

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: 34/20

Date to Members: 21/08/2020

Member's Deadline: 27/08/2020 (5.00pm)

The reports listed over the page form the 'Circulated Schedule' a procedure agreed by Council in July 2020. 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. You may also wish to refer to the guidance given in the Members' Planning Code of Good Practice in the Council's constitution, which sets out the criteria the Chair of the Committee, in consultation with the Spokes will use to consider any referral requests.

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 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 You may wish to consider the guidance given in the Members' Planning Code of Good Practice in the Council's constitution, which sets out the criteria the Chair of the Committee, in consultation with the Spokes will use to consider any referral requests.

If would be helpful if you could indicate if you:-

- Have discussed the application(s) with the Case Officer and/or Development Manager
- Have discussed the application(s) with ward Member(s) if the site is outside of your ward
- Consider the site would benefit from a visit by the committee, setting out the reasons

Valid referral requests will be considered by the Committee Chair, in consultation with the Spokes, against the criteria given in the Members' Planning Code of Good Practice in the Council's constitution and you will be notified of the Chair's decision. Applications which are not referral, or where the referral request is not agreed by the Chair, will be determined by officers under delegated powers

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.

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?

6. Do you feel a site visit is required or can issues be addressed by other means e.g. further information in the report, additional presentation material, video etc.

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

Date:

To be emailed to MemberReferral@southglos.gov.uk

Schedule Number	Officers Deadline reports to support	Date to Members	Members deadline	Decisions issued from
35/20	Wednesday 26 August 12noon	9am Thursday 27 August	5pm Thursday 3 September	Friday 4 September

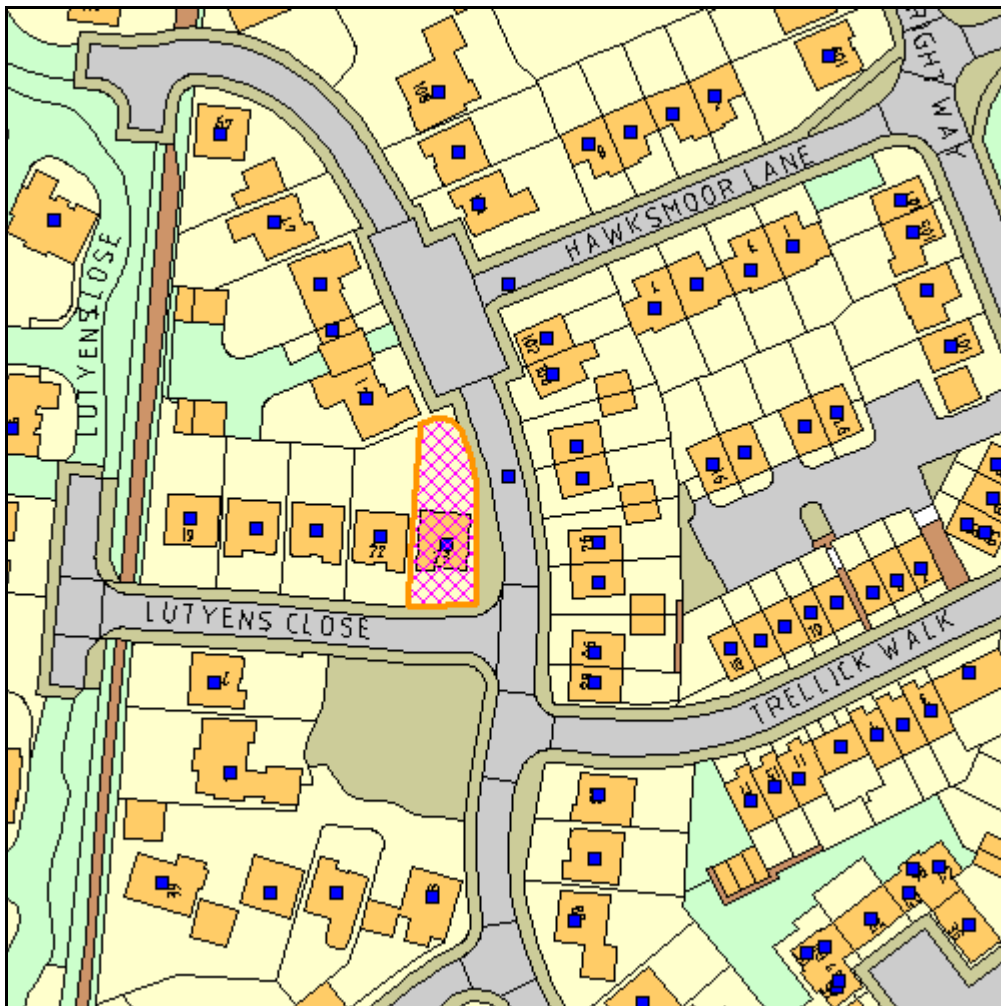
Dates and officer deadlines for Circulated Schedule August Bank Holidays 2020

CIRCULATED SCHEDULE - 21 August 2020

ITEM NO.	APPLICATION NO.	RECOMMENDATION	LOCATION	WARD	PARISH
1	P19/6428/F	Approve with Conditions	23 Lutyens Close Stoke Gifford Bristol South Gloucestershire BS16 1WL	Stoke Park And Cheswick	Stoke Gifford Parish Council
2	P20/00002/MOD	Approved Subject to Section 106	Land At Emersons Green East Land To East Of Avon Ring Road South Of M4 Motorway And North West Of Disused Railway Line	Emersons Green	Emersons Green Town Council
3	P20/00860/RM	Approve with Conditions	The Old Station Wotton Road Charfield Wotton Under Edge South Gloucestershire GL12 8SR	Charfield	Charfield Parish Council
4	P20/07187/F	Approve with Conditions	33 Syston Way Kingswood South Gloucestershire BS15 1UE	Kingswood	
5	P20/10501/F	Refusal	Former Dairy Unit Mumbleys Farm Sweetwater Lane Thornbury South Gloucestershire BS35 3JY	Severn Vale	Aust Parish Council
6	P20/11417/CLP	Approve with Conditions	School House The British Yate South Gloucestershire BS37 7LH	Frampton Cotterell	Iron Acton Parish Council

CIRCULATED SCHEDULE NO. 34/20 - 21st August 2020

App No.:	P19/6428/F	Applicant:	South West Estates Management Ltd
Site:	23 Lutyens Close Stoke Gifford Bristol South Gloucestershire BS16 1WL	Date Reg:	12th June 2019
Proposal:	Change of use from 4 no. bedroom dwelling (Class C3) to an 8 no. bedroom HMO (Sui Generis) as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended) with associated works.	Parish:	Stoke Gifford Parish Council
Map Ref:	362067 177568	Ward:	Stoke Park And Cheswick
Application Category:	Minor	Target Date:	6th August 2019



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 100023410, 2008. **N.T.S.** **P19/6428/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

This application has been referred to the Circulated Schedule as: an objection has been received from the parish council; an objection has been received from an elected Member of South Gloucestershire Council; and, over 3 comments contrary to the officer recommendation have been received from members of the public.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for a change of use of an existing dwelling (Class C3) to a Larger House in Multiple Occupation (“HMO”). As the number of occupants is likely to exceed 6, this falls outside of any defined Class and is *Sui Generis*.
- 1.2 To operate as a larger HMO, a licence is also required. This, however, is a separate process from the assessment of a planning application. Under the Planning Act, the local authority can consider land use; the technical assessment as to whether the property can duly function as a larger HMO would be carried out when the licence is assessed. The technical assessment should not therefore be applied to the planning application as this should focus on land use and the visual impact of the change of use.
- 1.3 The application site is a detached dwelling on a corner site in the northern section of Stoke Park. The front boundary is formed by railings and a tree subject to a preservation Order. The property was built as a 4-bedroom house, with all bedrooms on the first floor. To facilitate the change of use the following alterations are proposed:

Ground Floor

- Convert back of garage to lounge and insert window in side elevation
- Convert front of garage to bin store
- Convert lounge into two bedrooms
- Convert dining room into a bedroom

First Floor

- Convert master bedroom into two bedrooms
- Alter en-suite to master bedroom to provide shower room accessible from communal location

External

- Insert window at ground floor level into west elevation to serve new lounge
- Install cycle storage in rear garden

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
CS17	Housing Diversity
CS25	Communities of the North Fringe of Bristol

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
PSP39	Residential Conversions, Subdivision, and HMOs
PSP43	Private Amenity Space Standards

2.3 Supplementary Planning Guidance

Residential Parking Standard SPD (Adopted) December 2013
Waste Collection SPD (Adopted) January 2015 (updated March 2017)

3. RELEVANT PLANNING HISTORY

- | | | | |
|-----|---|----------|------------|
| 3.1 | P99/1353 | Approved | 30/09/1999 |
| | Erection of 85 dwellings with associated works and public open space (approval of reserved matters) | | |
| 3.2 | P97/2145 | Approved | 03/03/1999 |
| | Demolition of hospital buildings and redevelopment of the site for housing (outline) | | |

4. CONSULTATION RESPONSES

Parish Council

4.1 Stoke Gifford Parish Council

Objection: out of keeping and overbearing; impact on amenity; insufficient parking; insufficient cycle storage; insufficient bin storage; TPO on site; works commenced without planning permission.

Internal Consultees

4.2 Sustainable Transport

Initial concerns over level of parking provision; parking survey requested and received. Survey not in a user friendly format, however, it is accepted that it demonstrates sufficient parking on the local highway network to meet unmet demand. Therefore, no objection.

4.3 Trees

Objection to removal of tree.

N.B – the revised plans no longer result in the loss of the tree

Other Representations

4.4 Local Residents: Support

2 comments have been received which raise the following:

- Need for additional housing
- Good location for HMO
- Suitable site for student accommodation

4.5 Local Residents: General

1 comment has been received which raises the following:

- Student behaviour has improved recently – although there is still room for improvement, especially around waste
- Parking could be an issue but site is well served by public transport

4.6 Local Residents: Objections

97 comments have been received which raise the following:

- Anti-social behaviour
- Application referred to local MP
- Application taken too long to be determined
- Conversion works commenced before planning permission given
- Covenant on Stoke Park which would prohibit the development
- Criminal behaviour
- Developers do not own estate
- Development is profit motivated
- Errors on application form
- Fire hazard
- Highway impact of increased access width
- House is too small to house number of occupants
- Impact on biodiversity/ wildlife
- Impact on trees (subject to preservation Order)
- Impact on value of properties
- Insufficient facilities/ amenities for number of residents
- Loss of railings and impact on appearance of area
- Loss of road signage
- Noise impact
- Parking impact
- Parking survey flawed
- Planning process is box ticking only

- Proportion of HMOs on estate is out of balance with other occupation models
- Proposal is not sustainable development
- Site is unsuitable for proposal
- South Gloucestershire Council is failing its residents; no more HMO licences should be granted
- Student accommodation should have been built on the University's land
- Waste management/ litter

4.7 Local Member

Cllr James Arrowsmith (Stoke Park and Cheswick) objects and lists the following issues: amenity; parking; Tree Preservation; waste; commencing work without planning permission; number of HMOs in the area

5. **ANALYSIS OF PROPOSAL**

- 5.1 This application seeks planning permission for the change of use of a dwelling in Stoke Park into a Large House in Multiple Occupation (Sui Generis).

Principle of Development

- 5.2 The site is within the existing urban area of the North Fringe of Bristol. Policy PSP39 manages development of residential conversions, sub-divisions, and houses in multiple occupation. This policy is supportive in principle of such developments subject to considerations of: the impact on the character and amenity of the area; impact on the amenity of nearby occupiers; provision of adequate outdoor amenity space; refuse storage; and, parking.
- 5.3 The proposed development is acceptable in principle and should be determined in light of the analysis set out below.

Parking

- 5.4 The most significant potential impact arising from this proposal is the provision of adequate parking. This issue also directly links to the impact of the development on trees and the visual impact of the development.
- 5.5 Policy PSP16(3) sets the parking requirements for HMOs. Under this policy as a starting point 0.5 parking spaces should be provided per bedroom. The proposal is for an 8-bedroom HMO and therefore generates a demand of 4 parking spaces. Initial plans submitted with the application demonstrated the provision of 4 parking spaces across the whole frontage of the site. Installing these parking spaces would have required the removal of the railings and the protected tree. Officers advised that this would be unacceptable in visual/ landscape terms.
- 5.6 To overcome officer's visual/ landscape concerns, the applicant investigated the availability of on street parking in accordance with the provisions of policy PSP16. This information was presented in the form of a parking survey.

- 5.7 The submitted parking survey was not in a format that would be accepted in the future as it is difficult to interrogate and understand. Nonetheless, the highways officer has examined its contents. While the survey is flawed in its presentation, it does demonstrate – to the satisfaction of the highway authority – that there is sufficient parking in the local area at evenings and weekends to meet the unmet parking demand. As a result, the provision of 2 off-street parking spaces is acceptable in this instance. This also eliminates the need to remove the railings and protected trees.
- 5.8 The site is in a sustainable location with good access to walking and cycling routes. Further to this, the site also has good connections to the bus and metrobus network. The site is within commuting distance (by foot, bicycle, and public transport) of a number of major employments and town/ city centre locations.

Design (inc. landscaping)

- 5.9 There are very few changes to the appearance of the building itself save the introduction of a window in the side elevation. The changes to the building are acceptable from a visual perspective.
- 5.10 Revised plans now enable the retention of the front railings and the protected tree. Had this not been feasible then the development would have been refused for the harmful impact on the visual amenity and landscape of the area.

Residential Amenity

- 5.11 Much local concern has been raised about the potential of the development to adversely affect the amenities of nearby occupants. As stated in the introduction, the planning system controls land use. This is an application to use the site as a larger HMO. The planning system can limit the number of bedrooms but not necessarily control how those bedrooms are occupied. Furthermore, the planning system should not impose conditions/ restrictions which are more suitably controlled through other legislation, in this instance the Housing Act under which a licence is required. A licence could control the number of people residing in a property and place controls on single/ multiple occupancy of rooms.
- 5.12 In essence, from a planning perspective related to residential amenity, the authority is considering the impact of a change from a single residential unit which could lawfully be occupied by up to 6 unrelated persons (unlimited related persons) to a single residential unit which could lawfully be occupied by up to 8 unrelated persons.
- 5.13 The increase in the number of residents by 2 unrelated persons is unlikely to have a significant impact on the amenities of nearby occupants.
- 5.14 Local concern is more focused on the alleged anti-social behaviour of groups of persons – in this case students. While it is highly likely that the accommodation would be occupied by students, given the site's proximity to the university campus and the formation of the accommodation itself, the planning system

looks at land use, not who may occupy the building. The building could be occupied by any persons of any profession. The authority should not consider the application as distinct student accommodation, as that is not what was applied for, and the comments on the behaviours of students therefore carry little weight in determining this application.

- 5.15 Residents of the accommodation must abide by the terms of their tenancy agreement (not a planning matter) and the terms of the HMO licence (again, not a planning matter). Issues of anti-social behaviour resulting in a statutory noise nuisance would need to be resolved under environmental protection, not planning, legislation. Any alleged criminal activity should be reported to the police. These therefore are not planning matters and carry little weight in the determination of this application.

Living Conditions (inc. provision of amenity space and waste)

- 5.16 A licence is required under the Housing Act for accommodation of this nature. A licence is required when a HMO is occupied by more than 5 persons (so would encompass *Sui Generis* units such as this but also units falling within the Use Class C4, which often does not require the express consent of the local planning authority) where tenants share facilities. The licence considers a number of factors such as room sizes, amenity standards, and fire standards. As the Housing Act is the primary legislation, if a development complies with the requirements to grant a licence, there is no reasonable grounds for an objection to be raised under the Planning Act.
- 5.17 Planning officers are satisfied that the development would result in acceptable standards of living, including access to outdoor amenity space. Nonetheless, this would be subject to detailed analysis by the relevant housing authority. It is for the relevant housing authority to make final determination as to whether a licence is granted; without a licence the HMO would not be able to lawfully operate but any enforcement regime will fall upon the housing authority.
- 5.18 With regard to waste, the plans show a bin storage area which is acceptable. It is beyond the remit of the planning authority to assess anything beyond the provision of suitable storage facilities. Residents' compliance with the waste authority's collection regulations is beyond the scope of a planning application.

Impact of Proliferation of HMOs on Local Population

- 5.19 The number of HMOs in Stoke Park, Cheswick, and Scholar's Chase is cause for local concern. Comments indicate that the balance between various tenures and tenancies is at tipping point and that Stoke Park is no longer a mixed and balanced community.
- 5.20 Previously, the planning department investigated making an Article 4 Direction to restrict permitted development changes of use to smaller HMOs (Class C4). However, this was not progressed. While it is clear that this is an issue for local residents, and one which should be re-examined periodically by the planning authority, there is no available evidence to the case officer that the proliferation

of HMOs in the locality is causing a major issue so much so that this area of the district no longer functions as a sustainable residential location.

- 5.21 For case officers to apply weight to the number of HMOs and the impact they have on a locality, an evidence based policy basis would be needed. Policy PSP39 does not include such assessment criteria and nor is such assessment referenced in the supporting text.

Impact on Equalities

- 5.22 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.
- 5.23 With regards to the above this planning application is considered to have a neutral impact on equality.

Other Matters

- 5.24 A number of matters raised from the consultation responses have not been addressed in the main body of this report. These will be considered below.
- 5.25 Conversion works may have commenced before the planning application has been determined (which has been significantly delayed) but any breach of planning control would only occur once the property is occupied as a Larger HMO.
- 5.26 Any covenants on the land are a civil matter and do not prejudice the determination of this application. The applicant, their place of residence, and their motive are not given weight in the determination of planning applications. The impact of development on private property value is given little weight in determining a planning application. Alternatives are not given weight in the determination of this planning application, nor is the accommodation strategy of the university.
- 5.27 The development is detailed on the accompanying plans and the application form is considered sufficient for a full assessment of the proposal to be made.
- 5.28 As the tree and front garden are to be retained there is no impact on biodiversity and wildlife. Any changes to road signage would be a matter for the highway authority.
- 5.29 The grant of HMO licences are a matter for the housing authority.

Planning Balance

- 5.30 The proposal would result in a larger HMO which would provide 8 bedrooms. Mix in housing types and tenures is a positive. The loss of the 4-bedroom house is not considered to be a significant factor.
- 5.31 Sufficient parking is provided given the conditions of the local highway network and this is a neutral factor.
- 5.32 No harm has been identified related to residential amenity or the living conditions of future occupiers.
- 5.33 The balance therefore falls on approving planning permission.

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 is GRANTED subject to the conditions listed below.

Contact Officer: Griff Bunce
Tel. No. 01454 863438

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 first occupation of the building as a Larger House in Multiple Occupation (Sui Generis), the bicycle storage as shown on the plans shall be installed in full and thereafter retained for that purpose.

Reason

To encourage means of transportation other than the private car, to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

3. The Larger House in Multiple Occupation (Sui Generis) hereby approved shall at no time contain more than 8 bedrooms and shall comply with the following plans:

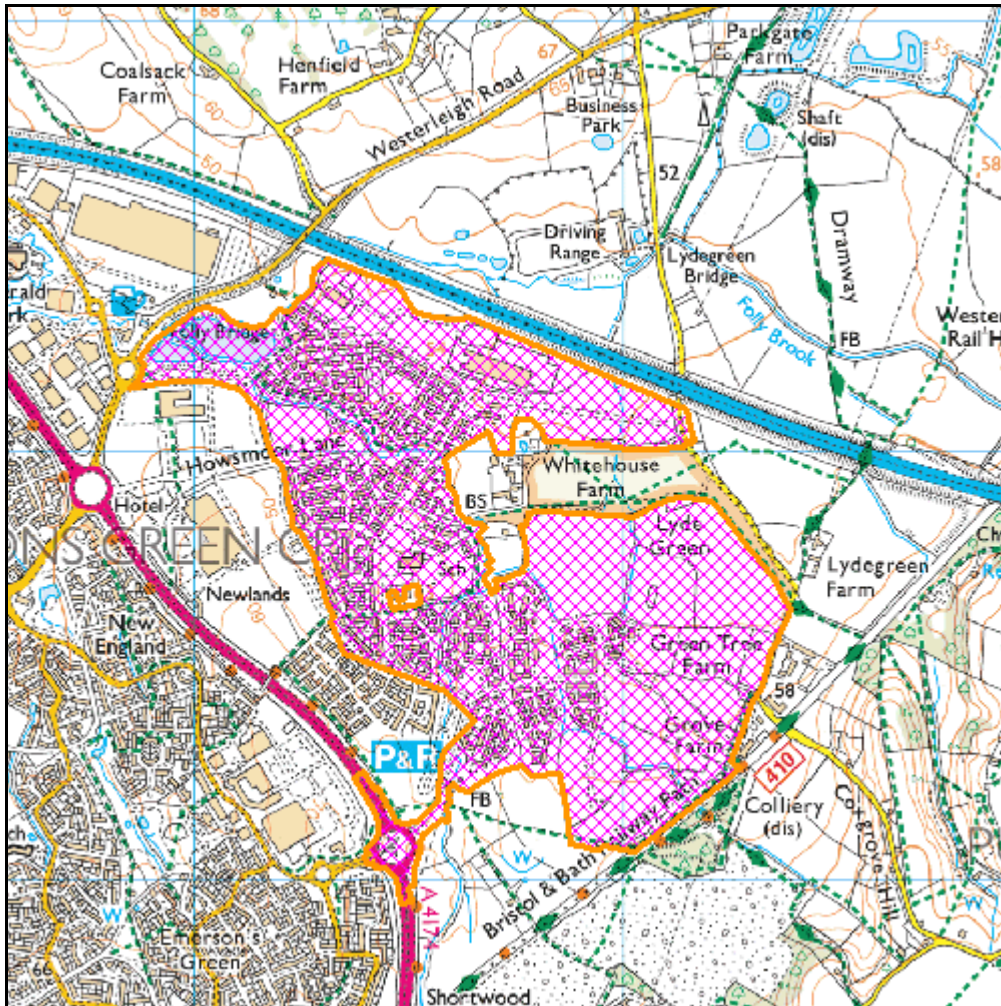
3738.PL.02 Proposed Floor Plan; and,
3738.PL.06 Existing and Proposed Elevations, received 04 June 2019; and,
3738.PL.05.A Proposed Site Plan, received 17 August 2020.

Reason

In the interests of clarity and proper planning.

CIRCULATED SCHEDULE NO. 34/20 - 21st August 2020

App No.:	P20/00002/MOD	Applicant:	Taylor Wimpey Bristol
Site:	Land At Emersons Green East Land To East Of Avon Ring Road South Of M4 Motorway And North West Of Disused Railway Line.	Date Reg:	23rd March 2020
Proposal:	Modification to Section 106 agreement attached to planning permission P19/09100/RVC (formerly PK04/1965/O).	Parish:	Emersons Green Town Council
Map Ref:	367619 177698	Ward:	Emersons Green
Application Category:		Target Date:	6th May 2020



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N.T.S. P20/00002/MOD

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

1. **PROPOSAL**

Permission is sought to vary a S.106 schedule that relates to a new footbridge over the A4174 Ring Road, as set out in the S.106 attached to the Outline application for an urban extension at Emersons Green East (now known as Lyde Green).

Outline consent was originally granted in 2013 under planning application reference PK04/1965/O (and amended under P19/09100/RVC) for an 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) and health centre. 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.

As currently drafted, the S 106, (Schedule 5), requires the developer to pay a footbridge contribution of £946,647 to the Council, and upon receipt of the footbridge contribution the Council is obliged, as soon as reasonably practicable, to procure the construction of the footbridge as shown on the footbridge drawing within the S 106. This shows a new footbridge of 5m in width across the Ring Road from the new Lyde Green development and landing adjacent to the skate park at Emersons Green District Centre.

The contribution having been duly paid, the Council submitted a planning application (PK16/6500/F) for the new footbridge, in the location shown in the S 106, consisting of two tied arches with a maximum height of 11.55 m, from which the main deck would be suspended using stainless steel hangers. The arches fabricated from FRP (Fibre Reinforced Polymer), and with a deck 5m in width. This appeared on the Circulated Schedule in February 2017 and planning permission was granted.

Acknowledging that the new bridge project could support advancement within the composite industry and would generate employment, in 2017 the Council secured further funding from WECA. In spring 2018 however, a review of all costs, including risk, concluded that the approved budget is insufficient. The design that had been developed with a FRP arch and FRP deck was estimated at £7.75m - £9.75m. Feasibility of a cheaper option - to construct the new steel footbridge of an industry standard construction was estimated to be in the region of £6.25m - £7.5m. The 2012 estimate of the cost of the bridge, developed between Council engineers and the applicant, even allowing for index linking, was therefore been found to be inadequate.

The current Deed of Variation therefore seeks to deal with this by proposing varying the S106 schedule to enable the Council to use the financial contribution towards enhancements to the existing footbridge across the Ring Road - Newlands Bridge – and its approaches and linkages with old and new Emersons Green.

WECA, SGC Executive Member and the developer have agreed to this change.

2. ANALYSIS OF PROPOSED VARIATION

A concept document has been submitted in support of the proposal; the aim being to create a new community friendly link between the new Lyde Green community centre and Emersons Green Village Hall. It is proposed to carry out infrastructure repairs and improvements to Newlands footbridge, improve the physical access along the proposed route, upgrade paths, signage and crossing points. In addition, strengthen and reinforce the existing public realm with the creation of new public spaces and planting, and importantly, raise the profile of the new route through the provision of integrated public art and bespoke way-marking. The intention is to carry out a programme of community design workshops as part of a public arts programme to promote cultural and community links.

Specifically in relation to the bridge, and at the planning officer request, the parapet would be refurbished and splayed outwards in order to provide the a wider route; the narrowness of Newlands Bridge being one of the main drivers for seeking the new bridge originally. (Refurbishment to the extent of widening the bridge deck itself was found to be too expensive.) In addition the parapets would have integrated artwork and the deck would be resurfaced. It is considered that these measures would significantly enhance the perception of safety and encourage use of the bridge.

With regard to the bridge landing areas, on either side, these area currently tucked away behind vegetation, enclosed and unkempt. It is proposed to carry out tree work-thinning and crown lifting. Further, on the eastern – Lyde Green- side carry out access improvements including new steps and a gateway feature walling or railings. It is considered that this will significantly enhance usability of the bridge as the existing steps are narrow and very steep. The existing ramp/sloping footpath/cycle route, which was constructed as part of the new residential development here, as well as the Ring Road cycle path on this side, would be integrated into the opening out of this bridge approach area. As well as encouraging greater use, it is considered that these enhancements could help alleviate anti- social behaviour that has been reported in this currently enclosed area.

On the western side, currently the path from the bridge to the shopping centre runs towards the servicing area of Boots and along the blank side elevation of this building. It is proposed to create a new linear park though the Council owned land adjacent to the skate park, with a multi user path leading diagonally across this space, directly to the shopping centre. A new way- marking sculptural feature adjacent the bridge landing area would highlight the route from views from the shopping centre. Some of the works may need to be the subject of a future planning application.

It is considered that these measures would significantly encourage greater use of Newlands Bridge and given the challenges of constructing a new bridge nearby, would provide a practical alternative to significantly enhance non- motorised travel between the two sides of the Ring Road, essential to the success of the more recently developed Lyde Green which was always intended to be served by the Emersons Green District Centre.

3. **RECOMMENDATION**

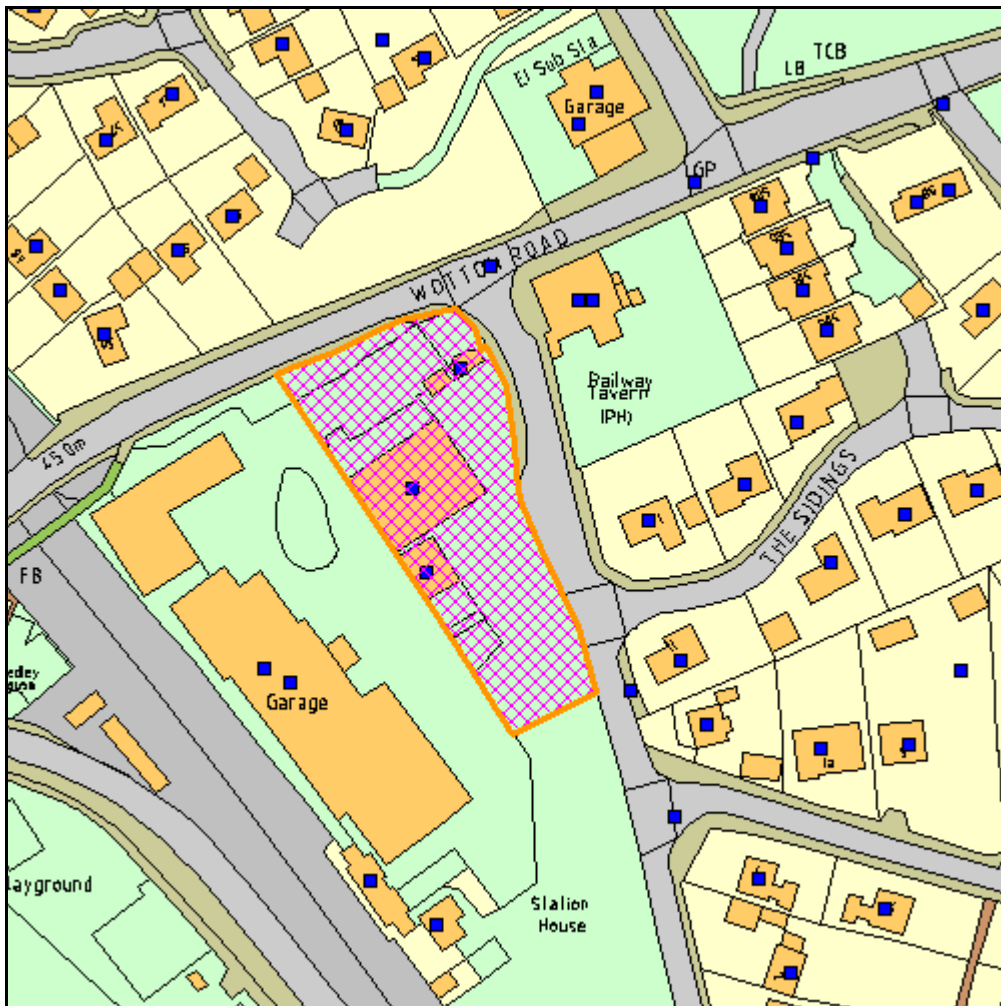
That authority be delegated to the Director of Environment and Community Services to instruct Legal Services to agree a Deed of Variation under section 106 of the Town and Country Planning Act 1990 (as amended) to the S 106 agreement attached to PK04/1965/O (varied by P19/09100/RVC):

- The variation of Schedule 5 - Contribution to the Provision of a Footbridge 1 — to delete the obligation for the Council to procure the construction of a footbridge, and replace this with an obligation for the Council to spend the Footbridge Contribution on enhancements to Newlands Bridge, its landing areas, approaches, linkages and a new public space.

Contact Officer: Helen Ainsley
Tel. No. 01454 863788

CIRCULATED SCHEDULE NO. 34/20 - 21st August 2020

App No.:	P20/00860/RM	Applicant:	M J Fews Ltd David James and Partners Ltd
Site:	The Old Station Wotton Road Charfield Wotton Under Edge South Gloucestershire GL12 8SR	Date Reg:	2nd March 2020
Proposal:	Demolition of existing industrial unit and erection of 1no. building to form retail unit (Class A1) to include details of appearance and landscaping (Approval of Reserved Matters to be read in conjunction with Outline Planning Permission PT17/4923/O).	Parish:	Charfield Parish Council
Map Ref:	372411 192259	Ward:	Charfield
Application Category:	Minor	Target Date:	24th April 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 the officer recommendation is at odds with the Parish Council consultation response.

1. **THE PROPOSAL**

1.1 The application is for the reserved matters appearance and landscaping following outline planning permission PT17/4923/O for the erection of a new shop with a total gross new internal floor space of 375m² shop (class A1) on the land at M J Fews Ltd at Charfield Station. Access, layout and scale have already been determined.

1.2 Conditions attached to the outline planning permission sought that certain details were submitted as part of the reserved matters application. These conditions are listed below.

Condition 5. Details of renovation and proposed reuse of The Old Bank.

Condition 6. Tree Protection Plan and Arboricultural Statement

Condition 7. Floodlighting and External Illumination Plan.

Condition 8 The reserved matters shall include details of any external plant/chiller units including their type, noise emittance, position, number of units and combined environmental effects of such units.

Whilst there is reference discharging condition 10 Construction Management Plan and the variation of conditions 13 and 14 in the application form these do not form part of this application.

2. **POLICY CONTEXT**

2.1 National Guidance

National Planning Policy Framework February 2019

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)

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS5 Location of Development

CS7 Strategic Transport infrastructure

CS8	Improving Accessibility
CS9	Environment and Heritage
CS12	Safeguarded areas for economic development
CS14	Town Centres and Retail
CS34	Rural Areas

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

PSP1	Local Distinctiveness
PSP8	Residential Amenity
PSP10	Active travel routes (runs along Station Road)
PSP13	Safeguarding strategic transport schemes and infrastructure
PSP14	Safeguarding rail schemes and infrastructure
PSP16	Parking Standards
PSP21	Environmental pollution and impacts
PSP27	B8 Storage and distribution uses
PSP31	Town Centre Uses
PSP33	Shopping Frontages

- 2.3 Supplementary Planning Guidance
 South Gloucestershire Local List SPD
 South Gloucestershire Waste SPD

3. RELEVANT PLANNING HISTORY

- 3.1 PT17/4923/O Demolition of existing industrial unit and erection of 1no. building to form retail unit (Class A1) (Outline) with access, layout and scale to be determined; all other matters reserved. Approved subject to conditions 17.05.2019

4. CONSULTATION RESPONSES

- 4.1 Charfield Parish Council
 Object – lack of information about conditions 5, 6, 7, and 10. Concern about variation of conditions 13 and 14 (opening times and deliveries).

- 4.2 Other Consultees
Highways
 No objection

Avon and Somerset constabulary

The design is in order and generally complies appropriately with the crime prevention through environmental design principles. However the applicant needs to consider further:

- i. No design features in the building should allow for its use as a shelter.
- ii. The outside of the building must be adequately lit.
- iii. The hours of opening should be limited
- iv. The management practices must take into account the sale of alcohol to minors.
- v. The curtain walling system of the retail units must be flush with the fabric of the building so as not to leave a shelf usable for seating
- vi. No landscape features provided in the area should be usable for seating

vii. A planning condition could be placed upon the occupier of the retail unit to provide CCTV coverage on the outside areas as well as the inside of the premises.

Tree Officer

Provided that all works are in accordance with the submitted Arboricultural report and method statement there are no further objections. This is to include an Arboricultural watching brief for all works proposed within the root protection areas of the trees

Highway structures

No comment

Conservation officer

Detail of renovation required

Archaeology Officer

No comment

Environmental health officer

The EP team Noise has further examined the noise report and accepts the assurances stated around the use of the BS4142:2014 and meets the council's required compliance of the Rating noise level from the installation to be at or below the pre-existing background noise level, and specifically at night. Rubber matting is acceptable and appropriate material to dampen trolley noise on the delivery bay.

Other Representations

4.3 Local Residents

Concern about location of the plant from a noise and visual point of view – suggests relocation to northern side

Concern about increased vehicle traffic

Concerns about substandard pedestrian footway – suggests footway improvements and that parking along footway prohibited

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The principles of developing this site into a shop have already been established and it now falls to consider only the landscaping and design of the actual building within the scale parameters previously agreed. The access, layout and scale have already been approved.

5.2 Design

Policy CS1 requires that development will only be permitted where the highest possible standards of design and site planning are achieved. Permission has already been granted for a large rectangular building to replace the existing modern sheds associated only with the type depot and will have a lesser foot print overall, together with its improved pedestrian and considered vehicular accesses separating commercial vehicles from customers. The form of the

building is within the parameters given in condition 11 stipulates a maximum internal floor area of 375m², maximum height to ridge of 7m and 4.5m maximum eaves level. The building would comprise 371square metres, including its back of house area, rise only 6.15m above ground level and have eaves at 4m so complying with the outline permission. The building will be largely rendered with a vertical profile metal cladding course above door header level and shall have a profiles metal roof cladding also. The exact detail is to be agreed at a later stage and can be conditioned to ensure that it sits comfortably in its setting. Rainwaters goods will be Grey and aluminium doors and glazing units are proposed in an unknown colour. These can form part of the materials condition in the interests of visual amenity.

- 5.3 In terms of crime prevention the proposal has been assessed by Avon and Somerset Constabulary and is satisfactory in general. However there were some additional pointers to reduce crime and antisocial behaviour which are dealt with here:
- i. No design features in the building should allow for its use as a shelter. – there is no large overhang or trolley parks proposed where shelter would be likely to take place
 - ii. The outside of the building must be adequately lit.- once lighting is agreed this is a management issue to ensure appropriate night time illumination is present.
 - iii. The hours of opening should be limited – the hours of opening are limited to 7-10pm so the premise is not open overnight.
 - iv. The management practices must take into account the sale of alcohol to minors.- this is a management issue not for planning acts to determine
 - v. The curtain walling system of the retail units must be flush with the fabric of the building so as not to leave a shelf usable for seating- not applicable as the building as it is rendered to above door height.
 - vi. No landscape features provided in the area should be usable for seating – there are no benches and the walling will be topped with cock and hen finish to dissuade its use for seating.
 - vii. A planning condition could be placed upon the occupier of the retail unit to provide CCTV coverage on the outside areas as well as the inside of the premises – the end user will be installing CCTV as part of their management and licensing requirements and this is not considered necessary as a condition on planning. CCTV can be installed under permitted developments rights.
- 5.4 The site plan indicates rebuilding of a stone wall behind the bank house to current level of around 1.8m and around the compound to 2.5 metres high and a smaller stone wall with cock and hen topping to the front of Bank House all of which are considered to improve accessibility and appearance of the site for pedestrians.
- 5.5 The appearance of Bank House will be improved by giving it the maintenance it needs and this together with the walling will be secured by condition prior to first use of the proposed building as a shop.

5.6 Ground level falls to the west of the site which requires a retaining wall alongside parking bays 10 and 11 (topping to discourage it being used as a seat) and as such a small platform is proposed at the service area which will facilitate level access from the HGV deliveries. This is covered in rubber matting to prevent noise transmission over and above tarmac and is not considered to be harmful to the environs of the old station yard. This area will also form part of the area covered by illumination and CCTV in due course.

5.7 Condition 5 – the old bank House
The Old Bank House is a non designated heritage asset and details of what would be done to the building to bring it into good order and give it a future were required in this condition. The report submitted indicates that the ivy will be removed from the facades of the building and the immediate environs of the buildings cleared of vegetation and foliage debris. Where brickwork is damaged and the original face is cracked or broken off the brick will be susceptible to future damage. In order to slow / stop this degradation the brickwork will be covered in a clear brick sealer. The building will then receive a sand and cement mortar repointing. Windows and doors will be repaired and returned using the existing materials and colours. The roof would be repaired and if necessary any damaged coping stones will be replaced with similar sandstone coping.

The building is currently used for storage by an individual and this would remain the case. No change of use is proposed but should that be the case in due course a new planning application would be required. The works will repair the building sufficient to safeguard it into the future and as such the terms of the condition are satisfied.

5.8 Condition 6 – Arboricultural issues
An updated Arboricultural report and method statement which included an Arboricultural watching brief for all works proposed within the root protection areas of the trees. This is agreed with the Councils Tree Officer and secures the trees on site.

5.9 Condition 7 – Flood lighting and external illuminations
This will need to balance keeping the area safe as required by Avon and Somerset police whilst also limiting light spill outside of the site. The agent has confirmed that a scheme of external lighting is planned but is not drawn up as yet at an early time in the project. This is understandable and does not inhibit the consideration of the rest of the scheme. As such it will be subject to a condition for its agreement and installation prior to first use of the building.

5.10 Condition 8 – External plant/Chiller units.
The relevant details have been submitted along with a noise impact assessment and further clarification from the agents noise consultant. Officers accept that EP team Noise has further examined the noise report and accepts the assurances stated around the use of the BS4142:2014 and meets the council's required compliance of the Rating noise level from the installation to be at or below the pre-existing background noise level, and specifically at night.

Further to the above the compound is proposed to be enclosed with a 2.5m stone boundary wall to match the existing boundary walls with canopy covering part of the external compound. This would limit visibility of the plant within the compound from surrounding first floor windows and is considered acceptable.

5.11 Overall the submission of reserved matters are considered acceptable.

5.12 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 approve these reserved matters 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. Prior to first use of the building as a retail shop the alteration and erection of walls as proposed in plan 52036/00/101 rev P shall be carried out and these shall be maintained as such thereafter.

Reason

To facilitate better access and safety at the site and in the interests of visual amenity and good design in accordance with policy CS1 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013 and PSP1 of South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017.

2. Prior to first use of the new building as a retail shop the maintenance schedule included in Old Bank House Planning Statement received 7/7/2020 hereby approved shall be carried out in full.

Reason

To facilitate better access and safety at the site, to protect the heritage feature and in the interests of visual amenity and good design in accordance with policy CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013 and PSP1 of South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017.

3. Prior to the relevant part of the building programme the external finished colour and profile of the metal sheeting material, together with the colours of the render and fenestration finishes shall be submitted to and agreed in writing by the Local Planning Authority.

Reason

In the interests of visual amenity and good design in accordance with policy CS1 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013 and PSP1 of South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017.

4. Prior to the first use of the proposed building details of any floodlighting and external illuminations, including measures to control light spillage, shall be submitted to the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

In the interests of visual amenity and good design in accordance with policy CS1 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013 and PSP1 of South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017.

5. The loading platform shall be fitted with anti-slip rubber finish prior to first use and thereafter this rubber finish shall be kept in good working order.

Reason

In the interests of visual amenity and good design in accordance with policy CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013 and PSP1 of South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017.

6. The works shall be carried out in full accord with the Arboricultural report and method statement, including the watching brief hereby authorised.

Reason

In the interests of the long term health of the trees on site and in accordance with policy CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.

7. The development shall be carried out in accordance with the following submitted and approved plans and reports: Site location and existing site layout 52036/00/001 rev C
Existing plans and elevations 52036/00/002
Existing site plan
Existing plans and elevations Old Bank 52036/00/003 all received 24/2/2020

Proposed site layout 52036/00/101 rev P
Combined plans and elevations 52036/00/102 rev B received 19/8/2020

Delivery management plan (excluding changes to hours) received 24/2/2020
NSL Noise Solutions Ltd Plant Noise Impact Assessment received 24/2/2020
Old Bank house Planning Statement received 7/7/2020

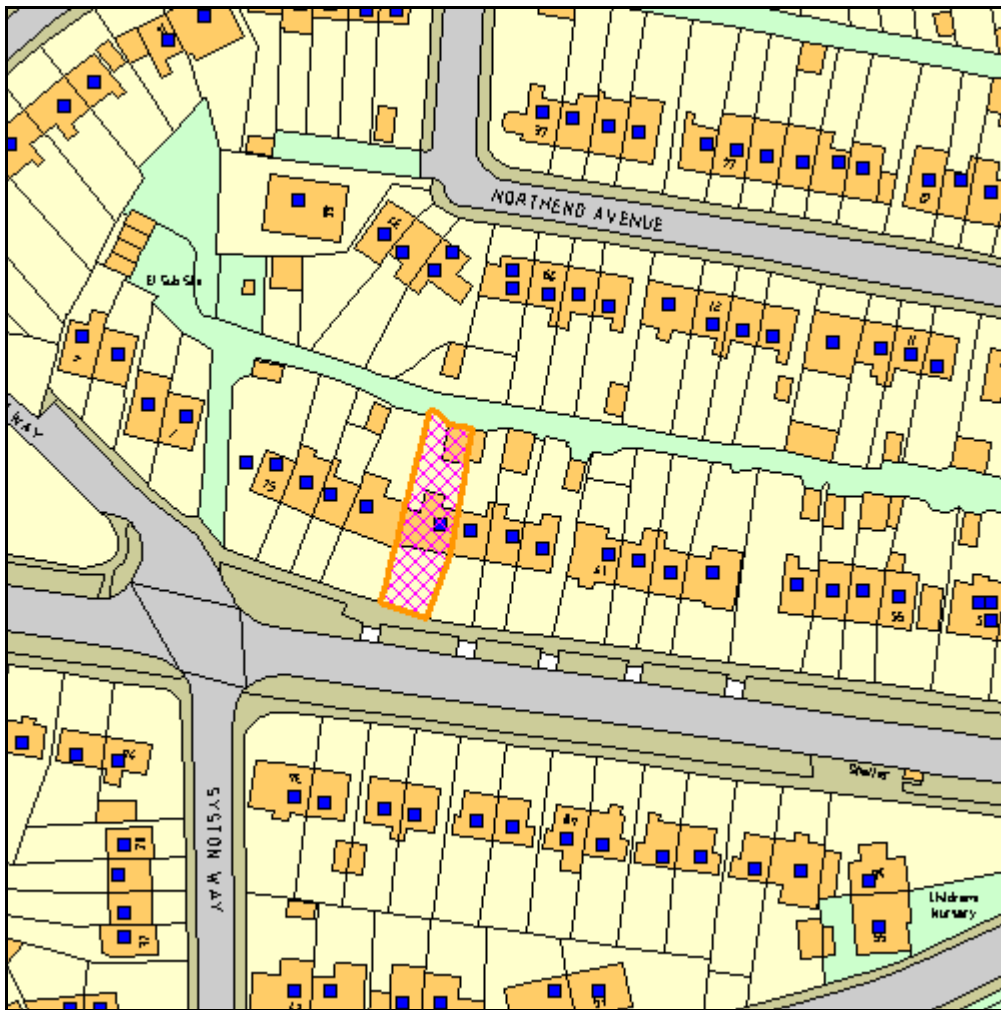
Arboriculture Report received 14/3/2020

Reason

For clarity and to prevent the need for remedial action.

CIRCULATED SCHEDULE NO. 34/20 - 21st August 2020

App No.: P20/07187/F	Applicant: Mr Booth
Site: 33 Syston Way Kingswood South Gloucestershire BS15 1UE	Date Reg: 4th May 2020
Proposal: Erection of a single storey side extension and associated works to facilitate change of use to a HMO (Sui Generis)	Parish:
Map Ref: 364916 174456	Ward: Kingswood
Application Category: Minor	Target Date: 25th June 2020



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

REASONS FOR REPORTING TO CIRCULATED SCHEDULE

The application has been subject to representations 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 Planning permission is sought for the erection of a single storey side extension and associated works to facilitate the change of use of an existing dwellinghouse to a house in multiple occupation (Sui Generis). The application relates to no. 33 Syston Way, Kingswood.
- 1.2 The application site comprises a two-storey, end of terrace property set within a reasonably large plot. The site is located within the urban fringe area of Kingswood.
- 1.3 Revised plans, showing amended parking arrangements, were received on 24th July 2020.

2. POLICY CONTEXT

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS23	Community Infrastructure and Community Activity
CS29	Communities of the East Fringe of the Bristol Urban Area

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

PSP1	Local Distinctiveness
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards

PSP21	Environmental Pollution and Impacts
PSP22	Unstable Land
PSP38	Development within Existing Residential Curtilages, Including Extensions and New Dwellings
PSP39	Residential Conversions, Sub-Divisions and Houses in Multiple Occupation
PSP43	Private Amenity Space Standards

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

3. **RELEVANT PLANNING HISTORY**

3.1 **K4077/2**

TWO STOREY EXTENSION (Previous ID: K4077/2).

Approved: 25.04.1986

3.2 **K4077/1**

ERECTION OF FIRST FLOOR SIDE EXTENSION. (Previous ID: K4077/1)

Approved: 29.04.1983

3.3 **K4077**

ERECTION OF SINGLE STOREY SIDE EXTENSION (Previous ID: K4077)

Approved: 27.09.1982

4. **CONSULTATION RESPONSES**

- 4.1 Town/Parish Council
 The area is un-parished

4.2 Other Consultees

Children and Young People
 No comment

Coal Authority
 No objection subject to informative note

Economic Development
 No comment

Environmental Health
 No specific concerns from EH perspective, but would suggest that condition is attached to any decision ensuring that suitable and sufficient waste storage

facilities are provided for the safe and secure on site storage of waste derived from the HMO between collections.

Lead Local Flood Authority

After reviewing the submitted drainage report, this confirms that both the foul and surface water is proposed to connect to the existing connections, therefore no objection.

Private Sector Housing Team

No comments which would impact on a planning decision/form an objection.

Sustainable Transport

Original concerns raised regarding parking provision. However following submission of amended plans showing revised parking layout and altered bin and cycle storage – no objection subject to conditions.

Other Representations

4.3 Local Residents

A total of 34 letters of objection were received over the course of the application. The main concerns raised are summarised below:

- Proposal not in keeping with local neighbourhood, which is a family area.
- No colleges or universities so unclear why HMO needed in area.
- Parking issues in area.
- Currently unable to park on parts of road due to embankment.
- People already park on verge turning it to mud.
- Change of use will lead to more vehicles parking in area and will lead to highway safety issues.
- Proposed parking arrangements are insufficient.
- Access to rear is restricted.
- No scope for driveway to front.
- Applications to drop kerb at neighbouring properties have been rejected in past.
- Insufficient bin storage. Could lead to increase in flies and vermin etc.
- Could lead to increased fly-tipping in rear lane.
- Will lead to huge influx in residents which will cause noise and nuisance.
- Property not of sufficient size to accommodate proposed number of residents.
- Size of proposed bedrooms is below national space standards. Proposed size of communal space also insufficient.
- Increased antisocial behaviour – house parties, drinking etc.
- Proposal will lead to increased crime in area.
- People coming and going at night could pose threat to residents.
- Will impact on house prices.
- Similar property in past which brought theft and drugs to area.
- Concerned that there will be no control over who lives in property.
- Could potentially be 2 residents per room and therefore 14 within property.

- Proposal will place greater demands on sewage network and water pressure will drop.
- Construction traffic and noise will cause disruption.
- Proposed extension would enclose neighbouring back garden.
- No consultation with neighbourhood prior to application being submitted.
- Unclear who will reside in property; whether it will be young professionals or students.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The development proposal comprises two main elements; the change of use of the existing dwellinghouse (use class C3) to a 7-person house in multiple occupation (HMO), and the erection of a single storey extension and the undertaking of other associated works to facilitate the change of use.

- 5.2 In terms of the change of use, it should be noted that planning permission would not be required for the change of use of the C3 dwellinghouse to a smaller house in multiple occupation (up to 6 residents), which falls in to class C4 of the Town and Country Planning (Use Classes) Order 1987 (as amended). However permission is required for a change of use to a HMO with accommodation for more than 6 residents, as this falls in to the Sui Generis use class. Permission is therefore required for change of use to a HMO with accommodation for 7 residents. (Sui Generis).
- 5.3 In terms of the principle of the development, it should be noted that the site is situated within the urban fringe area of Kingswood. The site therefore falls within the defined east fringe of the Bristol urban area; an area whereby residential development is generally supported in principle.
- 5.4 In terms of more specific policies, Policy PSP39 of the Policies, Sites and Places Plan sets out the Council's position on residential conversions, subdivisions and houses in multiple occupation. The policy outlines that where planning permission is required for HMOs, these will be acceptable provided that they would not impact on the character and amenities of the area in which they are located; would not prejudice the amenity of neighbours; provide adequate amenity space and refuse storage and servicing; and, provide parking in accordance with the Council's parking standards. The proposed conversion to a 7-person HMO is therefore acceptable in principle subject to the above criteria being met. A more detailed assessment of impacts will be carried out throughout the remainder of this report; and this will determine the compliance of the proposal with PSP39.
- 5.5 In terms of the proposed single storey extension, policy PSP38 of the Policies, Sites and Places Plan permits extensions and alterations to existing dwellings within established residential curtilages subject to an assessment of design, amenity and transport. The proposed single storey extension is therefore acceptable in principle but will be determined against the analysis set out below.

5.6 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.
- 5.7 In terms of the proposed change of use itself, this element of the proposal does not include making any alterations to the exterior of the building. The main physical change would be the introduction of a parking area to the frontage of the property, with associated retaining wall. It is acknowledged that similar front parking areas with retaining walls are present at neighbouring properties to the west. As such, the proposed parking area would not appear as an alien feature within the streetscene. It is therefore not considered that the provision of additional parking to the front of the property would, in itself, detract from the visual amenity of the locality.
- 5.8 The concerns raised regarding the potential for the change of use to a HMO to impact upon the general character of the area are noted. However there is no evidence to suggest that the occupation of a property as a HMO would, as a matter of principle, alter its character or the way in which it integrates into the immediate neighbourhood. The concerns appear to focus on the type of resident that will occupy the property, and the overall behaviour of residents; in that having a larger number of residents coming and going from the property could negatively affect the character of the area.
- 5.9 However matters such as the type of tenant that would occupy the property and their general behaviour are considered to be private housing licensing/management issues, and are not matters which can be managed through the planning process. Furthermore, there is no guarantee that a HMO property would necessarily generate higher levels of activity than properties occupied by families; the determining factor is the behaviour of residents. Overall, it is not considered that the conversion of the property to a HMO would, in principle, alter the character of the area. Furthermore account must be taken of the fact that the property would be converted to a HMO for up to 6 occupants without the need for planning permission.
- 5.10 Beyond additional parking spaces, the only factors that could potentially affect the general appearance of the site and wider character of the area are the provision of bin and cycle storage areas. Most notably in terms of bin storage, it is acknowledged that the provision of an inadequate storage area can lead to an untidy appearance through the unmanaged storage of domestic bins and general household waste.
- 5.11 Amended plans show that two bin stores will be provided to the front of the site. A submitted general management plan also outlines that the timber bin stores will provide sufficient space to store four standard waste bins and six recycling bins. This provision is considered adequate, and as per the recommendation of the environmental protection officer, a condition will be attached to any decision ensuring that adequate bin storage facilities are provided prior to occupation.

- The ongoing maintenance of the bin storage areas is however a management issue as opposed to a planning matter. However provided that adequate bin storage facilities are provided, there is no reason to conclude that the change of use would detract from the appearance of the site through poor waste storage.
- 5.12 In terms of cycle storage, facilities would be provided within the existing garage structure to the rear of the site. The cycle storage would therefore not be visible from public areas, which would help to avoid a cluttered appearance to the frontage.
- 5.13 In terms of the proposed single storey extension, this would attach to the rear of the building on its western side. The extension would partially infill a gap between the site boundary and an existing rear gable, and would not be visible from the public areas to the front of the site. Whilst the extension may be visible from the access lane to the rear, given its modest scale, its erection would have no impact on the visual amenity of the surrounding area. Furthermore it is not considered that the erection of the extension would negatively impact the appearance of the building, and the extension is therefore acceptable in design terms.
- 5.14 On the basis of the assessment above, it is not considered that the development would detract from the visual amenity of the streetscene, or significantly degrade the general character of the area. The proposal is therefore compliant with policy CS1 and the relevant part of PSP39.
- 5.15 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.
- 5.16 In terms of any potential overbearing or overshadowing impact, the only additional built form proposed is the single storey extension. Given the modest scale of the proposed extension, it is not considered that its erection would significantly affect the residential amenity of adjacent neighbours through overbearing or overshadowing impacts. In terms of potential overlooking, as no new windows are proposed at a first floor level, it is not considered that the proposed change of use would lead to additional overlooking on to neighbours.
- 5.17 It is acknowledged that a number of concerns have been raised regarding the type of tenant that may occupy the property, and how their behaviour may affect the amenity of surrounding residents. However the type of tenant that would reside within the property is a management/licensing issue, and is not a matter for consideration as part of the planning application process. The environmental health officer has reviewed the application, and has not found that the occupation of the property as a 7-person HMO would inherently lead to any environmental health issues such as a noise nuisance. Any behavioural

issues would be dealt with through the ongoing management of the property or through environmental health legislation. Notwithstanding this, the applicant has provided a general management plan, which indicates that the multiple occupancy property would be aimed at working professionals.

- 5.18 In terms of the living conditions afforded to future occupants, it is considered that an adequately large area of external amenity space would be provided to the rear as to allow for occupants to carry out typical domestic tasks. In terms of internal living accommodation, the proposed bedrooms as well as the communal area and kitchen are considered to be of a sufficient size as to avoid unduly cramped living conditions. The provision of a dedicated bathroom for each bedroom would also improve general living conditions. The application has been reviewed by the private sector housing team, who have raised no fundamental concerns regarding the proposed living arrangements.
- 5.19 On the basis of the above, it is not considered that the proposed change of use would unacceptably impact upon the amenity of local residents. Any future issues regarding the management of the property would either be dealt with through licensing, environmental legislation or as a police matter. It is also considered that adequate living conditions would be afforded to future occupants. The proposal is therefore compliant with policy PSP8 and the relevant part of PSP39.
- 5.20 Transport
The concerns raised regarding the potential impact of the change of use on parking and general highway safety in the area are noted. In terms of Development Plan policies, PSP39 clearly outlines that HMO applications will be acceptable where they provide parking in accordance with the Council's parking standards. The Council's parking standards are set out in policy PSP16, and outline that for HMOs, a minimum number of 0.5 parking spaces per bedroom should be provided. This number should then be rounded up to the nearest whole number.
- 5.21 In line with the minimum parking standards, a HMO with living accommodation for 7 residents would therefore generate a minimum requirement of 4 parking spaces (rounded up from 3.5). In terms of existing parking provision, there do not appear to be any clear on-site parking spaces present. As originally submitted, the proposal made no allocation for additional parking spaces. As such, the provision was found to be inadequate.
- 5.22 The applicant subsequently submitted a revised parking plan, showing a total of 3 parking spaces being provided within the existing front garden area, with an additional parking space provided to the rear of the property; to be accessed via an existing rear access lane. The newly proposed parking arrangements have been reviewed by the transport officer, and they are satisfied that there is sufficient external space to accommodate the proposed number of spaces, and that the spaces would be accessible.
- 5.23 As such, the provision of 4 external on-site parking spaces would comply with the Council's minimum parking standards for a HMO with accommodation for 7 residents. Given that sufficient parking is provided, officers are satisfied that the

development would mitigate its own impact in terms of parking, and would not place additional pressures on on-street parking in the locality.

- 5.24 Subject to a condition requiring the proposed parking spaces, together with a vehicle crossover to be provided prior to the first occupation of the proposed HMO, there are no objections to the proposed change of use on parking grounds. An informative note will also be attached to any decision, reminding of the applicant that in respect of the proposed crossover, they will need to obtain the permission of South Gloucestershire Council (Developments Implementation Team) as Highway Authority before undertaking any works to the highway.
- 5.25 In terms of cycle parking, submitted plans show that an existing single garage situated to the rear of the site will provide a cycle storage facility. The transport officer is satisfied with this arrangement, and considers the proposed storage facilities to be adequate. The provision will be secured by way of a condition.
- 5.26 The comments made regarding the potential for construction traffic to cause disruption during the construction period are noted. However given the nature of the works, it is unlikely that high volumes of construction traffic will be required to access the site in order to facilitate the change of use. As such, it is not considered reasonable or necessary in this case to request the submission of a construction traffic management plan.
- 5.27 Subject to the aforementioned conditions, the proposal is considered to comply with policy PSP16, and therefore also the relevant clause of policy PSP39.
- 5.28 Number of Occupants
It is acknowledged that comments have been made regarding the number of occupants that may reside within the property. The comments focus on the concern that 7 bedrooms are shown on plans; and each bedroom could potentially be occupied by 2 people. As such, the property could potentially be occupied by up to 14 residents.
- 5.29 However the submitted plans show a total of 7 single bedrooms, and as such the application has been assessed on the basis that the property would be occupied by 7 individuals. Whilst it is unclear how any additional bedrooms could be achieved within the property, a condition will be attached to any consent requiring the development to proceed in strict accordance with the submitted plans.
- 5.30 In terms of a restriction on the number of residents, it is not considered that a planning condition seeking to do so would be enforceable, and therefore any such restriction would fail to meet the tests of a planning condition. However the number of occupants that can legally reside within the property can be controlled through a separate regime, in the form of private housing licensing. As such, the issue can be controlled through a separate regulatory regime, and given the nature of the development as shown on plans, it is reasonable to assess the application on the basis of the HMO being occupied by 7 residents.

5.31 Drainage

The concerns raised regarding the potential impact of the proposal on the local sewage and water networks are noted. However the Council's drainage officers have reviewed the proposals, and have found the proposed foul and water connections to be acceptable.

5.32 Other Matters

A number of matters raised through representations have not been addressed within the main body of this report. These matters are addressed below.

5.33 The comments made regarding the potential impact of the change of use on house prices in the locality are noted. However house prices are not a material planning consideration, and do therefore not have a bearing on the assessment of an application.

5.34 The comments made regarding the proposed development leading to increased fly-tipping and crime in the locality are noted. However there is no evidence to suggest that the proposed change of use will directly lead to an increase in these issues.

5.35 The comments made regarding consultation are also noted. However there is no statutory requirement for an applicant to consult with local residents prior to the submission of a planning application. Consultation is undertaken by the Local Planning Authority, in accordance with the Council's Statement of Community Involvement.

5.36 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.

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

5.38 Planning Balance

Having reviewed the proposals against relevant policy, it has not been found that the development would result in any socio-environmental harm, which would outweigh the benefits of providing a 7-person HMO to add to the provision of rental properties in the area. The proposal is a sustainable form of development and it therefore follows that the application should be approved.

6. CONCLUSION

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

7. RECOMMENDATION

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

Contact Officer: Patrick Jackson
Tel. No. 01454 863034

CONDITIONS

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

Reason

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

2. Prior to the first occupation of the HMO hereby approved, timber enclosed bin stores of sufficient size as to store all standard waste bins and recycling boxes associated with the property shall be provided in accordance with the details shown on drawing 'Proposal 4', dated 24th July 2020. Once provided the bin storage facilities shall be thereafter retained for that purpose.

Reason

To ensure that sufficient storage areas are provided for the storage of bins, in the interests of both the visual and general amenity of the locality, to accord with Policy CS1 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013.

3. Prior to the first occupation of the HMO hereby approved, a minimum of 4 vehicular parking spaces together with cycle parking shall be provided in accordance with the details shown on drawing 'Proposal 4', dated 24th July 2020. Once provided both the vehicular and cycle parking facilities shall be 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.

4. Prior to the first occupation of the HMO hereby approved, the following shall be carried out:

- a) Details of the vehicle crossover to the parking area shall be submitted to the Local Planning Authority and approved in writing.
- b) The vehicle crossover shall be constructed in accordance with the details approved under part (a), and thereafter retained for that purpose.

Reason

In the interests of highway safety and to accord with Policy CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; and Policy PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

5. The development shall proceed strictly in accordance with the following plans:

Existing Plans and Elevations (Drawing no. 'Existing')
(Received by Local Authority 23rd April 2020)

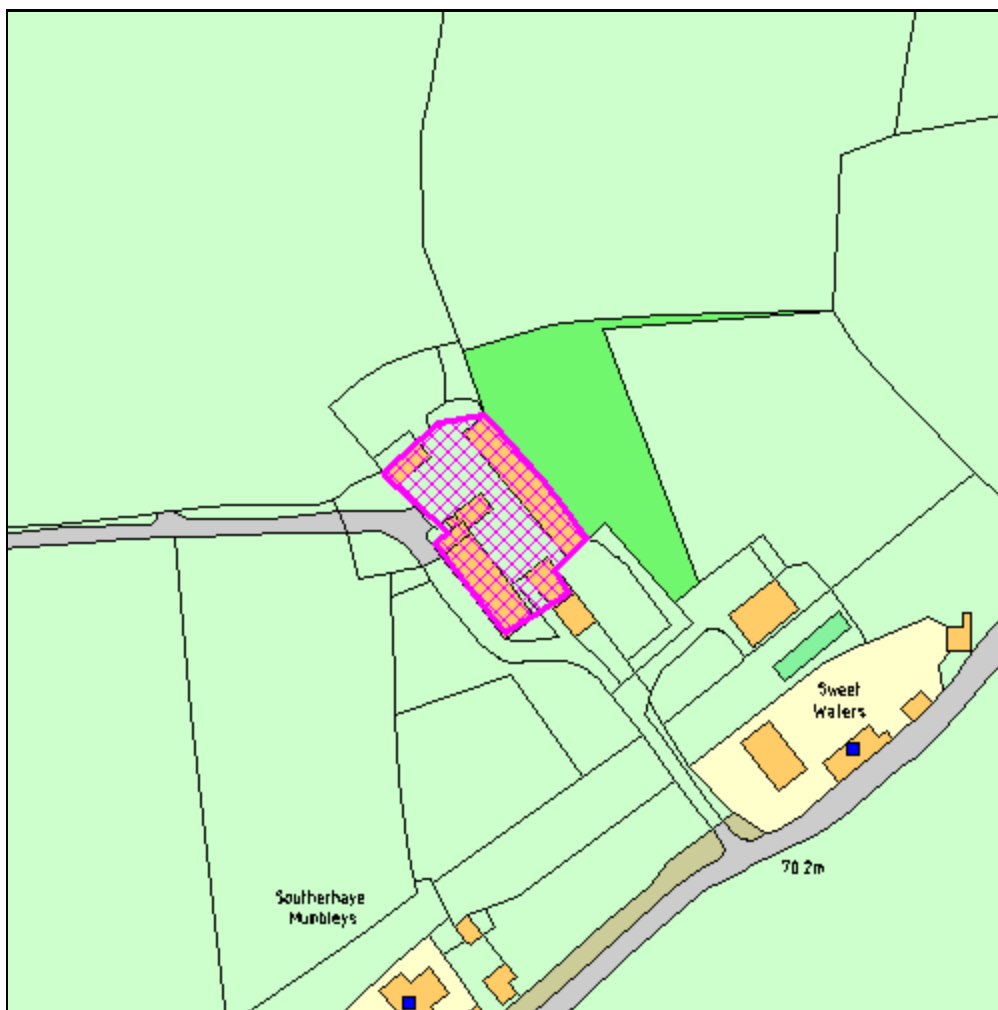
Proposed Plans and Elevations (Drawing no. 'Proposal 4')
(Received by Local Authority 24th July 2020)

Reason

In the interests of proper planning and for the avoidance of doubt.

CIRCULATED SCHEDULE NO. 34/20 - 21st August 2020

App No.:	P20/10501/F	Applicant:	Mr And Mrs Mark Robbins
Site:	Former Dairy Unit Mumbleys Farm Sweetwater Lane Thornbury South Gloucestershire BS35 3JY	Date Reg:	2nd July 2020
Proposal:	Demolition of existing barn. Conversion of existing barn to form 1 no. residential dwelling and incidental outbuilding with associated works.	Parish:	Aust Parish Council
Map Ref:	361558 189118	Ward:	Severn Vale
Application Category:	Minor	Target Date:	24th August 2020



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 100023410, 2008.

N.T.S. **P20/10501/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.

CIRCULATED SCHEDULE

This application appears on the circulated schedule following support comments from local residents contrary to Officer recommendation.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the demolition of an existing barn, plus the conversion of an existing barn to form 1no. residential dwelling and incidental outbuilding with associated works.
- 1.2 The application site relates to Mumbleys Farm, Thornbury which is in the open countryside, outside a settlement boundary and in the Bristol/Bath Green Belt.
- 1.3 This application follows a similar and recently refused scheme P19/13842/F which appeared before the Spatial Planning Committee on 9.3.20. After due consideration the Spatial Planning Committee made the following recommendation:

Councillor Trevor Jones objected to the application on the grounds that it was new build in the green belt and he considered that the applicant had failed to demonstrate the very special circumstances to outweigh the harm. Further, the application was found to be contrary to policies, which had been upheld in recent appeal decisions for similar applications, as referenced in paragraph 5.31 through 5.34 of the officer report.

Councillor Jones subsequently moved that planning permission be refused for the reasons set out within the officer report.

The motion was seconded by Councillor June Bamford.

- 1.4 That recommendation is a material consideration in the assessment of this report. This application is essentially the same.
- 1.5 The following assessment will be made with the same due diligence and consideration to ensure the correct planning procedure has been followed.
- 1.6 The accompanying covering letter with this application attempts to justify the proposal by using a previous prior notification as a fall-back position. To be clear, the building assessed under that prior notification has been demolished. There is no fall-back building to convert. There is no fall-back position.
- 1.7 This application has been submitted at the same time as a prior notification application for the conversion of a separate small existing outbuilding into a one bed dwelling (P20/11516/PNGR). Details within the application state the conversion of that barn would be abandoned if this consent was approved and the barn would become an incidental building. However, the submitted plans show it as having its own and separate residential amenity area and its own

parking space. Great care must be taken to assess the plans and submitted documents as this scheme could potentially result in 2 dwellings. There can be no trade-off between applications. Each is assessed on its own merits.

- 1.8 Once again, it is noted that plans submitted with this application are misleading as they present a building where one does not exist. The barns have already been removed – this was noted in the previous decision and discussed by Members at the Spatial Planning Committee.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework February 2019
National Planning Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS2	Green Infrastructure
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
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
PSP9	Health Impact Assessments
PSP10	Active Travel Routes
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP18	Statutory Wildlife Protection
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water, and Watercourse Management
PSP21	Environmental Pollution and Impacts
PSP28	Rural Economy
PSP40	Residential Development in the Countryside
PSP43	Private Amenity Space Standards

2.3 Supplementary Planning Guidance

Trees on Development Sites SPG (Adopted) Nov. 2005.
South Gloucestershire Design Checklist (Adopted) 2007)
South Gloucestershire SPD: Residential Parking Standards (Adopted) 2013

3. **RELEVANT PLANNING HISTORY**

- | | | |
|-----|----------------------------------|--|
| 3.1 | PT15/5278/PNA
Refused | Prior notification of the intention to construct an access track.
11.1.16 |
| 3.2 | PT16/1212/PNGR
Split decision | Prior notification of a change of use from 2no agricultural buildings to 3no. residential dwellings (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) with operational development
6.5.16 |
| 3.3 | PT16/4634/PNGR
Refused | Prior notification of a change of use from 1no agricultural building to 2no. residential dwellings (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) with operational development
22.9.16 |
| 3.4 | PT16/6796/PNGR
Approved | Prior notification of a change of use from 1no agricultural building to 1no. residential dwelling (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) with operational development (Re submission of PT16/4634/PNGR).
1.2.17 |
| 3.5 | PT17/1496/F
Approved | Construction of new access track.
27.6.17 |
| 3.6 | PT18/1343/F
Refused | Part demolition and alterations of existing agricultural barn to facilitate conversion to 1 no. dwelling with detached double garage and associated works.
9.7.18 |

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. In addition, 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 Policy CS5 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

Reason 2:

It is considered that the design has failed to reflect the original utilitarian and traditional appearance of the barns resulting in an overly domesticated building

which would be at odds with its countryside location. The scheme therefore fails to represent the highest quality of design standards and is contrary to Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013 and the NPPF.

- 3.7 P19/09550/F Demolition of former agricultural building and erection of 1 No. detached dwelling with associated works (retrospective).
Withdrawn.
- 3.8 P19/13842/F Demolition of former agricultural building and erection of 1 No. detached dwelling with associated works (retrospective) (Re-submission of P19/09550/F).
Refused 10.3.2020

Reason 1:

The proposal is outside an established settlement boundary. The introduction of a new house in this rural location has failed to accord with the criteria set out in adopted policies which seek to ensure that development in the countryside is strictly limited. The proposal is therefore contrary to adopted Policy CS5, CS8 and CS34 of the South Gloucestershire Local Plan (Adopted) 2013; Policies PSP11 and PSP40 of the South Gloucestershire Policies Sites and Places Plan (Adopted) 2017 and the NPPF in general.

Reason 2:

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. In addition, 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 Policy CS5 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; PSP7 of the Policies Sites and Places Plan (Adopted) 2017 and the National Planning Policy Framework.

Reason 3:

The development would fail to be an appropriate walking or cycling distance from the majority of 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 the facilities and services of Thornbury which would involve 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 Local Plan Core Strategy (Adopted) December 2013 and the NPPF in general.

- 3.9 P20/11516/PNGR Prior notification of a change of use from 1 No. agricultural building to 1 No. residential dwelling (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) to include operational development.
Pending consideration

4. CONSULTATION RESPONSES

4.1 Aust Parish Council

Objection:

Aust Parish Council have carefully considered this new application and Councillors have attended the site to enable them to understand the application more fully.

It appears that the design of the building has not altered from the previous application (P19/13842/F) and the footprint is the same. Aust Parish Council objected to that application on the grounds that it was essentially a new build in a green belt.

The difference between this application and that previous application is that the plans show three agricultural buildings are to be demolished and that the red line around the curtilage is significantly reduced. One of the agricultural buildings referred to has already been demolished. This is the most easterly of the three buildings marked on the proposed demolition plan and similarly in the previous application it was shown as still standing when it had already been demolished, and it was as a result of that building being demolished that the house was determined to be a new build rather than a conversion.

The other two barns to be demolished are still standing but are now outside of the red line curtilage as shown in the plans.

Aust Parish Council remain of the view that the proposed house is a new build within the Green Belt and it is the Councils approach to object to such developments. However, the Council recognise that the site as it currently stands is an eye sore and a development which would see the site tidied up, with demolition of the outbuildings and landscaping as described would be preferable to leaving it as it is.

The difficulty will be in enforcing demolition and landscaping when it is outside the red line. If this can be overcome, perhaps by use of a Section 106 agreement then Aust Parish Council would, on balance, have no objection to the development.

Additional comments:

In the absence of being able to enforce either demolition or landscaping outside of the red line, Aust Parish Council's view is that there is little difference between this application and the previous application, and that it is essentially a new build within the green belt, and therefore Aust Parish Council object to this application.

Internal Consultees

4.2 Highway Structures:

No comment

4.3 Landscape officer:

Comments made on the basis of a desktop study and using submitted plans which indicate the presence of a building (this is incorrect as the building has been demolished).

No objection subject to a condition.

- 4.4 Environmental Protection:
No objection subject to a condition re potentially contaminated land

Statutory / External Consultees

- 4.5 Transport:
Objection:
As this site is located within a predominantly rural area, this development would not comply with the requirements of Policy PSP11 of the adopted South Gloucestershire Local Plan: Policies, Sites and Places document in terms of position and access by all modes.
- 4.6 Drainage
Planning Application involving a new sewage Package Treatment Plant:
No public foul sewers are readily available. A Package Treatment plant is specified but its location must be shown. The method of irrigation for the effluent overflow must be indicated. A percolation test for discharge to a soakaway is necessary. The applicant must consult the Environment Agency for the need to obtain an 'Environmental Permit' and produce a copy if required.
Building Regulation approval must also be obtained.
Note: Package Treatment Plants must be located 10 metres away from any watercourse and structures including the public highway.

Other Representations

- 4.7 Local Residents
Letters of support have been received from 4 local residents. The points raised are summarised as:
- Design will add to the built environment
 - Have negligible impact on traffic
 - Sympathetic landscaping
 - Already developed Green Belt
 - What will happen to site if this is not approved?
 - Steel barn was an eyesore
 - This small building sits between 2 bungalows
 - Site was a working dairy farm
 - Former haulage site has been residential for 20 years
 - This scheme appears to utilise the existing buildings more fully

5. ANALYSIS OF PROPOSAL

- 5.1 The applicant seeks full planning permission for the demolition of a barn, the conversion of an existing barn to form 1no. residential dwelling and incidental outbuilding with associated works.
- 5.2 It must be noted that the application is retrospective as the barn has already been demolished, foundations of a new building have been laid and a very small area of single skinned wall of a former store has been left standing. The submitted plans are therefore incorrect and do not reflect the current situation. It is considered that this is intentionally misleading and fails to reflect the true situation on site.

5.3 Principle of Development

The proposal stands to be assessed against the above listed policies and all material considerations.

5.4 The starting point is the location of the proposed development outside a settlement boundary and within the open countryside. Policy CS5 establishes the spatial strategy for development in the district. Under this policy, new development is directed to the existing urban areas, market towns, and defined rural settlements. Residential development outside of these locations is strictly controlled. South Gloucestershire planning policy is very clear where it aims to protect the countryside. Policy PSP40 lists where residential development is appropriate.

5.5 The site is located within the Bristol / Bath Green Belt. National planning policy sets the criteria for acceptable development in Green Belt where development is restricted to the set list laid out in the NPPF. Local adopted planning policy follows this lead to protect our specially designated areas from sprawl and encroachment.

5.6 Other relevant policies include the impact of a proposal on the landscape, impact on residential amenity of future and existing occupiers and impact on road networks.

5.7 *Other considerations:* the application follows a prior approval for the conversion of a barn into residential accommodation. Such conversions are part of the permitted development rights but must follow the strict regulations as set out in national policy. The restrictions are there to avoid indiscriminate residential development in the countryside.

5.8 These prior approval restrictions only allow:

- The conversion of an existing barn if it is structurally sound – information is usually provided in the form of a report prepared by a structural surveyor who gives his/her professional opinion on the soundness of the building and its capability for conversion
- The conversion must use the footprint of the existing building and not be any larger in height or footprint
- This development only allows for limited work such as the infilling of walls or the introduction of new doors and windows
- The degree of work is limited and endorsed by a High Court Case (Hibbett v SSCLG, 2016) where the judge ruled that works that go over and above what was deemed reasonably necessary to convert a barn i.e. only using the existing structure as its basis, are regarded as being a new build and therefore cannot be regarded as falling under the permitted development regulations. Such development is refused conversion under permitted development and must be assessed under adopted planning policy the same as all other planning applications
- The residential curtilage of the converted barn is limited to the size of the footprint of the building and must not exceed it. Among other things the aim

is to protect the countryside (and Green Belt) from sprawl and to safeguard the countryside from encroachment

- 5.9 Although the conversion of the barn into a residential dwelling was considered under permitted development this did not constitute planning permission – it was merely a test as to whether or not the proposal at the time complied with the permitted development regulations.
- 5.10 No fall-back position:
Most importantly, prior approval can only be given for the conversion of an existing building. In this instance the building/barn has been demolished and therefore, permitted development rights do not exist and there is no fall-back position. The assessment of a new build in the open countryside must therefore, be considered under current adopted planning policy as set out in the South Gloucestershire Development Plan suite of documents and under national planning policy framework (NPPF).
- 5.11 Residential development in the countryside:
The scheme would be for the erection of 1no. new dwelling on this site. Acceptable residential development in the countryside as listed under PSP40 include: rural housing exception site; rural workers dwellings; replacement of a single dwelling; or the conversion and re-use of existing buildings.
- 5.12 The scheme fails to accord with any of these policy criteria and is therefore inappropriate development in the countryside and contrary to PSP40.
- 5.13 Green Belt:
The erection of new buildings in the Green Belt is regarded as inappropriate development which by definition is harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the harm by reason of inappropriateness or any other reason, is clearly outweighed by other considerations.
- 5.14 The Green Belt location of the site has this time been acknowledged by the applicant. Although not identified as being a case of very special circumstances, the applicant has provided a list of other material considerations within the accompanying covering letter. These are listed below and Officer’s response provided.
- 5.15 *Court of appeal case – cites the original Class Q prior notification scheme as a fall-back position*
Given that in this situation, the barn has been demolished there is no building to convert from agricultural use to residential or to compare one with the other. There is clearly no fall-back position. Numerous court cases and appeal decisions support this stance.
This cannot be used as a very special circumstance.
- 5.16 *The applicant argues “A substantial portion of the original building remains on site (albeit partly converted).”*

This is not true. The very large barn has been demolished and removed from the site. What is left is a small part of a single skinned wall of the very small adjacent former store building. The applicant has stated that only 40% of the original floor area would be used. The main question is what of the original structure remains to be converted? The answer is practically nothing. The newly laid foundation are just that – newly laid and not part of the original barn. This cannot be used as a very special circumstance.

5.17 *Reference is made to decisions made by Mid Devon District Council and the success the agent has had there.*

With all due respect to that particular LPA, a comparison between it and South Gloucestershire Council is irrelevant. Each application must be assessed on its own merits under the adopted suite of policies relevant to its own particular situation. South Gloucestershire would cite its own successes in defending refusals of inappropriate development.

This cannot be used as a very special circumstance.

5.18 *The agent declares the overarching policy is that of Green Belt and declares that the proposal is no greater than the original approved under Class Q.*

Officers assessing the application must use the entire suite of the South Gloucestershire development plan documents. The overarching policy is therefore not only Green Belt but includes those that deal with the principle of development in the countryside.

5.19 *The approved Class Q scheme associated with the small open sided barn to the north of this site was not commenced within the set time period (presumably because it was made by the previous owner and the land and buildings were subsequently sold on). Another prior notification for the conversion of this barn has been made (P20/11516/PNGR). It is proposed that in the event of consent being granted for this new build that P20/11516/PNGR would be abandoned.*

It must be noted that P20/11516/PNGR is a separate scheme and not tied to this one. A condition could not be used to off-set one with the other.

This cannot be used as a very special circumstance.

5.20 *Three other agricultural buildings would be demolished on site to off-set this new build.*

Agricultural buildings are appropriate in countryside settings and it is not unusual for them to be in various states of repair. This is not a very special circumstance. Regardless, again the statement is misleading as one of these buildings has already been demolished.

5.21 *A landscape scheme would be implemented.*

A scheme of planting would not be sufficient to outweigh the harm identified in terms of failing to accord with the principle of development in the countryside or harm to the Green Belt by definition.

This cannot be used as a case of very special circumstances.

5.22 *The residential curtilage has been reduced.*

- It is acknowledged that the amount of curtilage has been reduced but this again in itself would not off-set the scheme failing to accord with the principle of development in the countryside or harm to the Green Belt by definition. This cannot be used as a case of very special circumstances.
- 5.23 *The applicants are lay people, inexperienced and have been ill advised. The failure of this application would lead to financial hardship.* Officers would cite that inexperience and or ignorance of procedure does not amount to a case of very special circumstances, particularly as professionals were used in the submission of the prior approval consent.
- 5.24 *South Gloucestershire Council will receive a CIL payment for the erection of this new property.* This is irrelevant as planning applications are assessed on their merits against adopted planning policy. This cannot be included as a case of very special circumstances.
- 5.25 The bar for 'very special circumstances' is set high due to the importance of protecting this unique resource and a case has not been made in this instance to show that the harm can be clearly outweighed. The proposal is contrary to both national and local Green Belt policy.
- 5.26 *Change of use of land:* Despite stating so in the submitted details, no landscape scheme has been produced with this application.
- 5.27 It is noted that the red edge plan has been reduced under this scheme to indicate the proposed residential area but no means of enclosure to separate the proposed garden areas from the agricultural areas has been given.
- 5.28 One of the five aims of Green Belt policy is to *safeguard the countryside from encroachment*. The control of spread of domestic paraphernalia into the countryside is important. The amount of land is considered acceptable for a residential curtilage but the practicality of the main living areas opening out onto a very narrow path is queried. Had the proposal been acceptable in all other matters a detailed hard and soft landscaping scheme would have been required prior to determination to assess the change of use of the land and to ensure its openness would be retained.
- 5.29 Location of development outside settlement boundary: In terms of sustainable transport methods, the site is not located within a defined settlement boundary – which is the local planning authority's preferred means by which to denote sustainable locations. To be clear, this full planning application is assessed differently to a prior notification application. Adopted policies set out in the Development Plan must be used in this assessment.
- 5.30 In terms of assessing the location of the development, PSP11 sets out that residential development proposals are located on safe, useable walking and, or cycling routes, that are an appropriate distance to key services and facilities.

Where this is not the case, the site would be an appropriate distance from a bus stop facility which connects to a destination serving key services and facilities.

- 5.31 In this instance the site would fail to be an appropriate distance from key services and facilities (this is discussed in more detail below). Further to this supporting text within PSP11 states that *'Individual circumstances on the ground, including road safety, direction and lack of any dedicated cycling or walking facilities, may result in key services and facilities becoming inaccessible'*.
- 5.32 It is useful to consider the Inspector's recent decision, at Orchard View, Lower Morton (ref APP/P0119/W/18/3203552) where the main issue was whether or not the site was a suitable location for a new dwelling. The Inspector noted the distance of that appeal site from the northern edge of the settlement of Thornbury was approximately 1km; by contrast this application site is around 2km from the village of Alveston and 2.8km from the edge of the town of Thornbury (around 3km from the main high street). There are no shops or services along Sweetwater Lane. It is noted that Marlwood School (Secondary), in the village of Alveston, is approximately 1900m away and via unlit country roads with no footways. It is also noted that part of the route is on the B4461 Vattingstone Lane which is busy in the morning and evening peak hours due to its direct linkage with the M49 motorway. As such it would not be a comfortable route for cyclists accessing the school or further afield.
- 5.33 The Inspector's observations on the situation whereby *This would be potentially dangerous and an unattractive choice for most people, particularly so in the dark or inclement weather* can be similarly applied to this case.
- 5.34 Whilst it is noted that there are limited facilities available in the village of Alveston, the linkages to the village are likely to mean that the motor car will be the mode of transport used. There is no Public Transport provision within walking distance of the site.
- 5.35 Given the above, where very similar circumstances can be assumed, future occupants of the proposed dwelling are likely to be wholly car dependent.
- 5.36 The site is located in an isolated location in the countryside and would not be served by safe and suitable access for pedestrians to day-to-day services and facilities. As such it would conflict with Core Strategy Policies CS1, CS8 and Policy PSP11. Together, those Policies seek to promote most new development in locations which reduce the need to travel and commute and restrict development in the open countryside. The Policies also require development to connect to the wider network of foot, cycle and public transport links and to provide appropriate, safe, accessible, convenient and attractive access for all mode trips arising to and from the proposal.
- 5.37 The proposal would also conflict with the National Planning Policy Framework (the Framework) which states that planning decisions should avoid the development of isolated homes in the countryside except in a limited range of circumstances.

5.38 Conclusion of principle of development:

The proposal fails to accord with the principle of development and is contrary to adopted planning policy which restricts indiscriminate residential development in the countryside, in unsustainable locations and in the Green Belt. There are therefore objections to this proposal in terms of CS5, PSP7, PSP11 and PSP40.

5.39 Recent appeal cases:

A recent appeal decision at Huckford Lane Barns, Winterbourne, (APP/P0119/W/19/3228513) dismissed 3.9.19, presents a very similar situation and is extremely relevant here.

- The appellant wanted to demolish a barn which had been granted prior approval for conversion to a dwelling under permitted development rights and instead build a new house
- The site was outside a settlement boundary
- The site was within the Bristol/Bath Green Belt

5.40 The Inspector considered (among other things):

- *Whether the proposed development would be inappropriate development in the Green Belt having regard to relevant development plan policies and the National Planning Policy Framework*
- *Whether the site is suitable having regard to local and national planning policies on the location of housing*
- *If the scheme would be inappropriate development, whether the harm caused by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances needed to justify it*

5.41 The Inspector found with regard to the above:

- The proposal did not conform to any of the listed criteria and was therefore inappropriate in the Green Belt and *in conflict with the Framework and Core Strategy Policies CS5, CS34 and PSP Policy PSP7.*
- The Inspector confirmed that *The Framework reflects planning law in requiring applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise.* The Inspector also confirmed the South Gloucestershire development plan broadly accords with the policies of the Framework and concluded that *the proposal would not conform with and would be harmful to the overall spatial strategy of the Development Plan.*
- The Inspector reiterated the purpose of permitted development rights which he said exist to *expressly, and only exceptionally, grant permission as a means of re-using certain qualifying buildings.*

5.42 The above case is a current example of an Inspector ruling that makes the distinction between permitted development rights and a planning application and upholds the adopted planning policies of South Gloucestershire LPA.

5.43 Design

In recent months and following on from the report written by the *Building Better, Building Beautiful Commission (2020)* the government is committed to promoting high quality design for new build homes and neighbourhoods. The report proposes three aims: *Ask for beauty; Refuse ugliness and Promote stewardship.*

5.44 The recent government white paper has just two areas or pillars, for discussion, the second of which is entitled Pillar 2: planning for beautiful and sustainable places. This demonstrates the importance the government is placing on this topic area of planning with the emphasis on enhancing and caring for our environments, long-term investment in such areas as beauty, sustainability, bio-diversity, landscape, history and community so as to pass these qualities onto generations to come.

5.45 Submitted details indicate the building is very similar to that considered under prior approval PT16/6796/PNGR. Clearly that scheme was required to utilise the existing structure, being as it was, the conversion of agricultural buildings into residential under permitted development regulations. As the majority of the agricultural barn/buildings considered under PT16/6796/PNGR have been removed, it appears that the remaining standing three single skinned walls (of the attached storage building) have been included in the design simply because they are there. They do not provide any architectural merit to the overall design. In fact they have the opposite effect and the result is a discordant mixture of old and new which fails to represent the highest form of site planning and design expected of new development. The building would be highly visible from the surrounding countryside. Given its location, a scheme of the utmost quality in terms of its visual appearance and impact on the character of the area is expected.

5.46 In terms of appearance the proposed dwelling falls short of what is expected. Weight is given against the scheme for this reason.

5.47 Residential amenity

This scheme indicates a reduced residential curtilage drawn tightly around two sides, leaving a narrow path along the west side with the main garden to the north. The extent of residential curtilage is acceptable and this could restrain the spread of associated domestic paraphernalia in this Green Belt and rural location. No boundary treatment has been indicated on submitted plans but it would be important for a defined residential area to be established in this rural setting. It is noted that the main living areas are along the western elevation. Two sets of full height double doors can be seen on plans but only a very narrow strip of garden is shown directly outside these rooms. This means future residents would only perhaps have room to open the doors to access the rear garden rather than be able to use this side of the house for leisure. Again this shows poor site planning. Some weight is given against the scheme for reason of its contrived nature. The dwelling would be of a sufficient distance away from closest existing neighbours and as such there would be no adverse impact on their amenity but this would not be sufficient to outweigh the poor site planning identified above.

5.48 Landscape

The site is part of a former farm set within the South Gloucestershire Landscape Character Assessment area 18: Severn Ridges (LCA18). The area is characterised by large scale sloping landforms rising from the Levels with section of steep scarp to the north and south and gentler slope profiles elsewhere.

5.49 The application site is set back from the highway, accessed eventually, along a track which has previously been granted planning permission. The track was acceptable on the basis that it remained simple in form and appearance and would not be seen in the wider views. To the west of the application site clear views can be seen for some distance across a softly undulating landscape, with the large fields divided by low hedging and the occasional tree.

5.50 No landscape plan has been submitted with this application although reference has been made to those details submitted with the previously refused scheme. No indication has been given as to how the proposed residential curtilage would be separated from the rest of the site so as not to impact on the openness of the area and the Green Belt or detract from its rural location. If a suitable boundary treatment is to be planting, then this would take some years to mature and the introduction of a residential curtilage with its domestic uses would be highly visible from the surrounding countryside. The impact, along with the poor design identified above would be a negative one on the landscape, to the detriment of the local environment. Given the overall proposal has been shown to be contrary to policy no further details have been requested.

5.51 It has been stated that the proposal would improve the appearance of the site given it is no longer an operating dairy farm. However, the existing buildings do not have a negative impact on the openness of the Green Belt because they are appropriate rural buildings.

5.52 Other matters:

5.53 Submitted plans:

It is noted that submitted plans show the building as standing – this is **NOT** the case as it has been demolished. The submitted plans are therefore incorrect and misleading.

5.54 Ecology

The plans show that a number of other agricultural buildings are to be demolished as part of this proposal. No ecological reports have been submitted with this application. However, no mitigation measures or remedial action can be requested as the buildings have already been demolished.

5.55 Impact on Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. As a result of that Act the public sector Equality Duty came into force. Among other things, the Equality Duty requires that public bodies to have due regard to the need to: eliminate discrimination;

advance equality of opportunity; and, foster good relations between different groups when carrying out their activities.

5.56 Under the Equality Duty, public organisations must consider how they could positively contribute to the advancement of equality and good relations. This should be reflected in the policies of that organisation and the services it delivers.

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

5.58 Planning summary

This proposal for a new dwelling in the open countryside and in the Green Belt has been assessed against the adopted suite of policies that make up the Development Plan for South Gloucestershire Council. It is been found to be contrary to these and other policies including national policy aims.

In maintaining assessments made by Officers and upheld in recent appeal decisions for similar schemes within South Gloucestershire by independent Inspectors, the application cannot be supported. The proposal fails to accord with those policies that limit development in the countryside, it has been found to fail to accord with Green Belt policies and would be in a location not supported by adopted policy. Furthermore, the overall design has been found not to be of the highest quality and standards expected of both local and national policy aims, particularly given its highly visible location and this has knock-on implications for the residential amenity of future occupiers.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 It is recommended that the application is **REFUSED**.

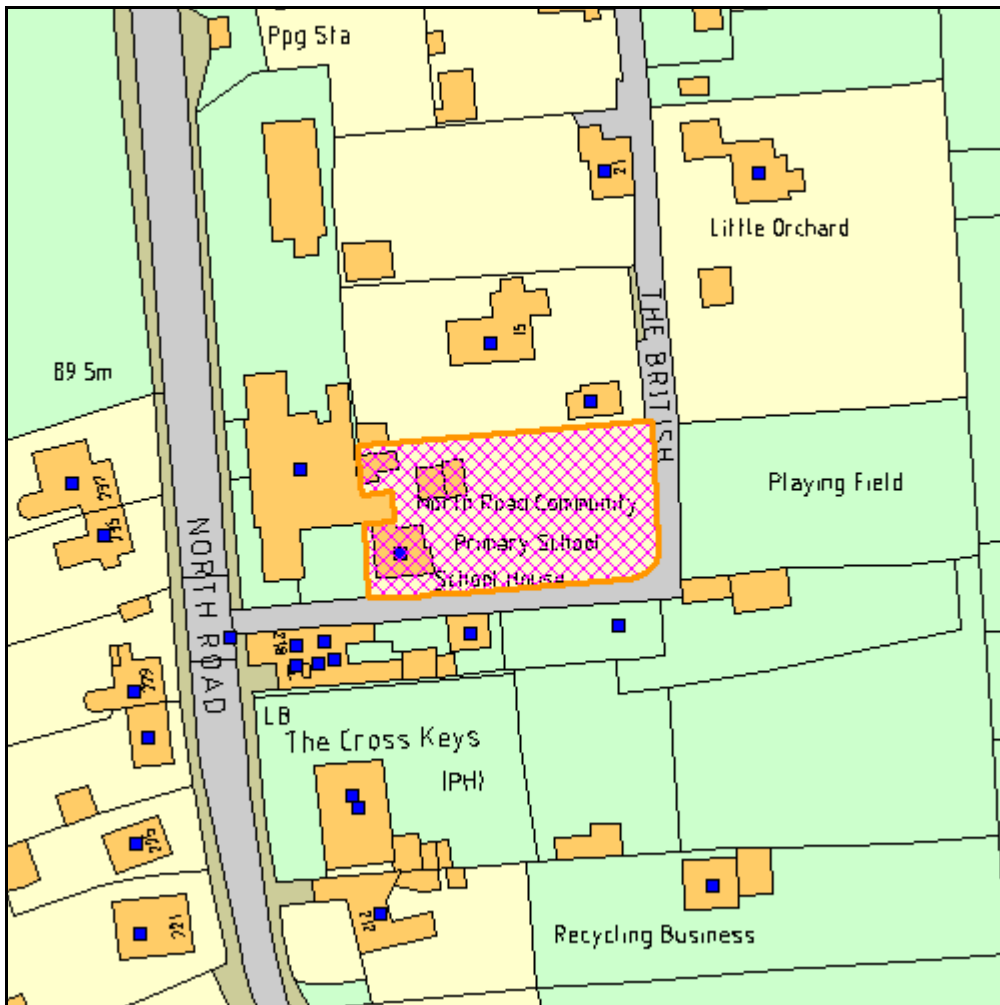
Contact Officer: Anne Joseph
Tel. No. 01454 863788

REFUSAL REASONS

1. The proposal is outside an established settlement boundary. The introduction of a new house in this rural location has failed to accord with the criteria set out in adopted policies which seek to ensure that development in the countryside is strictly limited. The proposal is therefore contrary to adopted Policy CS5, CS8 and CS34 of the South Gloucestershire Local Plan (Adopted) 2013; Policies PSP11 and PSP40 of the South Gloucestershire Policies Sites and Places Plan (Adopted) 2017 and the NPPF in general.
2. 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. In addition, 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 Policy CS5 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; PSP7 of the Policies Sites and Places Plan (Adopted) 2017 and the National Planning Policy Framework
3. The development would fail to be an appropriate walking or cycling distance from the majority of 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 the facilities and services of Thornbury which would involve 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 Local Plan Core Strategy (Adopted) December 2013 and the NPPF in general.
4. If permitted the building and due to the highly visible and rural location the scheme would fail to represent the highest quality of design standards and site planning expected in both locally adopted policy and national guidance resulting in knock-on adverse implications for residential amenity. This would be contrary to Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013, Policies PSP1 and PSP43 of the Policies Sites and Places Plan (Adopted) 2017, general national design guidance and the NPPF.

CIRCULATED SCHEDULE NO. 34/20 - 21st August 2020

App No.:	P20/11417/CLP	Applicant:	Mrs Louise Williams
Site:	School House The British Yate South Gloucestershire BS37 7LH	Date Reg:	6th July 2020
Proposal:	Erection of 2 no. polytunnels.	Parish:	Iron Acton Parish Council
Map Ref:	369917 183749	Ward:	Frampton Cotterell
Application Category:		Target Date:	27th August 2020



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100023410, 2008. **N.T.S.** **P20/11417/CLP**

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

Certificates of lawfulness are normally determined under delegated authority, however in this case the applicant's spouse is a member of staff at South Gloucestershire Council.

Accordingly, the application appears on the Circulated Schedule in the interest of openness and transparency in the decision making process.

1. THE PROPOSAL

- 1.1 A Certificate of lawfulness is sought for the erection of 2no. Poly-tunnels for the purpose of growing fruit and vegetables. The application relates to School House, Yate.
- 1.2 The application site comprises a detached dwelling. The site is located within the Engine Common designated settlement boundary.

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1, Class E.

The submission is not a planning application thus the Development Plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful on the balance of probabilities, the Local Planning Authority must grant a Certificate confirming that the proposed development is lawful.

3. RELEVANT PLANNING HISTORY

- 3.1 P20/10847/F – Approved with conditions 21/07/2020:
Demolition of existing conservatory, single storey side/front extension and rear lean to extension. Erection of single storey side/front extension and two storey side and rear extension. Installation of first floor dormer window to front elevation, 4no solar panel blocks and 2no. sections of two metre high fencing.
- 3.2 P19/17631/TRE – Approved with conditions 17/01/2020:
Works to trees as per proposed schedule of works received by the Council on 26th November 2019, covered by Tree Preservation Order SGTPO 10/09 dated 9th September 2009.
- 3.3 PK16/1490/F – Approved with conditions 25/11/2016:
Erection of 1no. detached dwelling with access and associated works

4. CONSULTATION RESPONSES

- 4.1 Iron Acton Parish Council
Concerns over intended use – Parish object to commercial use.
- 4.2 Councillor
No comment has been received.
- 4.3 Local Residents
No comments have been received.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The application for a Certificate of Lawfulness is purely an evidential test and is a formal way of establishing whether or not the proposed development can be implemented lawfully without the need for planning permission. Accordingly there is no consideration of planning merit, the application is based on the facts presented. The submission is not an application for planning permission and as such the Development Plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful, on the balance of probabilities, the Local Planning Authority must grant a certificate confirming that the proposed development is lawful.
- 5.2 The key issue is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1 of the GPDO 2015 (as amended). It should be noted that there is no restriction on permitted development rights at the subject property. As such permitted development rights are intact and exercisable.
- 5.3 The proposed development consists of the erection of 2no. poly-tunnels. This development would fall within Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), which permits the provision within the curtilage of a dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse or a container used for domestic heating purposes provided that it meets the criteria as details below:

E.1 Development is not permitted by Class E if –

- (a) Permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (changes of use);**

The dwellinghouse was not granted under Classes M, N, P, PA or Q of Part 3.

- (b) The total area of the ground covered by the buildings, enclosures and containers within the curtilage (other than the original**

dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

The total area of ground covered by buildings within the curtilage (other than the original dwellinghouse) will not exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse).

- (c) Any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;**

The proposed structures would not be situated on land forward of a wall forming a principle elevation of the original dwellinghouse.

- (d) The building would have more than a single storey;**

The structures would not have more than a single storey.

- (e) The height of the building, enclosure or container would exceed –**
(i) 4 metres in the case of a building with a dual-pitched roof, or
(ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwelling house, or
(iii) 3 metres in any other case;

The proposed structures will have a height of 2 metres and by virtue are in compliance with this criterion.

- (f) The height of the eaves of the building would exceed 2.5 metres;**

The structures would have a height of 2 metres and by virtue would be in compliance with this criterion.

- (g) The building, enclosure, pool or container would be situated within the curtilage of a listed building;**

The structures would not be sited within the curtilage of a listed building.

- (h) It would include the construction or provision of a verandah, balcony or raised platform;**

The proposal includes none of the above.

- (i) It relates to a dwelling or a microwave antenna; or**

The proposal includes neither.

- (j) The capacity of the container would exceed 3,500 litres;**

The proposal is not for a container.

- E.2 In the case of any land within the curtilage of a dwelling which is within –**
- (a) an area of outstanding natural beauty;**
 - (b) the Broads;**
 - (c) a National Park; or**
 - (d) a World Heritage Site,**
- development is not permitted by Class E if the total area of the ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwellinghouse would exceed 10 square metres.**

The site is not within any such designated areas.

- E.3 In the case of any land within the curtilage of a dwelling which is article 2(3) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse.**

The site is not on article 2(3) land.

Other Matters

- 5.6 The comments from the Parish Council are noted regarding the intended use. The extant lawful use of the site is as a residential dwelling (Class C3) and the proposal is for 2no. poly-tunnels which would be used to grow fruit and vegetables in an extended growing season, as stated in the application particulars. Class E of schedule, Part 1 of the GPDO (2015, as amended) covers buildings and structures that are *incidental to the enjoyment of a dwellinghouse*. The cultivation of fruits and vegetables are considered to be a legitimate incidental use and the structures proposed meets the requirements of class E, as outlined above. However, it should be noted that this certificate of lawfulness, if granted, would not permit the use for anything other than an incidental use. Any other use (commercial, for example) would be likely to require an appropriate change of use.

6. RECOMMENDATION

- 6.1 That a certificate of Lawfulness for Proposed Development is **Granted** for the reasons listed below:

Evidence has been provided to demonstrate that on the balance of probabilities the proposed erection of 2no. poly-tunnels would fall within the permitted development rights afforded to householders under Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

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