

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. 25/20

Date to Members: 19/06/2020

Member's Deadline: 25/06/2020 (5.00pm)

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

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

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

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

NOTES FOR COUNCILLORS

– formal arrangements for referral to committee

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

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

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

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

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

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

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

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

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

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

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

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

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

c. All applications for non-material amendments

d. All applications to discharge planning conditions

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

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

Additional guidance for Members

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

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

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

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

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

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

A template for referral is set out below:

Referral from Circulated Schedule to Development Management Committee

1. Application reference number:

2. Site Location:

3. Reasons for referral:

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

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

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

a) Referring Member:

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

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

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

Date:

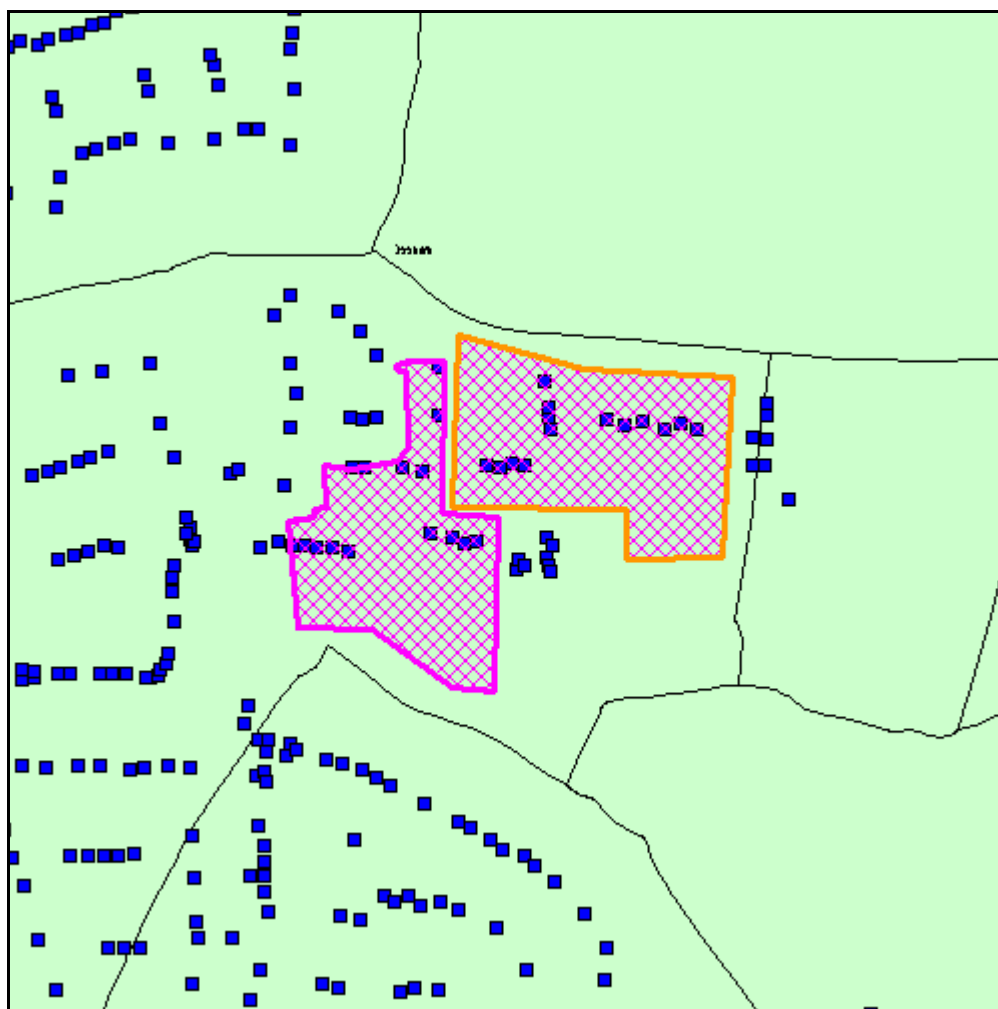
To be emailed to MemberReferral@southglos.gov.uk

CIRCULATED SCHEDULE - 19 June 2020

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	P19/18724/RVC	Approve with Conditions	Parcel 21B Land At Emersons Green East Land To East Of Avon Ring Road South Of M4 Motorway And North West Of Disused Railway	Emersons Green	Emersons Green Town Council
2	P19/7800/F	Approve with Conditions	Carpenters Arms 10 Church Road Wick Bristol South Gloucestershire BS30 5QL	Boyd Valley	Wick And Abson Parish Council
3	P20/06181/RVC	Approve with Conditions	Bitton Station Bath Road Bitton South Gloucestershire BS30 6HD	Bitton And Oldland	Bitton Parish Council
4	P20/06287/F	Approve with Conditions	6 Orchard Close Winterbourne South Gloucestershire BS36 1BF	Winterbourne	Winterbourne Parish Council

CIRCULATED SCHEDULE NO. 25/20 - 19th June 2020

App No.:	P19/18724/RVC	Applicant:	Persimmon Homes Severn Valley
Site:	Parcel 21B Land At Emersons Green East Land To East Of Avon Ring Road South Of M4 Motorway And North West Of Disused Railway	Date Reg:	20th December 2019
Proposal:	Approval of Reserved Matters to be read in conjunction with Outline planning permission PK04/1965/O. Erection of 35 no. dwellings with garages, parking, landscaping and associated works. Removal of condition 3 attached to PK17/4910/RM.	Parish:	Emersons Green Town Council
Map Ref:	367647 177591	Ward:	Emersons Green
Application Category:	Major	Target Date:	20th March 2020



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100023410, 2008.

N.T.S.

P19/18724/RVC

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

REASON FOR REFERRAL TO CIRCULATED SCHEDULE

This application is referred to the circulated schedule due to an objection from Emerson's Green Town Council, which is contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The application has been submitted under section 73 of the Town and Country Planning Act 1990 and seeks permission for the removal of condition 3 attached to planning permission ref. PK17/4910/RM. This condition states that no dwellings shall be occupied until the relevant parts of the landfill remediation strategy has been implemented as agreed in respect of condition 42 of ref. PK15/4232/RVC.
- 1.2 The original permission ref. PK17/4910/RM was for the approval of a Reserved Matters to be read in conjunction with Outline planning permission PK04/1965/O. Erection of 35 no. dwellings with garages, parking, landscaping and associated work, at the site known as Parcel 21B, Emersons Green.
- 1.3 As well as assessing the changes proposed as part of this application, an RVC decision has the effect of issuing a new planning permission. It is therefore also necessary to check all conditions attached to ref. PK17/4910/RM are still relevant and necessary and need carrying forward or amending as part of this new application.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework (NPPF)
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
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS18	Affordable Housing
CS29	Communities of the East Fringe of Bristol

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water and Watercourse Management
PSP21	Environmental Pollution and Impacts
PSP37	Internal Space and Accessibility Standards for Affordable Dwellings.
PSP43	Private Amenity Space Standards
PSP47	Site Allocations and Safeguarding

- 2.3 Supplementary Planning Guidance
 Design Checklist SPD (Adopted) 2007
 Residential Parking Standards SPD (Adopted) 2013
 Waste Collection SPD (Adopted) 2015 (updated March 2017)
 EGE Development Brief SPD adopted 2006

3. RELEVANT PLANNING HISTORY

- 3.1 PK04/1965/O Approved – S106 Signed 14.06.2013
 Urban extension on 99 hectares of land comprising of :- Residential development of up to 2550 dwellings; up to 100,000m² of B1, B2, B8 and C1 employment floorspace. Up to 2,450 m² of small scale A1, A2, A3 A4 and A5 uses. One, 2 - form entry primary school, a land reservation for a second 2 - form entry primary school and a land reservation for a secondary school. Community facilities including a community hall and cricket pavillion (class D1). Transportation infrastructure comprising connections to the Folly roundabout on Westerleigh Road and the Rosary roundabout on the Ring Road and the construction of the internal road network. A network of footways and cycleways. Structural landscaping. Formal and informal open space. Surface water attenuation areas. (Outline) with means of access to be determined.
- 3.2 P19/09100/RVC: Urban extension on 99 hectares of land comprising of :- Residential development of up to 2550 dwellings; up to 100,000m² of B1, B2, B8 and C1 employment floorspace. Up to 2,450 m² of small scale A1, A2, A3 A4 and A5 uses. One, 2 - form entry primary school, a land reservation for a second 2 - form entry primary school and a land reservation for a secondary school. Community facilities including a community hall and cricket pavilion (class D1). Transportation infrastructure comprising connections to the Folly roundabout on Westerleigh Road and the Rosary roundabout on the Ring Road and the construction of the internal road network. A network of footways and cycleways. Structural landscaping. Formal and informal open space. Surface water attenuation areas. (Outline) with means of access to be determined. Variation of Condition relating to trigger for construction of Tiger Tail on M32 attached to approved Outline application. Permission granted October 2019.

- 3.3 DOC17/0102 Discharge of Conditions
Decided 08.08.2017
Discharge of condition 42 (remediation strategy) of planning permission PK15/4232/RVC - Urban extension on 99 hectares of land Variation of Condition 17 attached to approved application PK04/1965/O to increase the volume of Class B employment floorspace occupied prior to the construction of a 'tiger-tail' diverge at Junction 1 of the M32, from 3,000sqm to 15,000sqm.
- 3.4 PK17/4910/RM Approve with Conditions 09.01.2019
Approval of Reserved Matters to be read in conjunction with Outline planning permission PK04/1965/O. Erection of 35 no. dwellings with garages, parking, landscaping and associated works.
- 3.5 DOC19/0197 Discharge of Conditions
Decided 11.10.2019
Discharge of conditions 2 (drainage strategy), 4 (external materials), 5 (stonework), 6 (brickwork), 7 (street lighting), 8 (affordable housing), 9 (parking for plot 9), 10 (paving for Flat block B) and 11 (protective fencing). Approval of Reserved Matters to be read in conjunction with Outline planning permission PK04/1965/O. Erection of 35 no. dwellings with garages, parking, landscaping and associated works.

4. **CONSULTATION RESPONSES**

- 4.1 Emersons Green Town Council
Objection. Members feel that the incompleteness of the remediation works to the landfill site could have a negative effect on the occupiers of these dwellings. As stated in the delegated report for PK17/4910/RM (Item 4.5) the Environmental Protection Officer summarised that 'no dwellings within 100m of the landfill site shall be occupied until all landfill material has been excavated and remediated and the platform constructed'. Members are aware that existing residents of the Lyde Green area are already experiencing a bad odour in this area on a regular basis.
- 4.2 Lead Local Flood Authority
No comment.
- 4.3 Highway Structures
Standard informative recommended on decision notice.
- 4.4 Sustainable Transport
No objection.
- 4.5 Landscape Officer
No comments received
- 4.6 Environmental Protection
It is noted that the excavation and processing of the landfill wastes is now complete and unsuitable material has been removed from site. Considering the majority of the reinstatement works are complete, there is no objection to removal of condition 3 of PK17/4910/RM.

- 4.7 Economic Development
No comments received.
- 4.8 Archaeology
No comment
- 4.9 Listed Building Officer
No comment.
- 4.10 Ecology Officer
No comments received
- 4.11 Natural England
No comments.

Other Representations

- 4.12 Local Residents
No comments received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application is submitted under Section 73 of the Town and Country Planning Act 1990. In accordance with Section 73 (2) in determining such an application the Local Planning Authority shall consider only the question of the conditions subject to which planning permission has been granted. The Planning Practice Guidance advises that every condition must always be justified by the Local Planning Authority on its own planning merits on a case by case basis. Furthermore, it advises that any proposed condition that fails to meet any of the six tests should not be used. Paragraph 54 of the NPPF states that planning conditions should only be imposed where they are:

1. Necessary
2. Relevant to planning
3. Relevant to the development to be permitted
4. Enforceable
5. Precise
6. Reasonable in all other respects

5.2 Summary

This application seeks to remove condition 3 attached to PK17/4910/RM, which states:

No dwellings shall be occupied until the relevant parts of the landfill remediation strategy submitted in respect of condition 42 of PK15/4232/RVC have been implemented and a letter confirming this has been submitted to and agreed in writing by the Local Planning Authority.

- 5.3 The applicant has submitted a cover letter as part of the application which sets out the background. The site is close to a former landfill. To ensure that the former landfill can be developed for residential use, remediation was required. This site is impacted by these remediation works.
- 5.4 As part of the approved remediation strategy (associated with ref. PK15/4232/RVC and DOC17/0102), the site currently sits within a defined zone where work can commence, but no dwellings can be occupied until the remediation works are complete. The reserved matters application relating to this site, ref. PK17/4910/RM imposed condition 3 to ensure that the dwellings were not occupied until this remediation set out in the strategy, has been implemented.
- 5.5 It is understood that the majority of the remediation works are complete with only the final third of re-instatement materials as to be placed on the land, and the completion report produced. The applicant states: *“The remediation works were originally planned to be complete by the end of November 2019. However, due to the inclement weather experienced over the Autumn, Vertase FLI were unable to complete the reinstatement works...[they] have taken the decision to mothball the site from the end of November 2019 until April 2020 to enable the re-instatement works to be complete in better weather conditions”*. It is understood that work was going to be recommenced in April 2020, however this was not possible due to Covid-19.
- 5.6 Assessment
Condition 3 is imposed to ensure that the dwellings cannot be occupied until a completion report has been received in respect of the remediation of the landfill site, the reason for the condition was to ensure that the remediation strategy was implemented in full, and to protect the residential amenity of future occupants from noise and disturbance arising from the remediation works. The site sits within a zone where work can commence, but the condition states that no dwellings can be occupied until the remediation works are complete under this strategy.
- 5.7 It is important to note that the remediation area itself, together with an inner buffer around it, is restricted from even commencement until the remediation has been fully completed and verified by the Environment Agency that no risk of pollution to householders and the environment remains
- 5.8 Emerson’s Green Town Council raised concerns that the occupation of these dwellings without the remediation work being completed, could result in impact to future occupiers. It is noted that at the time of writing a completion report has not been submitted to the local planning authority and re-instatement works are still to be completed. However, the majority of work including excavation, processing/recovery and re-deposition of arising’s from the former landfill has now been carried out. These aspects of the remediation are clearly the most likely to cause risk to human health, as well as noise and other disturbance to nearby occupiers. It is important to note that the condition relates to dwellings *near* the remediation site, in the outer buffer area, not on it. The condition was imposed for reasons of residential amenity, due to the noise and disturbance

that would have occurred during the excavation, recovery and re- deposition noted above.

- 5.9 The information has been reviewed by the Environmental Health Team. They consider that the removal of condition 3 is acceptable given majority of the work is now complete.
- 5.10 The works remaining as part of the re-instatement works are likely to result in some disturbance to future occupiers but, in any case, this would unlikely be above and beyond what would be expected on a normal construction site. Given all of the above, it is considered that it would now be acceptable to allow the dwellings to be occupied and for condition 3 to be removed.
- 5.10 Other conditions attached to PK17/4910/RM
Planning permission ref. PK17/4910/RM was approved subject to a total of 10 other conditions, in addition to condition 3. The effect of an application under Section 73 of the Act is to grant a wholly new planning permission. Therefore, the conditions attached to the original consent should be replicated on the new permission, reviewed or removed. This section will assess the conditions attached to ref. PK17/4910/RM for relevance on this decision.
- 5.11 Condition 1
This conditioned the approved plans relating to the application, and is recommended to be carried forward on this consent.
- 5.12 Conditions 2, 4, 5, 6, 7, 8, 9, 10 and 11
These conditions have been discharged through DOC19/0197, and therefore will be altered to compliance conditions where necessary to ensure the details are fully implemented.

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 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 condition 3 is removed, and that the application is approved subject to the conditions below.**

Contact Officer: Lucy Paffett
Tel. No. 01454 863436

CONDITIONS

1. Plans

This decision relates only to the plans below:

100 Rev J Planning Layout
101 Location Plan
102 Rev H External Materials Plan
104 Rev D Storey Heights Plan
105 Rev D Proposed Adoptable Highways Plan
106.1 Fences and Enclosures (sheet 1 of 2)
106.2 Fences and Enclosures (sheet 2 of 2) (submitted 10/12/18)
120.1 Rev B Morden Plans & Elevations
122.1 Rev B Souter Plans & Elevations
124.1 Rev A Clayton Plans & Elevations
125.1 Rev B Greyfriar Plans & Elevations
125.2 Rev 1 Greyfriar Plans & Elevations
140.1 Rev A EmGr 2B (LTH) Plans & Elevations
141 Car Port Details
141.1 Rev A EmGr 3B (LTH) Plans & Elevations
142.1 Rev A WP4620B (LTH) Plans & Elevations
143.1 Rev A WP5720A (LTH) Plans & Elevations
146.1 Rev B Flat Block A Front and Side Elevations
146.2 Rev B Flat Block A Side and Rear Elevations
146.3 Rev B Plans Ground and First Floor
146.4 Rev B Plans Second Floor
147.1 Rev E Flat Block B Elevations
147.2 Rev E Flat Block B Floor Plans
296-2100-50 Rev B Engineering for Planning
296-2100-200 Road and Sewer Longitudinal Sections
296-2100-405 Autotrack Layout
296-2100-510 Flood Exceedance Routing
P0231/1 Rev D Landscape Plan

Reason

To clarify the plans forming this consent.

2. The development hereby permitted shall proceed in accordance with the Impermeable Area Plan (Dwg no. 296-2100-505 REV D), Flood Exceedance Routing (Dwg no. 296-2100-510 REV D), Private Drainage Construction Details (Dwg no. 296-2100-310 REV A) and Detailed Engineering Plan (Dwg no. 296-2100-151 REV B), as approved by DOC19/0197.

Reason

To ensure that provision is made for appropriate drainage to be installed and that the drainage for the site is appropriate and in accordance with Policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy adopted December 2013 and Policy PSP20 of the South Gloucestershire Local Plan Policies, Sites and Plans Plan adopted November 2017.

3. The development hereby permitted shall proceed in accordance with the Planning Layout (Dwg no. 100- REV N) and External Materials Plan (Dwg no. 1299 -102-K), as approved by DOC19/0197.

Reason

To ensure a high quality standard of external appearance and to accord with Policy CS1 of the adopted South Gloucestershire Core Strategy: Local Plan (December 2013) and Policy PSP1 of the adopted South Gloucestershire Local Plan: Policies, Sites and Places Plan (November 2017).

4. The development hereby permitted shall proceed in accordance with the Morden Plans & Elevations Plan (Dwg no. 120.1-REV C), EmGr 2B Plans & Elevations (Dwg no. 140.1- REV B), EmGr 2B Plans & Elevations Dwg no.140.2 -REV B), EmGr 3B Plans & Elevations (Dwg no. 141.1 -REV B), WP46201 Plans & Elevations (Dwg no. 142.1 - REV C), Flat Block A Front & Side Elevations (Dwg no. 146.1 - REV C), Flat Block A Side & Rear Elevations (Dwg no. 146.2 - REV C) and Flat Block B Elevations (Dwg no. 147.1 - REV F), as approved by DOC19/0197.

Reason

To ensure the design of the affordable homes are satisfactory, in accordance with Policies CS17 and CS18 of the adopted South Gloucestershire Local Plan: Core Strategy (December 2013).

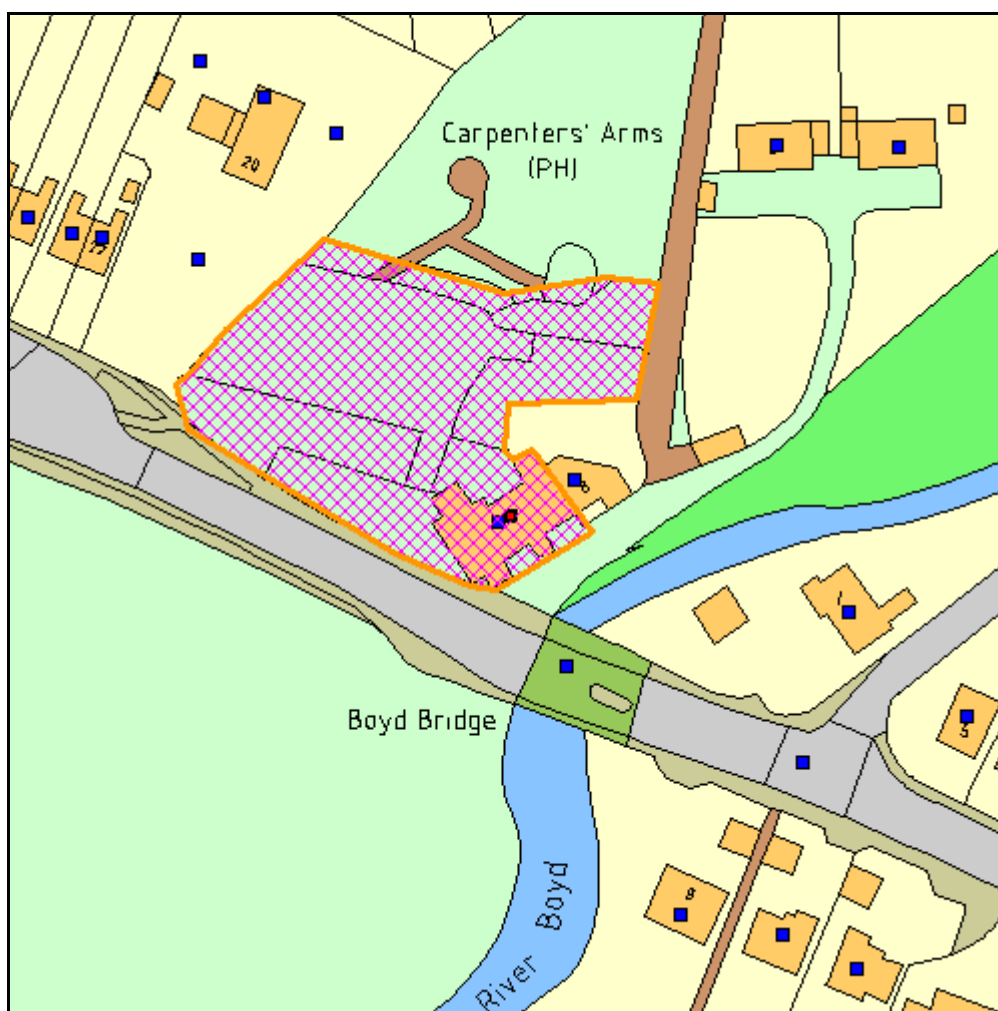
5. The development hereby permitted shall proceed in accordance with the Street Lighting Design Plan (Dwg no. SLD-413-001), as approved by DOC19/0197.

Reason

To ensure the preservation of visual amenity, highway safety and residential amenity and to accord with Policies CS1 and CS8 of the adopted South Gloucestershire Local Plan: Core Strategy (December 2013) and Policies PSP1 and PSP11 of the adopted South Gloucestershire Local Plan: Policies, Sites and Places Plan (November 2017).

CIRCULATED SCHEDULE NO. 25/20 - 19th June 2020

App No.:	P19/7800/F	Applicant:	Chewton Keynsham Ltd
Site:	Carpenters Arms 10 Church Road Wick Bristol South Gloucestershire BS30 5QL	Date Reg:	8th July 2019
Proposal:	Subdivision of existing public house to form 1 No. dwelling and public house with 1 No. flat above. Erection of 3 No. detached dwellings, 1 No. detached garage, creation of access and associated works. Creation of public house car park.	Parish:	Wick And Abson Parish Council
Map Ref:	370184 172849	Ward:	Boyd Valley
Application Category:	Minor	Target Date:	28th August 2019



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P19/7800/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 Circulation

The proposal is circulated as the officer recommendation conflicts with concerns of the Parish Council and some of the neighbourhood responses.

1. THE PROPOSAL

- 1.1 The proposal is for the retention of a smaller part of the public house to remain a pub with a one bedroom staff flat over and for the rest of the pub to be turned into a separate three bedroomed house with a garden and parking at the rear. In addition the parking for the pub is relocated to the north of the site. Further the proposal seeks to add three, four bedroomed houses to the west of the pub. All vehicular traffic will access the site via a modified junction with Church Road and the second access to the existing front car park will be closed.
- 1.2 The site is located within in the Wick settlement boundary which is a washed over settlement in the Bristol Bath Green belt. The site is not in the AONB.
- 1.3 Additional information and amended plans to reduce the height of the houses and resolve highway issues. A Bat emergence survey was also submitted on 3 June. The red line of ownership was also amended to exclude land not owned by the applicant.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework 2019
National Planning Practice Guidance
Planning (Listed Buildings and Conservation Areas) Act 1990
Planning (Listed Buildings and Conservation Areas) Regulations 1990 (as amended)
National Planning Practice Guidance – Conserving and Enhancing the Historic Environment;
Managing Significance in Decision-Taking in the Historic Environment (GPA 2)
The Setting of Heritage Assets (GPA 3 Second Edition)

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS6	Infrastructure and Developer Contributions
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS14	Town Centres and Retailing

CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS18	Affordable Housing
CS23	Community Infrastructure and Cultural Activity
CS34	Rural Areas

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP7	Development in the Green Belt
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP18	Statutory Wildlife Protection
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water, and Watercourse Management
PSP21	Environmental Pollution and Impacts
PSP34	Public Houses
PSP35	Food and drink uses
PSP39	Residential Conversions, Subdivision, and HMOs
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
 Shopfronts and Advertisements SPD (Adopted) April 2012
 Residential Parking Standard SPD (Adopted) December 2013
 Landscape Character Assessment SPD (Adopted) November 2014
 CIL and S106 SPD (Adopted) March 2015
 Waste Collection SPD (Adopted) January 2015 (updated March 2017)

3. RELEVANT PLANNING HISTORY

- 3.1 P99/4104 Creation of car park granted May 2001 drawing UPC/CA/00/4 showing car park to west of pub.
- 3.2 P87/2572 Construction of car park and extension to beer garden , alterations to existing vehicular access approved 22/9/87 proposed car park shown to north of site (similar to existing scheme) with beer garden in roughly in place of the houses now proposed.

4. CONSULTATION RESPONSES

- 4.1 Wick and Abson Parish Council
 Object -
 Concern that application in flawed
 Land to east side does not belong to applicant
 Concern about lack of applicant consultation with representatives

Questions 'how this scheme will have a positive impact on highway safety'
Concern it cannot be classed as a community asset unless it is gifted to the community.

Concern that there is no evidence to suggest that the public house will be maintained as a community asset on an economically viable scale-

No evidence of a previous planning application on the car park.

4.2 Highways

No objection - The revised details shown on drawing 2025-10 rev D (now details 2025-25) have addressed earlier concerns – no objection subject to conditions securing car and cycle parking and Electric Vehicle Charging points with a specification of 7Kw 32 Amps.

4.3 LLFA

No objection subject to a condition seeking SUDS.

4.4 Other Consultees

Ecology officer

A Preliminary Roost Assessment Survey by Arbtech (October, 2019) has been followed by emergence survey which was undertaken during May 2020 and found no bats emerging from the property. No objection subject to conditions.

Archaeologist

No comment

Highway structures

indicates the responsibility of developer – will be attached as informative

Housing Enabling

No objection – note potential subdivision issue – recommend informative

Landscape officer

Design could be improved by lowering ridges and pushing houses back-context of old pub. Levels plan would be useful. Makes suggestions and advises of need for landscape condition to accord with South Glos Landscape Character area 2014.

Wales and west utilities

One must not build over their utilities which are in the road and footpath to the front of the pub and a gas tap is on the side (facing road) of the building.

Conservation officer

No objection – no harm to grade II Boyd Bridge. Carpenters Arms can be considered a non-designated heritage asset. Retaining of current use is material.

Other Representations

4.3 Local Residents

Objections numbering 17 including a response from Living Easton (environmental and heritage group)

- Asset of Community Value – expected that whole pub remains
- Sites policy PSP34 PSP35 on Public Houses
- Overland flooding into 8 Church Road – adequate storm drain is required
- Concerns that some land work to a carpark has started
- Concerns about extra traffic coming and going from the site onto the main road.
- Concern about parking
- Concern about the parking spaces not being sufficient for larger vehicles accessing the facility (transit vans and motor homes)
- Concern at height of houses – plot is currently surrounded by bungalows and they have extensive views to the south
- Loss of privacy – to large roof windows at 6 Church road
- Lack of tree shrubs and greenery around the development but lots of hard surface.
- Too dense
- Concerns it's not proactive for wildlife and climate change
- Concern about noise from car park
- Concern about road safety
- Community wanted tea rooms/ farm shop
- Being set up to fail – concern about viability without a bigger offer
- Limited kitchen facilities.
- Concern about materials
- Subdivision on site to elude affordable housing
- does not fit in with the wishes of local people that have put forward their views on what is required in Wick for a community venue and suspect the owners are just doing the bare minimum to overcome the asset of community value - cannot see how a micro pub can indeed be viable and can only assume it would be open for a while until proven to be not viable and then would close probably for good
- Whilst micropubs have usually been successful, including two in recent years in South Gloucestershire, they have tended to be in urban locations where they are easily accessed by public transport. This is not the case with the Carpenters Arms (only an infrequent bus service no 35 Bristol to Marshfield serves the area)
- If the plans included the whole of the ground floor to be retained a pub this would be more acceptable as this would allow for a kitchen and lounge / eating / family area and the pub would be more likely to succeed as a community asset and possibly a "destination" venue to dine and drink. More parking facilities may be needed though
- Concern about loss of community asset
- Concern about tree loss.
- There no consideration for the village & the community & all the hard work & tireless work of Wick Asset Group

- Concern at precedent for housing at the rear.
- Concerned to keep a pub hotel

Supporting responses from 5 people

- Fantastic spot for a micro pub and look forward to using it.
- Will be an asset to the area
- At present it's an eyesore
- Poor offering before – looking forward to the new offer
- More employment
- Welcome alternative to a corporate food pub

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The site is located within the settlement boundary where development such as this change of use and modest additional development is generally acceptable provided that it also accords with Green Belt policy in this case. The building can also be considered a non-designated heritage asset given its age, use and presence on the roadside. The bridge relatedly close to the front of the public house is a grade II listed building. The proposals should therefore be assessed in accordance with the above policies and guidance which seek to protect the significance of heritage assets and their settings. The building is listed as a community asset which is considered below. Further considerations are also considered below.

5.2 Green belt

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Development is strictly limited in Green Belt unless it falls into certain exception categories. One such category is 'limited infilling in villages' and as the houses proposed fill a small gap between the pub and the neighboring houses the houses are considered to be policy compliant, being also within the settlement boundary of Wick.

Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include the re-use of buildings provided that the buildings are of permanent and substantial construction. The building is clearly a substantial solid built building and is only proposed to be converted not extended. It too is within the settlement boundary and as such the proposal is all considered to be acceptable in green belt policy.

Consideration also needs to be given to the impact on openness of the green belt as a result the proposal and in this case the area around the pub itself is

proposed to change little. The houses are to be a new feature which will be visible from the street but the houses are set back from the road in a similar format to those buildings further west of the pub in Church Road. The new houses would benefit from a landscaped frontage with cars being located at the rear and in the existing space at the front. This leaves the pub as the dominant building closest to the road side and overall the openness of the green belt is maintained.

5.3 Viability

The application is supported by a Viability Report by James A Baker RICS registered valuer which states that the Carpenters Arms is not viable in its current trading format and the principle reasons given are as follows:

(a) The property has had two full and comprehensive marketing campaigns and no offers were received from public house operators. It is clear the size and configuration of the existing pub does not meet current market requirements.

(b) There has been a succession of tenants in the recent past and the previous tenant was paying a nil rent and failed to make the pub work.

(c) A commercial decision by Ei Group, a national public house operator to dispose of the site suggests it was not a viable operation.

(d) The investment required to put the existing pub into good repair and to alter the property to meet operators' requirements makes it uneconomical and the existing layout/configuration is currently not fit for purpose.

Officers have no reason to doubt this. There is also another pub in Wick only 250m to the east of this site along the main road.

The Valuer advises that the operating costs involved in running the proposed pub would be significantly less than the existing pub and it is likely to be more viable as a public house in today's market.

5.4 Asset of Community Value

The pub has been listed as an Asset of Community Value the listing for which expires in 2023. This means that within this time the community have a right to bid for the asset should it ever come up for sale. Whilst the community sought to raise funds to buy the building this did not occur and the asset may now be sold to whoever they chose at whatever price they choose.

It is important to note that the pub is not being lost in total but that it is being rationalised in order to regenerate it and cut running costs, whilst also providing a new market house. PSP34 of the Local Plan supports the retention of Public Houses and this use will remain but in a different format given the above viability and community asset matters. The whole building is retained and will not detrimentally affect the character of the street scene but will improve the vitality of the area given that the pub has been closed for two years.

The floor plan has been amended since first submission to demonstrate how both a bar and kitchen area can be accommodated.

Over all the proposal will retain a pub use in the building to serve the community and whilst some of the comments received during consultation

doubt it will be viable others are pleased to see it used and look forward to visiting.

A condition is considered necessary which seeks to ensure that the pub is not left in a wrecked state after severage of the converted house. This does not secure that it shall be reopened as the public house as that would not be reasonable if the intended occupier were to pull out and another vendor could not be found. It is simply intended to ensure that the public facility is not jeopardised by the severance works. For the avoidance of doubt this means that second fix electrical wiring, plumbing, heating and internal wall finishes shall all be to a standard acceptable under building regulations for a public house. This is considered relevant given the heritage implications above and in respect of PSP34, enforceable as building regulations are precise and reasonable in that it reflects the desires of the applicant's proposal and balances this against securing an occupier.

5.5 Residential amenity

The impacts of a public house or food establishment are considered in policy PSP35. This is already a public house (albeit not trading) and will already have had noise implications for neighbours. It is noted that new houses have been built immediately adjoining the west of the site. The closest property will be over 13 metres away and set rearwards of the proposal. Whilst it will have vision over the rear garden of the nearest new house the juxtaposition is not considered harmful to amenity of existing or future occupiers. This is because the side elevation of the nearest proposed house is largely blank except for two bathroom windows. These are positioned such that they would not look directly into the neighbouring house. The rear windows on the nearest proposed house would be some 13m away and at an angle of some 45degrees from the nearest window in that 'L' shape house. Other windows will have significantly less intervisibility. There are no material or other overlooking concerns as a result of the proposal. The car parking for the pub will be north of No 8 Church lane which is a small cottage attached to the pub. The car park is of limited scale and is not considered to cause material harm beyond the neighbour's garden fence. A landscape scheme is also proposed which retains an existing small tree and proposed others along the car park.

5.6 Transportation

There are currently two accesses to the site and previously authorised car parking at the property. The site will be simplified with a single access to the car parking for the houses and the pub itself. The proposed access via an industrial standard vehicle crossover to a shared surface private road leading to the pub car park and the parking spaces for the proposed new dwellings provides a suitable means of access. The car park for the micro pub provides sufficient spaces given the reduced size of the establishment. The car parking proposals for the residential unit's accord with the Council's minimum standard.

Cycle parking will be provided for the houses in their own garages, the pub will have a cycle rack and the converted house has a garden in which a cycle rack can be conditioned.

Electricity supply for car charging will be provided in each garage and supply will be installed for the two new parking spaces for the converted house.

5.7 Heritage impact and visual amenity

During the application your officer has considered that the public house is of local historic interest and as such is considered to be a non-designated heritage asset. It does not feature on the National Statutory list despite being close to the road. Policy PSP19 seeks to retain heritage assets and notes that the level of detail considered in determining an application will depend upon the significance of the heritage asset and the nature of the works. Non-designated heritage assets are at the lower end of the scale of heritage assets and it is noted that the appearance of the building is not altered significantly and the building will therefore remain looking the same, particularly from its traditional frontage towards the footpath and the side entrance alongside Church Road. The proposal does not remove the use altogether from the site but seeks to secure its long term future as set out above. This use retention can be considered an important material consideration and will retain its general appearance as a public house. Whilst the layout inside will change and part of the public house will be converted into a separate house this is accepted as a means of securing the reopening of this closed pub in this location. This is an important consideration in permitting changes to occur to the layout and use permitted in the building.

The pub is close to Boyd Bridge a grade II listed building, largely only discernible from the field and watercourse below and east of the pub. Given that there is very little change to the building itself there is no demonstrable harm to the setting of the bridge.

The houses will be finished in Bradley reconstructed stone to the front elevation and the sides and rears will be ivory coloured render. Redland breckland brown tiles will be used on the roofs and fenestration will be dark grey as will the porches and Juliet balcony at the fronts of the houses.

5.8 Ecology

No statutory or non-statutory sites for nature conservation will be affected by this proposal.

Further to initial concerns a Preliminary Roost Assessment Survey by Arbtech (October, 2019) was undertaken and as a result in May 2020 a bat emergence and re-entrance survey was undertaken. This has confirmed that bats are not roosting on the property and subject to conditions in relation to carrying out development as set out in the reports, agreeing lighting and adding ecological enhancements there is no objection to the proposal on ecological grounds.

5.9 Affordable housing

The site is below the threshold to require affordable housing and outside of the AONB but an informative is added to the decision notice to highlight that the Affordable Housing & Extra Care Supplementary Planning Document states “where recent subdivision has taken place, or where there is considered to be a reasonable prospect of adjoining land being developed for residential

purposes which is not included in the relevant application, the council will assess both sites as one for the purpose of applying policy CS18. The particular circumstances and planning history of the site will be taken into account”.

As such an informative is attached advising that should any of the land immediately to the North of this scheme come forward for residential development then the whole site, including this current scheme, would be considered for Affordable Housing.

5.10 Tree officer

There are no significant trees on or adjacent to the site that would be impacted on by the proposed development.

5.11 Drainage

The site is proposing to use a sustainable urban drainage solution which is acceptable in principle. Details of the full proposal will be submitted for approval as a condition

5.12 Planning balance

There is no harm in principle to the green belt and openness of the green belt is maintained. Significant weight is attributed positively to the proposal seeking to reopen a pub on the site of this closed pub and in doing so this benefits the wider community in a building previously used for this use and which is considered to be a non-designated heritage asset. Also of benefit is the provision of four new dwellings and the site will benefit from a landscaping scheme where currently there is little. There will be a modest benefit to biodiversity and road safety by the simplification of the second access.

Weighing against the proposal is the loss of the other part of the pub, but as the pub has been closed for some time and was not able to be bought under the Community Assets legislation this is only afforded little weight against the proposal. Neutral weight is given to impact on the closest neighbor's as the needs to be balanced against the previous use of the site.

Overall therefore the balance of weight weighs in favour of permitting the scheme.

5.13 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 set out below.

Contact Officer: Karen Hayes
Tel. No. 01454 863472

CONDITIONS

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

Reason

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

2. The public house element of the proposal shall be completed to a stage where it is fit for use in accordance with the proposed plans prior to first occupation of the house created from its original form. For the avoidance of doubt this means that second fix electrical wiring, plumbing, heating and internal wall finishes shall all be to a standard acceptable under building regulations for a public house.

Reason

The retention of a smaller public house at this location has been weighed against the harm from reducing its overall size and size of its associated land and found to be justified on the understanding that a public house would be viable in its smaller form. To leave the building in a state requiring significant reconstruction works, following severance of the dwelling may jeopardise the continued use of the site as a public house and to accord with policy PSP34 of the South Gloucestershire Local Plan Policies Sites and Places Plan Adopted November 2017.

3. The pub shall not be opened until such time as the access road, turning facility, disabled parking bay/dray delivery facility, three No.cycle parking hoops and 15

parking spaces are fully installed as set out on plan 2025-25 received 10/6/2020. These shall thereafter be maintained.

Reason:

In the interest of highway safety and to accord with policies PSP 11 and PSP16 of the South Gloucestershire Local Plan Policies Sites and Places Plan Adopted November 2017.

4. The dwellings shall not be occupied until the access, and their respective car and cycle parking arrangements have been provided in accordance with the submitted details.

Reason:

In the interest of highway safety and to accord with policies PSP 11 and PSP16 of the South Gloucestershire Local Plan Policies Sites and Places Plan Adopted November 2017.

5. The dwellings shall not be occupied until the existing redundant vehicle crossover to the north east of the site access has been closed off and reinstated to a full kerb height.

Reason: In the interest of highway safety and to accord with policy PSP 11 of the South Gloucestershire Local Plan Policies Sites and Places Plan Adopted November 2017.

6. The flat and the converted house shall not be occupied until two covered and secure cycle parking spaces have been provided for each residence, in a location close to the related residence, in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The cycle parking so agreed shall thereafter be maintained as such.

Reason: To promote sustainable travel and to accord with policy PSP16 of the South Gloucestershire Local Plan Policies Sites and Places Plan Adopted November 2017.

7. Prior to the two car parking spaces for the retained house being brought into use a path with a garden gate shall be provided between the house and the car parking spaces.

Reason: In the interest of highway safety and to accord with policies PSP 11 and PSP16 of the South Gloucestershire Local Plan Policies Sites and Places Plan Adopted November 2017.

8. The four resulting new dwellings shall not be occupied until Electric Vehicle Charging points with a specification of 7Kw 32 Amps have been provided for each dwelling in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To promote sustainable travel and to accord with Residential Parking Standard SPD (Adopted) December 2013 and policy CS8 of South Gloucestershire Local Plan Core Strategy Adopted December 2013.

9. Landscaping implementation

Prior to the occupation of development a schedule of landscape maintenance for a minimum period of 5 years shall be submitted to the Local Planning Authority for approval. The schedule shall include details of the arrangements for implementation of the scheme set out on drawing 2025-25 received 10/6/2020 before the end of the first planting season following completion of the three houses. It shall also include ongoing management of the landscaping scheme set out on drawing 2025-25 received 10/6/2020. Development shall be carried out in accordance with the approved schedule.

Reason

To protect the character and appearance of the area, to add biodiversity and to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, PSP19 of the South Gloucestershire Local Plan Policies Sites and Places Plan Adopted November 2017 and the National Planning Policy Framework.

10. No alteration to the access, car parking nor foundations for the three new houses excavated until surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection have been submitted and approved by the Local Planning Authority. This shall comprise a detailed development layout showing the location of surface water proposals along with results of percolation tests and infiltration calculations to demonstrate that the proposal is suitable for this site. No public surface water sewer is available.

Reason: To comply with Policy PSP20 of South Gloucestershire Local Plan: Policies, Sites and Plans Plan (Adopted) November 2017; Policy CS1 and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and National Planning Policy Framework 2019.

For the avoidance of doubt we would expect to see the following details when discharging the above conditions:

- A clearly labelled drainage layout plan showing the exact location of any soakaways.
- Evidence is required to confirm that the ground is suitable for soakaways. Percolation / Soakage test results in accordance with BRE Digest 365 and as described in Building Regs H - Drainage and Waste Disposal
- Evidence that the soakaway is appropriately sized in accordance with BRE Digest 365 Soakaway Design.
- Sp. Note; - Soakaways must be located 5 Metres from any structure including the Public Highway
- Sp. Note: - No surface water discharge will be permitted to an existing foul sewer without the expressed approval of the sewage undertaker.

11. 1. The development shall proceed in strict accordance with the Mitigation Measures provided in the Preliminary Roost Assessment and the Bat Survey Report (Arbtech, October 2019 & May 2020).

Reason

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

12. Prior to occupation or use of the relevant part of the site details of external lighting shall be submitted and agreed by the local planning authority. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority with a wider spread, different lighting direction or higher luminance.

Reason

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

13. Prior to first occupation, evidence of the installation of the ecological enhancement features recommended in the Ecological Appraisal (All Ecology, November 2018) shall be submitted and approved in writing by the local planning authority. This shall include, but is not limited to, bird boxes and bat boxes. These shall thereafter remain as such on site.

Reason

To ensure the mitigation and enhancement works are carried out in an appropriate manner and in the interests of the health and wellbeing of ecology at the site and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, policy PSP19 of the South Gloucestershire Local Plan Policies Sites and Places Plan Adopted November 2017 and the National Planning Policy Framework.

14. The development shall be pursued in accordance with the following plans and reports:
Location plan (red line revised) 2025-8 REV B received 22/11/2019

Existing [plan and elevations	2025-12 received 28 June 2019	
Existing floor plan of pub	2025-11 received 26/6/2019	
Proposed plot 1	2025-17 rec 28/6/2019	
Proposed plot 2 and 3	2025-16 B received 22/11/2019	
Proposed floorplans of pub	2025-13 A received 22/11/2019	
Site plan and street context	2025-9A received 22/11/2019	
Proposed garages (amended to include single detached garage) received 12/5/2020		2025-22

Arbtech Preliminary roost assessment survey received 21/10/2019

Arbtech Bat Emergence and re-entry surveys received 3/6/2020

Viability report received 19/11/2019

Proposed site plan with large vehicle tracking and landscaping details 2025-25
received 10/6/2020

Proposed site plan drainage details 2025-24 received 10/6/2020

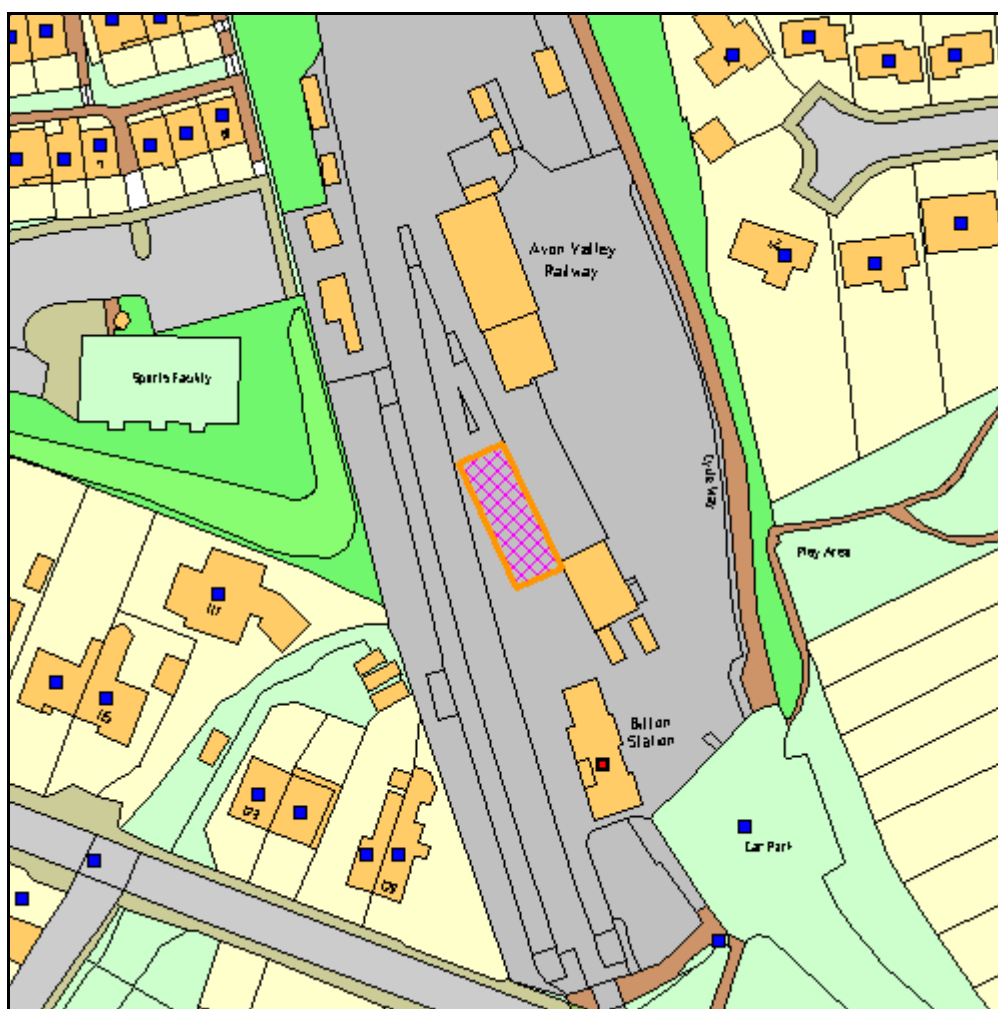
Drainage and cycle rack details 2025-23 - received 12/5/2020

Reason:

In the interests of clarity and to prevent the need for remedial action.

CIRCULATED SCHEDULE NO. 25/20 - 19th June 2020

App No.:	P20/06181/RVC	Applicant:	Avon Valley Railway Heritage Trust
Site:	Bitton Station Bath Road Bitton South Gloucestershire BS30 6HD	Date Reg:	9th April 2020
Proposal:	Variation of condition no. 2 for Planning Permission PK17/2506/F to allow operating times from 6.00am on public opening days only (up to 130 days). PK17/2506/F-Erection of free standing canopy to replace existing canvas roof structure.	Parish:	Bitton Parish Council
Map Ref:	366988 170304	Ward:	Bitton And Oldland Common
Application Category:	Minor	Target Date:	2nd June 2020



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N.T.S.

P20/06181/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 no. 2 attached to the consent granted for PK17/2506/F, to allow operating times from 6.00am on public opening days only (up to 130 days).
- 1.2 Planning permission was granted under application ref. PK17/2506/F for the erection of a free standing canopy to replace an existing canvas roof structure at Bitton Railway Station, Bath Road, Bitton.
- 1.3 By way of clarification, the canopy structure has already been permitted under application planning permission PK17/2506/F. This application does not seek permission for the erection of a canopy; but instead seeks to vary a condition attached to the previous consent.
- 1.4 This application purely relates to the canopy structure. The relevant restrictions regarding the operation for the site in its entirety are defined through condition 1 attached to planning permission PK08/2879/F. This condition is identical in terms of working to condition 2 attached to PK17/2506/F. The wording of both conditions is set out in section 3 of this report.
- 1.5 As opposed to alter the operations of the entire site through this section 73 application, a separate certificate of lawfulness application seeking to demonstrate that operations have occurred outside of the permitted hours set out in condition 1 of PK08/2879/F for a continuous period exceeding 10 years, has been submitted. This certificate application is currently being considered by the Local Planning Authority. It should however be noted that any alterations to any conditions attached to PK17/2506/F would not affect the operation of the site as a whole. Further to this, the actual use of the canopy structure granted consent under PK17/2506/F is covered by the PK08/2879/F consent, as this is the principal consent for the whole site.

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

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP21	Environmental Pollution and Impacts
PSP44	Open Space, Sport and Recreation

3. RELEVANT PLANNING HISTORY

3.1 **P20/08799/CLE**

Compliance of condition 1 attached to planning permission PK08/2879/F regarding trains operating times.

Status: Pending Decision

3.2 **PK17/2506/F**

Erection of free standing canopy to replace existing canvas roof structure.

Approved: 16.08.2017

Condition 2: *The operation of trains and movement of locomotives and rolling stock in connection with the use permitted by K424/6 shall be restricted to a total of 130 days per calendar year split between the different categories of use.*

The operation of trains and movement of locomotives and rolling stock in connection with the use permitted by K424/6 shall be restricted to the following hours only:-

- | | | |
|---|----------|----------------------|
| <i>(i) Public Open Days at Bitton Station</i> | <i>-</i> | <i>1000-1800 hrs</i> |
| <i>(ii) Charter and Schools</i> | <i>-</i> | <i>0900-2100hrs</i> |
| <i>(iii) Works Trains/Testing of Engines etc.</i> | <i>-</i> | <i>0900-1800 hrs</i> |
| <i>(iv) Shunting in Station Yard only</i> | <i>-</i> | <i>0900-1800 hrs</i> |

3.3 **PK08/2879/F**

Variation of condition 2 attached to planning application K424/6 dated 14 July 1989 to allow the railway to operate 130 days per year opposed to 110 days.

Approved: 12.12.2008

Condition 1: *The operation of trains and movement of locomotives and rolling stock in connection with the use permitted by K424/6 shall be restricted to a total of 130 days per calendar year split between the different categories of use. The operation of trains and movement of locomotives and rolling stock in connection with the use permitted by K424/6 shall be restricted to the following hours only:-(i) Public Open Days at Bitton Station - 1000-1800 hrs(ii) Charter and Schools - 0900-2100hrs(iii) Works Trains/Testing of Engines etc. -0900-1800 hrs(iv) Shunting in Station Yard only - 0900-1800 hrs*

3.4 **PK01/3023/RVC**

Variation of condition 2 attached to planning permission K424/6 to allow unrestricted operation on 110 days per calendar year.

Approved: 26.02.2002

3.5 **K424/9**

VARIATION OF CONDITION 2 ATTACHED TO PLANNING PERMISSION K424/6 DATED 14 JULY 1989 TO INCREASE THE NUMBER OF PUBLIC OPEN DAYS AT BITTON RAILWAY STATION FROM 40 TO 55. (Previous ID: K424/9).

Refused: 06.07.1994

3.6 **K424/6**

USE OF SITE & BUILDINGS FOR RAILWAY SOCIETY PURPOSES & RESTORATION & RUNNING OF LOCOMOTIVES & ROLLING STOCK (Previous ID: K424/6).

Approved: 14.07.1989

4. **CONSULTATION RESPONSES**

- 4.1 Bitton Parish Council
No objection to free standing canopy, but object to change in operating times as this will impact upon surrounding residents.
- 4.2 Oldland Parish Council
No comment
- 4.3 Internal Consultees
- Archaeology Officer
No comment
- Conservation Officer
No objection
- Environmental Protection
Further details regarding the smoke/noise implications of preparatory works should be submitted.
- Highway Structures
No comment
- Planning Enforcement
No comment
- Sustainable Transport
No comment
- 4.4 External Consultees
- Civil Aviation Authority
No comment
- Natural England
No comment
- Network Rail Infrastructures Ltd
No comment
- 4.5 Other Representations
- Local Residents
A total of 73 representations made by local residents were received during the course of the application process. These comprised 31 objection comments, 41 support comments, and one neutral comment. The main concerns raised within

the objection comments are summarised below. Full copies of all comments are publicly available on the Council website:

- Running of trains causes noise pollution – more disturbance will be caused in mornings if change to conditions allowed. Affects amenity of residents.
- Noise and activity at site has persisted even during lockdown.
- Will lead to more air pollution. At present, fumes affect living conditions of nearby residents.
- Environmental and air quality impact should be considered – especially when trains run empty at times.
- Not just residents affected by fumes and smoke, but also those visiting site and using nearby cycle path.
- Diesel trains seem to be used more often than steam trains – far worse noise and air pollution.
- Council should be looking to cut emissions – this will increase them.
- Do not understand why 6am start proposed when trains do not usually operate until 11am.
- Visitors to station park in local residential area and cause parking issues.
- Concerns that changes to times will impact safety at rail crossing by St Anne's school.
- If intention is just to allow minor preparation works – unlikely anyone will notice. However proposal does seem to be for more than this, which would have greater impact. More specific wording should be considered.
- If trains start earlier, number of days per year should be reduced.
- Very poor communication with Avon Valley Railway Heritage Trust (AVRHT). Have not been considerate neighbour.
- AVRHT have breached their conditions in the past. Residents have complained about this and general noise and air pollution.
- Residents have kept record of AVRHT contravening restrictions in terms of number of days and hours of operation.
- May be a good opportunity for SGC to review the conduct of AVRHT as their tenant.
- Not opposed to heritage railway, but has now reached point where resident's lives are being negatively impacted.
- Many residents purchased properties when railway line was in very infrequent use. Since AVRHT have taken over site, use has continued to increase.
- No objections to proposed canopy.
- Information submitted in support of application is incorrect and misleading.
- Evidence of numerous complaints can be found on Council website.
- Due to current circumstances, residents may not have chance to voice opinions at forthcoming committee.

The main points raised within support comments are summarised below. Full copies of all comments are publicly available on the Council website:

- Appears that aim of application is to regularise a practice that has been in action for past 25 years without complaint.
- Operation of steam train requires several hours of preparation.
- Preparation does not affect amenity of local residents. This merely amounts to lighting of fire and boiling of water.
- Preparation takes some time. Locomotives cannot be heated too quickly as this shortens life and may cause damage.
- If start time of preparation is delayed until 9am, then trains may not be able to run for another 3 hours, which would result in severe loss of income and possible loss of important heritage attraction.
- Council seem to have misunderstood application. Simply relates to preparation works and not movement of locomotives
- AVR is excellent local facility and provides attraction for thousands throughout the year.
- AVRHT are charitable organisation for public benefit - funds are ploughed back into Trust for projects.
- Am informed that railway regularly gives briefings to staff about keeping noise and smoke to a minimum to keep neighbours happy.
- Understand that AVR hold resident's forums.
- Wonder whether purely commercial user of site would be as considerate as charity.
- Preparation works are not currently restricted by condition.
- To refuse application would set dangerous precedent. Activities occur at many businesses outside of opening hours.
- Activities have been carried out in this way for many years and are therefore lawful.
- Permission for PK17/2506/F-Erection of free standing canopy should not be invalidated, just because there is a query about operating times.

The points raised within the single neutral comment are summarised below:

- No issues with erecting new canopy.
- Beginning work at 6am seems too early given residential surroundings.

5. **ANALYSIS OF PROPOSAL**

5.1 This application seeks to vary condition 2 attached to planning permission PK17/2506/F to allow operating times from 6.00am on public opening days only (up to 130 days). The current time restriction as set out in condition 2 is 10.00am.

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 2 to alter operation times. The applicant was made aware that this condition relates only to a planning permission allowing for a canopy to be erected, and does cover the site in its entirety. The applicant was advised that this is covered by condition 1 attached PK08/2879/F, and that this condition also in fact covered the use of the permitted canopy. However the applicant outlined that it was their intention to submit a certificate of lawfulness to seek to regularise the operation of the site as a whole, and that they did not wish to seek to amend condition 1 attached PK08/2879/F as part of this section 73 application. The application is therefore to be determined as submitted.
- 5.6 Given that the operation of the site as well as the permitted canopy structure itself would continue to be defined by condition 1 attached to PK08/2879/F, condition 2 attached to PK17/2506/F is not considered to serve a purpose. As such, its removal would have no impact on the lawful operation of the site.
- 5.7 Further to this, the condition is not considered to meet the tests of a planning condition. As set out in Paragraph 55 of the NPPF, planning conditions should be kept to a minimum, and only imposed where they are necessary, relevant to planning and the development to be permitted, enforceable, precise and reasonable in all other respects.
- 5.8 On the basis that the operation of the site is already covered by an identically worded condition, condition 2 attached to PK17/2506/F is considered to be neither necessary nor relevant to planning/the development to be permitted. In the interests of clarity, it is therefore recommended that the condition be removed, and that the operation of the site as a whole be considered as part of any applications relating to PK08/2879/F.
- 5.9 The numerous public representations submitted during the application process have been considered. However on the basis of the above assessment, the removal of the condition would have no impact on the operation of the site.
- 5.10 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, 3 conditions were attached to the consent granted under PK17/2506/F.

5.11 Condition 1 required the development to commence within 3 years of the granting of permission. Section 73 applications cannot be used as a means of extending an implementation period, and as such the condition will be amended to take account of the time that has passed since the original permission was granted.

5.12 Condition 2 is the subject of this application and is to be removed. Condition 3 also includes time restrictions relating to the operation of the site, and reads as follows:

The repair, maintenance and restoration of locomotives and rolling stock shall not be carried out before 0900 or after 2000 hours on any day, if such operations result in a corrected noise level (assessed in accordance with BS 4142 1967 as amended) exceeding 40 dBA at or beyond the boundary of the site.

5.13 The condition is identical in its wording to condition 3 attached to PK08/2879/F. Therefore, similarly to the assessment made regarding condition 2, condition 3 attached to PK17/2506/F is not considered to serve a purpose or meet the tests of a planning condition, as an identical condition is already attached to the principal permission relating to the site. As such, in the interests of clarity, the condition will also be removed.

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.

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

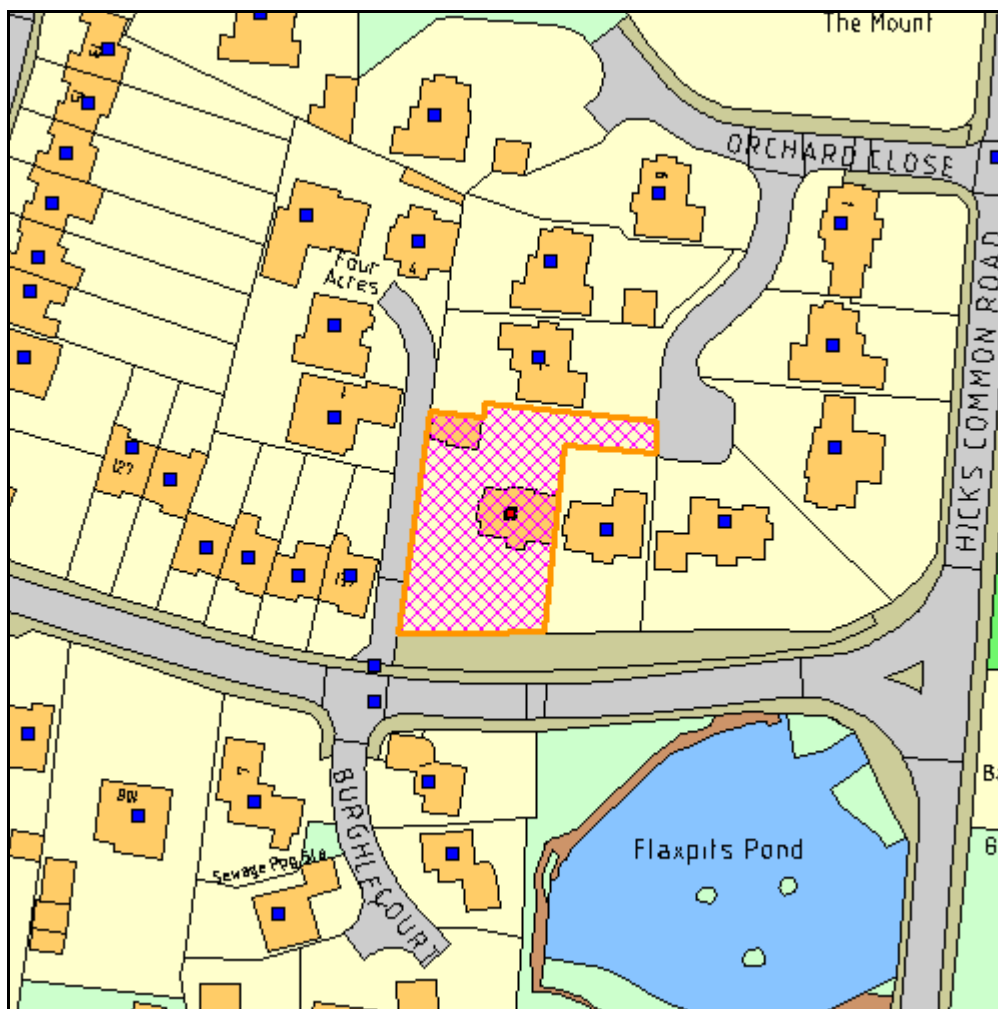
1. The development hereby permitted shall be begun on or prior to 16th August 2020.

Reason

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

CIRCULATED SCHEDULE NO. 25/20 - 19th June 2020

App No.:	P20/06287/F	Applicant:	Mr Paul Maddock
Site:	6 Orchard Close Winterbourne South Gloucestershire BS36 1BF	Date Reg:	27th April 2020
Proposal:	Enlargement of existing garage with associated works.	Parish:	Winterbourne Parish Council
Map Ref:	365355 180426	Ward:	Winterbourne
Application Category:	Householder	Target Date:	17th June 2020



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100023410, 2008.

N.T.S.

P20/06287/F

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

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

Contrary view of Winterbourne Parish Council.

1. THE PROPOSAL

- 1.1 Planning permission is sought for the erection of an extension to an existing garage at 6 Orchard Close, Winterbourne.
- 1.2 The application site comprises a two storey detached dwelling with detached double garage. The application site is located within the designated Winterbourne settlement boundary.
- 1.3 The proposed extension is the side of the existing garage and would have a width of 2.9 metres. The proposed extension would retain the same eaves and maximum height of the existing garage. The proposal includes the removal of 1 no. Cherry tree growing to the front of the property and subject to a tree preservation order.

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
CS9	Managing the Environment and Heritage

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

PSP1	Local Distinctiveness
PSP3	Trees and Woodland
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP38	Development within Existing Residential Curtilages
PSP43	Private Amenity Space Standards

2.3 Supplementary Planning Guidance

Design Checklist SPD (Adopted) August 2007
Residential Parking Standard SPD (Adopted) December 2013
Assessing Residential Amenity TAN (Endorsed) 2016

3. RELEVANT PLANNING HISTORY

- 3.1 P93/2533
Erection of 14 no. dwelling and associated works.
Approval Full Planning (27/04/1994)

4. CONSULTATION RESPONSES

- 4.1 Winterbourne Parish Council
Objection - The Parish Council object to the removal of the Cherry Tree.
- 4.2 Archaeology
No Comments
- 4.3 Tree Officer
No Objection - The applicant will be providing replacement trees for the front of the property and the back garden which would mitigate for the loss of the Cherry tree which is currently growing in close proximity to the property.
- 4.4 Local Residents
1 Comment - The Red Outline of the property was incorrect but the submission of revised plans fixed this.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The application seeks permission for an extension to an existing garage at an existing residential property. Policy PSP38 of the Policies, Sites and Places Plan permits development within established residential curtilages subject to an assessment of design, amenity and transport. The development is acceptable in principle but will be determined against the analysis set out below.
- 5.2 Design and Visual Amenity
Policy CS1 of the Core Strategy and Policy PSP1 and PSP38 of the Policies, Sites and Places Plan seek to ensure that development proposals are of the highest possible standards of design. This means that developments should have appropriate: siting, form, scale, height, massing, detailing, colour and materials which are informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context.
- 5.3 The proposed extension to the existing garage would be visible within the street scene but would not appear disproportionate to the existing garage and would remain subservient of the host dwelling. The proposed extension would be finished in materials to match the finish of the existing garage.
- 5.4 On the basis of the assessment set out above, it is not considered that the proposed development would detract from the appearance of the building or negatively impact the visual amenity of the street scene or character of the area.

5.5 Residential Amenity

Policy PSP8 and PSP38 of the Policies, Sites and Places Plan explains that development will be permitted provided that it would not detrimentally impact the residential amenities of nearby occupiers and would not prejudice the retention of adequate private amenity space. Policy PSP8 specifically relates to impacts on residential amenity, and outlines that unacceptable impacts could result from (but are not restricted to): loss of privacy and overlooking; overbearing and dominant impact; loss of light; noise or disturbance; and odours, fumes or vibration.

5.6 The proposed extension to the existing garage would extend towards the host dwelling and no closer to any neighbouring dwellings. The proposed extension would therefore not have a notable detrimental effect on the amenity of neighbouring properties.

5.7 On the basis of the assessment set out above, it is not considered that the development proposal would result in any unacceptable impacts on the amenity of neighbours.

5.8 Trees

The proposal includes the removal of 1 no. Cherry tree growing to the front of the property and subject to a tree preservation order. The application includes the provision of replacement trees for the front of the property and the back garden that would mitigate for the loss of the Cherry tree which is currently growing in close proximity to the property.

The submission of a planting plan to be approved by the Council prior to the commencement of works will be conditioned to ensure that the proposed replacement trees will adequately mitigate the loss of the Cherry tree.

5.9 Transport

Policy PSP16 of the Policies, Sites and Places Plan sets out the Councils parking standards. The proposed development would not increase the number of bedrooms in the property and would not remove any on-site parking spaces.

5.10 Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. 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: Oliver Phippen
Tel. No. 01454 866019

CONDITIONS

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

Reason

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

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

Reason

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

3. Prior to the commencement of the development a planting plan, which shall include details of the proposed replacement trees to mitigate the loss of the existing Cherry tree with a planting timetable, 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; Policies PSP1, PSP3 and PSP38 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the National Planning Policy Framework.