainable development and has placed a strong emphasis in respect of supporting economic growth in rural areas. In this case, the business is acknowledged as being established and sufficiently profitable, and the provision of on-site accommodation and specialised accommodation for disabled riders would help to support the business.
- 5.37 The identified requirement for a worker to reside on the site to allow for the business to continue has been afforded significant weight, which is considered to outweigh the moderate harm to the Green Belt. For the reasons outlined above, it is considered that the very special circumstances allowing for the principle against inappropriate development in the Green Belt to be overridden, apply in this case.
- 5.38 Notwithstanding the above, it is acknowledged that the undertaking of unrestricted development at the site in the future may begin to degrade the openness of the Green Belt to a greater degree. As a consequence, in the interests of protecting openness, a condition will be attached to any decision restricting the permitted development rights afforded to the occupants. Subject to this condition, as a matter of principle, the provision of a rural worker's dwelling at the site is considered to be acceptable in Green Belt terms.

5.39 Design and Visual Amenity

- 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.
- 5.40 Neither layout, scale nor appearance are to be determined at this stage, and as such it is not possible to make a full assessment of the potential impact of the proposal on the character of the area and the visual amenity of the locality in general. The main factor to consider at this stage is whether the provision of a dwellinghouse at the site would, as a matter of principle, cause unacceptable harm to visual amenity.
- 5.41 In terms of the character of the lane itself, the defining features of the lane are the substantial hedgerows which bound the lane on either side. Due to the screening effects of the hedging, whilst the sporadic dwellinghouses and agricultural buildings spread along the lane can be seen at certain points, the adjacent fields are largely screened from view. Due to its proposed positioning behind an established hedgerow, the proposed residential unit would be largely screened from the public areas offered along Mill Lane.
- 5.42 Furthermore, given that other dwellinghouses are sporadically dotted along the lane, it is not considered that another dwellinghouse would inherently appear as an uncharacteristic feature.
- 5.43 As referred to previously in this report, the footprint of the proposed dwellinghouse as shown on indicative plans would be large. However given the context, it is not considered that this in itself would lead to any visual issues or degrade the character of the area, as larger properties are often typical features within a rural setting. However the concerns regarding impact on the openness of the Green Belt remain.
- 5.44 Notwithstanding this, there is considered to be scope for an acceptable design to be achieved through the approval of the reserved matters. As such, there are no in-principle concerns regarding the impact of the development on the character of the area or the visual amenity of the streetscene. The outline proposal is therefore broadly consistent with the aims of CS1.
- 5.45 Landscape Impact
- Policy PSP2 of the Policies, Sites and Places Plan outlines that development proposals should seek to conserve and where appropriate enhance the quality, amenity, distinctiveness and special character of the landscape.
- 5.46 The proposed unit would be positioned on a parcel of land situated between the highway and existing buildings present at the site. As such, the building would not hold a prominent position within a particularly open or undisturbed landscape, with views of the building from surrounding areas relatively limited. Furthermore, whilst the landscape is considered to be typically rural in character, it is not considered to exhibit any special character or quality.

- 5.47 To add to the above, the area of curtilage to be provided would be reasonably modest in scale, and would not extend unnecessarily in to the open countryside. Further to this, any impact in landscape terms could also be reduced through the agreement of a suitable scheme of landscaping at reserved matters stage. On the basis of the assessment set out above, it is not considered that the proposal would have any significant adverse impact on the surrounding landscape, and the proposal is therefore broadly consistent with PSP2.
- 5.48 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.
- 5.49 The proposed dwelling would be situated a significant distance from any neighbouring residential units. As such, it is not considered that the development would have any impact on the amenity of local residents. In terms of the living conditions afforded to the future occupants of the property, it appears that sufficient levels of dedicated external amenity space would be provided as to serve the occupants. On this basis the proposal is considered to comply with policy PSP8.
- 5.50 Transport  
In terms of access to key services and facilities, the site is acknowledged to hold a remote location. That said, the application relates specifically to a rural worker's dwelling, which can be permissible in policy terms subject to criteria being satisfied. As such, access to key services and facilities is not a determining factor.
- 5.51 In terms of access and parking arrangements, these are not matters to be determined at this stage. However the site would be accessed off Mill Lane; which comprises a quiet country lane which is not heavily trafficked. As such, it is not considered that either the creation of a new access, or the intensification in the use of the existing access point to the site, would result in any significant highway safety issue.
- 5.52 In terms of parking, indicative plans show that two parking spaces will be provided. This provision would be acceptable on the basis that the proposed unit contains no more than 4 bedrooms. Given the spacious nature of the site, it is considered that an appropriate parking arrangement can be agreed at reserved matters stage. It is advised that sufficient turning space be provided as to allow vehicles to enter and exit the site in a forward gear.
- 5.53 Ecology  
The application site comprises a modestly sized paddock area, which does not contain any noteworthy vegetation. Furthermore, the site does not contain any buildings which would be altered or demolished as part of the development

proposal. As such, the site in its current form is considered to offer very limited habitat potential, and it is therefore not considered that the proposal would have any significant adverse impact in ecological terms.

5.54 Trees and Vegetation

The site does not contain any established trees or vegetation which are worthy of protection. As such, the development would have a neutral impact in this respect.

5.54 Drainage

The site is located within EA Flood Zone 1, and there is no evidence of there being any acute drainage issues in the immediate locality. The drainage officer has queried the method of surface water disposal, however given the scale of the development, it is considered that the more detailed matters of site drainage can be agreed at reserved matters stage.

5.56 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.

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

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

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

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

## **CONDITIONS**

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

Reason

This is an outline permission only and the reserved matters are to be agreed with the Local Planning Authority.

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

Reason

This is an outline permission only and the reserved matters are to be agreed with the Local Planning Authority.

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

Reason

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

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

Reason

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

5. As part of the reserved matters required by condition 2 in relation to access and layout, details of the proposed parking arrangements for the new dwelling shall be submitted.

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; Policy PSP16 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013.

6. The occupation of the dwelling hereby approved shall be limited to a person solely or mainly working at the rural enterprise known as Lone Oak Stables, or a widow or widower of such a person, and to any resident dependants.

Reason

The site is not in an area intended for development and the development has been permitted solely because it is required to accommodate a person working in a rural enterprise, to accord with the provisions of the National Planning Policy Framework 2019 and Policy PSP41 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

7. Any annexe permitted under this consent shall not be occupied at any time other than for purposes ancillary to the occupation of the main dwellinghouse and associated with the rural enterprise at Lone Oak Stables.

Reason

The annexe is only permitted due to the circumstances of the case, and on the grounds that it would provide specialist accommodation for users of facilities provided at the site. Given the location of the site, occupation as a separate residential unit would be inappropriate, in accordance with policies CS5 and CS34 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013.

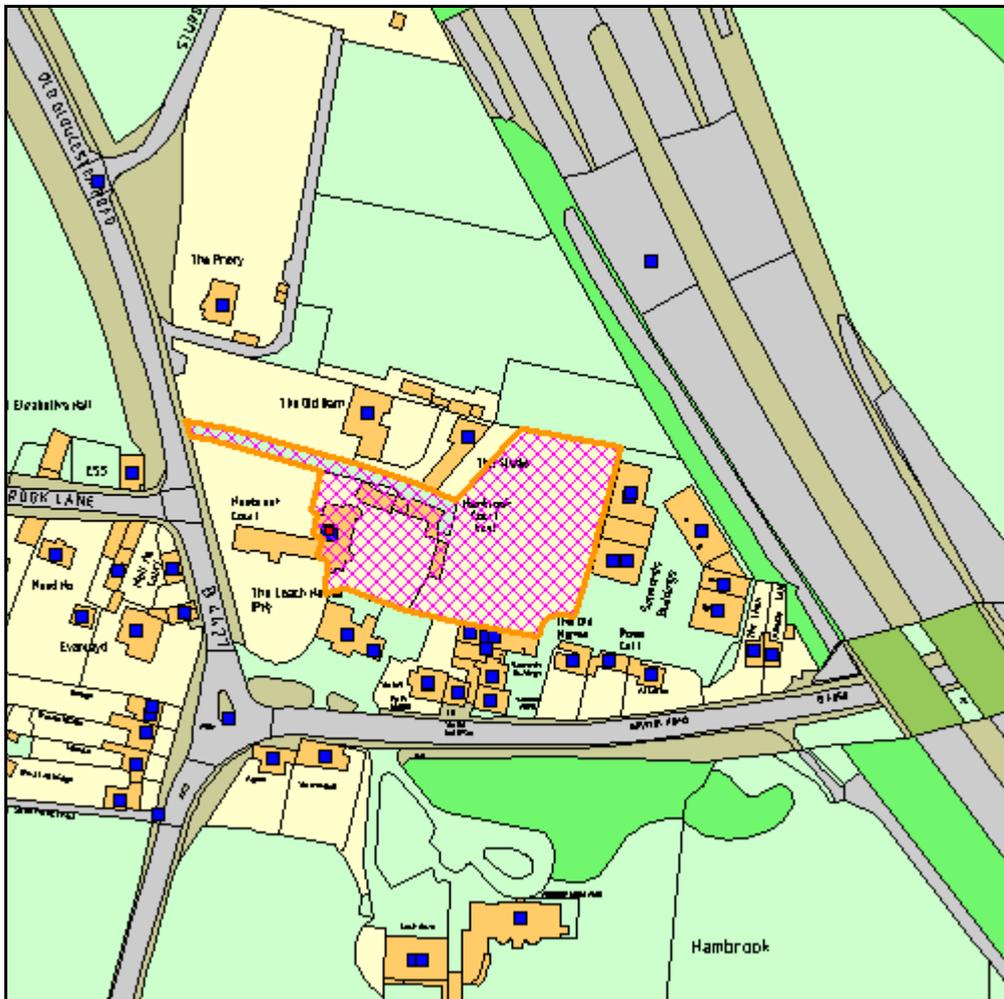
8. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, D, E, F, G and H) or any minor operations 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 openness of the Green Belt, to accord with Policies CS5 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP7 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework.

**CIRCULATED SCHEDULE NO. 29/20 - 17th July 2020**

<b>App No.:</b>	P20/01679/LB	<b>Applicant:</b>	Mr & Mrs Darren West & Ana Regueiro
<b>Site:</b>	Hambrook Court East Bristol Road Hambrook Bristol South Gloucestershire BS16 1RY	<b>Date Reg:</b>	10th February 2020
<b>Proposal:</b>	Internal and external alterations to include the demolition of the existing side extension/conservatory and erection of replacement single storey side extension with link extension between dwelling and outbuilding. Blocking up of existing entrance door and creation of new entrance with canopy over. Replacement of all windows. Demolition of internal walls and creation of new partitions, installation of replacement staircase from ground to first floor. Replacement of tiled roof above entrance hall with lead roofing and installation of 2 no. roof lanterns.	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	364158 179043	<b>Ward:</b>	Winterbourne
<b>Application Category:</b>	Minor	<b>Target Date:</b>	3rd April 2020



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 100023410, 2008. N.T.S. P20/01679/LB

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

## **INTRODUCTION**

This application appears on the Circulated Schedule as it is being considered with the a full application (Ref. P20/01714/F), for which it has been necessary to report to the Circulated Schedule, due to consultation responses received.

### **1. THE PROPOSAL**

- 1.1 The application seeks Listed Building consent for Internal and external alterations to include the demolition of the existing side extension/conservatory and erection of replacement single storey side extension with link extension between dwelling and outbuilding. Blocking up of existing entrance door and creation of new entrance with canopy over. Replacement of all windows. Demolition of internal walls and creation of new partitions, installation of replacement staircase from ground to first floor. Replacement of tiled roof above entrance hall with lead roofing and installation of 2 no. roof lanterns.
- 1.2 The site is Hambrook Court East. The building is Grade II listed. The site is within Hambrook Conservation Area and is located within the Green Belt.
- 1.3 A separate full planning application to facilitate the proposals, (ref. P20/01714/F), is also being considered concurrently.
- 1.4 During the course of the application, revised plans have been received proposing certain changes to some of the original submissions, as follows:

The western edge of the proposed extension has been altered to give greater usable space internally, the large opening on the north elevation has been repositioned and the rooflights over have also been recentred on this opening.

\* The front elevation of the main property (east) will benefit from newly proportioned windows at ground floor level to accord with those on the first floor. The parapet and stone capping detail will be raised slightly to give better proportions to this lower section, help conceal the lantern type rooflights behind when viewed from ground level and allow for a steeper pitch to the new roof created over the entrance hall. This datum will be carried across the east elevation and wrap around the proposed extension.

\* Internally the existing WC behind the staircase will now remain with the previously proposed WC and boot room remaining as a plant room.

\* The existing barn structure which was proposed for use as a new garage has been found to be in poor structural condition and the suggested simple bay extension to the east is not possible. Instead a new oak framed and cedar T&G clad structure is now proposed. The footprint would align with the current barn structure.

\* The mezzanine level areas to the new pool house have been omitted

\* An existing rooflight to the shower room attached to the garage was missed on the original formal issue – this has been corrected (see dwg. 021). It is proposed that this is relocated to the northern elevation to again keep this roof plane free of openings.

These revisions were fully reconsulted.

## **2. POLICY CONTEXT**

### 2.1 National Guidance

Planning (Listed Building and Conservation Area) Act 1990

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

CS9 Managing the Environment and Heritage

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

PSP1 Local Distinctiveness

PSP17 Heritage Assets and the Historic Environment

PSP19 Wider Biodiversity

## **3. RELEVANT PLANNING HISTORY**

3.1 P20/01714/F – Erection of single storey side extension to form additional living accommodation, erection of link extension to facilitate conversion of existing garage to pool house. Erection of extension to western side of barn building to form garage. Currently also under consideration.

P85/2362 - Alterations and extensions to facilitate change of use to form two self-contained dwelling units (in accordance with the amended plans received by the Council on 4th October 1985). Approved 20.11.1985.

P85/2363/L - Alteration and extension to facilitate change of use to form two self-contained dwelling units (in accordance with the amended plans received by the Council on 4th October 1985). Approved 20.11.1985.

Numerous historic permissions and listed building consents for alterations, extensions and outbuildings.

## **4. CONSULTATION RESPONSES**

### 4.1 Winterbourne Parish Council

No objection

Conservation/Listed Buildings Officer

No objection in principle, recommended certain amendments and details and subject to and securing specific details by condition.

The Georgian Group

Hambrook Court was built in the mid C18, and despite C20 additions, it still retains much external character. The house has been subject to many

changes, including the addition of a two storey bay window extension in 1995, together with numerous changes to the internal layout.

We have no objection in principal to the new side extension and new glazed link extension. The removal of the later added conservatory does not concern us, and overall, the design of the new extension is acceptable. However, we do have concerns regarding the fenestration throughout this scheme. The number of proposed rooflights in the extension is inappropriate. A substantial reduction is needed in order to reduce the harmful impact on the original fabric. The proposed new lantern roof to the principal elevation also needs careful consideration.

The scheme also proposes to move the principal entrance to the mid-1990s built bay extension. We have no major issues with that, however we would keep the existing door openings in the original part of the house as is, and not replace them with large windows. There are numerous internal changes to the layout of the ground floor, including the redesign of the stairs. Whilst the documents provided attempts to explain the rationale behind it, we would question whether this is an unnecessary change that could impact negatively on the historic fabric.

The proposed works by virtue of their detrimental impact on the historic plan as well as the harm to the retained fabric and unsympathetic design would adversely affect the character and special architectural and historic interest of the listed building. The works would, therefore cause harm to the significance of the heritage asset contrary to paragraph 195/196 of Chapter 16 (conserving and enhancing the historic environment) of the National Planning Policy Framework 2019.

In line with Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposals, special regard should be given to the desirability of preserving the listed building, its setting and any of its features of special architectural or historic interest. As a result consent should not be given in this instance.

Until the above points are adequately addressed, we object to the current proposals.

Archaeology  
No comments

Tree Officer  
No objection

## **Other Representations**

### 4.2 Local Residents

One letter of objection has been received to the Listed Building application, raising the following issues:

*- I object to the proposed plans to extend the original barn to provide a large replacement garage*

*and storage space along with a driveway to service the garage and the removal of trees in the paddock area to provide space for the garage and driveway.*

- I also object to the proposed removal of the other trees in the paddock area.*
- The proposed garage is large and is disproportionate in relation to the surrounding buildings.*
- The proposed garage and driveway encroach onto the paddock area and require the removal of trees.*
- I am surprised that the trees that are to be removed to facilitate the proposed garage, those marked T2, T3, T4, T5 and T6 are considered category C tree*
- The trees are an important part of the Hambrook Conservation Area*
- The drawing illustrating tree removal when compared to the Arboricultural Report arte misleading, with the report proposing the removal of more trees than the plan*
- Some of the plans show 8 rooflights in the pool house, however some elevations show none*
- The no. of rooflights is excessive and out of character with the area*
- Some of these rooflights would appear to overlook other properties*
- Rooflights in the kitchen extension and the lantern type roof lights above the entrance are not in character.*

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

The National Planning Policy Framework seeks to ensure the desirability of sustaining and enhancing the significance of heritage assets. Section 16(2) of the Planning (Listed building and conservation area) act 1990 states that when determining a listed building application the local planning authority shall have special regard to the desirability of preserving the building or its setting and any features of special architectural or historic interest which it possesses.

### **5.2 Listed Buildings Considerations**

The comments above are noted. Hambrook Court was once a single residence with the principal facade featuring two end projecting wings. Considered to date from the middle of the 18<sup>th</sup> century, the building was then extended mainly to its eastern side with a large 2½ storey rear wing with the extension considered to have been added late 18<sup>th</sup> or early 19<sup>th</sup> century. The subdivision of Hambrook Court into Hambrook Court West and East also appears to have been undertaken in the 1980s with consent for subdivision being given under ref P85/2663/F.

- 5.3 While elements of the building are undoubtedly historic and considered to date from the 18<sup>th</sup> century (a proportion of the eastern wing and rear two-storey extension), the building has been subject to some significant alterations internal and externally. However, while somewhat diluted by the recent additions, what is now the façade (the east facing elevation) still retains elements of the Georgian grandeur that the original composition would have possessed.
- 5.4 The two-storey canted bay extension located on the return of an extension to what is the original projecting front wing dates from the late 1990s, as do the dormer windows set within the roof of the rear wing addition. The rear conservatory was approved in 1991 with the single storey bay window structure that it sits behind also modern. To the front a pitched roofed single storey extension has been added, which was extended in depth after consent being issued in 2002. Moreover, while the rear wing retains the proportions of its impressive first floor tall sash windows, they are all double glazed upvc. No historic windows remain with the applicant advising that they were all replaced in the late 1980s when the property was being prepared for a care home use. Consent was granted in the 1991 to replace existing upvc windows for timber sashes, but there has clearly been some unauthorised works that have taken place. The 1947-1965 OS National Grid map (see below) shows what is now the living room extension (before the bays were added ) and what may be a porch structure to the entrance.
- 5.5 Since this time the addition of the utility room extension to the southern end and the front extension have infilled and extended across these two protrusions noted on the eastern elevation noted above.
- 5.6 The range of outbuildings to the north are largely modern with its historic outbuilding located further north and now in separate ownership. Of the historic buildings shown on the first and second editions of the OS maps, is it only the gable end of the closet structure that survives as a solid masonry structure. The rest of the buildings are constructed of concrete block elevations faced in cladding under modern roofs.
- 5.7 Whilst the comments of the Georgian Group are noted, internally and as the supporting DAS notes, very little historic fabric survives. From an internal inspection only fragments of historic joinery were observed. All internal doors are modern, all partitions are modern stud partitions with skimmed plaster finishes. All observable floor boards are also modern. Historic lath and plaster ceilings may have survived, but if they have then they are hidden above modern plaster boarding. The staircase is not original and located in clearly unoriginal location, being set into the walls of the main Georgian extension on its right, its balustrade disappearing into the plaster walls on its left and being set forward of what was the original building line of the façade of the Georgian extension. It is considered that this staircase was likely added in the 1980s when the building was subdivided.
- 5.8 The existing study is located in what is the original projecting front wing. While a section has been internalised by an extension housing the utility room, if the eastern end wall followed the same building line (i.e. continued it north) then it has been lost, as the extensions here have opened up the space. The back

corridor to the rear of what is currently shown as “Living 3” is also a rather odd configuration. It is not considered historic, as this would have been part of the prominent front wing and so such contrived subdivision would not be expected. I would suggest it would have been left far more open and spacious in light of the status of the room and so would not, as currently configured, subdivided north to south by a corridor.

- 5.9 The loss of the original front wall at ground floor level in particular can be noted, along with the opening up of the two living rooms also at ground floor, which cumulatively have eroded plan form. The front extension is an unusual and harmful addition that was clearly poorly constructed and detailed with its lean-to roof covering in synthetic tiles now failing, although the allowance of creepers to spread across the front elevation and into the roof would not have helped matters. While the roof is hidden behind the parapet, the open space at ground floor level can be considered to jar with the historic cellular configuration and character of the building. While fire places have been retained, in some cases they are modern reconstructions. Most of the plasterwork (cornices) appear modern, as does some of the panelling with the moulding profiles far too pronounced, as they have barely the thickness of one coat of paint as a finish. The first floor can be considered to have fared much better, especially within the Georgian rear wing extension where the tall ceiling heights helps add character, although this is somewhat undermined by the floor to ceiling upvc sash windows. Some shutters have survived also.
- 5.10 The attic rooms are dominated by the roof structure where the historic elements are clearly visible, along with the modern machine sawn replacement elements.
- 5.11 Overall the existing plan form has in my view been significantly compromised. While there may be front fragments of original walls on the ground floor, they now contribute little to what can be considered to be the special architectural and historic interest of the building. Although the building benefits from statutory protection, as can be seen from the listing citation, it is not specifically referred to and the main building to the west also was only listed in large part due to its group value with the other listed buildings within Hambrook. It is therefore perfectly legitimate and arguably part of the assessment process advocated within the Framework to recognise that this building while listed, internally at least can be regarded as being of low significance. The key objective therefore is to ensure that what survives of interest is not lost and ideally the considered significance of the building is enhanced if not sustained.
- 5.12 In respect of what the significance of the building actually is, I would suggest it can be considered to be derived largely from its standing fabric but also its style, as while the use of inappropriate materials may serve to undermine its appearance, as noted above its Classical proportions are still evident and to the point that the architectural and aesthetic character remains that of the mid-to-late 18<sup>th</sup> century house. Consequently while the modern extensions and materials may hinder the appreciation of the building in its current configuration, there is clearly significant scope for enhancement.

5.13 The proposed works are wide in scope and so unless specifically referred to below, they are considered to either be acceptable or of no consequence.

5.14 External Works

The proposed insertion of timber sash windows would replace the upvc windows and in principle would represent a significant enhancement. The replacement sash windows would use very slim insulated glazed units (6.5mm total width) which is acceptable. The glazing bar internally would be an ovolo and fillet and with chamfer moulding externally. The glazing bars also appear to be applied (see drg no.046) to the glass rather than being an integrated element of it. Confirmation and justification of this detail if this is correct would be helpful, but it is assumed that it is a limitation of the fabric of such slim line units.

5.14 Bar this issue, the design of all replacement windows would represent an enhancement and would not result in the loss of any historic fabric.

5.15 To the front elevation, the existing pair of French doors within the two-storey bay are to be replaced by a new front door as the main point of entry moves here from the single storey front extension. The existing front door is to be replaced by a large new sash window and the window adjacent is also to be replaced by a matching sash.

5.16 The existing two-storey bay is, as noted above, not historic and so neither are the French doors. The existing doors and windows within the front single storey extension are less than 20 years old. Therefore, no historic fabric would be lost and so the only issue to consider is the impact on the character of the building.

5.17 If the existing entrance formed a key part of the external character of the original building, then its removal would be an issue, as would increasing the status or prominence of a later and intended subservient addition. This however is not the case here, as the existing entrance is located in a modern and somewhat incongruous addition that fails to reflect the proportions of the main rear two-and-a-half storey rear wing. I see little reason to consider what is being proposed would be harmful to the character and appearance of the building. The only issue that could be raised would be that it would be preferable to remove the existing front door and adjacent window and replace it with a new opening that sits directly below the sash to the first floor left of the main building to reinstate a sense of the proportions of the building. However, as both the door and window are existing, this is intended to be merely a suggestion that if mirrored on the right hand side, could help improve the overall aesthetic appearance of this elevation. Revised plans have been submitted that address this issue.

5.18 The side extension would see the demolition of the conservatory, and being a more modern addition, this would not result in the loss of historic fabric. Revised plans for this side extension now appears to protrude slightly beyond the rear elevation which results in a rather clunky detail. It may have been better to keep and cleaner to keep the rear of the new extension in line within the rear of the existing building. The applicants state that this extrusion beyond the existing rear elevation is to afford greater internal useable space. The roof has been held back in line with the rear elevation so as to avoid an awkward protrusion and primarily to continue the parapet detail from the primary east elevation around

the perimeter to this point. The design and detailing of the side extension and link is largely acceptable. The scale of the “conservation patent” glazing looks excessive and may benefit from a reduction. Large scale details would also be required for the patent glazing. Details also of the lanterns to the roof of the front extension would also be required. Large scale details of all other windows and external doors have been submitted along with eaves/ verge details for the extensions which are all acceptable. It is also assumed that the design of the new doors for the outbuildings will match that of the design of the doors for the extension.

5.19 Revisions have been made. The scale of the patent glazing remains as submitted, but along with the facing materials of the kitchen extension, and while it may be preferable to reduce the scale and look for a rendered finish, the overall impact would not be harmful in the Council’s view. In the key views from the east, the kitchen extension, like the existing conservatory, would be read separately from the main building due to their contrasting materials. Moreover, in that key view from east, the stone facing material would be something of a plinth as part of the canted bay and so would not form a visually dominating element as part of the wider elevational composition

5.20 In respect of the outbuildings, as discussed there were considered to be too many rooflights proposed with the result being an adverse change in the perceived character of the building and thus their relationship with its listed host. It would be far more acceptable to leave the roof planes addressing the listed building uninterrupted so although they are not historic building, the existing positive and perceptible hierarchy is preserved. It was agreed with the applicant and agent that all rooflights would be removed from the roof planes facing the listed building and revised plans have been received to confirm this.

5.21 There are no other issues with the proposals to the outbuildings, as while the change in access would impact on the character of the paddock to the east, this is neither prominent in any views from within the conservation area nor would it have any significance impact on the setting of the listed building.

#### 5.22 Internal Works

The proposed changes to the internal layout are considered acceptable on the grounds that the partitions to be removed are of a non-period character and/or they do not make any contribution to the significance of the building. The rear corridor to “Living 3” is a case in point, as while opening up an existing room to create a large open entrance hall with open stair case would throw up a number of issues for most listed buildings, in this case what is being proposed is changing the character and proportions of a post-war extension and replacing a staircase from the 1980s. Although in Officers view the stairs remain in the wrong position and leaves the building somewhat feeling disjointed internally, this is largely the existing arrangement of the building but what is being proposed is a clear improvement on the internal configuration. In the Council’s view, ultimately the historic core of the building is being left untouched by these works.

5.23 What is being proposed for the main rear wing is the reinstatement of what was its external ground floor, which is considered to be another important enhancement, as it helps with the legibility of the scale and proportions of the

original buildings. The new partition between the front and side extension is also considered an enhancement. The proposed replacement staircase is considered to be acceptable in design considering the existing character of the building.

5.24 The only issue at first floor is the insertion of a new bathroom (into bed 3) and so flues and vents will need to be confirmed. Pipe runs shouldn't be an issue as the new bathroom would replace an ensuite on the opposite side of the corridor leading to bed 4.

5.25 No structural issues have been identified or proposed as part of this application, a standard structural works condition is recommended, to provide flexibility to consider and approve any intervention considered to be required once the works commence.

5.26 The proposed scheme contains a number of important enhancements that will have a positive and material impact on the significance of this listed building. While some of the proposals may be considered not necessarily the optimum solution – for example the 2no. full height sashes replacing the existing front door and adjacent window, these concerns are not significant and are outweighed by the overall level of enhancement this comprehensive scheme of restoration proposes.

5.27 To conclude, overall there is no objection and revised plans have addressed the points identified. Conditions are recommended to address and secure details to address any remaining design details.

#### 5.28 Trees

An Arboricultural Report has been submitted with both this and the full planning application. This has been assessed by the Councils Tree Officer. Provided that the trees proposed for retention are protected in accordance with the submitted Arboricultural report and BS: 5837:2012 there are no objections to this proposal.

## 6. CONCLUSION

6.1 The recommendation to approve Listed Building Consent has been taken having regard to section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Government advice contained within the National Planning Policy Framework.

## 7. RECOMMENDATION

7.1 That Listed Building Consent is granted, subject to the conditions recommended.

**Contact Officer: Simon Ford**  
**Tel. No. 01454 863714**

## CONDITIONS

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

Reason

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

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

010 Location and Site Plan  
011 Site Imagery  
013 Basement Plan Existing  
014 Ground Floor Plan Existing  
015 Outbuilding Ground Floor Plan Existing  
016 First Floor and Second Floor Plan Existing  
017 East Existing  
018 West Elevation Existing  
019 North/South Elevation Existing  
020 Outbuilding North Existing  
022 HCE Section AA Existing  
023 Ground Floor Appraisal  
024 First and Second Floor Appraisal  
025 Barn Plan and Elevations Existing REVA  
026 Annex Elevations Existing  
027 Sliding Sash Timber Windows Details Existing  
028 Sliding Sash Timber Windows Elevation Existing  
029 Sliding Sash UPVC Window Details Existing  
030 Sliding Sash UPVC Window Elevations Existing  
031 Main Staircase Existing  
033 Basement Plan Proposed  
035 Outbuilding Ground Floor Plan Proposed REVB  
041 Outbuilding South Proposed REVA  
046 Casement Window Details Proposed  
047 Casement Window Details Proposed  
048 Sliding Sash Window Details Proposed  
049 Sliding Sash Window Details Proposed  
050 Main Staircase Proposed  
051 Main Staircase Proposed Details  
052 Extension Details Proposed  
053 Doors Internal Proposed  
054 Doors External Proposed  
055 Proposed Kitchen Update

received by the Council on the 30th January and 7th February 2020

and

012 Site Roof Plan Existing REVA  
021 Outbuilding South Elevation Existing REVA  
032 Site Roof Plan Proposed REVB  
034 Ground Floor Plan Proposed REVB  
036 First and Second Floor Plan Proposed REVA  
037 East Elevation Proposed REVB

038 West Elevation Proposed REVB  
039 North South Elevations Proposed REVB  
040 Outbuilding North Elevation Proposed REVB  
042 HCE SectionAA Proposed REVB  
044 HCE BarnPlan Elevations Proposed REVB

received by the Council on the 13th May 2020.

Reason

To ensure that the development is carried out in accordance with the approved plans in order to comply with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

3. 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. Rooflights (patent glazing)
  - c. Roof lanterns
  - d. All new external doors (including frames and furniture)
  - e. All new vents and flues

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

Reason

In light of the above details not being submitted at determination stage for consideration and approval, a pre-commencement condition is necessary in order to ensure that the works serve to preserve the architectural and historic interest of the listed building, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at the NPPF and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Development Plan Document (adopted November 2017).

4. Prior to the commencement of 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 light of the above details not being submitted at determination stage for consideration and approval, a pre-commencement condition is necessary in order to ensure that the works serve to preserve the architectural and historic interest of the listed building, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at the NPPF and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Development Plan Document (adopted November 2017).

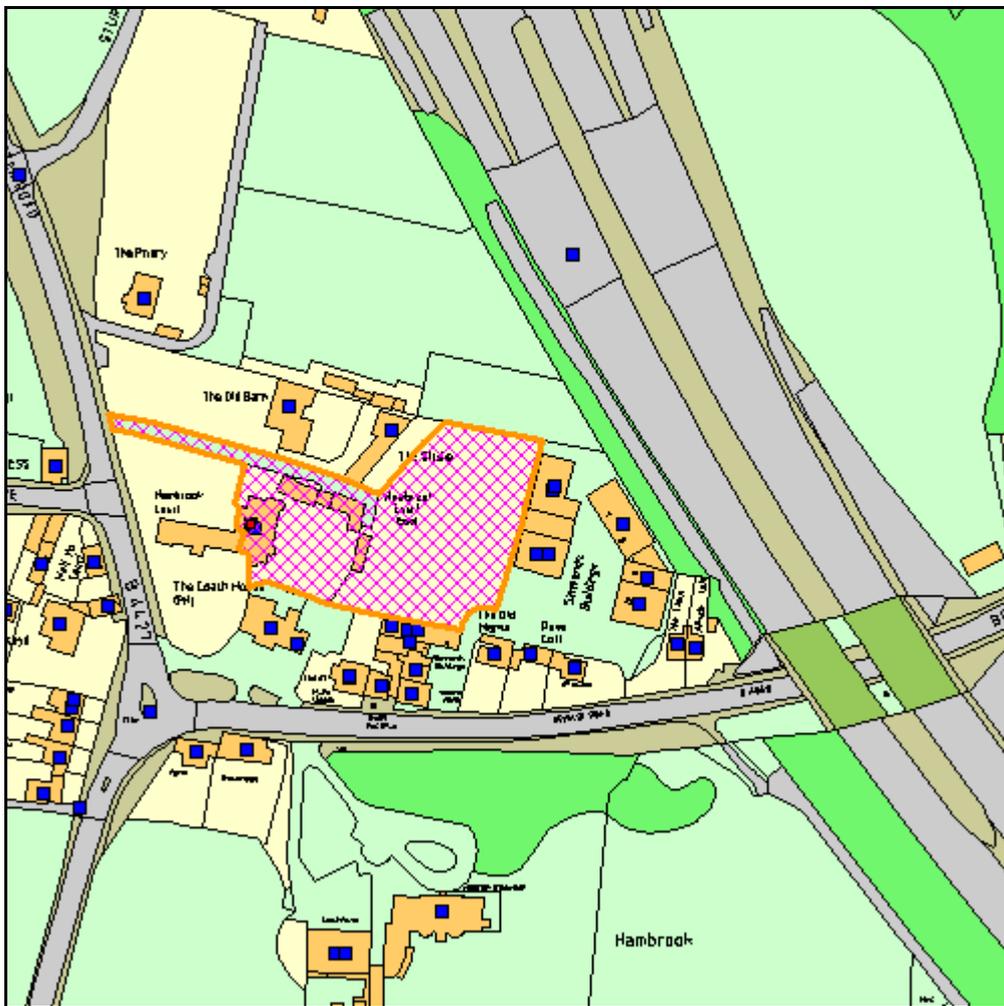
5. Sample panels of stonework, demonstrating the colour, texture and pointing are to be erected on site and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The approved sample panel shall be kept on site for reference until the stonework is complete. Development shall be carried out in accordance with the agreed sample.

Reason

To safeguard the special architectural and historic character of the building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990

**CIRCULATED SCHEDULE NO. 29/20 - 17th July 2020**

<b>App No.:</b>	P20/01714/F	<b>Applicant:</b>	Mr & Mrs Darren West & Ana Regueiro
<b>Site:</b>	Hambrook Court East Bristol Road Hambrook Bristol South Gloucestershire BS16 1RY	<b>Date Reg:</b>	10th February 2020
<b>Proposal:</b>	Erection of single storey side extension to form additional living accommodation, erection of link extension to facilitate conversion of existing garage to pool house. Erection of a replacement building to the east to form garage.	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	364158 179043	<b>Ward:</b>	Winterbourne
<b>Application Category:</b>	Householder	<b>Target Date:</b>	3rd April 2020



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 100023410, 2008. **N.T.S.** **P20/01714/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.

## **INTRODUCTION**

This application appears on the Circulated Schedule as a result of consultation responses received, contrary to Officer recommendation.

### **1. THE PROPOSAL**

- 1.1 The application seeks planning permission the erection of a single storey side extension to form additional living accommodation, erection of link extension to facilitate conversion of existing garage to pool house and the erection of a replacement building to the east to form garage.
- 1.2 The site is Hambrook Court East. The building is Grade II Listed. The site is within Hambrook Conservation Area and is located within the Green Belt.
- 1.3 A separate listed building application to facilitate the proposals, (ref. P20/01679/LB), is also being considered concurrently.
- 1.4 During the course of the application, revised plans have been received proposing certain changes to some of the original submissions, as follows:

The western edge of the proposed extension has been altered to give greater usable space internally, the large opening on the north elevation has been repositioned and the rooflights over have also been recentred on this opening.

\* The front elevation of the main property (east) will benefit from newly proportioned windows at ground floor level to accord with those on the first floor. The parapet and stone capping detail will be raised slightly to give better proportions to this lower section, help conceal the lantern type rooflights behind when viewed from ground level and allow for a steeper pitch to the new roof created over the entrance hall. This datum will be carried across the east elevation and wrap around the proposed extension.

\* Internally the existing WC behind the staircase will now remain with the previously proposed WC and boot room remaining as a plant room.

\* The existing barn structure which was proposed for use as a new garage has been found to be in poor structural condition and the suggested simple bay extension to the east is not possible. Instead a new oak framed and cedar T&G clad structure is now proposed. The footprint would align with the current barn structure.

\* The mezzanine level areas to the new pool house have been omitted

\* An existing rooflight to the shower room attached to the garage was missed on the original formal issue – this has been corrected (see dwg. 021). It is proposed that this is relocated to the northern elevation to again keep this roof plane free of openings.

### **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

CS9 Managing the Environment and Heritage

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

PSP1 Local Distinctiveness

PSP2 Landscape

PSP8 Residential Amenity

PSP11 Transport Impact Management

PSP17 Heritage Assets and the Historic Environment

Supplementary Planning Guidance

South Gloucestershire Design Checklist

South Gloucestershire Green Belts SPD

## 3. RELEVANT PLANNING HISTORY

3.1 P20/01679/LB - Internal and external alterations to include the demolition of the existing side extension/conservatory and erection of replacement single storey side extension with link extension between dwelling and outbuilding. Blocking up of existing entrance door and creation of new entrance with canopy over. Replacement of all windows. Demolition of internal walls and creation of new partitions, installation of replacement staircase from ground to first floor. Replacement of tiled roof above entrance hall with lead roofing and installation of 2 no. roof lanterns. Currently under consideration.

P85/2362 - Alterations and extensions to facilitate change of use to form two self-contained dwelling units (in accordance with the amended plans received by the Council on 4th October 1985). Approved 20.11.1985.

P85/2363/L - Alteration and extension to facilitate change of use to form two self-contained dwelling units (in accordance with the amended plans received by the Council on 4th October 1985). Approved 20.11.1985.

Numerous historic permissions and listed building consents for alterations, extensions and outbuildings.

## 4. CONSULTATION RESPONSES

### 4.1 Winterbourne Parish Council

The initial response was one of no objection.

Upon reconsultation of additional details the Parish further responded as follows:

The comments of the Parish Council are Objection. The Parish Council notes that while the South Gloucestershire Council Conservation Officer seems mainly satisfied with the enhancing nature of the proposals, based on new evidence in the revised plans, several neighbours and former residents express concerns about curtilage developments. In the absence of answers on these points the Parish Council objects to the development at this point in time

#### 4.2 Conservation Officer

No objection in principle, recommended certain amendments and details and subject to and securing specific details by condition.

#### The Georgian Group

Hambrook Court was built in the mid C18, and despite C20 additions, it still retains much external character. The house has been subject to many changes, including the addition of a two storey bay window extension in 1995, together with numerous changes to the internal layout.

We have no objection in principal to the new side extension and new glazed link extension. The removal of the later added conservatory does not concern us, and overall, the design of the new extension is acceptable. However, we do have concerns regarding the fenestration throughout this scheme. The number of proposed rooflights in the extension is inappropriate. A substantial reduction is needed in order to reduce the harmful impact on the original fabric. The proposed new lantern roof to the principal elevation also needs careful consideration.

The scheme also proposes to move the principal entrance to the mid-1990s built bay extension. We have no major issues with that, however we would keep the existing door openings in the original part of the house as is, and not replace them with large windows. There are numerous internal changes to the layout of the ground floor, including the redesign of the stairs. Whilst the documents provided attempts to explain the rationale behind it, we would question whether this is an unnecessary change that could impact negatively on the historic fabric.

The proposed works by virtue of their detrimental impact on the historic plan as well as the harm to the retained fabric and unsympathetic design would adversely affect the character and special architectural and historic interest of the listed building. The works would, therefore cause harm to the significance of the heritage asset contrary to paragraph 195/196 of Chapter 16 (conserving and enhancing the historic environment) of the National Planning Policy Framework 2019.

In line with Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposals, special regard should be given to the desirability of preserving the listed building, its setting and any of its features of special architectural or historic interest. As a result consent should not be given in this instance.

Until the above points are adequately addressed, we object to the current proposals.

### **Other Representations**

#### 4.3 Local Residents

Objection from seven people have been received, summarised as follows:

*'The property has been subject to many enlargements and is now very large*

*As per the Georgian Report the proposed works would have a detrimental impact and harm the retained fabric and the unsympathetic design would adversely affect the character and special architecture of the listed building*

*The design is not in keeping with the listed building*

*The entrance hall will be disproportionate in size*

*The proposals should be scaled back in height and size*

*There are numerous concerns over the fenestration*

*There is concern over the large driveway through the paddock to access the proposed buildings there*

*The field shelter to the rear that is intended to be replaced with the garage structure is not considered to be in a dangerous or unrepairable condition*

*There are concerns that the garage replacing the shelter would be utilised in the future for residential/b and b*

*Concerns over the use and addition of the timber framed garage and new driveway on the paddock area on Green Belt land in a Conservation Area*

*The size of the paddock will be significantly reduced*

*The applicants should not be permitted to change the use of, or develop, the paddock which is part of the designated local conservation area & should remain that way.*

*The side extension should not protrude 60cm beyond the existing wall line and should be recessed*

*The stone finish on the side extension will be imposing and should be render*

*The rooflights in the northern elevation of the 'pool room' will give rise to privacy and noise issues*

*Rooflights are not in character*

*Concerns over discrepancies in the plans*

*The arboricultural report is questioned and there is concern over the felling of some of the trees and their impact and importance upon the surrounding area*

*The revised drawings represent a further improvement, although there are still certain details that may require addressing'*

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

Extensions and buildings within residential curtilages are acceptable in principle subject to detailed development control considerations in respect of local amenity, design and transportation; as set out in policy PSP38. The issues for consideration in this respect therefore are whether the proposals have an adverse impact on the amenities of nearby occupiers and whether the design of the proposal is sufficiently in keeping with the site and surroundings. Policy advises that proposals should respect the massing, scale, proportions, materials and overall design of the existing property and the character of the street scene and surrounding area, they shall not prejudice the amenities of nearby occupiers, and shall not prejudice highway safety nor the retention of an acceptable level of parking provision or prejudice the retention of adequate amenity space. The principles of the NPPF give great weight to the conservation of designated heritage assets. Policy states that development will not be permitted unless the building and its setting would be preserved, features of architectural or historic interest would be retained and the character, historic form and structural integrity of the building would be retained. Policy CS9 of the Core Strategy similarly seeks to conserve, respect and enhance heritage assets. The main issues are considered to be that of the impact upon the special historic and architectural character of this heritage asset and any amenity impact. The site is also located within the Green Belt.

### **5.2 Green Belt**

The National Planning Policy Framework (NPPF) attaches great importance to Green Belts. It states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristic of Green Belts are their openness and their permanence. It states that inappropriate development is, by definition, harmful to the Green belt and should not be approved except in very special circumstances. The NPPF states that the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building is appropriate development in the Green Belt. The principle of residential extensions within the Green Belt is therefore acceptable provided that they are not disproportionate or impact upon the openness of the Green Belt.

5.3 The planning history of the site does illustrate previous development of the dwelling and buildings within the associated red line boundary of the planning unit. However whilst extension to the property is proposed, demolition of existing structures would also occur and the extensions would replace them. The proposed side extension would replace the existing conservatory. In terms of the existing barn/store towards the paddock area, in assessing previous applications associated with the development of Hambrook Court East, the

barn/store remains within the red-line boundary of the application site associated with the property. Revised plans submitted illustrate its replacement (as opposed to a larger previously proposed extension) and it will remain a partially open sided timber clad/reclaimed tile barn construction with a similar footprint and volume to that existing, whilst making it wide enough for a car. Access to the building would be via a continuation of the private access track through the property, with a short extension. Engineering operations including access can be an appropriate form of development within the Green Belt. In This instance it is not considered that a replacement of the existing building as proposed or drive area would impact upon the openness of the Green Belt and would be acceptable in terms of Green Belt criteria.

5.4 On the basis of the above, it is not considered that there would be a material or significant increase in volume in this instance. The proposals would not impact upon the existing openness of the Green Belt. On the basis of the above the proposals are considered appropriate and therefore acceptable development within the Green Belt in this instance.

5.5 Listed Buildings/Conservation Area Issues

The comments above are noted. Hambrook Court was once a single residence with the principal façade featuring two end projecting wings. Considered to date from the middle of the 18<sup>th</sup> century, the building was then extended mainly to its eastern side with a large 2½ storey rear wing with the extension considered to have been added late 18<sup>th</sup> or early 19<sup>th</sup> century. The subdivision of Hambrook Court into Hambrook Court West and East also appears to have been undertaken in the 1980s with consent for subdivision being given under ref P85/2663/F.

5.6 While elements of the building are undoubtedly historic and considered to date from the 18<sup>th</sup> century (a proportion of the eastern wing and rear two-storey extension), the building has been subject to some significant alterations internal and externally. However, while somewhat diluted by the recent additions, what is now the façade (the east facing elevation) still retains elements of the Georgian grandeur that the original composition would have possessed.

5.7 The two-storey canted bay extension located on the return of an extension to what is the original projecting front wing dates from the late 1990s, as do the dormer windows set within the roof of the rear wing addition. The rear conservatory was approved in 1991 with the single storey bay window structure that it sits behind also modern. To the front a pitched roofed single storey extension has been added, which was extended in depth after consent being issued in 2002. Moreover, while the rear wing retains the proportions of its impressive first floor tall sash windows, they are all double glazed upvc. No historic windows remain with the applicant advising that they were all replaced in the late 1980s when the property was being prepared for a care home use. Consent was granted in the 1991 to replace existing upvc windows for timber sashes, but there has clearly been some unauthorised works that have taken place. The 1947-1965 OS National Grid map (see below) shows what is now the living room extension (before the bays were added ) and what may be a porch structure to the entrance.

- 5.8 Since this time the addition of the utility room extension to the southern end and the front extension have infilled and extended across these two protrusions noted on the eastern elevation noted above.
- 5.9 The range of outbuildings to the north are largely modern with its historic outbuilding located further north and now in separate ownership. Of the historic buildings shown on the first and second editions of the OS maps, is it only the gable end of the closet structure that survives as a solid masonry structure. The rest of the buildings are constructed of concrete block elevations faced in cladding under modern roofs.
- 5.10 Whilst the comments of the Georgian Group are noted, internally and as the supporting DAS notes, very little historic fabric survives. From an internal inspection only fragments of historic joinery were observed. All internal doors are modern, all partitions are modern stud partitions with skimmed plaster finishes. All observable floor boards are also modern. Historic lath and plaster ceilings may have survived, but if they have then they are hidden above modern plaster boarding. The staircase is not original and located in clearly unoriginal location, being set into the walls of the main Georgian extension on its right, its balustrade disappearing into the plaster walls on its left and being set forward of what was the original building line of the façade of the Georgian extension. It is considered that this staircase was likely added in the 1980s when the building was subdivided.
- 5.11 The existing study is located in what is the original projecting front wing. While a section has been internalised by an extension housing the utility room, if the eastern end wall followed the same building line (i.e. continued it north) then it has been lost, as the extensions here have opened up the space. The back corridor to the rear of what is currently shown as "Living 3" is also a rather odd configuration. It is not considered historic, as this would have been part of the prominent front wing and so such contrived subdivision would not be expected. I would suggest it would have been left far more open and spacious in light of the status of the room and so would not, as currently configured, subdivided north to south by a corridor.
- 5.12 The loss of the original front wall at ground floor level in particular can be noted, along with the opening up of the two living rooms also at ground floor, which cumulatively have eroded plan form. The front extension is an unusual and harmful addition that was clearly poorly constructed and detailed with its lean-to roof covering in synthetic tiles now failing, although the allowance of creepers to spread across the front elevation and into the roof would not have helped matters. While the roof is hidden behind the parapet, the open space at ground floor level can be considered to jar with the historic cellular configuration and character of the building. While fire places have been retained, in some cases they are modern reconstructions. Most of the plasterwork (cornices) appear modern, as does some of the panelling with the moulding profiles far too pronounced, as they have barely the thickness of one coat of paint as a finish. The first floor can be considered to have fared much better, especially within the Georgian rear wing extension where the tall ceiling heights helps add character, although this is somewhat undermined by the floor to ceiling upvc sash windows. Some shutters have survived also.

- 5.13 The attic rooms are dominated by the roof structure where the historic elements are clearly visible, along with the modern machine sawn replacements elements.
- 5.14 Overall the existing plan form has been significantly compromised. While there may be front fragments of original walls on the ground floor, they now contribute little to what can be considered to the special architectural and historic interest of the building. Although the building benefits from statutory protection, as can be seen from the listing citation, it is not specifically referred to and the main building to west also was only listed in large part due to its group value with the other listed buildings within Hambrook. It is therefore perfectly legitimate and arguably part of the assessment process advocated within the Framework to recognise that this building while listed, internally at least can be regarded as being of low significance. The key objective therefore is to ensure that what survives of interest is not lost and ideally the considered significance of the building is enhanced if not sustained.
- 5.15 In respect of what the significance of the building actually is, I would suggest it can be considered to be derived largely from its standing fabric but also its style, as while the use of inappropriate materials may serve to undermine its appearance, as noted above its Classical proportions are still evident and to the point that the architectural and aesthetic character remains that of the mid-to-late 18<sup>th</sup> century house. Consequently while the modern extensions and materials may hinder the appreciation of the building in its current configuration, there is clearly significant scope for enhancement.
- 5.16 The proposed works are wide in scope and so unless specifically referred to below, they are considered to either be acceptable or of no consequence.
- 5.17 External Works  
The proposed insertion of timber sash windows would replace the upvc windows and in principle would represent a significant enhancement. The replacement sash windows would use very slim insulated glazed units (6.5mm total width) which is acceptable. The glazing bar internally would be an ovolo and fillet and with chamfer moulding externally. The glazing bars also appear to be applied (see drg no.046) to the glass rather than being an integrated element of it. Confirmation and justification of this detail if this is correct would be helpful, but it is assumed that it is a limitation of the fabric of such slim line units.
- 5.18 Bar this issue, the design of all replacement windows would represent an enhancement and would not result in the loss of any historic fabric.
- 5.19 To the front elevation, the existing pair of French doors within the two-storey bar are to be replaced by a new front door as the main point of entry moves here from the single storey front extension. The existing front door is to be replaced by a large new sash window and the window adjacent is also to be replaced by a matching sash.

- 5.20 The existing two-storey bay is, as noted above, not historic and so neither are the French doors. The existing doors and windows within the front single storey extension are less than 20 years old. Therefore, no historic fabric would be lost and so the only issue to consider is the impact on the character of the building.
- 5.21 If the existing entrance formed a key part of the external character of the original building, then its removal would be an issue, as would increasing the status or prominence of a later and intended subservient addition. This however is not the case here, as the existing entrance is located in a modern and somewhat incongruous addition that fails to reflect the proportions of the main rear two-and-a-half storey rear wing. I see little reason to consider what is being proposed would be harmful to the character and appearance of the building. The only issue I would raise would it that it would be preferable to remove the existing front door and adjacent window and replace it with a new opening that sits directly below the sash to the first floor left of the main building to reinstate a sense of the proportions of the building. However, as both the door and window are existing, this is intended to be merely a suggestion that if mirrored on the right hand side, could help improve the overall aesthetic appearance of this elevation. Revised plans have been submitted that address this issue.
- 5.23 The side extension would see the demolition of the conservatory, and being a more modern addition, this would not result in the loss of historic fabric. Revised plans for this side extension now appears to protrude slightly beyond the rear elevation which results in a rather clunky detail. It may have been better to keep and cleaner to keep the rear of the new extension in line within the rear of the existing building. The applicants state that this extrusion beyond the existing rear elevation is to afford greater internal useable space. The roof has been held back in line with the rear elevation so as to avoid an awkward protrusion and primarily to continue the parapet detail from the primary east elevation around the perimeter to this point. The design and detailing of the side extension and link is largely acceptable. The scale of the “conservation patent” glazing looks excessive and may benefit from a reduction. Large scale details would also be required for the patent glazing. Details also of the lanterns to the roof of the front extension would also be required. Large scale details of all other windows and external doors have been submitted along with eaves/ verge details for the extensions which are all acceptable. It is also assumed that the design of the new doors for the outbuildings will match that of the design of the doors for the extension.
- 5.24 Revisions have been made. The scale of the patent glazing remains as submitted, but along with the facing materials of the kitchen extension, and while it may be preferable to reduce the scale and look for a rendered finish, the overall impact would not be harmful in the Council’s view. In the key views from the east, the kitchen extension, like the existing conservatory, would be read separately from the main building due to their contrasting materials. Moreover, in that key view from east, the stone facing material would be something of a plinth as part of the canted bay and so would not form a visually dominating element as part of the wider elevational composition

- 5.25 In respect of the outbuildings, as discussed there were considered to be too many rooflights proposed with the result being an adverse change in the perceived character of the building and thus their relationship with its listed host. It would be far more acceptable to leave the roof planes addressing the listed building uninterrupted so although they are not historic building, the existing positive and perceptible hierarchy is preserved. It was agreed with the applicant and agent that all rooflights would be removed from the roof planes facing the listed building and revised plans have been received to confirm this.
- 5.26 There are no other issues with the proposals to the outbuildings, as while the change in access would impact on the character of the paddock to the east, this is neither prominent in any views from within the conservation area nor would it have any significance impact on the setting of the listed building.
- 5.27 Internal Works  
The proposed changes to the internal layout are considered acceptable on the grounds that the partitions to be removed are of a non-period character and/or they do not make any contribution to the significance of the building. The rear corridor to “Living 3” is a case in point, as while opening up an existing room to create a large open entrance hall with open stair case would throw up a number of issues for most listed buildings, in this case what is being proposed is changing the character and proportions of a post-war extension and replacing a staircase from the 1980s. Although in my view the stairs remain in the wrong position and leaves the building somewhat feeling disjointed internally, this is largely the existing arrangement of the building but what is being proposed is a clear improvement on the internal configuration. In the Council’s view, ultimately the historic core of the building is being left untouched by these works.
- 5.28 What is being proposed for the main rear wing is the reinstatement of what was its external ground floor, which is considered to be another important enhancement, as it helps with the legibility of the scale and proportions of the original buildings. The new partition between the front and side extension is also considered an enhancement. The proposed replacement staircase is considered to be acceptable in design considering the existing character of the building.
- 5.29 The only issue at first floor is the insertion of a new bathroom (into bed 3) and so flues and vents will need to be confirmed. Pipe runs shouldn’t be an issue as the new bathroom would replace an ensuite on the opposite side of the corridor leading to bed 4.
- 5.30 No structural issues have been identified or proposed as part of this application, a standard structural works condition is recommended, to provide flexibility to consider and approve any intervention considered to be required once the works commence.
- 5.31 The proposed scheme contains a number of important enhancements that will have a positive and material impact on the significance of this listed building. While some of the proposals may be considered not necessarily the optimum solution – for example the 2no. full height sashes replacing the existing front door and adjacent window, these concerns are not significant and are

outweighed by the overall level of enhancement this comprehensive scheme of restoration proposes.

5.32 To conclude, overall there is no objection and revised plans have addressed the points identified. Conditions are recommended to address and secure details to address any remaining design details.

5.33 Trees

An Arboricultural Report has been submitted with both this and the full planning application. This has been assessed by the Council's Tree Officer. Provided that the trees proposed for retention are protected in accordance with the submitted Arboricultural report and BS:5837:2012 there are no objections to this proposal.

5.34 Residential Amenity

The comments above, are noted. The proposed side extension is single storey and remains sufficiently off the shared boundary to the west. In terms of the rooflights on the north elevation of the single storey garage building, to become the pool room, these would be light giving rooflights set in the sloping roof, facing towards the sky and some metres off the shared boundary in this direction, which contains the roofs of properties across the driveway in the adjacent property. The mezzanine floor originally planned in this building has now been omitted and also means that the skylights are at a high level off the ground, further reducing any potential amenity impact. The scale, location and design of the proposals extension is not considered to give rise to any material or significant overbearing or overlooking impact such as to warrant objection or sustain refusal of the application on this basis.

5.35 Transportation

The proposals have sufficient scope for off street parking for the property sufficient to meet the Council's adopted requirements and the existing access off the public highway remains unaltered.

5.36 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 Local 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 recommended.

**Contact Officer: Simon Ford**  
**Tel. No. 01454 863714**

## **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 following plans:
- 010 Location and Site Plan
  - 011 Site Imagery
  - 013 Basement Plan Existing
  - 014 Ground Floor Plan Existing
  - 015 Outbuilding Ground Floor Plan Existing
  - 016 First Floor and Second Floor Plan Existing
  - 017 East Existing
  - 018 West Elevation Existing
  - 019 North/South Elevation Existing
  - 020 Outbuilding North Existing
  - 022 HCE Section AA Existing
  - 023 Ground Floor Appraisal
  - 024 First and Second Floor Appraisal
  - 025 Barn Plan and Elevations Existing REVA
  - 026 Annex Elevations Existing
  - 027 Sliding Sash Timber Windows Details Existing
  - 028 Sliding Sash Timber Windows Elevation Existing
  - 029 Sliding Sash UPVC Window Details Existing
  - 030 Sliding Sash UPVC Window Elevations Existing
  - 031 Main Staircase Existing
  - 033 Basement Plan Proposed
  - 035 Outbuilding Ground Floor Plan Proposed REVB

041 Outbuilding South Proposed REVA  
046 Casement Window Details Proposed  
047 Casement Window Details Proposed  
048 Sliding Sash Window Details Proposed  
049 Sliding Sash Window Details Proposed  
050 Main Staircase Proposed  
051 Main Staircase Proposed Details  
052 Extension Details Proposed  
053 Doors Internal Proposed  
054 Doors External Proposed  
055 Proposed Kitchen Update

received by the Council on the 30th January and 7th February 2020

and

012 Site Roof Plan Existing REVA  
021 Outbuilding South Elevation Existing REVA  
032 Site Roof Plan Proposed REVB  
034 Ground Floor Plan Proposed REVB  
036 First and Second Floor Plan Proposed REVA  
037 East Elevation Proposed REVB  
038 West Elevation Proposed REVB  
039 North South Elevations Proposed REVB  
040 Outbuilding North Elevation Proposed REVB  
042 HCE Section AA Proposed REVB  
044 HCE Barn Plan Elevations Proposed REVB

received by the Council on the 13th May 2020.

Reason

In the interests of clarity and the avoidance of doubt and to accord with policies CS1 of the South Gloucestershire Local Plan Core Strategy.

3. 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. Rooflights (patent glazing)
  - c. Roof lanterns
  - d. All new external doors (including frames and furniture)
  - e. All new vents and flues

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

Reason

In the interests of the protection of the Listed Building and in accordance with PSP17 of the South Gloucestershire Policies, Sites and Places Plan Adopted November 2017 and CS9 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.

This is a pre-commencement requirement to ensure that Listed Building considerations are addressed and incorporated within the development at an early stage.

4. Prior to the commencement of 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. The details shall thereafter be implemented and retained in accordance with the approved specifications.

Reason

In the interests of the protection of the Listed Building and in accordance with PSP17 of the South Gloucestershire Policies, Sites and Places Plan Adopted November 2017 and CS9 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.

This is a pre-commencement requirement to ensure that Listed Building considerations are addressed and incorporated within the development at an early stage.

5. Sample panels of stonework, demonstrating the colour, texture and pointing are to be erected on site and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The approved sample panel shall be kept on site for reference until the stonework is complete. Development shall be carried out in accordance with the agreed sample.

Reason

In the interests of the protection of the Listed Building and in accordance with PSP17 of the South Gloucestershire Policies, Sites and Places Plan Adopted November 2017 and CS9 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.

This is a pre-commencement requirement to ensure that Listed Building considerations are addressed and incorporated within the development at an early stage.

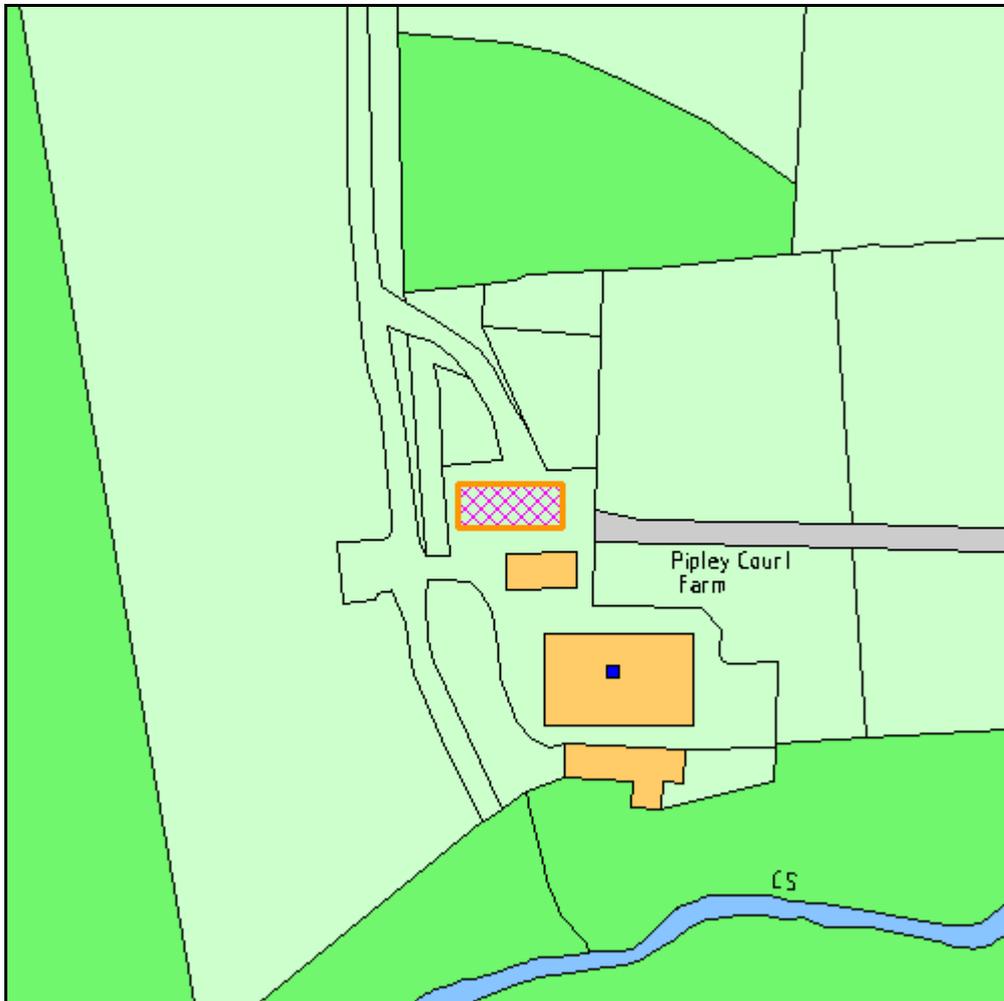
6. All trees proposed for retention shall be protected in accordance with the submitted Arboricultural report and BS: 5837:2012

Reason

In the interests of the protection of the trees and to accord with policies CS1 of the South Gloucestershire Local Plan Core Strategy.

**CIRCULATED SCHEDULE NO. 29/20 - 17th July 2020**

<b>App No.:</b>	P20/02997/RVC	<b>Applicant:</b>	Mr R Jefferies
<b>Site:</b>	Pipley Court Farm North Stoke Lane Upton Cheyney South Gloucestershire BS30 6NG	<b>Date Reg:</b>	19th February 2020
<b>Proposal:</b>	Variation of condition 1 (to amend the agricultural occupancy restriction to a rural workers occupancy restriction) attached to permission PK17/4056/RVC superseding permission PK10/1614/O and to be read in conjunction with permission PK11/0079/RM. PK10/1614/O-Erection of 1 no. agricultural workers detached dwelling (Outline) with access and scale to be determined. All other matters to be reserved. PK11/0079/RM- Erection of 1 no. agricultural workers dwelling. (Approval of Reserved Matters to be read in conjunction with Outline Planning Permission PK10/1614/O).	<b>Parish:</b>	Bitton Parish Council
<b>Map Ref:</b>	369592 169484	<b>Ward:</b>	Bitton And Oldland Common
<b>Application Category:</b>	Minor	<b>Target Date:</b>	13th April 2020



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 100023410, 2008. **N.T.S.** **P20/02997/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.

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

A representation has been made by the parish council, which is contrary to the findings of this report. Furthermore, the application has been subject to other representations which are contrary to the findings of this report, with three or more contrary representations made. Under the current scheme of delegation it is therefore required to be taken forward under the Circulated Schedule procedure.

### **1. THE PROPOSAL**

- 1.1 This application is made under section 73 of the Town and Country Planning Act 1990 (as amended). Applications made under this section seek to develop land without compliance with conditions previously attached to planning permissions. In this instance, the applicant seeks to vary condition 1 attached to permission PK17/4056/RVC to amend an agricultural occupancy restriction to a rural worker's occupancy restriction.
- 1.2 The application site relates to an existing agricultural worker's dwelling with associated agricultural land. It is located within the open countryside, Bristol and Bath Green Belt and the Cotswolds AONB.
- 1.3 Planning permission was initially granted in 2007 for the stationing of a mobile home on the land for a temporary three year period to provide residential accommodation for an agricultural worker. The temporary consent expired in 2010/11 and subsequently outline planning permission was granted in 2010 for the erection of a permanent agricultural worker's dwelling on the site (Ref. PK10/1614/O). The reserved matters were subsequently agreed under application PK11/0079/RM. Condition 6 attached to PK10/1614/O allowed for the occupation of the dwelling to only be by a person solely or mainly breeding alpacas on the site, or a widow or widower or partner of such a person, and to any resident dependants.
- 1.4 The applications were to provide accommodation for the applicant and his then wife on their holding of approximately 39 acres to develop and expand their alpaca business. Over the following years the applicant expanded the business and increased the herd to approximately 90 alpacas. However, in the following years the herd was reduced and approximately 31 acres and a building were sold. The herd of alpacas was also substantially reduced, as well as the available grazing land. For these reasons the applicant had to sell the holding.
- 1.5 A section 73 application (PK17/4056/RVC) was subsequently submitted in 2017. This sought to alter the wording of condition 6 attached to PK10/1614/O, as to allow for a more general agricultural occupancy as opposed to just for the breeding of alpacas. The purpose of this was to allow for the occupation of the

dwelling by calf, pig and poultry rearers or pedigree livestock breeders (including horses), to ensure that the property is retained for occupation by a viable rural-based enterprise. The proposed variation was found to be acceptable, and the application was approved.

- 1.6 On the basis of the information presented as part of this application, in the years since the granting of the previous section 73 application to vary conditions, the applicant has made a number of attempts to sell the property; without success. The agricultural occupancy condition is considered to be the key factor affecting the sale of the property. The applicant is therefore now proposing to further amend the restriction from an 'agricultural occupancy' restriction to a 'rural occupancy' restriction.

## **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
PSP2	Landscape
PSP3	Trees and Woodland
PSP7	Development in the Green Belt
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP19	Wider biodiversity
PSP21	Environmental Pollution and Impacts
PSP28	Rural Economy
PSP29	Agricultural Development
PSP41	Rural Workers Dwellings

## **3. RELEVANT PLANNING HISTORY**

### **3.1 PK18/3807/F**

Erection of garage with store.

Approved: 14.02.2019

### 3.2 **PK17/4056/RVC**

Variation of condition no. 6 attached to planning permission PK10/1614/O to allow the occupation of the dwelling to not be solely or mainly for the breeding of alpacas on the site (re-submission of PK16/6689/RVC).

Approved: 03.11.2017

Condition 1: *The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependents.*

### 3.3 **PK16/6689/RVC**

Variation of condition no. 6 attached to planning permission PK10/1614/O to allow the occupation of the dwelling to not be solely or mainly for the breeding of alpacas on the site.

Withdrawn: 31.08.2017

### 3.4 **PK11/0079/RM**

Erection of 1 no. agricultural workers dwelling. (Approval of Reserved Matters to be read in conjunction with Outline Planning Permission PK10/1614/O).

Approved: 17.02.2011

### 3.5 **PK10/1614/O**

Erection of 1 no. agricultural workers detached dwelling (Outline) with access and scale to be determined. All other matters to be reserved.

Approved: 04.11.2010

Condition 6: *The occupation of the dwelling hereby permitted is limited to a person solely or mainly breeding alpacas on the site, or a widow or widower or partner of such a person, and to any resident dependants.*

### 3.6 **PK07/2718/TMP**

Change of use of agricultural land for the stationing of a mobile home for occupation by an agricultural worker. (Temporary consent for 3 years).

Approved: 28.12.2007

### 3.7 **PK04/0421/F**

Change of use of land from agricultural to residential curtilage for the stationing of a mobile caravan used for temporary accommodation.

Withdrawn: 22.03.2004

### 3.8 **PK02/0049/PNA**

Erection of agricultural store.

Objection: 09.01.2002

## 4. **CONSULTATION RESPONSES**

### 4.1 Bitton Parish Council

Objection. Any change of condition on the building could lead to damage to the openness of the Greenbelt and AONB. The Parish Council feel it is not the planners' job to help the owners sell the property.

### 4.2 Internal Consultees

#### Environmental Protection

Location within farm holding could lead to noise/odour issues.

#### Landscape Officer

No comment

#### Open Spaces Society

No comment

#### Planning Enforcement

No comment

#### Public Rights of Way

No objection

#### Sustainable Transport

No objection

### 4.3 Other Representations

#### Local Residents

A total of 8 letters of objection were received during the course of the application process. The main concerns raised within the objection comments are summarised below. Full copies of all comments are publicly available on the Council website:

- Agricultural occupancy condition is clear.
- Unfortunate but not surprising that alpaca farm failed.

- Owner attempting to sell property for more than agricultural worker could afford. Should consider selling at lower price or renting out.
- Should not mean that conditions agreed between Council and owner should be changed.
- Removing agricultural tie would essentially allow anyone to build large house on green fields. This is improper use of planning laws.
- Development of site has had negative effect on AONB.
- If no animals on property, permission should be rescinded and property removed.
- Allowing change to rural worker's dwelling implies possible equestrian use. However this would require planning permission for a change of use of land at a very sensitive location.
- Introducing horse related development could have negative impacts and would be inappropriate in Green Belt.
- Some discrepancies between Planning Statement and marketing statement.
- Other factors may have effected marketability of property.
- Request that all previous comments are reviewed by council planning officers.
- Planning permission was originally granted for 2 bedroom agricultural worker's cottage, whereas 4 bedroom building has been marketed.

## 5. **ANALYSIS OF PROPOSAL**

- 5.1 This application seeks to vary condition 1 attached to permission PK17/4056/RVC to amend an agricultural occupancy restriction to a rural worker's occupancy restriction.
- 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. If the Authority decides that planning permission should be granted subject to the same conditions, then the application should be refused.
- 5.4 Therefore, an analysis of other conditions attached to the previous planning consent shall also be undertaken as part of this application against the provisions of paragraph 55 of the National Planning Policy Framework.
- 5.5 Analysis of Variation  
The application seeks to vary condition 1 attached to permission PK17/4056/RVC to amend an agricultural occupancy restriction to a rural worker's occupancy restriction. The effect of this would essentially allow for the

property to be occupied by a person working in the locality in a rural enterprise including equestrianism, as opposed to just agriculture and forestry.

- 5.6 It should be noted that the Council's principal policy relating to this type of development; policy PSP41 of the Policies, Sites and Places Plan, relates to 'rural worker's dwellings'. The policy refers to 'workers in agriculture, forestry or other rural businesses'. Further to this, the relevant part of the National Planning Policy Framework (Para. 79a), refers to a 'rural worker' as opposed to an 'agricultural worker'. Generally speaking a rural worker is also considered to include those working in an equine based rural enterprise.
- 5.7 As such, whilst it is acknowledged that a dwellinghouse at the site was only originally permitted due to a demonstrated need in connection with the alpaca business, an element of flexibility is required to allow for changes in market conditions which could render certain enterprises untenable. Given that both local and national policy make reference to 'rural workers', amending the condition to allow occupancy by a 'rural worker' is considered a reasonable request. Provided that there is adequate demonstration that any occupant would work in the locality in a rural enterprise, the occupation of the property would remain in broad alignment with both local and national policy requirements.
- 5.8 The comments made regarding the requirement for planning permission to change the use of the land connected with the property are noted. It is acknowledged that a change to an equestrian based use would, in all likelihood, require planning permission. The acceptability of this is a matter that would be considered in the event that such an application is submitted. However the existing condition attached to PK17/4056/RVC refers to a person working 'in the locality'. As such, the restriction does not necessarily tie the occupant to the land associated with the property itself. On this basis, amending the condition to allow for a person working in the locality in a rural enterprise would not necessarily result in a change of use of land taking place.
- 5.9 It should however be noted that on the basis of this application, the removal of any form of occupancy condition would not be supported. The site is located in a sensitive location within the Cotswolds AONB, the open countryside and the Bristol/Bath Green Belt. The dwelling was only given permission due to the circumstances of the case, and it remains that residential development is generally not supported in these sensitive locations.
- 5.10 PSP41 outlines that the removal of an occupancy condition in its entirety would only be allowed where it can be demonstrated that there is no existing or foreseeable need on the unit or in the locality, and there has been an independent market assessment following an unsuccessful attempt to market the property at a realistic price.
- 5.11 The applicant has not demonstrated that there is no existing or foreseeable need on the unit or in the locality. Furthermore, whilst marketing information has been provided, whether or not the property has been marketed at a realistic price is a matter that would be considered by an independent rural surveyor.

It would therefore be inappropriate to remove this condition entirely. However the application does not seek to remove the condition entirely; rather it seeks to amend to allow for occupation by a rural worker. For the reasons outlined above, this variation is considered to be appropriate.

5.12 Other Conditions

As any permission granted under this application would stand as a planning permission in its own right, all other conditions should be reviewed. The conditions should only be reapplied where it is necessary to do so. In total, 2 conditions were attached to the consent granted under PK17/4056/RVC.

5.13 Condition 1 is the subject of this application and will be amended accordingly. Condition 2 removed the householder permitted development rights of the dwelling. This was to ensure that the accommodation is limited to that commensurate with the established need. Given the nature of the application and the location in open countryside, Bristol and Bath Green Belt and the Cotswold AONB, it is considered appropriate for this condition to be carried forwards.

5.14 Impact on Equalities

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

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

5.16 Other Matters

Certain matters raised within consultation responses have not been addressed in the main body of this report. These will be considered below:

5.17 The concerns raised regarding the number of bedrooms contained within the property are noted. It would appear that the property was originally marketed as a 4-bed property in 2016; however the more recent marketing reports dating from February 2020 describe the property as a 2-bed property. It appears that the earlier marketing reports shows first floor rooms as being mezzanine bedrooms, whereas the later reports show them as a study and general mezzanine.

5.18 Exactly how a property is listed for sale is not a planning matter. The consideration in planning terms is whether the development has been implemented in accordance with approved plans. On the basis of the information available, it would appear that the exterior of the building was

constructed in accordance with the plans approved under the reserved matters application (PK11/0079/RM). Whilst it would appear that alterations to the internal arrangement of the building such as the installation of a mezzanine floor may have taken place in the intervening period, any such internal alterations would not amount to development and would not require planning permission in their own right.

## 6. **CONCLUSION**

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

## 7. **RECOMMENDATION**

- 7.1 It is recommended that planning permission be **GRANTED** subject to the conditions included on the decision notice.

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

## **CONDITIONS**

1. The occupation of the property shall be limited to a person solely or mainly working, or last working, in the locality in a rural enterprise including equestrianism, or a widow or widower of such a person, and to any resident dependants.

### Reason

The site is not in an area intended for development and the development has been permitted solely because it is required to accommodate a person working in a rural enterprise, to accord with the provisions of the National Planning Policy Framework 2019 and Policy PSP41 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

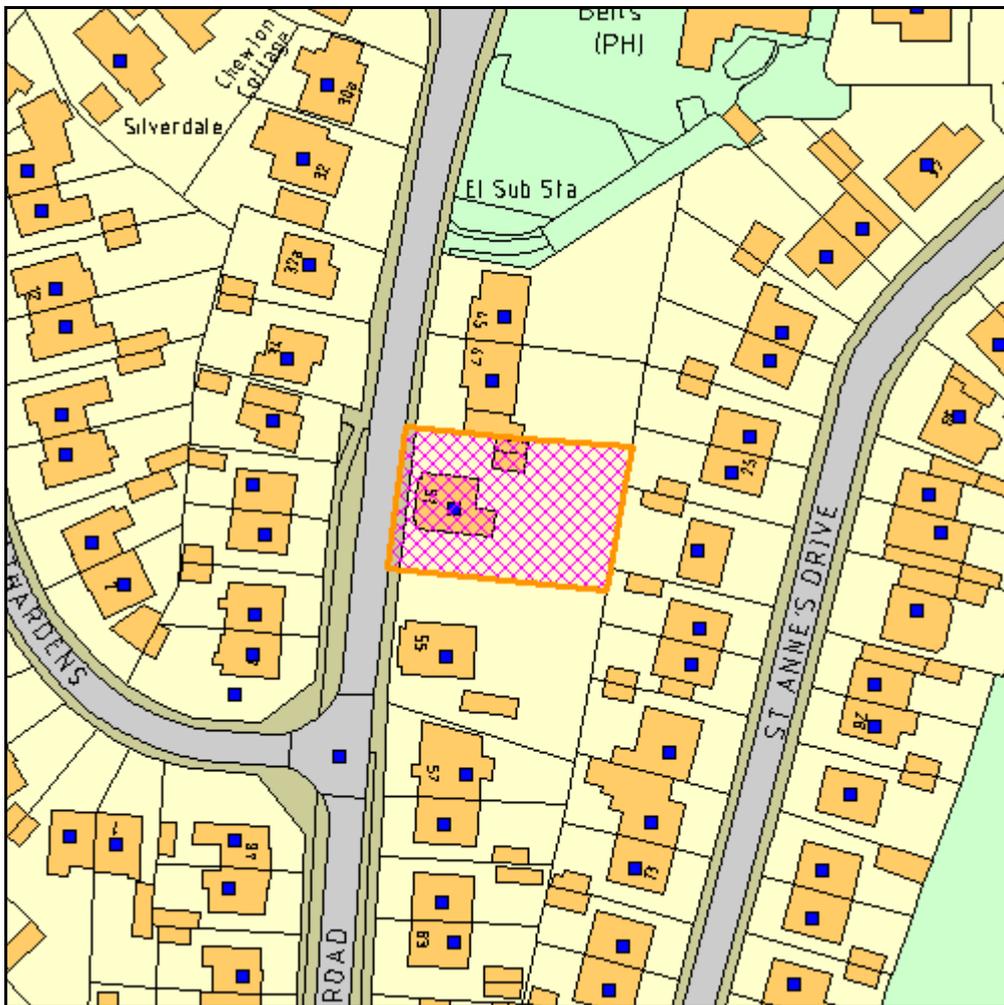
2. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, D, E, F, G and H), or any minor operations as specified in Part 2 (Class A), other than such development or operations indicated on the plans approved under applications PK10/1614/O and PK11/0079/RM, shall be carried out without the prior written consent of the Local Planning Authority.

## Reason

To ensure that the accommodation is limited to that commensurate with the established need and in the interests of the visual amenity of the area and the openness of the Green Belt, to accord with Policies CS1, CS5 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP7 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework.

**CIRCULATED SCHEDULE NO. 29/20 - 17th July 2020**

<b>App No.:</b>	P20/05841/F	<b>Applicant:</b>	3 D Construction
<b>Site:</b>	Land At 51 Henfield Road Coalpit Heath South Gloucestershire BS36 2TG	<b>Date Reg:</b>	12th May 2020
<b>Proposal:</b>	Demolition of existing 1 no. bungalow. Erection of 4 no. semi-detached dwellings with new vehicular accesses, parking, bin/bike stores, landscaping and associated works.	<b>Parish:</b>	Westerleigh Parish Council
<b>Map Ref:</b>	367437 180456	<b>Ward:</b>	Frampton Cotterell
<b>Application Category:</b>	Minor	<b>Target Date:</b>	1st July 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.

This application appears on the Circulated Schedule as Westerleigh Parish Council comment contrary to the officer recommendation and there are in excess of three comments made contrary to the officer recommendation from members of the public.

## 1. THE PROPOSAL

- 1.1 The planning application details the proposal to demolish the existing detached chalet/dormer style bungalow on the site to make way for the development of four new two storey dwellings and associated access. Access is directly onto Henfield Road.
- 1.2 The site is located within the Coalpit Heath Village Settlement Boundary.

## 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
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity

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

PSP1	Local Distinctiveness
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP20	Flood Risk, Surface Water and Watercourses
PSP21	Environmental Pollution and Impacts
PSP22	Unstable Land
PSP38	Development within Existing Residential Curtilages, Including Extensions and New Dwellings
PSP43	Private Amenity Space Standards

### 2.3 Supplementary Planning Guidance

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

**3. RELEVANT PLANNING HISTORY**

3.1 None

**4. CONSULTATION RESPONSES**

4.1 Two consultations were carried out with the local community and external agencies. This is to allow further comments in respect of revised proposals received by the Local Planning Authority.

4.2 Westerleigh Parish/Town Council  
Objection in the following grounds (summary)

Provision of four dwellings represents over development

The development is out of keeping with the bungalows on the street

Concern about access between dwellings

Strong objection to the revised plans on the basis that (summary);

Over development out of keeping with the street scene

Limited access to the rear of each property, limited bin storage and parking of vehicles (occupants and visitors).

4.3 Highway Authority  
No objection in principle. Electric Vehicle Charging Points are requested.

4.4 Lead Local Flood Authority  
No objection in principle subject to the following;

Details of surface and foul water drainage including Sustainable Drainage scheme.

Highway drain should be located on site prior to development.

4.5 Highway Structures Team  
No objection in principle. Support for highway during construction should be provided to the Highway Authority.

4.6 Ecology Officer  
No objection. Confirms that the ecological value of the site is low. Conditions should be applied to secure the Ecological Mitigation Measures and provision of Ecological Enhancement Features.

4.7 Arboriculture Officer  
No objection

4.8 Archaeology Officer

No Comment

4.9 Coal Authority

No objection in principle subject to a condition requiring ground investigations prior to commencement of the development.

**Other Representations**

4.10 Local Residents

A total of 14 sets of comments have been received by the Local Planning Authority. The comments are summarised below

*Support (1)*

Provides affordable housing and the opportunity for young families to stay in the village.

Tasteful design to compliment the road

Supports the population of Manor School

*Objection (13)*

*Initial Proposal*

Out of keeping with the local area

Density of development is too high

Imposing design

Development will cause overlooking of adjacent properties

Loss of light to adjacent properties

Increased levels of noise

Poor access for the rear areas of the new dwellings

Increased vehicular movements from the development

There is a weight limit restriction on Henfield Road

Poor visibility due to existing telegraph pole

Negative impact on safety of pedestrians accessing local school and community facilities.

Insufficient parking on site

Insufficient parking capacity on highway and loss of further capacity due to the proposed development

Negative impact on highway safety as a result of vehicles reversing into the highway

Impact upon broadband access due to the loss/damage of existing telegraph pole.

Negative impact on amenity and air quality during construction

A reduction in the number of dwellings and use of bungalows has been suggested

Negative impact upon property values

*Revised Proposal*

The amended proposals do not address previous comments

The amended proposals are visually worse than the initial proposal

The revised development is more imposing and higher than the original proposal

## 5. **ANALYSIS OF PROPOSAL**

5.1 The application seeks consent to erect four new dwellings in place of the existing dwelling which stands on the site. The site is located within the Coalpit Heath Village development boundary.

5.2 **Principle of Development**

Policy CS5 of the Core Strategy outlines the locations at which development is considered appropriate. CS5 dictates that most new development in South Gloucestershire will take place within the communities of the north and east fringes of the Bristol urban area, and within the defined boundaries of settlements. The application site is located within the area defined as the east fringe of the Bristol urban area. As such, based solely on the location of the site, the development is acceptable in principle.

5.3 The provision of new dwellings on this site is acceptable in principle under the provisions of policy CS5. It is acknowledged that the provision of a net increase of three dwellings on the site would make a modest positive contribution towards the supply of housing in South Gloucestershire and 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 other impacts. These matters are addressed in more detail below.

5.4 **Design, Character and Visual Amenity**

During the course of the assessment of this application, the applicant submitted revised drawings showing changes to the layout and appearance of the new development. Essentially, the original submission showed two pairs of semi-

detached dwellings. The revisions show a row of four terraced dwellings with a central passage way for access to the middle dwellings. The parking and access arrangements have not been materially altered, and show two spaces per dwelling to the front of the building with landscaping and pedestrian footways (the highway safety implications for the parking layout is discussed later in this report).

- 5.5 The proposed development is designed to reflect traditional cottages located in the wider context of Coalpit Heath and Frampton Cotterell. Whilst it is noted that the general area contains modern detached and semi-detached dwellings, the range of building styles and scale is widely varied. Whilst traditional in form, the design response would utilise modern materials. This would enable the development to respond well to its surroundings.
- 5.6 The proposed development will result in a housing density of approximately 50 dwellings per hectare. This is relatively high. However, it is not necessarily an indication of 'visual' overdevelopment of a site. For example, the proposed building could accommodate two or three dwellings without material alteration to its size or form.
- 5.7 The criticism around the design of the revised proposal by the local community is acknowledged, the appearance of the development is a subjective matter. Officers consider that the proposed development is well proportioned and sits well in the site without appearing cramped or contrived. The changes to the design allow for a traditional roof pitch and the insertion of a traditional dormer type and form. Officers acknowledge that the overall bulk of the roof of the building is larger than the initial submission, however it is reflective of traditional vernacular form. The overall height of the building proposed is not significantly higher (at the ridge level) when compared with the initial submission.
- 5.8 Whilst the LPA is no longer in apposition to consider the initial submission, it is helpful to draw comparisons in order to assist with the assessment of the proposal as it stands. The original proposal (for a pair of semi-detached dwellings) uses a hipped roof design. Given the size of the proposed dwellings, this arrangement resulted in a squat form which in turn results in the development appearing cramped and somewhat contrived. The dormer windows are position awkwardly in the principle and rear elevations of the buildings. This is emphasised by the narrow gap between the two buildings. Officers do not consider that the initial submission would achieve a high standard of design and it is one that would compromise the character of the area. The revised scheme is considered to address this issue.
- 5.9 Accordingly, it is considered that the design of the dwellings submitted for consideration is of an acceptable standard. The building is a good quality representation of a traditional vernacular form reflective of traditional buildings associated with Coalpit Heath and Frampton Cotterell. Materials are also to be traditional with the submission indicating the use of brick quoins, render, traditional tiles and traditional detailing (such as highlighted widow heads and cills, porches and barge-boards). In the event that the application is approved, it is appropriate to apply a condition to secure agreement of material samples.

- 5.10 The development would result in the loss of the existing dwelling. The dwelling is not considered to be of any particular architectural merit and its loss is considered to be of very limited harm in respect of the character of the area. However, as set out above, the new development is considered to be well designed and as such would adequately mitigate the loss of the existing dwelling. The development would also provide off street parking to the front of the development. Each allocation of parking is proposed to be separated by pedestrian access and landscaping. However, it is noted that the development would result in the loss of the existing stone wall at the front of the existing dwelling (continuing across the frontage of the adjacent dwelling at 55 Henfield Road. The front boundary treatment in the surrounding locality is generally made up of low brick walls. There are also instances where walls have been completely or partially removed to make way for additional off street parking. Whilst the loss of the existing stone wall would have a negative impact, this is considered to be modest in the context of the surrounding area. It is considered that the proposed hard landscaping and landscape treatment of the proposed parking area is sufficient to mitigate this loss. Again, materials can be secured by condition in the event that this application is approved. Neutral weight is therefore attributed to this impact.
- 5.11 Residential Amenity  
*Surrounding Neighbours* – concern has been raised by the local community in regards to the impact of the development upon the amenity of the occupants of neighbouring properties. The existing dwelling sits centrally at the front of the site with approximately 7 metres either side of the building to the North and South Boundary. There is approximately 20 metres between the rear elevation of the existing dwelling and the East (rear) boundary.
- 5.12 The existing building is approximately 12 ½ metres deep by 9 ½ metres wide. It is approximately 6 ½ metres to its ridge. There are no windows and there is no living accommodation in the roof space of the building.
- 5.13 The front elevation of the proposed building (containing the four dwellings) would be aligned with the front elevation of the adjacent dwelling to the North (number 47 Henfield Road). The building is approximately 7.7 metres to its ridge and 4.7 metres to the eaves. It is approximately 22 ½ metres wide and approximately 12 ½ metres deep (overall including the extended wings to the rear).
- 5.14 The relationship of the proposed building and the neighbouring properties is considered to be acceptable. Whilst there would be views across the gardens of surrounding dwellings, this would be typical of such relationships in built up areas such as this. There would be approximately 15 metres from the rear of the new building to the East boundary of the site. Beyond that, a further 10 metres minimum of adjacent rear gardens sits between the rear elevation of the proposed development and the rear elevation of properties associated with St Anne's Drive. This combined distance is considered to be adequate separation between the new and existing dwellings. Whilst the proposed development is 1 ½ to 2 metres higher than the existing house, it is not considered that this would lead to an unacceptable level of inter-visibility and would not result in an overbearing impact towards the East.

- 5.15 As set out above, the proposed building is aligned with the adjacent dwelling to the North. The building would not exceed the height of the dwelling to the North and it is noted that there are no windows in the South elevation of the adjacent dwelling. The dwelling itself would be separated from the side elevation of the new building by approximately 4.4 metres (containing the driveway to number 47 and covered car port; and the side access to the proposed new dwelling). This is considered to be adequate separation and the development would not result in an unacceptable impact in that regard.
- 5.16 The development includes a rear wing extension to each of the new dwellings. This would effectively extend the building to approximately 3.6 metres beyond the rear elevation of the dwelling at number 47. However, the rear wing elements are set into the site by 2.8 metres and are set approximately 1 metre lower than the main part of the building. Officers are satisfied that this element would not result in an in an overbearing impact towards the East.
- 5.17 There would be approximately 8 metres separation between the new building and the existing dwelling associated with number 55 Henfield Road. This is considered to be adequate separation to prevent an overbearing impact towards the South. It is noted that the dwelling at number 55 contains windows in its North elevation. However, there are no windows above ground floor in the South elevation of the proposed development. The proposed patio door is adequately screened by 1.8 metre timber close boarded or panel fencing to remove any direct inter-visibility. In the event that this application is approved, such measures can be secured by condition. It is also possible to preclude the insertion of additional windows in the South elevation of the proposed building – again to protect residential amenity.
- 5.18 *Proposed Development* –The proposed development would provide ample (almost 100 square metres in each case) private and accessible amenity space (gardens) for the occupants of the proposed dwellings; and well in excess of the minimum levels. These areas would be to the rear of the dwellings and would be enclosed and free from direct overlooking. Again, there would be views across the amenity space from neighbouring dwellings, but this is typical of this relationship in built up areas.
- 5.19 An option to access to the rear gardens is via a side access or through passage. These are considered to be sufficiently wide to gain access to the bin and cycle stores to be provided as part of the proposed development. Access from the house is to be from the door from the kitchen in each case.
- 5.20 Having regards to the above assessment (and subject to the suggested conditions), officers are satisfied that the proposed development would provide adequate amenity and privacy for the occupants of the new dwellings; and, would not compromise the residential amenity of the occupants of the surrounding dwellings. Neutral weight is attributed to this impact.

5.21 Transportation and Highway Safety

The Highway Authority has considered the proposed development in terms the vehicular movements generated by it and the amount of parking to be made available on site. This assessment has been carried out with the context of the site in mind and in particular the proximity of the local school and other community facilities. In this instance, the Highway Authority does not object to the proposed development – subject to the provision of electric car charging points (for each dwelling) and the securing of the parking area prior to the occupation of the development. Officers are satisfied that this can be secured by way of appropriately worded condition should this application be approved.

5.22 The proposed development would provide two off street parking spaces for each dwelling. There are directly accessible by the occupants of the corresponding dwelling and as such the proposed development is compliant with the South Gloucestershire Parking Standards.

5.23 Comments made by the local community in respect of the loss of ‘on street’ parking are noted. However, there is no specific right to park a vehicle on the public highway and this is not a matter that can be attributed weight in the assessment of this application. Notwithstanding this, the length of street frontage present would potentially accommodate 3 to 4 vehicles. This would be off-set by the provision of 4 off street spaces.

5.24 Officers acknowledge that Henfield Road forms part of the route to local schools and is well used by pedestrians and drivers of vehicles during peak times. The proposed development would result in a net increase of three dwellings. Vehicular movements associated with this level of development is likely to be very low. In the context of the surrounding locality (where there is numerous driveway accesses onto Henfield Road) this impact is likely to be slight. Indeed the severity of this impact is not considered to be at a level where a refusal would be reasonable on highway safety grounds. Furthermore, there is adequate visibility both for the users of the highway and footway and the occupants of the proposed dwellings to avoid pedestrian/vehicular conflict. The presence of the existing telegraph pole is noted. However, this does not act to undermine the acceptable level of visibility.

5.25 The location of the development is such that is close to services and facilities (including local bus routes and access to the wider public transport system) and as such is acceptable in this regard

5.26 Accordingly, subject to the conditions referred to above, officers are satisfied that the development is acceptable in Transportation terms

5.27 Ecology

An ecological appraisal has been provided with the application. The South Gloucestershire Ecology Officer is satisfied that the site is of no particular ecological merit. The development would facilitate ecological enhancements (such as bird and bat boxes as set out in the submitted ecological management plan) which can be secured by appropriately worded condition. Accordingly, moderate weigh is attributed to this benefit.

5.28 Coal Mining Legacy

The area is associated with a coal mining legacy. The application is supported by a Coal Mining Report which the Coal Authority are satisfied provides sufficient information to inform the development. The Coal Authority does not object to the development but consider that it is appropriate to carry out specific site investigation in order to confirm the potential for unknown coal mining features is fully explored; and if found, adequately mitigated. Accordingly, subject to the condition, officers are satisfied that the development is acceptable in this regard

5.29 Drainage Matters

The site is located in an area where foul and surface water drainage is available. As such, officers are satisfied that foul and surface water from the development can be appropriately accommodated. Furthermore, building regulation legislation provides specific requirements for connection to existing drainage systems and also on site Sustainable Systems (SuDS) for the disposal of surface water.

5.30 The Lead Local Flood Authority require that the design of the drainage system (both foul and surface water) is agreed and provided on site prior to the commencement of the development. This is to ensure that the drainage interests of South Gloucestershire Council are protected. The applicant has agreed to the use of a pre-commencement condition to secure drainage details. Subject to the use of such a condition, officers are satisfied that the proposed development is acceptable in drainage terms.

5.31 Other Matters

*Property values.* Concern relating to the potential loss to the value of surrounding properties is noted. However, the Planning System is concerned only with *land use*. The impact upon the value of property is not a matter that can be attributed weight in the consideration of this application.

5.32 *Noise and Odour Nuisance.* Concern relating to the potential for noise and odours (from household waste bins) as a result of the occupation of the proposed dwellings is noted. Again, the Planning System is concerned only with *land use*. Noise and Odour nuisance is specifically covered by Environmental Health Legislation and as such is not a factor which can be attributed weight in the consideration of this application. In the event that a noise or odour nuisance occurs then this would be a matter for the Environmental Health Officer to investigate. The Local Planning Authority need only be satisfied that the proposed land use (in this instance residential) is compatible with the surrounding area and environment. Clearly, officers are satisfied that the proposed use is compatible and would not lead to unacceptable environmental effects.

5.33 *Impact during the construction phase.* Concern is raised regarding the impact and inconvenience that may be caused in the local area during the construction phase of the development. The Planning Practice Guidance makes it clear that the impact of the construction phase is not an issue that should result in the refusal of planning permission. This is because this impact is temporary in nature – and the limited duration of such an impact is one which is unlikely to

override the benefits of development. In this instance, the development proposed (being the demolition of one dwelling and the construction of four dwellings) is relatively minor in nature. The construction phase would be over a relatively limited and the nature of the development proposed is of a scale where the delivery of materials, use of machinery and construction traffic would be modest.

5.34 Notwithstanding the above, it is appropriate to condition working hours to protect the amenity of the locality from inappropriate working patterns. Recent government advice is that working hours should not be overly restrictive. Indeed, it is indicated that working hours should normally be considered acceptable up to 9pm during COVID 19 restrictions over socially distance working. Again, given the scale of the proposed development, officers are satisfied that working hours should reflect this. A condition can be applied in the event that this application is approved. However it is recommended that this is reflective of government advice. In any case, where there is a *noise nuisance* complaint, this is appropriately the subject of investigation by the Environmental Health Officer and is it possible through appropriate Environmental Legislation to control activities (not specifically working hours) that result in an anti-social noise nuisance event.

5.35 In respect of the potential to interfere with the provision of broad band internet facilities carried on the existing telegraph pole, this is not a factor which can be attributed weight in the assessment of this application. This is a civil matter. Essentially, it is for the developer to ensure that potential disruption to this service is minimised and agreed with the provider.

5.36 The Planning Balance

Officers consider that the benefit of the provision of new dwellings towards the South Gloucestershire Housing Supply can be attributed as a modest benefit. Officers have also attributed moderate weight to the ecological benefit of enhancements provided as part of this proposal. In contrast, officers have found that the identified negative impacts are slight and can be adequately mitigated through the use appropriately worded conditions. Accordingly, the benefits of the proposed development outweigh any harm and as such the application should be approved.

5.37 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.

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

## **7. RECOMMENDATION**

7.1 That Planning Permission is approved subject to the following conditions

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

### **CONDITIONS**

1. 3 year time limit

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. Materials

Post demolition of the existing dwelling and prior to the construction of the new dwellings above ground level details of the roofing and external facing materials (buildings) and hard surfacing materials (parking and outdoor spaces within the site) 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 and thereafter retained as such.

Reason

To protect the character and appearance of the area to accord with Policies CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and Policy PSP1 South Gloucestershire Local Plan: Policies, Sites and Places Plan (adopted) November 2017

3. No new windows south elevation

No windows other than those shown on the plans hereby approved shall be inserted at any time in the South elevation of the building hereby approved.

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

4. Provide parking and bicycle storage

The off-street parking facilities and bicycle storage facilities as shown on Drawing no. 1214-20/3000 (as received by the Local Planning Authority on 3rd June 2020) shall be provided before the development is first occupied for residential purposes and thereafter shall be retained for that purpose.

Reason

To ensure the satisfactory provision of parking and bicycle storage 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 Policy PSP16 South Gloucestershire Local Plan: Policies, Sites and Places Plan (adopted) November 2017

5. Provide Drainage Details

Prior to the commencement of development drainage detail proposals incorporating Sustainable Drainage Systems SUDS and confirmation of hydrological conditions e.g. soil permeability, watercourses, mining culverts) within the development shall be submitted for approval in writing to the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and Policy PSP20 South Gloucestershire Local Plan: Policies, Sites and Places Plan (adopted) November 2017.

This is a pre-commencement condition in order to avoid the need for remediation works following development.

6. Ecology 1

The development hereby approved shall proceed strictly in accordance with the Ecological Mitigation Measures detailed within the Protected Species Survey and Appraisal (provided by AD Ecology) as received by the Local Planning Authority on 23rd April 2020 and thereafter retained as such.

Reason

In order to provide positive ecological enhancement in the interests of the ecology and the biodiversity of the site and the wider locality and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; and Policy PSP19 South Gloucestershire Local Plan: Policies, Sites and Places Plan (adopted) November 2017

## 7. Ecology 2

The development hereby approved shall not be occupied until evidence that the ecological enhancement features, as detailed within the Protected Species Survey and Appraisal (provided by AD Ecology) as received by the Local Planning Authority on 23rd April 2020, has been provided and agreed in writing by the Local Planning Authority. Thereafter the development shall proceed in accordance with the agreed details.

For the avoidance of doubt the ecological enhancement features to be installed at the development shall include (but not limited to) bird boxes, permeable fencing and a hedgehog shelters

### Reason

In order to provide positive ecological enhancement in the interests of the ecology and the biodiversity of the site and the wider locality and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; and Policy PSP19 South Gloucestershire Local Plan: Policies, Sites and Places Plan (adopted) November 2017

## 8. Working Hours

The hours of working on site during the period of construction shall be restricted to 0730 - 2100 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

## 9. Coal Board

Post demolition of the existing dwelling and prior to the construction of the dwellings hereby approved, the following information shall be submitted to and approved in writing by the Local Planning Authority:

- (a) The submission of a scheme of intrusive site investigations for approval;
- (b) The undertaking of that scheme of intrusive site investigations;
- (c) The submission of a report of findings arising from the intrusive site investigations;
- (d) The submission of a scheme of remedial works for approval; and
- (e) The implementation of those remedial works.

Thereafter the development shall be implemented strictly in accordance with the agreed details and retained as such.

Reason

To accord with policy CS9 of the South Gloucestershire Local Plan: Core Strategy (adopted) December 2013 and Policy PSP22 South Gloucestershire Local Plan: Policies, Sites and Places Plan (adopted) November 2017

10. Drawings

The development hereby approved shall be implemented strictly in accordance with the following plans;

1214-20/LP-A (Site Location Plan)

As received by the Local Planning Authority on 1st April 2020

1214-20/3000

1214-20/3001

1214-20/3002

1214-20/3100

1214-20/3101

1214-20/3102

1214-20/3200

1214-20/3201

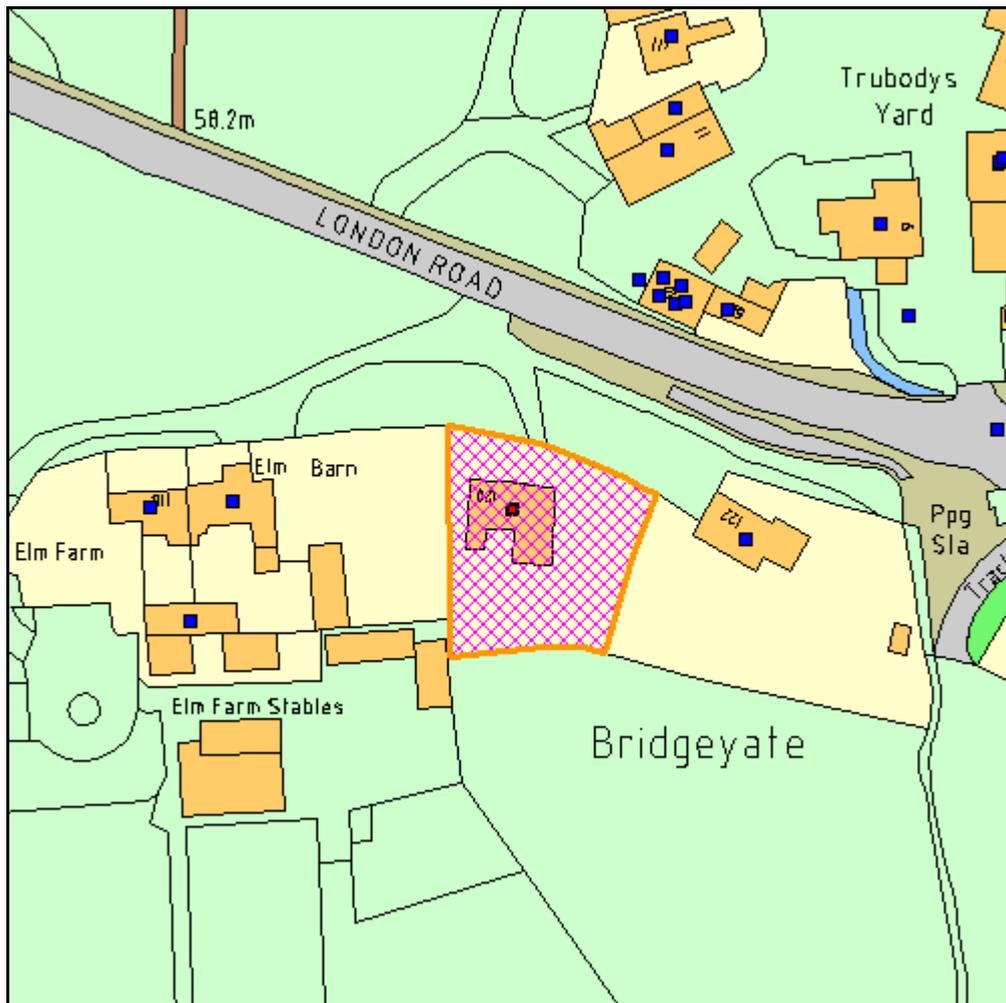
As received by the Local Planning Authority on 3rd June 2020

Reason

For the avoidance of doubt.

**CIRCULATED SCHEDULE NO. 29/20 - 17th July 2020**

<b>App No.:</b>	P20/09150/F	<b>Applicant:</b>	Mr Whittock
<b>Site:</b>	120 London Road Warmley South Gloucestershire BS30 5NA	<b>Date Reg:</b>	3rd June 2020
<b>Proposal:</b>	Conversion of existing garage into annex ancillary to main dwelling with associated works.	<b>Parish:</b>	Siston Parish Council
<b>Map Ref:</b>	368214 173178	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Householder	<b>Target Date:</b>	27th July 2020



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 100023410, 2008. **N.T.S.** **P20/09150/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 REFERRING TO THE CIRCULATED SCHEDULE**

This application appears on the circulated schedule due to a concern raised by the Parish Council, and because the Parish Council request a condition that is contrary to the Officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission to convert an existing (internal) garage into an annex ancillary to the main dwelling.
- 1.2 The application site is a large detached dormer bungalow in a sizeable plot which is situated due south of the A420 London Road and is accessed via a private driveway. In terms of location and constraints, the site is situated outside a defined settlement boundary, is in the open countryside and is within the Bristol/Bath greenbelt. Furthermore, the site is within the setting of a grade II listed building (Elm Farmhouse, due West of the site).
- 1.3 During the course of the consideration, revised plans were received to address points raised during consultation in relation to the parking. Due to the nature of the amendments made to the plans, it was not considered necessary to carry out any re-consultation.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework February 2019  
National Planning Practice Guidance

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

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

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

PSP38 Development within Existing Residential Curtilages  
PSP43 Private Amenity Space Standards

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

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

- 3.1 P19/15798/CLP – Refused 13/01/2020:  
Conversion of existing garage to form self-contained annex ancillary to the main dwelling.
- This application was refused as a certificate of lawfulness on the grounds that the dwelling does not have the relevant PD rights intact, namely, the garage is restricted in its use.*
- 3.2 P97/4761 – Approved 02/02/1998:  
Erection of pitched roof over existing single storey rear extension.
- 3.3 P97/4404 – Approved 29/09/1997:  
Erection of single storey side extension.

### 4. **CONSULTATION RESPONSES**

- 4.1 Siston Parish Council  
Subject to a condition requiring future occupants to be an elderly person, members only concern that remains is the lack of designated on site parking.
- 4.2 Sustainable Transport  
Insufficient information has been provided – no detail of room layout has been shown and first floor layout is also missing. Detail of existing vehicular access and proposed parking is not shown.
- Revised plans are needed.
- 4.3 Listed Building and Conservation Officer  
No comment
- 4.4 Local Residents  
None received

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

- 5.1 The proposal seeks to convert the existing internal garage into an annex. Ordinarily, such works could be undertaken without planning permission, however, a condition on the previous consent restricts the use of the garage to use for garaging private motor vehicles and ancillary domestic storage.

## 5.2 Principle Of Development

PSP38 of the South Gloucestershire Council Policies, Sites and Places Plan (adopted November 2017) permits development within existing residential curtilages (including extensions) in principle where they do not unduly harm the design, visual amenity and residential amenity of the locality or prejudice highway safety or the provision of adequate private amenity space. PSP38 is achieved through CS1 of the South Gloucestershire Council Core Strategy (adopted December 2013), which requires development to demonstrate the highest standards of design and site planning by demonstrating that siting, form, scale, height, massing, detailing colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the site and its context. The development is acceptable in principle, subject to the following detailed consideration.

## 5.3 Greenbelt

Development is heavily restricted with the greenbelt in order to preserve their openness and permanence. Inappropriate development is by definition harmful to the greenbelt and its key aims, as outlined in the NPPF. There are however limited exception categories of development which are considered to be appropriate in the greenbelt. One such exception is the extension and alteration of existing buildings, providing the alteration or extension is proportionate.

- 5.4 The dwelling has in the past been extended, both to the rear and the side. The currently proposed alterations are to take place to the previously approved side extension which includes the internal garage. The works as proposed are predominantly internal and involve changing the use of the garage from one residential use to another residential use, with the only externally noticeable works being the 'blocking up' of the garage door, insertion of 1no. window to the front and 1no. door to the side with an associated access ramp. To that end, it is not considered that the proposed development will have a materially harmful impact on the openness or permanence of the greenbelt. Consequently, there proposal is considered to be acceptable in greenbelt terms and will subject to further detailed consideration below.

## 5.5 Annex Test

An annex must demonstrate that it is ancillary to the main dwelling and has both a physical and functional relationship with it, in order to be considered an annex and not a separate unit in its own right. The proposed annex clearly has a physical relationship with the host dwelling, given that it is within the main dwelling and will be formed through the internal conversion of the existing garage. In terms of functional relationship, the annex will benefit from a living area (c. 24 sq m), shower room and bedroom, accessed internally from the living area of the main dwelling. The plans do not indicate there to be separate kitchen facilities for the annex. Given that the annex is essentially the conversion of the internal garage in to further habitable space, it is considered that proposed annex satisfies the tests required to be considered an annex.

- 5.6 It is noted that the Parish Council refer to a condition restricting use of the annex to an elderly person. P.55 of the NPPF stipulates that planning conditions should be kept to a minimum and only imposed when they are, *inter alia*, reasonable and necessary. A restrictive condition may be necessary and

reasonable in the case of an annex that is detached from the main dwelling, but given that the annex will be entirely within the fabric and footprint of the existing dwelling and will be modest in nature internally, the officer would not consider such a condition to be necessary (or reasonable) in this instance. If the host dwelling were to be subdivided, or the annex used as an independent unit, this would in itself require planning permission. Should this be done without permission, it would become an enforcement matter.

5.7 Design and Visual Amenity

The proposed development does not materially change the external appearance of the host dwelling to any extent, with the only works proposed being the removal of the garage door and insertion of a window to the front and a door to the side. An access ramp is also indicated on the plans to serve the side door.

5.8 Given the minor nature of the proposed exterior changes, officers raise no objection on the grounds of design or visual amenity, with the proposal not considered to be in conflict with policies PSP1, PSP38 or CS1.

5.9 Residential Amenity

PSP8 permits development where it does not prejudice the residential amenity of both occupiers of the development and of neighbouring dwellings through the creation of unacceptable impacts. Such unacceptable impacts include loss of privacy, overlooking, loss of light, loss of outlook and overbearing/dominant impacts.

5.10 The site is some distance from its closest neighbour on the Eastern side of the site, with the only change to the Eastern elevation being the insertion of a door. In all respects, the proposal is not considered to present any unacceptable impacts on residential amenities. Therefore, no conflict is found with either policy PSP38 or PSP8.

5.11 Parking Standards

PSP16 requires developments to provide levels of parking based upon the number of bedrooms within a dwelling. Where an increase is proposed, proposals should demonstrate that adequate off street parking can be provided to accommodate increase in demand.

5.12 The comments made by the highways officer are noted. Confirmation was made that the upstairs portion of the dwelling contains 3 bedrooms, and downstairs contains 1 bedroom, which totals 4. The downstairs bedroom is within the existing side extension which will form part of the annex, with the garage portion of the side extension forming additional living space. Therefore, the number of bedrooms remains 4, which would require 2no. Parking spaces to be provided within the site boundary.

5.13 A further plan was received which clarified that it is possible to provide 3no. Parking spaces on the frontage of the dwelling, within the site boundary. Whilst it would not be reasonable to condition the provision of parking above the policy standard, officers would consider a suitably worded condition necessary to

- ensure the provision of at least 2no. Parking spaces, should permission be granted.
- 5.14 Private Amenity Space  
The proposal will not prejudice the provision of private amenity space and there is a generous level of provision on site. Therefore, there is no objection in this regard.
- 5.15 Heritage Matters  
Due west of the site is the grade II listed Elm Farmhouse, which is a designated heritage asset. The NPPF and local plan policy PSP17 attaches great weight to the conservation and enhancement of heritage assets, and developments within their setting will be expected to preserve and where appropriate, enhance those elements which contribute to their special architectural or historic interest (including their settings).
- 5.16 The proposal will result in a minor change to the frontage of the host dwelling and the Eastern elevation, neither of which can be considered to materially alter the appearance of the host dwelling itself. Consequently, and in light of the conservation officer not wishing to make any comment, it is considered that the proposed development will not have any material impact on the heritage asset or its setting and ultimately, significance.

### **Impact on Equalities**

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

## **6. CONCLUSION**

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

Sites and Places Plan (Adopted) November 2017 set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

- 7.1 It is recommended that permission is **GRANTED** subject to conditions detailed on the decision notice.

**Contact Officer: Alex Hemming**  
**Tel. No. 01454 866456**

## **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 garage to be converted being brought out of use as a garage, a minimum of 2 no. parking spaces shall be provided within the boundary of site (edged red of drawing 101 - dated 28/05/2020). The parking spaces provided shall be retained and maintained for their intended purpose thereafter.

Reason

In the interest of ensuring that a level of parking is provided following the loss of the garage in compliance with policy PSP16 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (adopted) November 2017.