

# 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. 04/20

**Date to Members: 24/01/2020**

**Member's Deadline: 30/01/2020 (5.00pm)**

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

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

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

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

## NOTES FOR COUNCILLORS

### – formal arrangements for referral to committee

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

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

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

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

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

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

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

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

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

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

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

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

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

c. All applications for non-material amendments

d. All applications to discharge planning conditions

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

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

### **Additional guidance for Members**

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

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

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

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

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

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

**A template for referral is set out below:**

## **Referral from Circulated Schedule to Development Management Committee**

1. Application reference number:
  
2. Site Location:
  
3. Reasons for referral:

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

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

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

a) Referring Member:

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

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

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

**Date:**

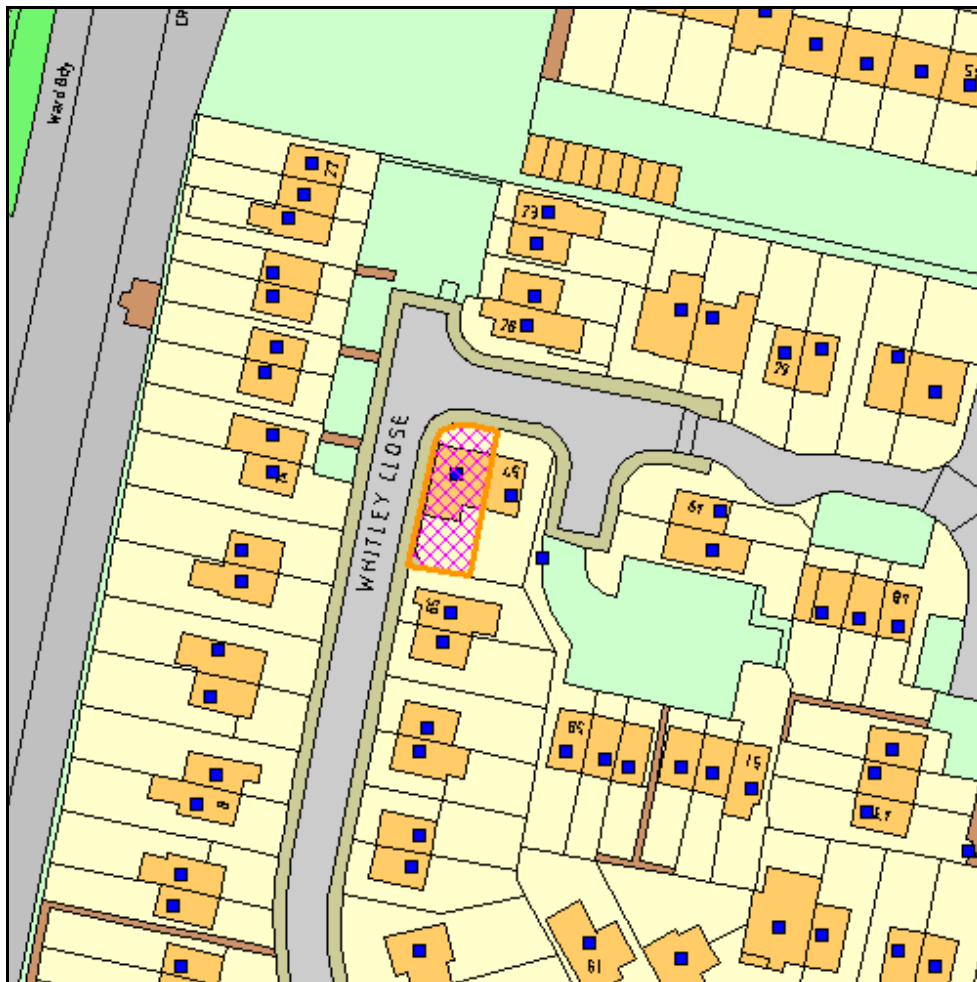
To be emailed to [MemberReferral@southglos.gov.uk](mailto:MemberReferral@southglos.gov.uk)

# CIRCULATED SCHEDULE - 24 January 2020

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	<b>P19/09287/F</b>	Approve with Conditions	58 Whitley Close Yate South Gloucestershire BS37 5XX	Yate North	Yate Town Council
2	<b>P19/11744/RM</b>	Approve with Conditions	11 Hortham Lane Almondsbury South Gloucestershire BS32 4JH	Severn Vale	Almondsbury Parish Council
3	<b>P19/12830/F</b>	Approve with Conditions	Northville Family Practice 521 Filton Avenue Horfield South Gloucestershire BS7 0LS	Filton	Filton Town Council
4	<b>P19/15292/F</b>	Refusal	The Old Chapel 125 High Street Marshfield Chippenham South Gloucestershire SN14 8LU	Boyd Valley	Marshfield Parish Council
5	<b>P19/15298/LB</b>	Refusal	The Old Chapel 125 High Street Marshfield Chippenham South Gloucestershire SN14 8LU	Boyd Valley	Marshfield Parish Council
6	<b>P19/16504/F</b>	Approve with Conditions	Land At 26 Highfields Hawkesbury Upton Badminton South Gloucestershire GL9 1BJ	Chipping Sodbury And Cotswold Edge	Hawkesbury Parish Council
7	<b>P19/17550/F</b>	Refusal	Wapley Hill Farm Codrington Road Westerleigh South Gloucestershire BS37 8RQ	Boyd Valley	Dodington Parish Council
8	<b>P19/17558/F</b>	Approve with Conditions	Fair View Cutts Heath Road Buckover Wotton Under Edge South Gloucestershire GL12 8PX	Charfield	Falfield Parish Council
9	<b>P19/17631/TRE</b>	Approve with Conditions	Land At 15 The British And School House The British Yate South Gloucestershire BS37 7LH	Frampton Cotterell	Iron Acton Parish Council
10	<b>P19/1839/F</b>	Refusal	Land At The Barn Hawkesbury Hill Hawkesbury South Gloucestershire GL9 1AY	Chipping Sodbury And Cotswold Edge	Hawkesbury Parish Council
11	<b>P19/8542/F</b>	Approve with Conditions	39 Jubilee Drive Thornbury South Gloucestershire BS35 2YQ	Thornbury	Thornbury Town Council
12	<b>PK18/4565/F</b>	Approve with Conditions	Copp Barn Westerleigh Road Westerleigh South Gloucestershire BS37 8QH	Westerleigh	Westerleigh Parish Council
13	<b>PT18/1933/F</b>	Refusal	The Nurseries New Passage Road Pilning South Gloucestershire BS35 4LZ	Pilning And Severn Beach	Pilning And Severn Beach Parish Council

**CIRCULATED SCHEDULE NO. 04/20 – 24 JANUARY 2020**

<b>App No.:</b>	P19/09287/F	<b>Applicant:</b>	Mr Richard Sanders
<b>Site:</b>	58 Whitley Close Yate Bristol South Gloucestershire BS37 5XX	<b>Date Reg:</b>	29th July 2019
<b>Proposal:</b>	Erection of two storey rear extension, raising of roofline and installation of rear dormer to facilitate subdivision of existing dwelling into 1no. ground floor flat and 1no. first and second floor duplex with parking and associated works.	<b>Parish:</b>	Yate Town Council
<b>Map Ref:</b>	370338 183171	<b>Ward:</b>	Yate North
<b>Application Category:</b>	Minor	<b>Target Date:</b>	18th September 2019



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 100023410, 2008. N.T.S. P19/09287/F

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

## **INTRODUCTION**

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

## **1. THE PROPOSAL**

- 1.1 The details of the application as originally submitted sought permission for the erection of a two storey rear extension, raising of roofline and installation of a rear dormer to facilitate subdivision of existing dwelling into 1no. ground floor flat and 1no. first and second floor duplex with parking and associated works.
- 1.2 During the course of the consideration of the application revised plans have been submitted. This effectively amends the application to the erection of two storey rear extension to facilitate subdivision of existing dwelling into 1no. ground floor flat and 1no. first and second floor duplex with parking and associated works. These revisions also reduced the amount of bedrooms from one 3 bed and one 2 bed flat to two 2 beds flats. The revised plans were fully reconsulted.
- 1.3 The application relates to an existing extended semi detached dwelling on a residential cul de sac within Yate.

## **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework  
National Planning Policy Guidance
- 2.2 Development Plans

### South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

CS1	High Quality Design
CS8	Access/Transport

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

PSP8	Residential Amenity
PSP16	Parking Standards
PSP38	Development within Existing Residential Curtilages
PSP39	Residential Conversions, Sub Divisions and Houses in Multiple Occupation
PSP43	Private Amenity Space Standards

- 2.3 Supplementary Planning Guidance  
South Gloucestershire Council Residential Parking Standards SPD Adopted  
December 2013  
South Gloucestershire Council Design Checklist SPD Adopted August 2007

### 3. RELEVANT PLANNING HISTORY

- 3.1 PK05/3391/F- Two storey side and single storey rear extension to form garage and additional living accommodation. Refused 13/1/06
- 3.2 PK05/3391/F- Two storey side and single storey rear extension to form garage and additional living accommodation. (Resubmission of PK05/3391/F)  
Approved 29/3/06

### 4. CONSULTATION RESPONSES

#### 4.1 Yate Town Council

##### Objection

1. This extension is effectively turning this into a 3 storey dwelling which is not in keeping with the rest of the street which is composed of 2 storey dwellings.
2. This is town cramming not town planning.
3. The Juliet balconies and third floor will produce substantial loss of privacy for immediate neighbours.
4. There will be inadequate parking spaces for this application and there is no space for off street parking on this corner plot. The required spaces to accommodate this development should be 3.5 spaces.

*Upon reconsultation of the revised plans no further comments were received and the objection therefore remains*

##### Sustainable Transportation

It is noted that this site is located within a predominately urban area, hence we consider it fully complies with the requirements of Policy PSP11 of the adopted South Gloucestershire Local Plan: Policies, Sites and Places document in terms of juxtaposition to necessary facilities and access by all travel modes.

Therefore, we would not wish to make a highways or transportation objection in principal to this application.

Overall therefore, although it was not considered that this proposal will create any significant highway or transportation issues, however the proposals would need to comply with Councils minimum domestic car parking requirements, as set out in the Residential Parking Standards SPD and requirements of PSP16.

##### Highways Structures

No comment.

##### Archaeology

No comments



Lead Local Flood Authority

No objection

**Other Representations**

4.3 Local Residents

A total of 7 letters of objection were received inclusive of the original consultation and the subsequent reconsultation, raising the following points:

-The proposals will impact on my standard of living.

-The existing single family 4 bed property, is proposed to be divided into a 5 bed, 2 family occupied building - This will increasing the density of occupation and will undoubtedly increase the noise pollution being transferred and affect wellbeing

-The boundary wall between both properties is very poorly designed in terms of acoustic properties

-Granting planning permission to allow increased noise pollution due to increased density, will adversely affect my personal wellbeing.

- Currently I enjoy copious amounts of sunlight, all day, due to the existing single storey to the rear of the building. The proposal is to extend the current low level extension unto to roof height. This will affect my right to light.

-The increase in windowed apertures, and the 2nr full height balcony door sets, to the rear of the building, will greatly affect my loss of privacy, and cause a greater volume of people overlooking into my garden.

-Effect of the development on the character of the neighbourhood and highway safety for vehicles and pedestrians

-All the properties in the area are houses, and most by design are fairly small. By granting permission for this already small property to be converted into flats, you will set a president for increasing the density of population in the area, which will adversely affect the character of the neighbourhood, parking, and pedestrian safety.

- The parking as proposed is insufficient with the one space to the front of the property, and one to the rear there will only be 2nr off street parking spaces available.

-There is currently very little spare highway parking available due to driveway access of other properties.

-This property has already been extended to the side and to the rear

-The 2 new (side) windows will overlook and invade privacy of both properties (14 and 15 on the opposite side of the road)

-The parking at present is awful and not enough spaces with the houses already in the street let alone the new proposal for 2 flats and the visitors this will create

-Concerns with the building work and the lorries and workers creating more chaos in street as the property is on the corner this causes lack of view for turning in and out and there has been lots of near accidents from this since I have been there.

-We have had a number of problems over the years mostly concerning parking. There is a possibility of an additional four or five cars on our street with no consideration of where they will park.

-It is causing problems with visibility on the bend where people park already

-The one parking space at the front of the property will literally have to be accessed from the radius of the bend so impacting cars travelling in both directions in and out of the side street

-This street has already has incidents regarding the parking as well as noise complaints; both where the police have had to be involved.

-If this building work gets authorised, this will negatively impact not only myself but the whole street of neighbours.

*Upon reconsultation, objections previously received were not withdrawn and therefore remain*

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

Policy PSP39 states that conversion of existing residential properties into smaller units is acceptable provided that it would not prejudice the character of the surrounding area or the amenities of nearby occupiers, it would provide for sufficient off-street parking and would provide adequate private amenity space. Further to this extensions to dwellings within residential curtilages are acceptable in principle subject to detailed development control considerations in respect of local amenity, design and transportation; as set out in policy PSP38. The issues for consideration in this respect therefore are whether the proposals have an adverse impact on the amenities of nearby occupiers and whether the design of the proposal is sufficiently in keeping with the site and surroundings.

### **5.2 Design**

The revised details effectively mean that the roofline would not be raised as previously proposed but would match the existing roofline. The only addition to the building would be the two storey gable end located to the rear of the property. The gable would be relatively modest in width and depth with the roofline subservient to the main ridge. The extension and proposed layout are considered acceptable and in context with the site and surroundings. Materials

proposed would be acceptable.

### 5.3 Residential Amenity

The revised details effectively mean that the roofline would not be raised as previously proposed but would match the existing roofline. The only addition to the building would be the two storey gable end located to the rear of the property, which protrude less than two metres off the rear wall of the existing house and would be located around 3 metres away from the shared boundary. On this basis it is not considered that the proposal could be considered overbearing. Windows facing the rear would be facing the same direction and orientation as existing windows in the dwelling. The extension would bring them slightly closer, however in this direction, to the south, the property would face the side wall of the nearest property, some 9 metres away. To the west, the nearest properties are on the other side of the road. One second floor side window is proposed, the nearest residential property in this direction would be approximately 17m to the west, across a public highway. It is not considered that an objection on overlooking or loss of privacy grounds could be sustained such as to warrant refusal of the application on this basis. It is not considered therefore that the proposed extension and conversion would have a significant or material impact in local amenity terms such as to warrant and sustain refusal of the application on this basis. Sufficient divided private amenity space is provided for in the rear curtilage for both flats which is in accordance with the requirements of the Policies, Sites and Places Plan (PSP43) for 2 bed flats.

### 5.4 Sustainable Transportation

Under the amended plans the proposals would be two, 2 bed units. This would effectively require 2 off street parking spaces, 1 space each, in accordance with the Council's parking requirements. Three are being provided. Two spaces are being provided to the rear of the property, whilst one is provided to the front, with the same access as the existing space. The dimensions achieved appear acceptable. A condition is recommended securing and retaining the off street parking provision illustrated. The proposals are therefore considered to meet the Council's requirements for parking and are considered acceptable in this respect.

### 5.5 Equalities

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

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

## **6. CONCLUSION**

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

## **7. RECOMMENDATION**

- 7.1 That planning permission is granted

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

## **CONDITIONS**

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

Reason

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

2. The bricks to be used externally in the development hereby permitted shall match those of the existing building in colour and texture.

Reason

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

3. The tiles to be used in the development hereby permitted shall match those of the existing building in colour, texture and profile.

Reason

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

4. The off-street parking facilities (for all vehicles, including cycles) shown on the plan hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

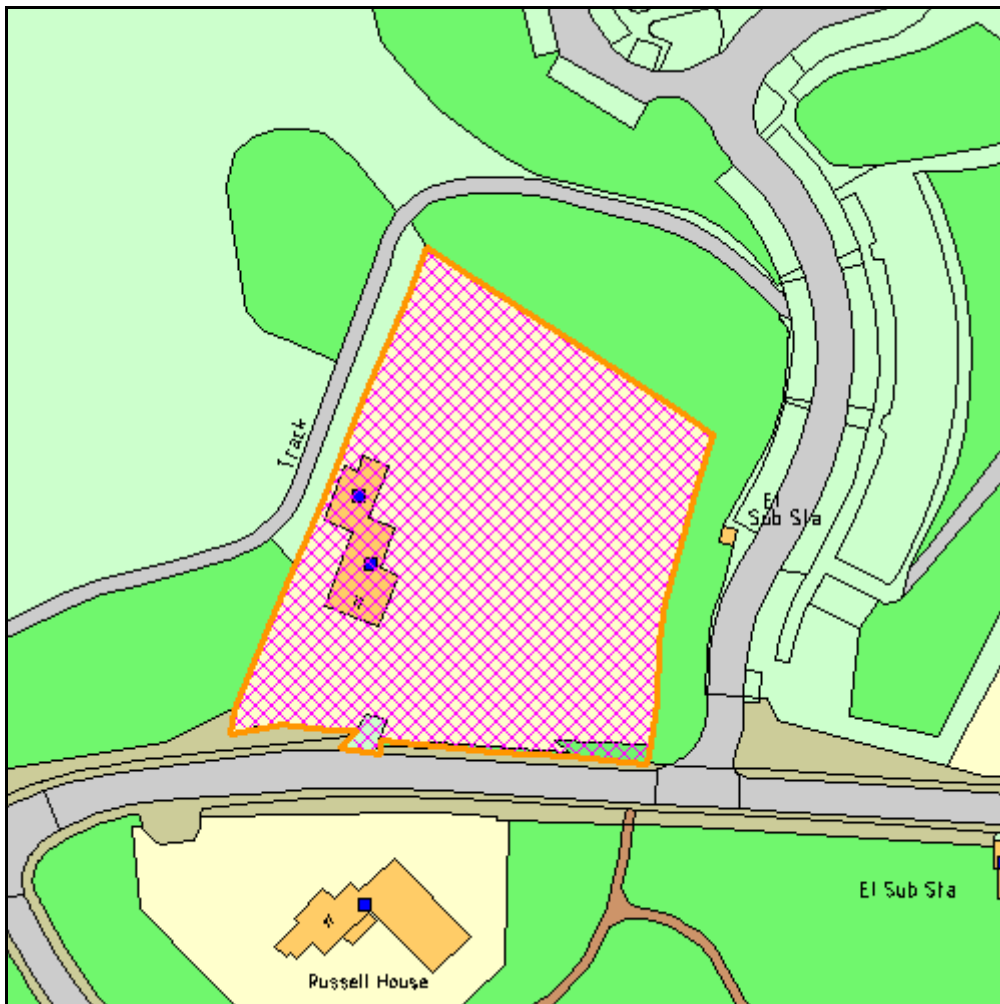
Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy CS8 of the South

Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; and the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013.

**CIRCULATED SCHEDULE NO. 04/20 – 24 JANUARY 2020**

<b>App No.:</b>	P19/11744/RM	<b>Applicant:</b>	Mr Nick Carter And Victoria MacFarlane
<b>Site:</b>	11 Hortham Lane Almondsbury Bristol South Gloucestershire BS32 4JH	<b>Date Reg:</b>	29th August 2019
<b>Proposal:</b>	Erection of 1no dwelling (plot 8) with appearance, landscaping, layout and scale (approval of reserved matters to be read in conjunction with outline permission PT18/6355/RVC, formerly PT16/3579/O).	<b>Parish:</b>	Almondsbury Parish Council
<b>Map Ref:</b>	361732 184562	<b>Ward:</b>	Severn Vale
<b>Application Category:</b>	Minor	<b>Target Date:</b>	22nd October 2019



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## ITEM 2

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

### **REASON FOR APPEARING ON CIRCULATED SCHEDULE**

This application appears on the Council's Circulated Schedule procedure following concerns raised by the Parish Council regarding drainage, poor access and lack of parking.

#### **1. THE PROPOSAL**

- 1.1 This application seeks approval for the reserved matters for one of the 'future phases' at 11 Hortham Lane, Almondsbury. This phase relates to plot 8 of PT18/6355/RVC and PT16/3579/O, which was for the erection of 9 no. self-build dwellings with access to be determined.
- 1.2 The reserved matters to be considered here are appearance, landscaping, layout and scale.
- 1.3 Application P19/7488/RM sought permission for the appearance, landscaping and layout of the access road and the distribution of services to each plot, and this will form Phase 1 of the development. This application was approved on 17<sup>th</sup> January 2020. Application reference numbers P19/4542/RM and P19/5617/RM relate to other future phases and are currently pending consideration by the Local Planning Authority.
- 1.4 The site is situated within the Bristol/Bath Green Belt, and within the open countryside. There are protected trees within plots 7, 8 and 9, and so additional arboricultural information was requested during the course of the application, with the most recent Arboricultural Survey received on 9<sup>th</sup> January 2020.
- 1.5 The outline application (PT16/3579/O and PT18/6355/RVC) was given planning permission by the Development Management (West) Committee, on the grounds that the scheme would be a pilot self-build scheme for the South Gloucestershire planning department. The subsequent variation of condition application sought to phase each plot in order to facilitate the deliverability of the scheme.

#### **2. POLICY CONTEXT**

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013  
CS1 High Quality Design  
CS5 Location of Development  
CS8 Improving Accessibility

## ITEM 2

CS9 Managing the Environment and Heritage  
CS16 Housing Density  
CS17 Housing Diversity  
CS18 Affordable Housing  
CS34 Rural Areas

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

PSP1 Local Distinctiveness  
PSP2 Landscape  
PSP3 Trees and Woodland  
PSP7 Development in the Green Belt  
PSP8 Residential Amenity  
PSP11 Development Related Transport Impact Management  
PSP16 Parking Standards  
PSP20 Drainage  
PSP28 Rural Economy  
PSP37 Internal Space Standards for Affordable Housing  
PSP38 Development within Residential Curtilages  
PSP42 Self Build Dwellings  
PSP43 Private Amenity Standards

#### 2.3 Supplementary Planning Guidance

The South Gloucestershire Design Checklist SPD (adopted)  
The South Gloucestershire Development in the Green Belt SPD (adopted)  
Affordable Housing and Extra Care Housing (Adopted) May 2014  
Waste Collection: Guidance for New Developments (Adopted) January 2015

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

- 3.1 P19/7488/RM Approve with conditions 17/01/2019  
Seeking approval of Layout of shared access for vehicle and pedestrian access containing distribution of services (Approval of Reserved Matters to be read in conjunction with Outline Planning Permission PT16/3579/O)
- 3.2 P19/4166/RM Approve with conditions 04/09/2019  
Erection of 1no. detached dwelling (Plot 5) with appearance, landscaping, layout and scale. (approval of reserved matters to be read in conjunction with Outline planning permission (PT16/3579/O).
- 3.3 P19/2136/RM Approve with conditions 21/08/2019  
Erection of 1no. detached dwelling and associated works with appearance, landscaping, layout and scale (approval of reserved matters to be read in conjunction with outline permission PT16/3579/O).
- 3.4 P19/6749/RM Approve with conditions 20/08/2019  
Erection of 1no dwelling (plot 1) with appearance, landscaping, layout and scale (approval of reserved matters to be read in conjunction with outline permission PT18/6355/RVC, formerly PT16/3579/O).



## ITEM 2

- 3.5 P19/1831/RM Approve with conditions 20/08/2019  
Erection of 1no dwelling with appearance, landscaping, layout and scale (approval of reserved matters to be read in conjunction with outline permission PT16/3579/O).
- 3.6 P19/3471/RM Approve with conditions 20/08/2019  
Erection of 1 No. detached dwelling, 1 No detached garage and associated works with appearance, landscaping, layout and scale (approval of reserved matters to be read in conjunction with outline permission PT16/3579/O).
- 3.7 DOC19/0048 Condition 7 Discharged 15/04/2019  
Discharge of Condition 7 (Road layout) attached to planning permission PT16/3579/O
- 3.8 PT18/6355/RVC Approve with condition 11/02/2019  
Variation of condition 10 attached to planning permission PT18/4723/RVC to substitute the plan Phasing Plan 1803-0L-006 Rev A received 6th November 2018 with Phasing plan 1803-L006 Rev C received 17th December 2018.
- 3.9 DOC18/0401 Condition 8 Discharged 10/12/2018  
Condition 7 Refused 10/12/2018  
Discharge of Conditions no. 7 (access details) and 8 (bat report) attached to planning permission PT16/3579/O
- 3.10 PT18/4723/RVC Approve with conditions 10/12/2018  
Variation of condition 9 attached to planning permission PT16/3579/O to add plan 1803-0L 006 A
- 3.11 PT18/4206/NMA No Objection 04/10/2018  
Non Material Amendment to PT16/3579/O to add the plans as a condition.
- 3.12 PT16/3579/O Approved Subject to S106 17/03/2017  
Demolition of existing buildings and erection of 9no self-build dwellings (outline) with access to be determined. All other matters reserved.

## 4. CONSULTATION RESPONSES

- 4.1 Almondsbury Parish Council  
No Objection but the Parish Council have concerns over the lack of drainage to this plot, there is poor access and lack of parking which is made worse because this is situated on a bend.
- 4.2 Other Consultees
- Transport  
No objection.
- Lead Local Flood Authority  
More information required.

## ITEM 2

### Highway Structures

Informatives recommended.

### Children and Young People

No comment received.

### Housing Enabling

No comment received.

### Landscape

No comment received.

### Archaeology Officer

No comment received.

### Tree Officer

Satisfied with revised tree report subject to conditions.

## **Other Representations**

### 4.3 Local Residents

No comments received.

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The principle of residential development at the application site has already been accepted by virtue of the previously approved outline application (PT16/3579/O) and the subsequent variation of condition applications (PT18/6355/RVC and PT18/4723/RVC). The main issues to consider relates to appearance/visual amenity, residential amenity, landscape and transportation. Although the development has been approved in principle, the impact on the openness of the Green Belt should also be considered

### 5.2 Green Belt

The proposed dwelling is within the height parameters set at outline stage, which was a maximum height of 8.5m. It is considered that the impact on the Green Belt is not materially different to the likely impact that was assessed at outline stage. The development is acceptable in Green Belt terms.

### 5.3 Design and Visual Amenity

During application reference PT16/3579/O, a Design Code was submitted showing an indicative site plan and the approach to the design that would be taken to ensure that it is consistent across the nine plots. The indicative site plan showed the dwellings arranged in a U shape around the access, suggesting they would be four bedroom dwellings with detached and/or attached garages.

5.4 The Design Code proposed two-storey dwellings with a minimum floor to ceiling height of 2.5m, although variation of up to 3m was suggested to vary the height of the roof lines and all roof lines are to be pitched. A maximum height of

## ITEM 2

8.5metres was restricted by condition. A common material palette must be used, and this was to be done by providing a final list of approved materials to the self-builders. Roof tiles should be traditional clay or clay-style composite or slate, whilst exterior walls should be finished in brick, smooth render or timber cladding. Doors and windows should be a uniform style and finish to link the properties together, however different colours are welcomed.

- 5.5 Plot 8 is proposed to be two-storeys with two pitched roof elements of differing heights, with the gable at a perpendicular angle to the access road. An integral garage is proposed within the smaller of the two gables, and a third, small gable forms a two-storey rear extension. The building will have a contemporary appearance with large modern windows, including some floor to ceiling openings, and feature glazing over the full height of the centre of the principal elevation. The house is proposed to be finished in natural stone cladding, white and grey render, slate style cement tiles in smooth grey, brick plinths and grey aluminium windows.
- 5.6 Turning to layout, the dwelling benefits from a large plot however it contains four protected trees. The dwelling is situated close to the highway because of this constraint, just allowing space for three off-street parking spaces and no turning head. The garage would allow for cycle storage and refuse storage, although the plans show refuse storage outside to the rear of the garage within the garden. The layout is considered to be acceptable and accords with policy CS1 of the Core Strategy.
- 5.7 Regarding landscaping, a pre-commencement condition was agreed with the applicant to ensure existing landscaping to be retained and proposed areas of hard and soft landscaping for each plot will be agreed before any development starts on site. Following the submission of a revised arboricultural report on 9<sup>th</sup> January 2020, officers are now satisfied that the development will not affect the protected trees on site. A condition on the decision notice will ensure that the methodology is followed strictly, including the erection of protective barriers and temporary ground protection, the installation of no dig surfacing and the hand excavation of the trenches required for drainage that runs through the root protection area of T746.
- 5.8 Subject to this, the application is considered to accord with policies PSP2 and PSP3 of the Policies Sites and Places Plan (Adopted) 2017.
- 5.9 Residential Amenity  
The south-eastern elevation of the proposed dwelling will face out into land owned by the Bristol Assembly Hall which currently forms their access and is otherwise undeveloped, and the front elevation will face out into the proposed shared access for the development. The only principal window facing towards plot 9 is at ground floor level and some distance from the boundary, and so it would not impact upon their residential amenity.
- 5.10 The proposed property would benefit from a large plot in excess of the amenity space standards in policy PSP43, and the majority of the garden would be completely private. The development is considered to accord with policy PSP8 and PSP38 of the Policies Sites and Places Plan.

## ITEM 2

### 5.11 Drainage

It has been confirmed that the site is not suitable for soakaways, and so the applicants are working with Wessex Water to connect into their system. The method of surface water drainage will form part of the required Building Regulations application for this plot.

### 5.12 Transport

The location of the access was agreed at outline stage, and the layout and landscaping of the proposed access road will be assessed under P19/7488/RM, which is currently pending consideration. Therefore the only issue to be assessed here is the parking and turning space within the site.

5.14 Plot 8 is proposed to have a smaller driveway than some of the other plots, which can accommodate three vehicles but does not allow for turning. There is space for occupiers to turn on the private access road however, and so vehicles will be able to turn and egress the site in a forward gear before they reach the public highway. There is adequate space for refuse storage in a convenient location. Subject to a condition requiring the parking provision to be implemented prior to first occupation of the development, there is no transportation objection.

### 5.15 Consideration of likely impact on Equalities

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

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

## 6. CONCLUSION

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

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

## ITEM 2

### 7. **RECOMMENDATION**

7.1 That planning permission is **GRANTED** subject to the conditions on the decision notice.

**Contact Officer: Trudy Gallagher**  
**Tel. No. 01454 864735**

### **CONDITIONS**

1. Development must take place in strict accordance with the following plans:  
Proposed Floor Plans 010  
Proposed Elevations 011  
Proposed Block Plan L006 Rev B (received on 6th November 2019)  
All received on 26th August 2019 unless otherwise stated above

Reason

In the interests of clarity and proper planning.

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

Reason

In the interests of the visual amenity of the site, the surrounding countryside and the openness of the Green Belt, in accordance with policies PSP2, PSP3 and PSP7 of the Policies Sites and Places Plan (Adopted) Nov 2017, policies CS1, CS5 and CS34 of the Core Strategy (Adopted) Dec 2013, and the National Planning Policy Framework. This information is required prior to commencement in order to prevent remedial work later on.

3. The parking spaces shown on the approved Block Plan (L006 Rev B) must be implemented prior to first occupation of the dwelling hereby approved.

Reason

In order to ensure adequate parking provision in accordance with policy PSP11 and PSP16 of the Policies Sites and Places Plan (Adopted) Nov 2017 and the National Planning Policy Framework.

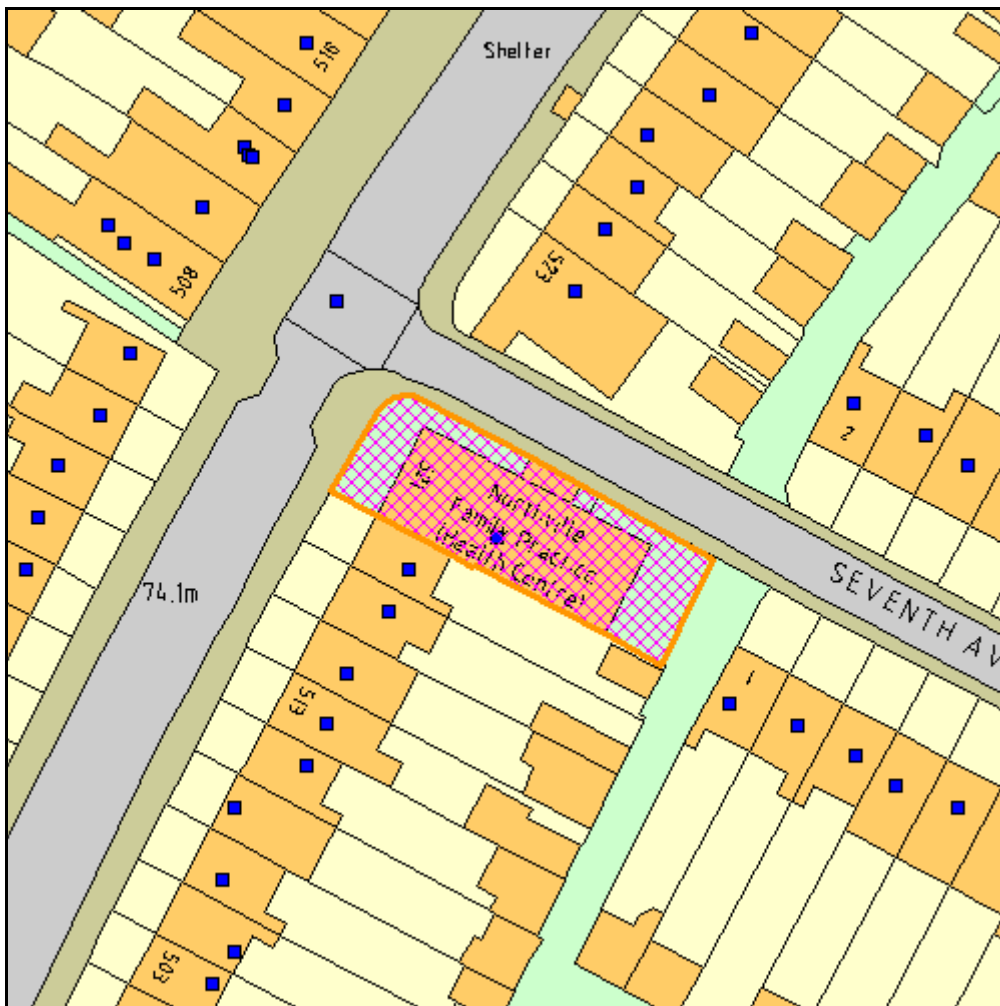
4. Development must take place in strict accordance with sections 8 and 9 of the revised Arboricultural Report by Silverback Arboricultural Consultancy Ltd (received on 9th January 2020).

Reason

In order to ensure the protected trees within the site are not harmed in the development, and to accord with policy PSP3 of the Policies Sites and Places Plan (Adopted) Nov 2017.

**CIRCULATED SCHEDULE NO. 04/20 – 24 JANUARY 2020**

<b>App No.:</b>	P19/12830/F	<b>Applicant:</b>	Mr Adamo Missiato Design and Build
<b>Site:</b>	Northville Family Practice 521 Filton Avenue Horfield Bristol South Gloucestershire BS7 0LS	<b>Date Reg:</b>	16th September 2019
<b>Proposal:</b>	Change of use from Medical Practice (Class D1) to 2 no. 7 bedroom HMOs (Sui Generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).	<b>Parish:</b>	Filton Town Council
<b>Map Ref:</b>	360524 178138	<b>Ward:</b>	Filton
<b>Application Category:</b>	Minor	<b>Target Date:</b>	8th November 2019



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 100023410, 2008. N.T.S. P19/12830/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 objections from local residents and from the Town Council contrary to Officer recommendation.

## **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission for the change of use from a Medical Practice (Class D1) to 2 x 7no. bed HMOs (sui generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).
- 1.2 The application relates to the former Northville Family Practice, 521 Filton Avenue. The site lies within the settlement boundary of Horfield.
- 1.3 An HMO (house in multiple occupation) is a residential property where 'common areas' exist and are shared by more than one household. Planning permission is not required when converting a residential property into an HMO that would be shared by up to 6 unrelated individuals.
- 1.4 For the sake of clarity a full set of clearly labelled plans was requested and sent into the Council and have been uploaded to the website.

## **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
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS18	Affordable Housing

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

PSP1	Local Distinctiveness
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PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP39	Residential Conversions, Subdivision, and HMOs
PSP43	Private Amenity Space Standards

### 2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007)

South Gloucestershire SPD: Residential Parking Standards (Adopted) 2013

Affordable Housing SPD (Adopted) Sept.2008.

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

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

## 3. RELEVANT PLANNING HISTORY

- |     |  |  |
|-----|--|--|
| 3.1 | PT00/1734/F<br>with doctors surgery.<br>Approved | Siting of temporary accommodation in conjunction<br>1.8.00 |
| 3.2 | P99/1240<br>Approved                             | Erection of single storey extension to surgery<br>27.4.99  |
| 3.3 | N221<br>Approved                                 | Extension to Doctors Surgery.<br>11.7.74                   |

## 4. CONSULTATION RESPONSES

### 4.1 Filton Town Council

Strongly object to the above application.

The design is over intensive and there are strong concerns surrounding;

- The impact to the highway.
- Road access on a very narrow street.
- Concerns regarding drainage as there are already problems in the area.
- Location of rubbish bins and the logistics of them being emptied by large vehicles.

Parking concerns need addressing regarding designated parking on an already congested and narrow street. Parking on surrounding roads will now be 24 hours a day, previously this was only during business hours. The Council feel this application will negatively impact on residents and agree with their concerns raised.

We would highly recommend a site inspection is carried out, to appreciate the full impact in which this application will have if approved

### Consultees

### 4.2 Sustainable Transport



Objection: insufficient information – more details to demonstrate if there would be adequate on-street parking spaces

*Updated comments:*

*Following discussions, the Transport officer confirmed his assessment was based on the existing use as a Doctor's surgery and not as a dwellinghouse. Suggested revised details showing a cage capable of accommodating 7 cycles, or this could be conditioned. Requested a parking survey.*

*Final comments:*

*Sufficient information contained in the study to establish there are on-street spaces to accommodate at least 3 spaces. 4 on-site would be dedicated to the development. Spaces would be dispersed to either the surrounding streets or to off-street spaces to the front and rear of existing properties. Most properties have on-curtilage parking, a lot to the rear. Site is close to retail stores and bus stops.*

*No objection subject to a condition*

4.3 Drainage  
No objection

4.4 Highway Structures  
No objection subject to an informative

### **Other Representations**

4.5 Local Residents

**Objection** comments have been received from 8 local residents. The points raised are summarised as:

- Query suitability of turning this into an HMO
- Why should future residents be offered a designated parking space?
- Parking an issue – traffic survey fails to show the true reality of the situation
- Historic problem with sewage from this property- volume from this proposed use will be far greater
- Object to very large bins using up a valuable parking space
- Concerned the lifestyle of the people occupying the HMO will cause a lot of noise
- Up to 28 people could live in the property
- Cannot add extra parking without changing the outside of the building
- Area cannot cope with such a massive intrusion on such a small plot of land
- Family homes are needed in this area
- Area is becoming a slum
- Affect property value
- Will impact on trips of local community as have to travel further to nearest doctor
- Will not be for professional people
- For financial benefit of developers and council

**Support** comments have been received from 3 local residents. The points raised are summarised as:

- plans appear to meet all regulations – cycle space, bin storage and making rooms as large as possible
- great transport links in the area
- there is a shortage of housing/accommodation in Bristol
- regrettable medical practice had to close due to years of decreasing NHS funding but a company is willing to spend time and money making housing for people. Demand is growing for such flexible, affordable housing
- I know many who own and rent out properties in the area and I have never had any problems doing so. About 70% of my tenants use public transport and cycles

## **5. ANALYSIS OF PROPOSAL**

5.1 The proposal seeks full planning for the change of use of a former medical practice to 2 x 7no. bed separate HMOs.

### 5.2 Principle of Development

The application stands to be assessed against the above listed policies and all material considerations. Both local and national planning policy are supportive of development within existing settlement boundaries provided the resulting impact would not have a negative effect on residential amenity, transport or highway safety.

5.4 The proposal to intensify the use of this building is consistent with policy and is therefore acceptable in principle, subject to the consideration below.

### 5.5 Change of use from former medical practice to 2 separate HMOs.

Policy PSP39 deals with residential conversions, sub-divisions and houses in multiple occupation. Such development is acceptable provided it would not have a negative impact on the character and amenities of the area; and not prejudice the amenity of neighbours; and provide adequate amenity space; and refuse storage and servicing; and provide parking in accordance with the Council's parking standards.

5.6 Policy CS17 relates to Housing Diversity and states that the mix of housing should contribute to providing choice in tenure and type, having regard to the existing mix of dwellings in the locality and the character and relative accessibility of the location. Policy PSP39 also declares that the sub-division of existing dwellings and non-residential properties to form flats or HMOs can make a valuable contribution suitable for smaller households and single people. In addition it states that the conversion of existing buildings for flats, subdivision into two or more properties, will generally be welcome where parking is provided on site, in accordance with the standards set out in PSP16.

### 5.7 *Character and amenity*

Working through the criteria set out in policy: the application site is located within a built up area of Filton. It is acknowledged that this type of development

already exists in the area. Although the current use of the site as a medical practice means the change of use cannot be made under permitted development rights it is pertinent to mention that planning permission is not required for the change of use from a single residential unit to a small HMO (i.e up to 6). The building could be reinstated as either one of two dwellings and subsequently become two small HMOs without the need for planning consent. Some weight must be given to this position.

5.8 The proposal is for residential use and as such it is unlikely to have an adverse impact on the character of the area given it is already made up of many residential properties. In the event of anti-social behaviour, the proper authorities should be contacted. In this instance it would be The Police Authority. Comments have been received stating the change of use would mean that local residents have to travel further to a doctor and as such this development would have a negative impact on the amenity of the area. The cessation of the use of the building as a medical practice is not being considered here – it is assumed that the provision for such services has moved elsewhere and alternative arrangements have been made for healthcare consumers. This is not a matter that can be discussed under the remit of this planning assessment.

5.9 The proposal would therefore not have an adverse impact on the character and amenities of the area and would not prejudice the amenity of neighbours.

5.10 *Amenity space*

With regards to the provision of amenity space for future occupants, Policy PSP39 does not specify the amount of amenity space which should be made available at an HMO. Using Policy PSP43 as a reference and appropriate comparison, this adopted policy states that a 1 bed flat should have 5 square metres of residential amenity space. Using this calculation, 14 x 1 bed flats would require 70 square metres of amenity space. It is noted that there is no amenity space provision for the users of either of the HMOs.

5.11 The Council considers that access to adequate private outdoor space can play an important role in the physical and mental health and wellbeing of people. However, it is acknowledged that the form of private amenity space will be dependent of the type of dwelling. It is therefore noted that Northville Millennium Green park is around 350metres away and Filton Sports and Leisure Centre is around 500 metres away. These are two good outdoor spaces which can be used by future occupants for leisure activities. The proximity of these resources is sufficient to outweigh the lack of on-site amenity space and given the location of the site within a built-up area this is considered acceptable on this occasion.

5.12 *Refuse storage*

Adequate space is provided for the on-site storage of refuse in accordance with adopted policy.

5.13 *Parking*

Moving on to parking which has been raised as a concern by a number of residents. Policy PSP16 states that the parking standard of an HMO is 0.5 car

spaces for each bedroom. Two 7 bed HMOs should provide 7 car parking spaces and 14 cycle spaces.

- 5.14 Four dedicated car parking spaces are to be provided on site plus the 14 cycle spaces with a further requirement of an additional 3 car parking spaces. During the course of the application Officers requested additional information in the form of a Transport Survey to demonstrate that adequate on-street spaces could be available in the evenings and at weekends. This information was received.
- 5.15 Officers note comments from local residents but are satisfied that the information supplied in the form of the Traffic Survey provides sufficient information to establish that there would be on-street spaces available to accommodate the parking demand for at least 3 spaces.
- 5.16 With further regard to objections by local residents citing insufficient on-street parking, it is noted that most of the properties in the vicinity of the development site have on-curtilage parking. Much of this is located to the rear, accessed via rear lanes and therefore not as convenient as the on-street parking. Nevertheless, this option is available for existing residents.
- 5.17 In addition to the above, the site is in the close vicinity of numerous retail stores, a post office and a public house all within an easy walking distance. It is also within 30 to 100m from existing bus stops on Filton Avenue where there are regular and frequent services to Bristol City Centre. As such future residents would not be reliant on a private motor vehicle for their day to day needs.
- 5.18 The above is supported by 2011 census data which indicates an average figure of 0.42 cars or vans owned or available to single resident occupancy flats or maisonettes in the Filton Ward. Student occupants of houses in multiple occupancy would be likely to result in a lower car ownership per resident, so the actual demand for car parking from the proposal is likely to be less than the Council standard of 7 spaces for the 14 bedrooms resulting in an on-street demand of 1 or 2 vehicles.
- 5.19 It is further noted that the existing use as a Medical practice would generate a higher parking demand during business hours and as such there would be an improvement to the parking situation during these times. During the evenings and on Sunday all day parking is available outside of the shops when most of them will be closed. Parking is prevented on all the nearby junctions and other unsafe locations by double yellow lines subject to Traffic Regulation Orders.
- 5.20 *Cycles*  
Adopted policy requires cycle storage to be covered and secure. It also requires that 1 cycle space is provided for each bedroom. As such 14 cycle spaces will be provided on site as indicated on submitted plans and are to be secured by condition.
- 5.21 In summary sufficient information has been submitted to demonstrate that the development would not be detrimental to highway safety as a result of the

parking demand generated by it. The proposal thereby accords with this criteria of Policy PSP39.

5.22 Design and Visual Amenity

No changes are proposed to the external appearance of the building.

5.23 Other matters

Comments have been made regarding the potential for the development to devalue nearby properties. This is not a planning matter and as such cannot be considered here.

Comments have been made that the development is for the financial benefit of the owners. This is not a planning matter and as such cannot be considered here.

Comments have been made that the development is for the financial benefit of the council. This is not a planning matter and furthermore, officer would respond by saying the application has been assessed by professional planners against adopted local and national planning policy.

Existing situation of sewage overflow is a separate matter that should be taken up with the appropriate utilities company and site owners.

5.24 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.

5.25 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.

5.26 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.

## 6. CONCLUSION

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

6.2 The recommendation to **grant** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the South Gloucestershire Local Plan: Policies,

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

## **7. RECOMMENDATION**

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

**Contact Officer: Anne Joseph**  
**Tel. No. 01454 863788**

## **CONDITIONS**

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

Reason

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

2. Development shall proceed in accordance with the following plans:

As received by the Council on 21.1.20:

Location plan 001B  
Existing plans 002B  
Existing elevations 003B  
Existing roof plan 004B  
Proposed plans 005B  
Proposed elevations 006B  
Proposed roof plan 007B  
Proposed site plan 008B  
Proposed bin store 009B

Reason

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to protect the residential amenity of the neighbouring occupiers and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

3. The development shall not be occupied until the car and cycle parking arrangements have been provided in accordance with the submitted detail on drawing PL-008 rev B plus further details to be submitted to and agreed in writing by the Local Planning Authority prior to commencement of the development of the drum cycle store showing storage for 7 cycles.

Reason

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

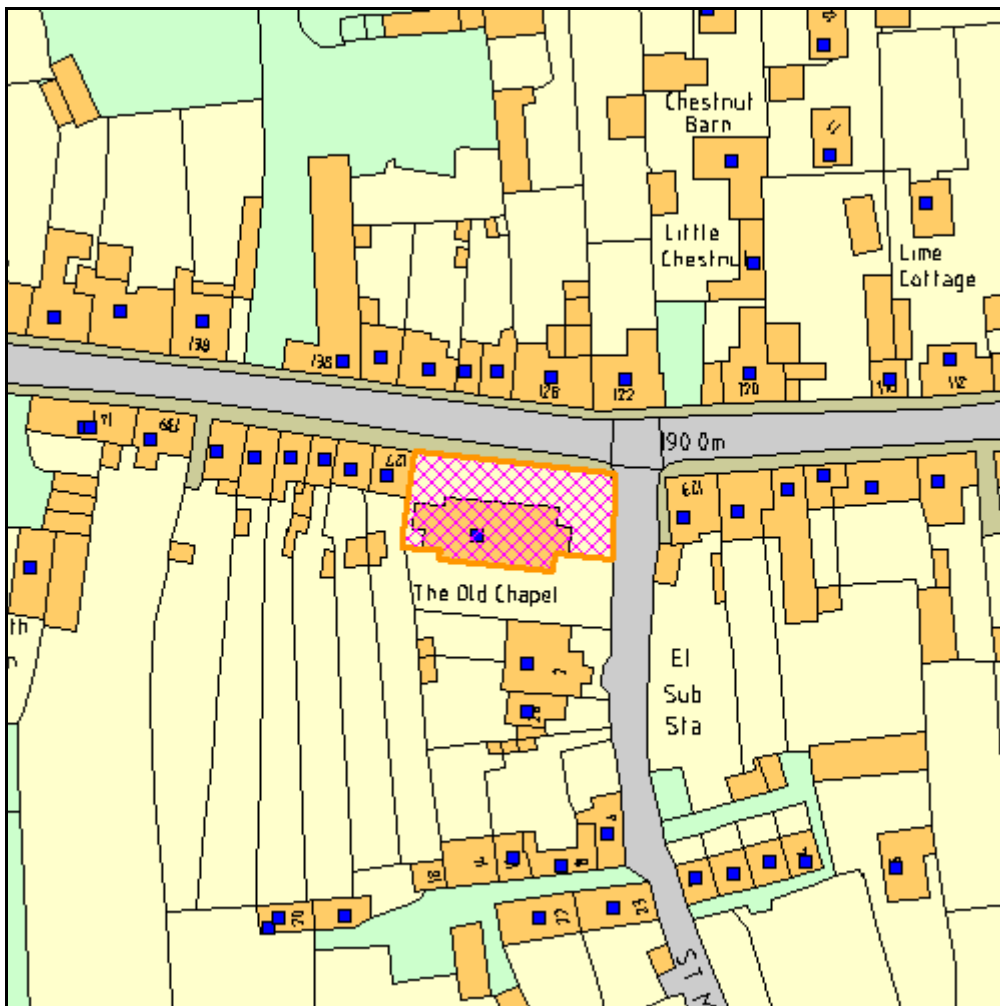
4. The development shall not be occupied until four 7Kw 32Amp electric vehicle charging points have been provided for the four on-site car parking spaces.

Reason

To promote sustainable travel choices and to accord with Policy CS8 and South Gloucestershire Council's Supplementary Planning Document on residential car parking.

**CIRCULATED SCHEDULE NO. 04/20 – 24 JANUARY 2020**

<b>App No.:</b>	P19/15292/F	<b>Applicant:</b>	Mr And Mrs Ian And Rebecca Price
<b>Site:</b>	The Old Chapel 125 High Street Marshfield Chippenham South Gloucestershire SN14 8LU	<b>Date Reg:</b>	21st November 2019
<b>Proposal:</b>	Alterations to existing west porch roof to form first floor terrace with erection of glass canopy. Installation of glazed outer doors to eastern porch and 4 no. rooflights to the north elevation and 4 no. rooflights to the south elevation.	<b>Parish:</b>	Marshfield Parish Council
<b>Map Ref:</b>	377545 173723	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Householder	<b>Target Date:</b>	13th January 2020



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

### **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

This application is referred to the Circulated Schedule due comments received from members of the public which are contrary to the Officer's recommendation.

## **1. THE PROPOSAL**

- 1.1 This application seeks full planning permission for
- alterations to the existing west porch roof to form a first floor terrace with a glass canopy,
  - installation of glazed outer doors to eastern porch,
  - 4no. rooflights to the north elevations, and
  - 4no. rooflights to the south elevation.
- 1.2 The application relates to 'The Old Chapel', No. 125 High Street, Marshfield. The property is grade II listed and lies within
- the Marshfield Conservation Area,
  - the Cotswolds AONB, and
  - an area of archaeological interest.
- 1.3 The application should be read in conjunction with P19/15298/LB.

## **2. POLICY CONTEXT**

### **2.1 National Guidance**

Planning (Listed Buildings and Conservation Areas) Act 1990  
Planning (Listed Buildings and Conservation Areas) Regulations 1990  
(as amended)  
National Planning Policy Framework Feb 2019  
National Planning Practice Guidance  
Historic England's Good Practice Advice in Planning Note 2 "Managing Significance in Decision-Taking in the Historic Environment"  
Historic England's Good Practice Advice in Planning Note 3 "The Setting of Heritage Assets (2<sup>nd</sup> Edition)"

### **2.2 Development Plans**

#### **South Gloucestershire Local Plan Core Strategy Adopted December 2013**

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
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
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP38	Development within Existing Residential Curtilages
PSP43	Private Amenity Standards

- 2.3 Supplementary Planning Guidance  
 Design Checklist SPD  
 Residential Parking Standards SPD  
 Marshfield Conservation Area SPD

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

- 3.1 PK00/1307/LB  
 Change of use of premises from printing workshop/studio (B1) with self-contained flat at first floor to single dwelling (C3). Internal and external alterations.  
 Approval 13.9.2000
- 3.2 PK00/1306/F  
 Change of use of premises from printing workshop/studio (B1) with self-contained flat at first floor to single dwelling (C3)  
 Approval 13.9.2000
- 3.3 P97/4732/L  
 Change of use of premises to form workshop/studio (B1) with self-contained flat at second floor. Internal and external alterations.  
 Consent 11.2.1998
- 3.4 P97/4731  
 Change of use of premises to form workshop/studio (B1) with self-contained flat at second floor  
 Approval 11.2.1998
- 3.5 P97/4176  
 Change of use of premises from printing works to use for manufacture and repair of computers (B1). Erection of freestanding satellite dish.  
 Refusal 18.9.1997
- Reason(s):  
 1. The proposed does not provide adequate parking and servicing facilities.
- 3.6 P93/1497/L  
 Rebuild section of boundary wall  
 Consent 19.5.1993
- 3.7 P93/1496  
 Rebuild section of boundary wall  
 Approval 19.5.1993

- 3.8 P86/1095  
Use of former chapel as printer's workshop and construction of vehicular access and parking area. (Renewal of temporary consent.)  
Approval 12.3.1986
- 3.9 P85/2473/L  
Internal alterations to building comprising (a) installation of toilet cubicles on first floor; (b) construction of new doorway into main hall at first floor level.  
Consent 20.11.1985
- 3.10 P85/2467/L  
Replace existing broken windows with clear glass.  
Consent 20.11.1985
- 3.11 NLBC381/1  
Demolition of boundary wall to facilitate construction of vehicular access.  
Approval 17.6.1982
- 3.12 NLBC381  
Removal of existing render and re-pointing of stonework. Renewal of windows.  
Re-roofing works with new rooflights.  
Approval 25.3.1982
- 3.13 N7452/1  
Construction of vehicular access and parking area.  
Approval 17.6.1982
- 3.14 N7452  
Use of former chapel as a printers workshop.  
Approval 11.6.1981

#### **4. CONSULTATION RESPONSES**

4.1 Marshfield Parish Council  
No objection

4.2 Other Consultees

Archaeology Officer  
No objection

Conservation Officer  
Objection – works fail to sustain or enhance the significance of this listed building and the Conservation Area

Sustainable Transport  
No objection

## **Other Representations**

### 4.3 Local Residents

4 local residents have commented. Their comments are as follows –

#### 3x support

- proposed works would be highly beneficial to the architectural and historic significance of the listed building and its setting within the village
- no loss of privacy

#### 1x objection

- negative impact on living conditions at No. 2 St Martins Lane due to intensified 2<sup>nd</sup> floor use and proposed rooflights and 1<sup>st</sup> floor garden room/terrace.
- north point incorrect on submitted plans
- SGC redline boundary incorrectly includes neighbours' attached outbuilding
- second floor level not shown on submitted plans so the proposed rooflights will allow direct overlooking
- no public benefit
- harm to the listed building

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

Development within existing residential curtilages is generally supported by the Local Planning Authority. Policy PSP38 of the Local Plan allows for the extension or alteration of a property subject to an assessment of design, amenity and transport. However, in addition to these considerations, when the building is listed or in a sensitive context, all relevant national and local policy requirements will need to be met as well.

### 5.2 Design, including impact on Heritage Assets

The planning history is considered to be material, as it appears that the chapel ceased being used for religious purposes and was subject to a change of use application in 1981 for a printer's workshop. Applications in 1997 saw the residential use introduced and new block and beam floors inserted internally. A subsequent application in 2000 saw this reconfigured and 4no. velux rooflights added to both north and south elevations.

5.3 As a result of the conversion works little remains internally that can be considered to be of historic or architectural merit, as along with a loss of fixtures and fitting, the subdivision has resulted in a loss of space.

5.4 Consequently, it is (along with its standing fabric) the architectural and aesthetic character of its external elevations of which its significance of this designated heritage asset can be considered to be derived. This however has also been compromised to a degree, as the first floor crashes across the windows to the south and north elevations and the row of 4no. crude and clunky rooflights in particular also detract from the character of the building. As a result of these previous alterations and the significance that can be placed on its external character, the approach in considering any further

- development proposals should be the placement of even greater emphasis in ensuring that the elevations of the buildings are either maintained in their current condition or enhanced.
- 5.5 The proposed scheme looks to subdivide the floors to a greater intensity than it is currently configured. While the removal of part of the first is noted, the second floor would see a significant level of subdivision to create what is proposed to be a 6no. bedroom dwelling.
  - 5.6 Although it is difficult to consider how the proposed works would do anything but further detract from the character of the building, as noted above, with the building already subdivided by “beam and block” floors, there is in effect little of value or character left to lose internally. Therefore, the harm overall would not result in any demonstrable harm.
  - 5.7 However, the external situation is somewhat different. The second line of velux rooflights, especially to the north elevation, would cause significant harm to the character of the building by further and significantly interrupting the roof plane and overtly announcing its domestic use. The cumulative impact of 2no. runs of velux rooflights is not acceptable and the implications for the proposed layout also are not clear in regards to vents and flues/SVPs, as 3no. bathrooms are proposed – 2no. en-suites and 1no. family room. The details of this need to be confirmed prior to determination as on their own or cumulatively, the result could be further harm as the roof is further interrupted by domestic paraphilia. Thus, along with being harmful to the significance of this listed building, the proposals would also fail to sustain or enhance the Marshfield Conservation Area.
  - 5.8 In addition to the description of development, there are a number of other external works which are not specifically listed. These are as follows –
  - 5.9 The proposed lowering of the lancet windows to the north elevation is not considered acceptable, as it would leave the windows of a scale or height that appears contrived, as they would be set below the top line of the plinth. It would also result in loss of fabric and upset the balance with the corresponding windows to the southern elevation. It is concluded their historic scale and configuration should remain intact.
  - 5.10 The alterations proposed for east and west porches are acceptable. While there remains some concern about the western porch, the creation of a terrace at first floor would not be visible from the public realm. The new window to the west elevation is also not considered to be contentious.
  - 5.11 With regards to the Framework, the harm the proposal would cause to the significance of the heritage asset would be ‘less than substantial’, but towards the upper end of the spectrum. Likewise, the impact on the significance of the Conservation Area would be within the same category, but towards the middle to lower end of the spectrum. Paragraph 196 of the Framework states that where a proposal would lead to ‘less than substantial’ harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal. The Framework states, at paragraph 194, that as heritage

assets are irreplaceable, any harm should require clear and convincing justification. Any works that would create a positive effect on a heritage asset would amount to a public benefit.

5.12 The applicant has not put forward any public benefits in support of the proposed works. Although it is stated that it would “improve natural light levels internally” and “make the building far more interesting and practical as a home”, this would be at the cost of losing part of the special architectural and historic interest of the building. Furthermore, it is noted that no attempt has been made to consider alternative solutions which would achieve the ends above and retain more of the original building fabric. Overall, Officers consider that any benefit would be ‘private’ alone. Therefore, no public benefits have been presented that would outweigh the overall harm caused to the heritage asset. This carries significant negative weight in decision-making and warrants refusal of the application.

5.13 Residential Amenity

The second floor bedrooms, including the mezzanine, would be provided with rooflights that provide the only source of natural light and outlook to those living spaces. In addition, a roof terrace/garden room will be added above an existing single storey side extension to the west elevation. The terrace area would be enclosed by a raised parapet of 0.8 metres. The neighbouring property at No. 2, St Martin’s Lane is located lower on the slope of the hill with private amenity to the north and west. Given the proposed location of the garden room/terrace and internal subdivision, both the terrace and rooflights would face the neighbour’s garden and would reduce the privacy for its occupants. As such, the proposed development would be contrary to policy PSP8 of the PSP that seeks to ensure development does not cause significant harm to the living conditions of neighbouring occupiers.

5.14 There is a sufficient amount of outside space to serve the host dwelling after development. Furthermore, it is not considered the living conditions of any other neighbouring occupiers would be prejudiced. However, neither matter overcomes the loss of privacy identified above.

5.15 Transport and Parking

Submitted plans show the level of parking provision complies with South Gloucestershire Council’s residential parking standards. On this basis, there is no transportation objection raised.

5.16 Consideration of likely impact on Equalities

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

It requires equality considerations to be reflected into the design of policies and the delivery of services.

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

## **7. RECOMMENDATION**

7.1 That planning permission is REFUSED.

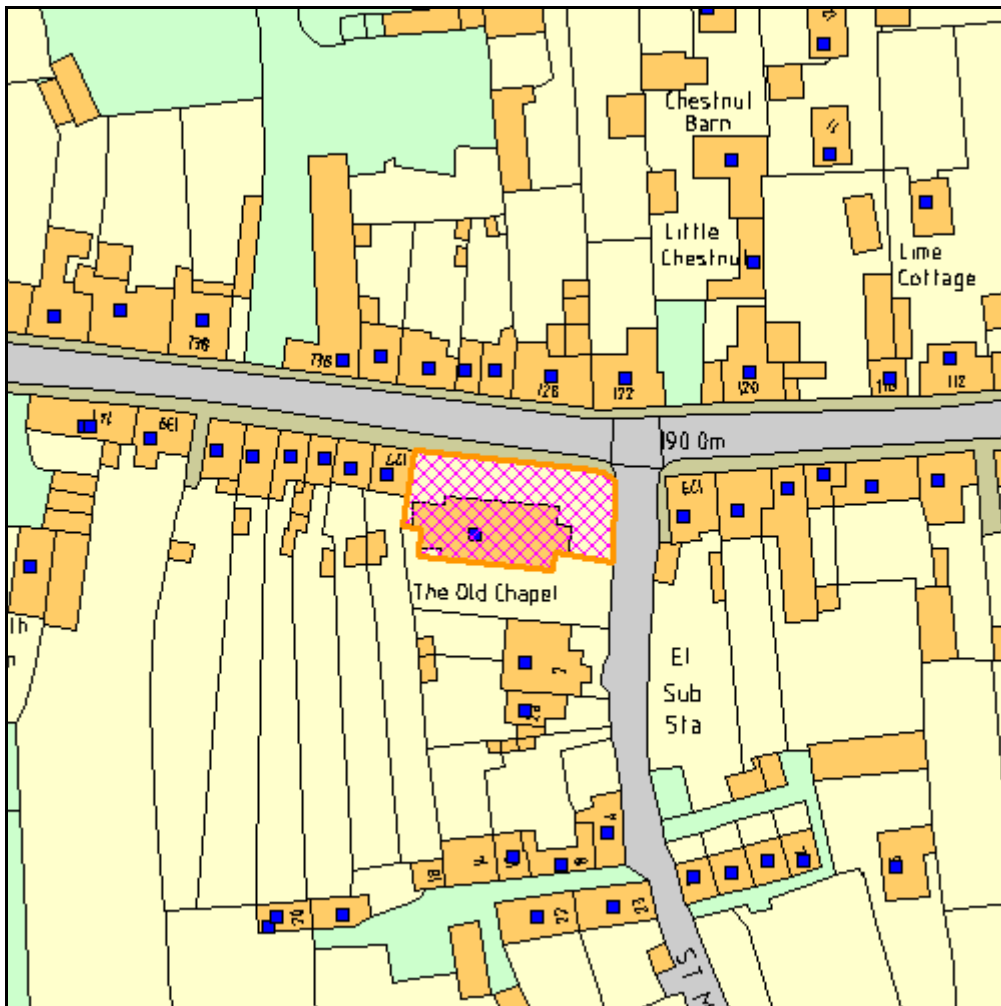
**Contact Officer: Helen Braine**  
**Tel. No. 01454 863133**

## **REFUSAL REASONS**

1. By virtue of the external works proposed, the special architectural and historic interest of the grade II listed Old Chapel would be harmed. Neither would the character and appearance of the Marshfield Conservation Area be sustained or enhanced. While the overall level of harm is 'less than substantial', there is no public benefit to outweigh this harm. The proposed scheme is therefore contrary to sections 66(1) & 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, PSP17, CS1 & CS9 and the Marshfield Conservation Area SPD.
2. The development, if permitted, would result in unacceptable harm to the residential amenities of occupiers at No. 2 St Martin's Lane, Marshfield by virtue of loss of privacy caused by the intensified residential use of the Old Chapel. The proposed development is therefore contrary to Policies PSP8 and PSP38 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

**CIRCULATED SCHEDULE NO. 04/20 – 24 JANUARY 2020**

<b>App No.:</b>	P19/15298/LB	<b>Applicant:</b>	Mr And Mrs Ian And Rebecca Price
<b>Site:</b>	The Old Chapel 125 High Street Marshfield Chippenham South Gloucestershire SN14 8LU	<b>Date Reg:</b>	21st November 2019
<b>Proposal:</b>	Internal and external alterations to include installation of roof lights, removal of sections of floor, erection of internal stud walls and alterations to porch roof.	<b>Parish:</b>	Marshfield Parish Council
<b>Map Ref:</b>	377545 173723	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Minor	<b>Target Date:</b>	13th January 2020



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 100023410, 2008. **N.T.S.** **P19/15298/LB**



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

### **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

This application is referred to the Circulated Schedule due comments received from members of the public which are contrary to the Officer's recommendation.

## **1. THE PROPOSAL**

- 1.1 This application seeks listed building consent to include internal and external alterations for
- installation of rooflights,
  - removal of sections of floor,
  - the erection of internal stud walls, and
  - alterations to a porch roof.
- 1.2 The application relates to 'The Old Chapel', No. 125 High Street, Marshfield. The property is grade II listed and lies within
- the Marshfield Conservation Area,
  - the Cotswolds AONB, and
  - an area of archaeological interest.
- 1.3 The application should be read in conjunction with P19/15292/F.

## **2. POLICY CONTEXT**

### **2.1 National Guidance**

Planning (Listed Buildings and Conservation Areas) Act 1990  
Planning (Listed Buildings and Conservation Areas) Regulations 1990  
(as amended)  
National Planning Policy Framework Feb 2019  
National Planning Practice Guidance  
Historic England's Good Practice Advice in Planning Note 2 "Managing Significance in Decision-Taking in the Historic Environment"  
Historic England's Good Practice Advice in Planning Note 3 "The Setting of Heritage Assets (2<sup>nd</sup> Edition)"

### **2.2 Development Plans**

#### **South Gloucestershire Local Plan Core Strategy Adopted December 2013**

CS1 High Quality Design  
CS9 Managing the Environment and Heritage

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

PSP17 Heritage Assets and the Historic Environment

### **2.3 Supplementary Planning Guidance**

Marshfield Conservation Area SPD

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

- 3.1 PK00/1307/LB  
Change of use of premises from printing workshop/studio (B1) with self-contained flat at first floor to single dwelling (C3). Internal and external alterations.  
Approval 13.9.2000
- 3.2 PK00/1306/F  
Change of use of premises from printing workshop/studio (B1) with self-contained flat at first floor to single dwelling (C3)  
Approval 13.9.2000
- 3.3 P97/4732/L  
Change of use of premises to form workshop/studio (B1) with self-contained flat at second floor. Internal and external alterations.  
Consent 11.2.1998
- 3.4 P97/4731  
Change of use of premises to form workshop/studio (B1) with self-contained flat at second floor  
Approval 11.2.1998
- 3.5 P97/4176  
Change of use of premises from printing works to use for manufacture and repair of computers (B1). Erection of freestanding satellite dish.  
Refusal 18.9.1997
- Reason(s):  
1. The proposed does not provide adequate parking and servicing facilities.
- 3.6 P93/1497/L  
Rebuild section of boundary wall  
Consent 19.5.1993
- 3.7 P93/1496  
Rebuild section of boundary wall  
Approval 19.5.1993
- 3.8 P86/1095  
Use of former chapel as printer's workshop and construction of vehicular access and parking area. (Renewal of temporary consent.)  
Approval 12.3.1986
- 3.9 P85/2473/L  
Internal alterations to building comprising (a) installation of toilet cubicles on first floor; (b) construction of new doorway into main hall at first floor level.  
Consent 20.11.1985
- 3.10 P85/2467/L  
Replace existing broken windows with clear glass.

Consent 20.11.1985

- 3.11 NLBC381/1  
Demolition of boundary wall to facilitate construction of vehicular access.  
Approval 17.6.1982
- 3.12 NLBC381  
Removal of existing render and re-pointing of stonework. Renewal of windows.  
Re-roofing works with new rooflights.  
Approval 25.3.1982
- 3.13 N7452/1  
Construction of vehicular access and parking area.  
Approval 17.6.1982
- 3.14 N7452  
Use of former chapel as a printers workshop.  
Approval 11.6.1981

#### **4. CONSULTATION RESPONSES**

4.1 Marshfield Parish Council  
No objection

4.2 Other Consultees

Conservation Officer

Objection – works fail to sustain or enhance the significance of this listed building and the Conservation Area

National Amenity Societies

No comment

#### **Other Representations**

4.3 Local Residents  
4 local residents have commented. Their comments are as follows –

3x support

- proposed works would be highly beneficial to the architectural and historic significance of the listed building and its setting within the village
- no loss of privacy

1x objection

- negative impact on living conditions at No. 2 St Martins Lane due to intensified 2<sup>nd</sup> floor use and proposed rooflights and 1<sup>st</sup> floor garden room/terrace.
- north point incorrect on submitted plans
- SGC redline boundary incorrectly includes neighbours' attached outbuilding
- second floor level not shown on submitted plans so the proposed rooflights will allow direct overlooking

- no public benefit
- harm to the listed building

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

This application stands to be assessed against National Planning Policy Framework and Planning (Listed Buildings and Conservation Areas) Act 1990.

### 5.2 Impact on the Listed Building

The planning history is considered to be material, as it appears that the chapel ceased being used for religious purposes and was subject to a change of use application in 1981 for a printer's workshop. Applications in 1997 saw the residential use introduced and new block and beam floors inserted internally. A subsequent application in 2000 saw this reconfigured and 4no. velux rooflights added to both north and south elevations.

5.3 As a result of the conversion works little remains internally that can be considered to be of historic or architectural merit, as along with a loss of fixtures and fitting, the subdivision has resulted in a loss of space.

5.4 Consequently, it is (along with its standing fabric) the architectural and aesthetic character of its external elevations of which its significance of this designated heritage asset can be considered to be derived. This however has also been compromised to a degree, as the first floor crashes across the windows to the south and north elevations and the row of 4no. crude and clunky rooflights in particular also detract from the character of the building. As a result of these previous alterations and the significance that can be placed on its external character, the approach in considering any further development proposals should be the placement of even greater emphasis in ensuring that the elevations of the buildings are either maintained in their current condition or enhanced.

5.5 The proposed scheme looks to subdivide the floors to a greater intensity than it is currently configured. While the removal of part of the first is noted, the second floor would see a significant level of subdivision to create what is proposed to be a 6no. bedroom dwelling.

5.6 Although it is difficult to consider how the proposed works would do anything but further detract from the character of the building, as noted above, with the building already subdivided by "beam and block" floors, there is in effect little of value or character left to lose internally. Therefore, the harm overall would not result in any demonstrable harm.

5.7 However, the external situation is somewhat different. The second line of velux rooflights, especially to the north elevation, would cause significant harm to the character of the building by further and significantly interrupting the roof plane and overtly announcing its domestic use. The cumulative impact of 2no. runs of velux rooflights is not acceptable and the implications for the proposed layout also are not clear in regards to vents and flues/SVPs, as 3no. bathrooms are proposed – 2no. en-suites and 1no. family room.

- The details of this need to be confirmed prior to determination as on their own or cumulatively, the result could be further harm as the roof is further interrupted by domestic paraphilia. For these reasons, it is concluded the significance of this listed building will be harmed.
- 5.8 In addition to the description of development, there are a number of other external works which are not specifically listed. These are as follows –
- 5.9 The proposed lowering of the lancet windows to the north elevation is not considered acceptable, as it would leave the windows of a scale or height that appears contrived, as they would be set below the top line of the plinth. It would also result in loss of fabric and upset the balance with the corresponding windows to the southern elevation. It is concluded their historic scale and configuration should remain intact.
- 5.10 The alterations proposed for east and west porches are acceptable. While there remains some concern about the western porch, the creation of a terrace at first floor would not be visible from the public realm. The new window to the west elevation is also not considered to be contentious.
- 5.11 With regards to the Framework, the harm the proposal would cause to the significance of the heritage asset would be ‘less than substantial’, but towards the upper end of the spectrum. Paragraph 196 of the Framework states that where a proposal would lead to ‘less than substantial’ harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal. The Framework states, at paragraph 194, that as heritage assets are irreplaceable, any harm should require clear and convincing justification. Any works that would create a positive effect on a heritage asset would amount to a public benefit.
- 5.12 The applicant has not put forward any public benefits in support of the proposed works. Although it is stated that it would “improve natural light levels internally” and “make the building far more interesting and practical as a home”, this would be at the cost of losing part of the special architectural and historic interest of the building. Furthermore, it is noted that no attempt has been made to consider alternative solutions which would achieve the ends above and retain more of the original building fabric. Overall, Officers consider that any benefit would be ‘private’ alone. Therefore, no public benefits have been presented that would outweigh the overall harm caused to the heritage asset. This carries significant negative weight in decision-making and warrants refusal of the application.
- 5.13 Consideration of likely impact on Equalities  
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could

positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

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

## **6. CONCLUSION**

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

## **7. RECOMMENDATION**

7.1 That listed building consent is REFUSED.

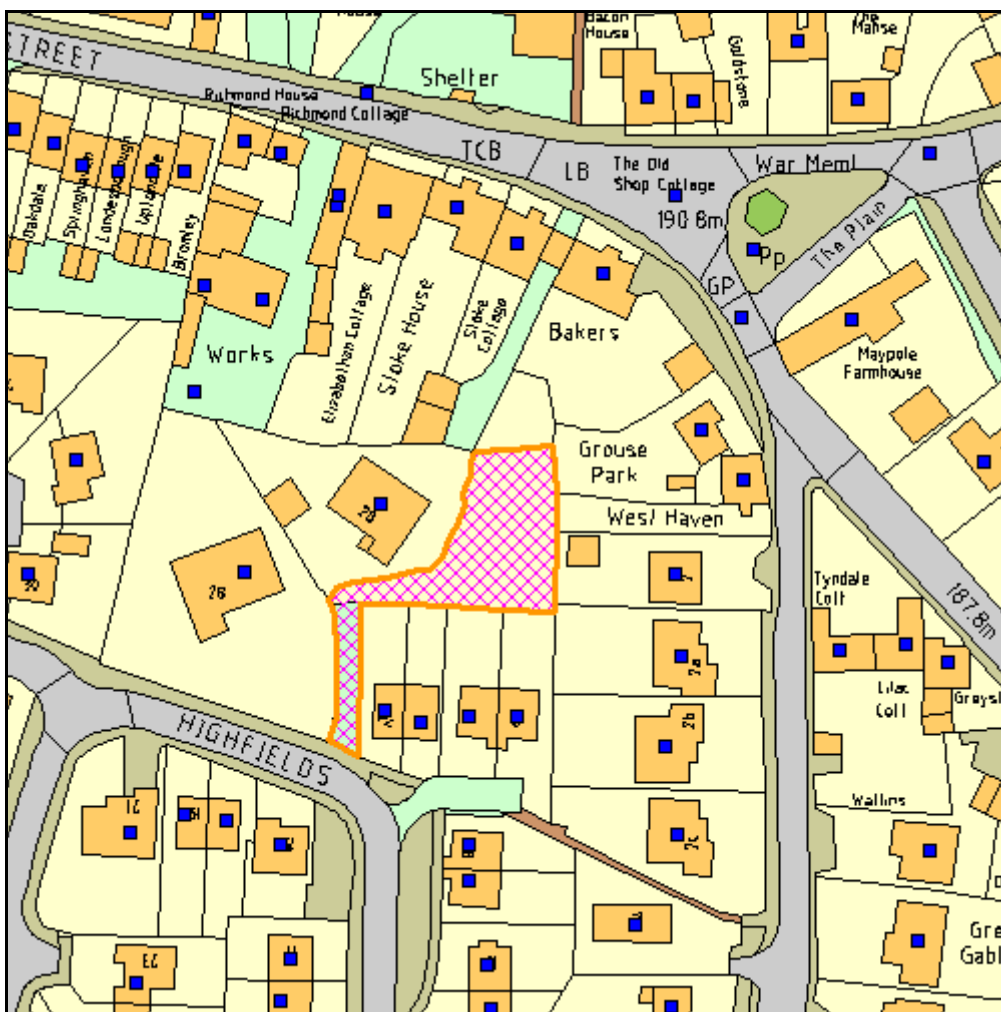
**Contact Officer: Helen Braine**  
**Tel. No. 01454 863133**

## **REFUSAL REASONS**

1. By virtue of the external works proposed, the special architectural and historic interest of the Old Chapel would be harmed. While the overall level of harm is 'less than substantial', there is no public benefit to outweigh this harm. The proposed scheme can therefore be considered contrary to Sections 16(2) and 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990, PSP17 and CS9.

**CIRCULATED SCHEDULE NO. 04/20 – 24 JANUARY 2020**

<b>App No.:</b>	P19/16504/F	<b>Applicant:</b>	Mr Ian Jones
<b>Site:</b>	Land At 26 Highfields Hawkesbury Upton Badminton South Gloucestershire GL9 1BJ	<b>Date Reg:</b>	15th November 2019
<b>Proposal:</b>	Erection of 1 no. detached dwelling with associated works.	<b>Parish:</b>	Hawkesbury Parish Council
<b>Map Ref:</b>	377932 186890	<b>Ward:</b>	Chipping Sodbury And Cotswold Edge
<b>Application Category:</b>	Minor	<b>Target Date:</b>	9th January 2020



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

### **REASON FOR APPEARING ON CIRCULATED SCHEDULE**

This application appears on the Council's Circulated Schedule procedure due to an objection from the Parish Council which is contrary to the officer recommendation detailed below.

## **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for 1 no. detached dwelling and associated works at 26 Highfields, Hawkesbury Upton.
- 1.2 The site is adjacent to the Hawkesbury Upton Conservation Area which runs along the northern boundary of the site, and the site is considered to affect the setting of Bakers House which is a grade II listed property. The site is also in the Cotswolds Area of Outstanding Natural Beauty (AONB).
- 1.3 Amendments were received during the course of the application to move the dwelling slightly to the north to allow additional space to access parking bay no. 2, whilst also providing additional information regarding the proposed eastern boundary. As the dwelling had moved slightly north, a period of public re-consultation was carried out.

## **2. POLICY CONTEXT**

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

- CS1 High Quality Design
- CS5 Location of Development
- CS8 Accessibility
- CS9 Environment and Heritage
- CS16 Housing Density
- CS17 Housing Diversity

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

- PSP1 Local Distinctiveness
- PSP2 Landscape
- PSP3 Trees and Woodland
- PSP8 Residential Amenity
- PSP11 Highway Safety
- PSP16 Parking
- PSP17 Heritage



## PSP38 Development within Existing Residential Curtilages

- 2.3 Supplementary Planning Guidance  
Design Checklist (SPD)  
Waste Collection for New Developments (SPD)  
Assessing Residential Amenity (TAN)  
Hawkesbury Upton Conservation Area Advice Note

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

- 3.1 There is no recent planning history.

### 4. **CONSULTATION RESPONSES**

- 4.1 Hawkesbury Upton Parish Council  
- Concerned that the Access and Parking area seems rather tight.  
- Would like to see the refurbishing of the boundary wall to the east is made a condition of the planning application  
- Would like the neighbour's comments to be taken into consideration and the species of native hedge to be specified

4.2 Other Consultees

Highway Structures

No comment.

Lead Local Flood Authority

Informatives recommended.

Sustainable Transport

No objection subject to electrical vehicular charging point to be provided by condition.

Listed Building and Conservation

No objection.

Archaeology Officer

No comment.

Landscape Officer

No comment received.

Cotswolds Conservation Board

No comment.

### **Other Representations**

- 4.3 Local Residents  
One neutral comment has been received making the following points:  
- No mention of relationship with no. 2 Sandpits Lane, which will be overlooked

- The 'native' hedge along the east boundary consists of leylandi trees behind Westhaven and Grouse Park and old shrubs behind no. 2. They are not native and have lots of gaps and are not adequate screening. A fence is required
- House should be shifted to the north by 3m
- No energy reduction strategies proposed to accord with policy PSP6
- Application makes no reference to design SPD
- No landscaping proposed or mention of on-site trees
- Revised plans submitted do not give details of how existing hedge will be enhanced and do not adequately address concerns about screening.

One letter of objection has been received making the following points:

- Access inadequate for three dwellings, cars will have to reverse onto the road as there is no passing place. Also concerned about visibility splay and impact of additional bins
- Development is cramped
- House value of surrounding properties will be affected.
- Photographs submitted are not adequate to assess development
- Any changes to shared access must be made known to other owners
- Object to boundary fence between site and no. 28
- Object to use of cotwolds shingle to access as not in keeping with existing tarmac
- Development noise, access and working hours need to be addressed

#### 4.4 Councillor Patricia Trull

I attended the Parish Council meeting and whilst there were no objections there were concerns regarding privacy and hedging/fencing. Trees on site were mentioned and I have asked the Tree officer to look at this matter.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

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

- 5.2 An assessment regarding the impact on the Conservation Area and grade II listed Bakers House should also be undertaken and policies PSP17 and CS9 are relevant in this regard. Policy PSP2 should be complied with in order to protect the character of the AONB.

### 5.3 Design and Heritage

The site is outside of the Conservation Area although it is adjacent to it, and is also close to a number of listed buildings within the Conservation Area, with Bakers House (Grade II listed) being the closest. It is not considered that the proposal would result in any significant changes to the character of the setting of the Conservation Area, either in views towards the Conservation or from

- within it looking out towards the site. There is no objection from a heritage perspective.
- 5.4 In terms of design, the application site is between two stone bungalows (no 26 and 28 Highfields) in a contemporary style with an 'L' shaped footprint and a gable roofline. The proposed dwelling appears to match the materials used in no 26 (although this will be secured via condition) and has a smaller, more rectangular footprint and a hipped roof. Despite the differing design, the proposal is considered acceptable given the variety of architecture along Highfields and the use of the same material palette will allow the new dwelling to sympathetically integrate with no. 26 and no. 28. Objections regarding the proposed use of Cotswold shingle on the proposed private driveway have been submitted, however officers do not agree that the material used on the private driveway must match the tarmac proposed on the shared access.
- 5.5 Amendments to improve the layout were received on 16<sup>th</sup> December 2019, which consisted of moving the dwelling very slightly north so the parking area was less cramped. There is adequate space for parking, refuse storage and cycle storage. Overall the development is considered to accord with policy CS1, CS9 and PSP17 of the Development Plan.
- 5.6 Landscaping and Vegetation  
Although the site is designated as being part of the Cotswolds AONB, it is located within the settlement boundary of Hawkesbury Upton and surrounded by existing residential development. Furthermore the proposal is single storey and overall it is concluded that it will not have an impact on the wider AONB. The proposal accords with policy PSP2.
- 5.7 Comments received during the consultation period refer to concerns about loss of trees at the site. There are a number of very small trees or shrubs surrounding the edges of the site and one small to medium sized tree which is not of a native species. None of them are considered to make a significant contribution to the visual amenity of the area due to their size, and so if they are affected by the development then it would not be harmful to the visual amenity of the public realm or the adjacent Conservation Area. Furthermore, the footprint of the dwelling proposed is laid to grass so it is probable they will be retained as part of the existing boundary treatment.
- 5.8 Residential Amenity  
The gaps in the hedge along the eastern boundary are noted, and in order to protect the amenity of no. 2 Sandpits Lane the applicant has proposed to fill in the gaps with native planting. This will be conditioned on the decision notice. A 2m fence is proposed between the host dwelling and the proposed dwelling, and the existing boundary to the south of the site is being retained. Subject to this, the amenities of the surrounding dwellings is considered to be protected.
- 5.9 Turning to the amenities of the application site, both dwellings have very large private gardens in excess of 200sqm each. The development accords with policy PSP8 and PSP43.

#### 5.10 Transport

Two spaces are required for both the existing dwelling and the new dwelling, and the plans show that this can be provided along with adequate space for turning. Following the submission of revised plans showing the proposed dwelling moved to the north, parking space no. 2 is now more accessible. The dwelling is an acceptable distance from Highfields and therefore occupiers will be able to put out their refuse for collection along with no. 26 and 28. The development is considered to accord with policies PSP11 and PSP16.

- 5.11 As parking space no. 2 is adjacent to the proposed dwelling, it is considered appropriate to attach a condition to ensure that an electrical vehicle charging point is installed at the dwelling prior to first occupation, with details to be submitted for approval in order to accord with policy PSP6.

#### 5.12 Other Issues

Comments regarding the value of surrounding dwellings has been given limited weight as house prices are not a planning consideration. Comments regarding land ownership and notifying neighbours of changes to the shared access are civil issues that do not affect the determination of the planning application.

#### 5.13 Consideration of likely impact on Equalities

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

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

## 6. CONCLUSION

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

## 7. **RECOMMENDATION**

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

**Contact Officer: Trudy Gallagher**  
**Tel. No. 01454 864735**

### **CONDITIONS**

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

Reason

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

2. The materials to be used in the construction of the dwelling hereby permitted shall match the appearance of those used in the adjacent dwelling known as no. 26 Highfields.

Reason

In the interests of visual amenity and to ensure high quality design, in accordance with policy CS1 of the Core Strategy (Adopted) December 2013, PSP1 of the Policies Sites and Places Plan (Adopted) Nov 2017 and the National Planning Policy Framework.

3. Prior to first occupation of the development hereby approved, any gaps within the eastern boundary must be strengthened with native planting, and the boundary shall be maintained at all times thereafter.

Reason

In order to protect the residential amenities of the application site and no. 2 Sandpits Lane, and to accord with policy PSP8 of the Policies Sites and Places Plan (Adopted) Nov 2017 and the National Planning Policy Framework.

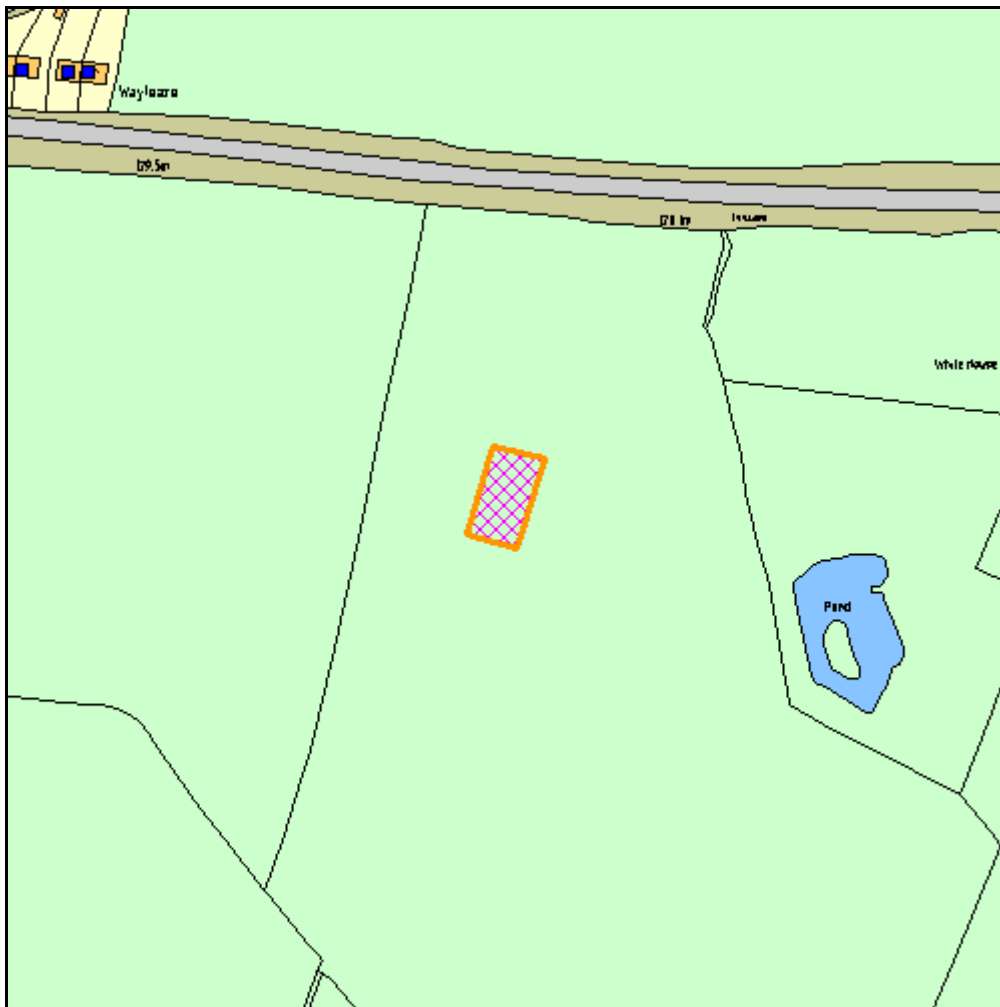
4. Prior to first occupation of the development hereby approved, details of an electrical vehicular charging point (or other ultra low emission facility) must be submitted for written approval by the Local Planning Authority. The approved facilities must be implemented prior to first occupation of the development and thereafter maintained.

Reason

In order to encourage more sustainable travel choices and to accord with policy PSP6 of the Policies Sites and Places Plan (Adopted) Nov 2017.

**CIRCULATED SCHEDULE NO. 04/20 – 24 JANUARY 2020**

<b>App No.:</b>	P19/17550/F	<b>Applicant:</b>	Mr Michael Hobbis Healthy Cows UK
<b>Site:</b>	Wapley Hill Farm Codrington Road Westerleigh South Gloucestershire BS37 8RQ	<b>Date Reg:</b>	26th November 2019
<b>Proposal:</b>	Erection of 1no. Agricultural workers dwelling with associated works (resubmission of P19/7016/F)	<b>Parish:</b>	Dodington Parish Council
<b>Map Ref:</b>	371732 178953	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Minor	<b>Target Date:</b>	20th January 2020



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 100023410, 2008. **N.T.S.** **P19/17550/F**

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

### **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

This application is referred to the Circulated Schedule due comments received from members of the public which are contrary to the Officer's recommendation.

## **1. THE PROPOSAL**

- 1.1 This application seeks full planning permission for the erection of an agricultural workers dwelling with associated works at Wapley Hill Farm, Westerleigh. This is a resubmission of an application determined earlier last year for the same development. Additional information has been provided to address the reasons for refusal.
- 1.2 The application site relates to an area of land forming part of the established dairy business. The site is located off the B4465, in the open countryside, within the Bristol & Bath Green Belt and outside any settlement boundary.

## **2. POLICY CONTEXT**

### **2.1 National Guidance**

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

### **2.2 Adopted 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 Environment and Heritage
CS34	Rural Areas

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP7	Development in the Green Belt
PSP8	Residential Amenity
PSP16	Parking Standards
PSP40	Residential Development in the Countryside
PSP41	Rural Workers Dwellings
PSP43	Residential Amenity Space Standards

### **2.4 Supplementary Planning Guidance**

South Gloucestershire Design Checklist SPD (Adopted) 2007

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

3.1 P19/7016/F

Erection of 1no agricultural workers dwelling and associated works.  
Refusal 11.9.2019

Reason(s):

1. The site is located within the Bristol & Bath Green Belt and the proposal does not fall within the limited categories of development normally considered appropriate within the Green Belt. The applicant has not demonstrated that very special circumstances apply, such that the normal presumption against development in the Green Belt should be overridden. The proposal is therefore contrary to the provisions of CS1 of the South Gloucestershire Core Strategy (Adopted) December 2013; PSP7 of the South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2017; and the 2019 National Planning Policy Framework.
2. The proposal for a new agricultural workers dwelling in the countryside is refused on the basis that the information submitted in support of the development, along with the independent rural surveyor's report, has failed to demonstrate that there is an essential need for a rural worker to live permanently on the site. The proposal is therefore contrary to the provisions of Policy CS5 and CS34 of the South Gloucestershire Core Strategy (Adopted) December 2013; Policy PSP41 of the South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2017; and the 2019 National Planning Policy Framework.

3.2 PK17/4203/PNA

Prior notification of the intention to erect an agricultural building for the storage of hay and straw.  
No objection 4.10.2017

3.3 PK14/1112/F

Erection of an agricultural building.  
Approved 1.9.2014

3.4 PK14/010/SCR

Erection of an agricultural building.  
EIA not required 2.5.2014

3.5 PK13/009/SCR

Erection of 37m high wind turbine with ancilliary works (Resubmission of PK12/3583/F) Screening Opinion for PK13/0119/F  
EIA not required 13.3.2013

3.6 PK13/0119/F

Erection of 37m high wind turbine with ancilliary works. (Resubmission of PK12/3583/F).  
Refused 11.4.2013



Reason(s):

1. The proposed development would represent inappropriate development in the Green Belt. It is considered that the applicant has failed to demonstrate very special circumstances, which outweigh the harm that is caused by definition to the Green Belt. Furthermore it is considered that the applicant has failed to demonstrate very special circumstances that clearly outweigh the harm caused to the openness of the Green Belt. The proposal is therefore contrary to Policy GB1 of the South Gloucestershire Local Plan.

Appeal allowed APP/P0119/A/13/2196500 28.11.2013

3.7 PK12/3583/F

Erection of 37 metre high wind turbine with ancillary works

Withdrawn 15.1.2013

3.8 PK09/1129/F

Change of use of agricultural land (Sui Generis) to recreational fishing (Use Class D2) and engineering works to form fishing lakes with associated landscaping and other works.

Refused 16.9.2009

Reason(s):

1. The proposed change of use of the land, would by virtue of the engineering works required to facilitate it, fail to maintain the openness of the Bristol/Bath Green Belt. The proposed scheme is therefore considered inappropriate development within the Green Belt which by definition would be harmful to the Green Belt. The proposed scheme is therefore considered contrary to Policy 16 of the Joint Replacement Structure Plan, Policy GB1 of the South Gloucestershire Local Plan (Adopted) January 2006 and the provisions of PPG2 and the South Gloucestershire Development within the Green Belt SPD.
2. The waste disposal operation at this location represents inappropriate development in the Green Belt, contrary to Policy 9 of the South Gloucestershire Minerals and Waste Local Plan.
3. The proposals do not comply with the limited criteria for the acceptable disposal of inert, construction or demolition waste set out Policy 43 of the South Gloucestershire Minerals and Waste Local Plan and as such are contrary to this policy.
4. The proposed development will result in a loss of habitat of a colony of great crested newts (a European Protected Species, protected under the Habitat Regulations 1994) associated with one of the ponds on site, contrary to the Habitat Regulations 1994, the Countryside & Rights of Way (CROW) Act 2000, PPS9 and Policy L9 of the South Gloucestershire Local Plan. The application contained insufficient ecological information to satisfactorily demonstrate that development would not detrimentally impact on a European Protected Species contrary to recent judicial review (R v East Cheshire Borough Council).
5. Development will result in a loss of land identified in the application as being potential habitat for a range of notable or protected species of fauna, contrary to ODPM Circular 06/05, the Council's planning guidance 'Biodiversity and the Planning Process' and Policy L9 of the South Gloucestershire Local Plan. The application contained insufficient information to satisfactorily demonstrate that development will not adversely affect those species, contrary to ODPM Circular 06/05 and Policy L9 of the Local Plan.
6. Development will result in the loss of a hedgerow. The application omitted to include a survey of the hedgerow to enable it to be assessed as 'species-rich' and

- importance under the 1997 Hedgerow Regulations. Species-rich hedgerows are a habitat listed on both the UK and South Gloucestershire Biodiversity Action Plan and its loss would be contrary to Policy L9 of the South Gloucestershire local Plan.
7. Development will result in a loss of grassland containing species of flora indicative of species-rich semi-improved/unimproved grassland, a habitat listed on both the UK and South Gloucestershire Biodiversity Action Plan and its loss would be contrary to Policy L9 of the South Gloucestershire Local Plan. The application omitted to include sufficient information as requested (extended Phase 1 habitat survey of the grassland) to satisfactorily demonstrate that development would not adversely affect such a habitat.
  8. The proposed scheme would affect a public right way and through the formations of the bunds, it would introduce gradients of 1:4 and 1:6. This would restrict accessibility to an unacceptable level and so the proposed scheme is considered contrary to Policy LC12 of the South Gloucestershire Local Plan (Adopted) 2006.
  9. By reason of a lack of a landscape strategy and a detailed tree and hedgerow survey and the considered engineered appearance of the proposed bunds, the proposed scheme would fail to protect and enhance the existing landscape and so the proposed scheme is considered contrary to Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006.
  10. By virtue of the lack of information to demonstrate the archaeological significance of the site, the proposed scheme is considered contrary to Policy L11 of the South Gloucestershire Local Plan (Adopted) January 2006.

#### **4. CONSULTATION RESPONSES**

4.1 Dodington Parish Council  
No comment

4.2 Other Consultees

Highway Structures  
No objection

Lead Local Flood Authority  
1x PTP condition

Sustainable Transport  
No objection

Landscape Officer  
Objection

Agricultural Consultant  
Objection – Without a sustainable business, a permanent dwelling cannot be supported.

#### **Other Representations**

4.3 Local Residents  
3x local residents have supported the scheme. Their comments are as follows

- Enhance the viability of an already profitable business and ensure its continued success
- Beneficial to rural economy

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 **Principle of Development**

Since new evidence has been produced by the applicant since the previous refusal (P19/7016/F), this application shall be considered afresh.

5.2 The NPPF makes a presumption in favour of sustainable development and has a strong emphasis in respect of supporting economic growth in rural areas. Both national and local policy state isolated dwellings in the countryside should be avoided, but rural workers dwellings can be an acceptable form of development subject to meeting strict criteria. This is discussed in depth below.

5.3 However, the site is also located in the Green Belt. New buildings are considered to be inappropriate development here unless they meet the relevant considerations within the exception list. The new building is for residential purposes and therefore is assessed as not meeting any of these exceptions. As such, paragraph 143 of the NPPF sets out that the development would be inappropriate development in the Green Belt, which should not be approved except in 'very special circumstances'. The applicant has pointed out a couple of other considerations which he considers to be material to this case. First, is the creation of a job and a comprehensive training programme provided and second, is the on-site essential need for a dwelling. In terms of the former however, the applicant's offer of a learning and training opportunity is not exclusive and if such an employee is not forthcoming, this does not prevent the landowner hiring an experienced farm manager. Therefore, Officers cannot take such an offer into account in their deliberations.

5.4 Turning to the latter, without strong justification to support the proposal, the introduction of new dwellings in the countryside are resisted by both national and local planning policies. This justification takes the form of a business case, including a financial appraisal establishing if the business is/will be a profitable concern and one that is likely to continue in the future. Based on the information provided, an assessment of functional need will need to be made to prove that workers are needed on site and for 24 hours a day, for animal welfare reasons. A planning assessment continues with regard to other detailed matters.

### 5.5 **The Need for the Development**

It is necessary to assess whether or not there is a genuine need to provide a dwelling on the site in order to support the diary business. The applicant has provided *revised* information which describes the business, the farm buildings, the land holdings, labour requirement, the functional need, and projected cashflows. Given the potential complexity of these type of applications, it is the recognised practice for the LPA to engage an independent assessor to scrutinise the applicant's case and provide advice accordingly. The findings of this independent assessment are summarised as follows –

5.6 *Business Description*

The following paragraphs are largely unaltered from that detailed in the August 2019 report as the historic business description remains unchanged.

5.7 Wapley Hill Farm is a 30 acre holding situated approximately 1.5 miles south east of Westerleigh. From the planning statement, it is understood that the applicant purchased the land in 2012 to develop a dairy farm. In September 2014, planning permission was granted for a steel framed building to accommodate a 50 cow dairy unit (PK14/1112/F).

5.8 Following erection of the building (and an apparent investment of approximately £500,000), the applicant started milking in 2016. In September 2017, a young farmer took on a Farm Business Tenancy on the site to operate a 40 cow unit; this tenancy will be surrendered at the end of August.

5.9 The intention now it appears is for the farm to be taken back in hand and the applicant to employ a farm manager to run a 50 cow herd. The latest appraisal on behalf of the applicant states that this is a *specialised 50 cow dairy unit* and in the next paragraph states that *the applicant will increase the number of cows to 50 holsteins*. The agent has confirmed that the unit is *temporally between herds* i.e. there is currently no milking herd.

5.10 *Labour*

The planning statement details that the unit is able to be managed by one full time worker and is supported by a separate document entitled Wapley Hill Dairy – Typical Daily Routine which has been taken into account.

5.11 Given this is not a niche business, it is not unreasonable to consider the employment needs and the scale of the business using standard data. In doing so, it was previously calculated that the labour requirement for the unit was 0.8 full time equivalent labour units based on a herd size of 50 cows i.e. less than a full time worker. For information, according to Defra, the average size of the UK dairy herd in 2018 was 148 cows.

5.12 *Dwellings available to the Business*

There is limited information available in the application documentation, however it is assumed that there are no dwellings on the holding, hence the reason for the planning application. The agent has subsequently confirmed that the applicant *owns the property and lives some distance away*.

5.13 The agent has confirmed that the applicant is the person who developed the unit, however, he is 66 years old and not physically capable of running the unit. The proposal for a permanent dwelling on the holding is to accommodate a farm manager who has yet to be appointed.

5.14 **Evaluation of the Business in terms of NPPF paragraph 79 and PSP41**

The Government revised the NPPF in July 2018 and February 2019. Previously paragraph 55 related to isolated dwellings in the countryside but this has now been replaced by paragraph 79 which states:

*Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:*

*a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;*

*b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;*

*c) the development would re-use redundant or disused buildings and enhance its immediate setting;*

*d) the development would involve the subdivision of an existing residential dwelling; or*

*e) the design is of exceptional quality, in that it:*

*- is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*

*- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.*

5.15 The principle issue in relation to this application and the NPPF policy is whether there is an **essential need** for residential accommodation in association with the farming business.

5.16 On 22 July 2019, the Government introduced guidance under the PPG as to how the need for isolated homes in the countryside for essential rural workers can be assessed when considering paragraph 79a of the NPPF. Considerations could include the following:

- evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural, forestry or similar land-based rural enterprise (for instance, where farm animals or agricultural processes require on-site attention 24-hours a day and where otherwise there would be a risk to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products);*
- the degree to which there is confidence that the enterprise will remain viable for the foreseeable future;*
- whether the provision of an additional dwelling on site is essential for the continued viability of a farming business through the farm succession process;*
- whether the need could be met through improvements to existing accommodation on the site, providing such improvements are appropriate taking into account their scale, appearance and the local context; and*
- in the case of new enterprises, whether it is appropriate to consider granting permission for a temporary dwelling for a trial period.*

*Employment on an assembly or food packing line, or the need to accommodate seasonal workers, will generally not be sufficient to justify building isolated rural dwellings.*

- 5.17 Local Plan Policy PSP41 relating to Rural Workers Dwellings states the following:

*Outside of the defined settlement boundaries, the erection of dwellings for permanent workers in agriculture, forestry or other rural businesses will be acceptable, where the applicant can demonstrate that:*

- 1) the dwelling is required to satisfy a clearly established existing functional need to live at the place of work or within the immediate area, which can't be met within the defined settlement boundaries; and*
- 2) the rural business has been established for at least three years, has been profitable for at least one of them, is financially sound, and has a clear prospect of remaining so; and*
- 3) the need could not be fulfilled by another existing dwelling or building capable of conversion on the unit, or any other accommodation or building capable of conversion in the area, which is suitable and available for occupation by the worker concerned; and*
- 4) the proposal(s) is satisfactorily sited in relation to the rural business and wherever possible, is sited within a hamlet or existing group of buildings.*

*In the case of new business, where the need and location have been established but permanence cannot be demonstrated, the consideration will be given to temporary accommodation, whilst the business establishes.*

5.18 *Functional Need*

A functional test is needed to understand what it is about the running of the business that requires someone to be present most of the time. This need must relate to the business based on the stocking and cropping requirements and not the personal needs of those running the business. The need must also relate to a full time worker.

- 5.19 A functional need can exist where there is a requirement for a worker to be on hand day and night in case the housed animals require essential care at short notice i.e. on welfare grounds. Despite the provision of additional information relating to the daily work routine, Officers remain yet to be convinced that the scale of this business generates a full time labour need to warrant on-site accommodation. As stated previously, calculations using standard data indicate a requirement for 0.8 labour units based on 50 cows. Officers are therefore not content that the functional need test is satisfied.

5.20 *Permanent Dwelling*

A permanent dwelling should only be considered on well-established units. The intention from the applicant has been to operate a 50 cow dairy herd. Despite owning the property since 2012, the business has yet to meet the intended scale. Furthermore, being between herds following the departure of the tenant late 2019, there is currently no milking herd and no need for a dwelling.

- 5.21 It is therefore Officer opinion that the enterprise is not suitably established to justify the case for a permanent dwelling.
- 5.22 *Financial Viability*  
The financial test for a permanent dwelling, noting Local Plan policy PSP41, must show that the business is economically viable and there is a clear prospect of remaining so. The assessment is typically based on a review of trading accounts, normally for a period of 3 years. In this case, there are no trading accounts for the existing business. The applicant's financial case is based on a 12-month cashflow and anticipated sales, expenditure and profitability.
- 5.23 The provision of a cashflow setting out the potential direction of a business is normally associated with applications for a temporary dwelling. Without the provision of appropriate financial data, Officers remain unconvinced that the financial test for a permanent dwelling has been met.
- 5.24 *Other Accommodation*  
A Rightmove search has indicated that there is currently no accommodation in the vicinity available for rent or purchase which could potentially be suitable to meet the need.
- 5.25 **Is there an essential need for a key worker to live at or near to the place of work in the countryside?**  
The case has been assessed under the guidance laid out in paragraph 79 of the NPPF and Local Plan Policy PSP41 i.e. whether there is an essential need for a key worker to live at or near to the place of work in the countryside. Despite the provision of additional information to *clarify any areas of misunderstanding*, Officers remain of the opinion that both functional and financial tests have not been met and as a result this application cannot be supported.
- 5.26 The above assessment, along with the lack of very special circumstances, indicates that a need for a new dwelling at this location has not been justified. The report now moves on to discuss other matters such as design, visual amenity, residential amenity, transport and drainage.
- 5.27 Design, Visual Amenity & Landscaping  
Previously it was found that the design of the proposal was acceptable and given that the submitted plans remain unchanged, this matter is not in dispute. A suitable landscaping plan could also specify the provision of appropriately native hedgerows and trees on boundaries and control external lighting, in the interests of screening and integration.
- 5.28 Residential Amenity  
No harm was previously found to future occupier amenity and the proposal is an adequate distance from neighbours. This is considered to be the case again.

5.29 Transportation Matters

The previous version of the scheme was not refused on transportation grounds. After assessment, it is considered that this position remains unchanged and therefore the proposal raises no parking or highway safety concerns.

5.30 Drainage

Foul water waste disposal was discussed under application P19/7016/F but a septic tank was considered acceptable by condition. Such a condition is still considered to be necessary and reasonable, and would be attached if approval were recommended.

5.31 Consideration of likely impact on Equalities

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

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

5.33 Overall Conclusion

Despite the applicant providing additional evidence, the independent rural surveyor has concluded there is no case for an agricultural workers dwelling on this site. Functional and financial tests have not been passed and no special circumstances have been proven. Paragraph 79 of the NPPF clearly states that such a development should be avoided and as such it is recommended that the application is refused.

## 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 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 REFUSED.



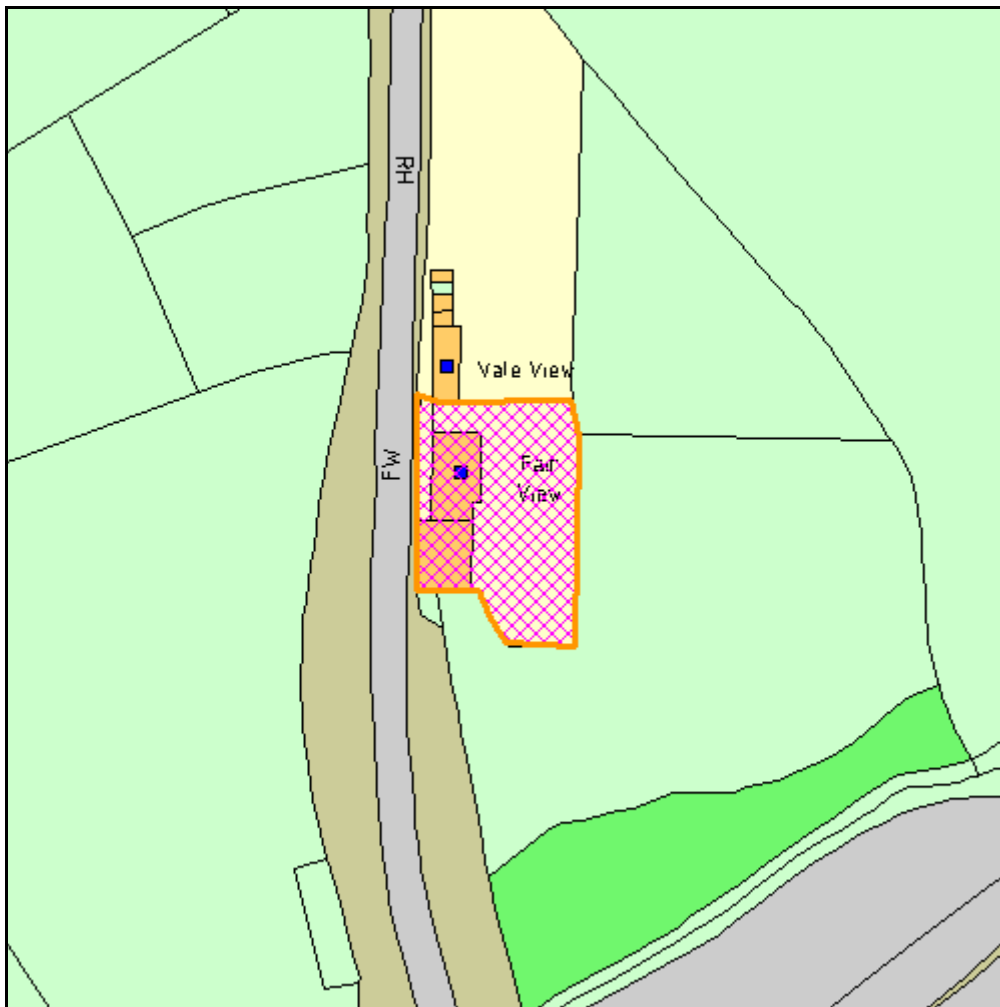
**Contact Officer: Helen Braine**  
**Tel. No. 01454 863133**

## **REFUSAL REASONS**

1. The site is located within the Bristol & Bath Green Belt and the proposal does not fall within the limited categories of development normally considered appropriate within the Green Belt. The applicant has not demonstrated that very special circumstances apply, such that the normal presumption against development in the Green Belt should be overridden. The proposal is therefore contrary to the provisions of CS1 of the South Gloucestershire Core Strategy (Adopted) December 2013; PSP7 of the South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2017; and the National Planning Policy Framework 2019.
  
2. The proposal for a new agricultural workers dwelling in the countryside is refused on the basis that the information submitted in support of the development, along with the independent rural surveyor's report, has failed to demonstrate that there is an essential need for a rural worker to live permanently on the site. The proposal is therefore contrary to the provisions of Policy CS5 and CS34 of the South Gloucestershire Core Strategy (Adopted) December 2013; Policy PSP41 of the South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2017; and the National Planning Policy Framework 2019.

**CIRCULATED SCHEDULE NO. 04/20 – 24 JANUARY 2020**

<b>App No.:</b>	P19/17558/F	<b>Applicant:</b>	Mr Anthony Bennett
<b>Site:</b>	Fair View Cutts Heath Road Buckover Wotton Under Edge South Gloucestershire GL12 8PX	<b>Date Reg:</b>	26th November 2019
<b>Proposal:</b>	Demolition of existing dwelling. Erection of 1 no. dwelling and associated works.	<b>Parish:</b>	Falfield Parish Council
<b>Map Ref:</b>	367293 189866	<b>Ward:</b>	Charfield
<b>Application Category:</b>	Minor	<b>Target Date:</b>	21st January 2020



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

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

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

### **1. THE PROPOSAL**

- 1.1 Planning permission is sought for the demolition of an existing dwelling and the erection of 1no. replacement dwelling and associated works. The application relates to Fair View, Cuttsheath Road, Buckover.
- 1.2 The application site comprises a dated, detached property set within a relatively large plot and accessed off Cuttsheath Road. The site is situated outside of any defined settlement boundary, and therefore within the open countryside.
- 1.3 Planning permission was granted in June 2019 for the substantial extension of the subject property. However during initial construction works it was identified that the external walls were insufficiently stable as to accommodate the proposed extensions. The current application therefore seeks permission for the erection of a replacement dwelling, which would maintain the same volume and footprint as the extended dwelling as previously approved. Some minor changes to the design are proposed, as summarised below:
  - Addition of two pitched dormer windows to front roof slope.
  - Relocation of chimney stack.
  - Minor relocation of windows and doors.
  - Minor internal reconfiguration.

### **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  
CS34        Rural Areas

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

PSP1        Local Distinctiveness  
PSP2        Landscape  
PSP3        Trees and Woodland  
PSP8        Residential Amenity  
PSP11       Transport Impact Management  
PSP16       Parking Standards  
PSP17       Heritage Assets and the Historic Environment  
PSP19       Wider Biodiversity  
PSP20       Flood Risk, Surface Water and Watercourse Management  
PSP38       Development within Existing Residential Curtilages, Including  
              Extensions and New Dwellings  
PSP40       Residential Development in the Countryside  
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    **P19/3868/F**

Demolition of existing link extension. Raising of roofline and erection of extensions to provide additional living accommodation.

Approved:    17.06.2019

**4.    CONSULTATION RESPONSES**

4.1    Thornbury Town Council

No objection to demolition of property but feel replacement proposed is not in keeping with neighbour's property or rural location.

4.2    Falfield Parish Council

No objection to demolition of property but feel replacement proposed is not in keeping with neighbour's property or rural location.

4.3    Other Consultees

Archaeology Officer  
No comment

Highway Structures  
No comment

Lead Local Flood Authority

No objection

Sustainable Transport

No objection subject to electric vehicle charging point being installed.

**Other Representations**

4.4 Local Residents

No comments received

**5. ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The application relates to the erection of a replacement dwelling, with the application site situated outside of any defined settlement boundary. Policy CS5 of the Core Strategy sets out the Council's locational strategy for development, and directs development to urban areas and defined settlement boundaries. Under policy CS5, any land outside of urban areas or defined settlement boundaries can be considered as open countryside. CS5 states that development in the open countryside will be strictly limited.

5.2 However policy PSP40 of the Policies, Sites and Places Plan sets out acceptable forms of development in the countryside. One such form of development is the replacement of a single existing dwelling, where it: (i) is of a similar size and scale to the existing dwelling, (ii) is within the same residential curtilage, (iii) is of a design in keeping with the locality, and (iv) minimises visual intrusion on the countryside.

5.3 As such, the provision of a replacement dwelling at the site is acceptable, subject to the development meeting the above criteria. A more detailed analysis of the development proposal is set out below.

5.4 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.

5.5 It is acknowledged that the proposal would substantially alter the overall appearance of the dwelling. However through the approval of the previous scheme, the Local Planning Authority found that the resultant appearance would be acceptable, with the overall design being sufficiently respectful of the immediate context.

- 5.6 The only discernible difference in design terms is the insertion of 2no. pitched dormer windows to the front roof slope. The dormers are considered to be well proportioned, and are typical of properties of this nature set in a more rural context. Overall, it is not considered that the development now proposed would have any greater adverse impact on visual amenity and the character of the area than the previously approved scheme. Given that an acceptable design is proposed, it is also not considered that the development would result in any visual intrusion in to the countryside. The proposal therefore complies with policy CS1, as well as with clauses (iii) and (iv) of policy PSP40.
- 5.7 On the matter of scale, it is acknowledged that the replacement dwelling would be significantly larger than the existing. However the fact that a largely identical increase in scale has previously been approved by way of an extension is a material consideration. On the basis that a previous scheme for extension was approved, and the replacement dwelling would be no larger than the extended dwellinghouse, the proposal is considered to meet the requirements of clause (i) of policy PSP40.
- 5.8 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.
- 5.9 The impact of the extension of the building on the residential amenity of neighbours was considered as part of the previous application, and it was found that the works would result in no unacceptable impact. On the basis that the current proposal would result in a substantially similar dwellinghouse, it is not considered that the development would detriment the amenity of the adjacent neighbour to any greater extent. Whilst the provision of the front dormer windows is noted, on the basis that these would not overlook the adjacent property, it is not considered that their insertion would have any greater impact on amenity.
- 5.10 It is however acknowledged that the complete reconstruction of the dwelling may result in increased levels of disturbance during the construction period. As such, in order to manage the impact of the development in this respect, a condition will be attached to any consent restricting the permitted hours of operation during the construction phase. Subject to this condition, it is not considered that the development would result in any unacceptable impacts on residential amenity, and the proposal therefore complies with policy PSP8.
- 5.11 Transport  
In terms of access arrangements, the existing vehicular access point would be retained. In terms of parking, it is noted that the existing dwelling contains only 3 bedrooms, with the replacement dwelling set to contain 5. However submitted plans indicate that 3no. parking spaces will be provided on-site. This provision accords with the minimum standards for a 5-bed dwelling as set out in policy

PSP16. As such there are no concerns with the proposal from a transportation perspective, subject to a condition securing the parking spaces.

5.12 It is noted that the transport officer has recommended that a vehicular charging point be provided for the replacement dwelling. However given the scale of the development, the provision of a charging point is not considered absolutely necessary, and it is not possible for the Local Planning Authority to secure its use. In any case, vehicular charging points can be provided at the site without the need for express planning permission.

5.13 Curtilage

The proposed replacement dwelling would be situated within the same curtilage as the existing dwelling. The proposal therefore complies with clause (ii) of PSP40.

5.14 Equalities

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

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

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

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

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

## **CONDITIONS**

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

Reason

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

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

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policies PSP8 and PSP38 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

3. The off-street parking facilities shown on the plan (201-E) hereby approved shall make provision for the parking of a minimum of 3 vehicles (measuring at least 2.4m by 4.8m), and shall be provided before the replacement dwelling is first occupied, and thereafter retained for that purpose.

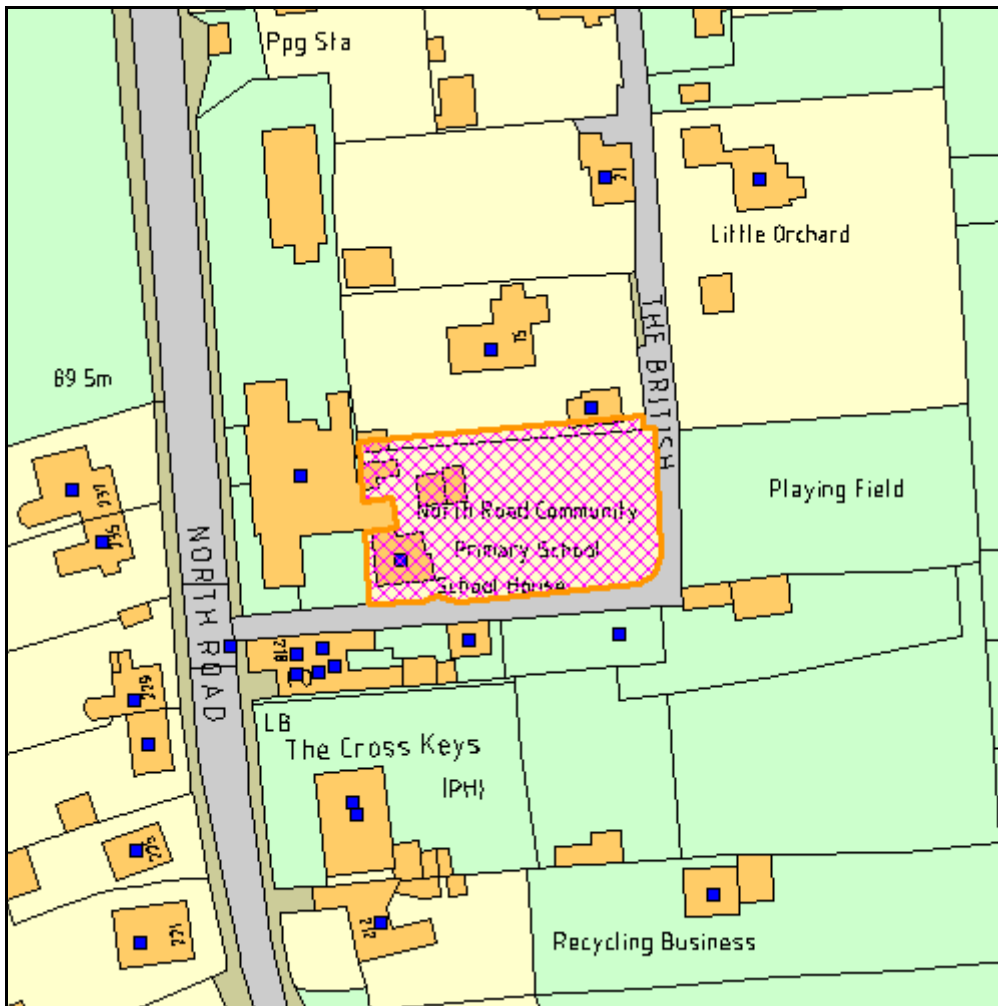
Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; Policy PSP16 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013.



**CIRCULATED SCHEDULE NO. 04/20 – 24 JANUARY 2020**

<b>App No.:</b>	P19/17631/TRE	<b>Applicant:</b>	Mrs Louise Williams
<b>Site:</b>	Land At 15 The British And School House The British Yate South Gloucestershire BS37 7LH	<b>Date Reg:</b>	26th November 2019
<b>Proposal:</b>	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.	<b>Parish:</b>	Iron Acton Parish Council
<b>Map Ref:</b>	369917 183749	<b>Ward:</b>	Frampton Cotterell
<b>Application Category:</b>		<b>Target Date:</b>	21st January 2020



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 100023410, 2008. **N.T.S.** **P19/17631/TRE**

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

## **REASON FOR REPORTING TO THE CIRCULATED SCHEDULE**

This application is referred to the Circulated Schedule as the applicant is related to a member of staff.

### **1. THE PROPOSAL**

- 1.1 Works to trees as per proposed schedule of works received by the Council on 26<sup>th</sup> November 2019, covered by Tree Preservation Order SGTPO 10/09 dated 9th September 2009.
- 1.2 The tree and hedgerows are on land at 15 The British and School House, The British, Yate, Bristol, South Gloucestershire, BS37 7LH.

### **2. POLICY CONTEXT**

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

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

- 3.1 None

### **4. CONSULTATION RESPONSES**

- 4.1 Iron Acton Parish Council has no objection to this application.

#### **Other Representations**

- 4.2 Local Residents  
None received.

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

- 5.1 Proposed Works  
The proposed works are to fell 1no. Pine, to remove 1no. Cypress hedge and to reduce the height and spread of 2no. hedgerows.
- 5.2 Principle of Development  
The only issues to consider are whether the proposed works would have an adverse impact on the health, appearance, or visual amenity offered by the tree to the locality and whether the works would prejudice the long-term retention of the specimen.

### 5.3 Consideration of Proposal

The Pine is a small specimen in the rear garden location and as such provides minimal amenity.

5.4 The hedgerow that it is proposed to remove is a low, well-maintained Leyland Cypress hedge that runs through the rear garden. This hedgerow provides no local amenity.

5.5 The reduction works to the other two hedgerows can be seen as ongoing maintenance that is entirely appropriate.

5.6 It is not considered that the pruning works to the two hedgerows will have a negative impact on the long term health of the hedgerows.

5.7 A condition of the consent to remove the Pine tree will be that a replacement tree is planted.

## 6. **RECOMMENDATION**

6.1 That consent is GRANTED subject to the conditions on the decision notice.

**Contact Officer: Simon Penfold**  
**Tel. No. 01454 868997**

## **CONDITIONS**

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

### Reason

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

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

### Reason

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

3. A replacement tree, the species, size and location of which is to be approved in writing by the Local Planning Authority, shall be planted in the first planting season following the felling hereby authorised.

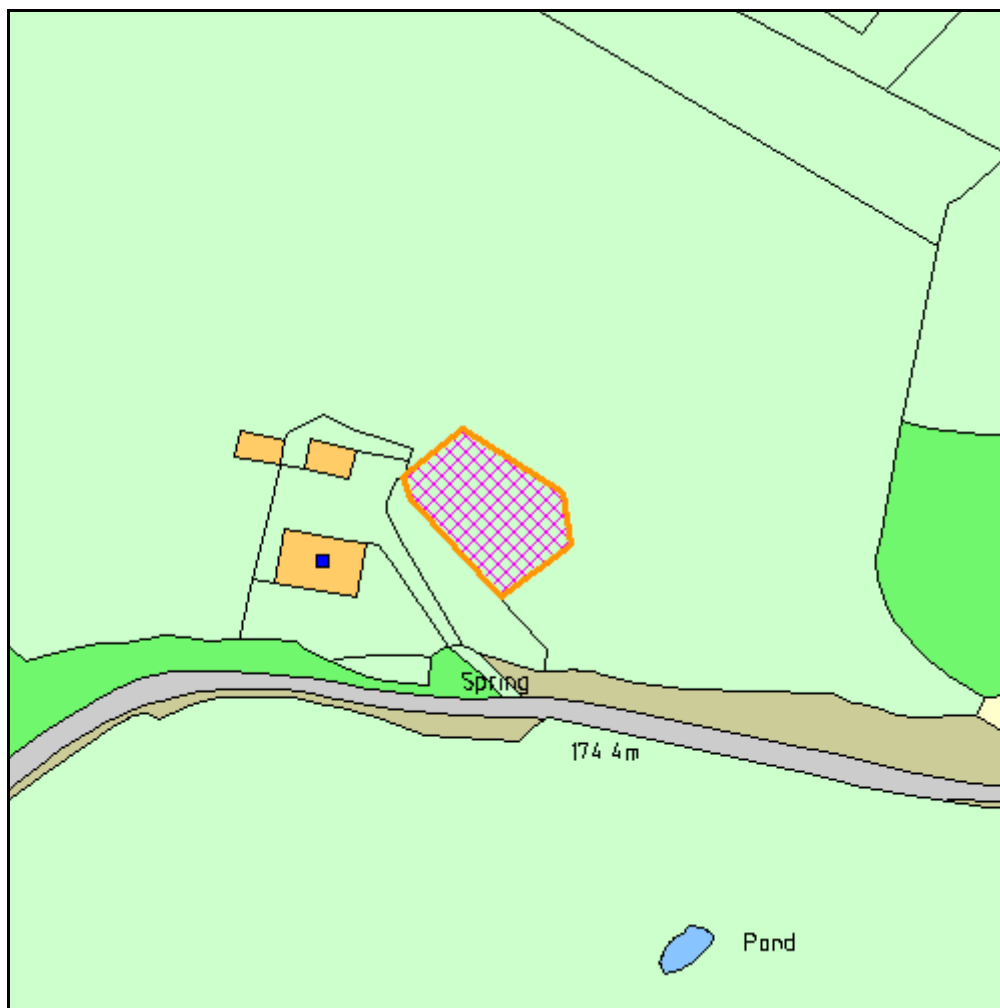
### Reason

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

**CIRCULATED SCHEDULE NO. 04/20 – 24 JANUARY 2020**

<b>App No.:</b>	P19/1839/F	<b>Applicant:</b>	Mr A Davey
<b>Site:</b>	Land At The Barn Hawkesbury Hill Hawkesbury South Gloucestershire GL9 1AY	<b>Date Reg:</b>	21st February 2019
<b>Proposal:</b>	Erection of 1 No. attached dwelling and associated works.	<b>Parish:</b>	Hawkesbury Parish Council
<b>Map Ref:</b>	377231 187311	<b>Ward:</b>	Chipping Sodbury And Cotswold Edge
<b>Application Category:</b>	Minor	<b>Target Date:</b>	17th April 2019

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P19/1839/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.

## **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for a single storey dwelling some 350m outside of the village settlement boundary and within both the AONB and The Hawkesbury Upton Conservation Area. Access would be from the existing access to the existing buildings which are currently used for the applicant's garage business, and equine, agricultural uses of the surrounding land.
- 1.2 The design and access statement and/or drawing suggests:
- Proposal is a one/two bedroom 95m<sup>2</sup> building with open plan living area and an office/second bedroom (as demonstrated on the plans).
  - Applicant relocated to the site from the village in 2009 and has been broken in 3 times since then even with high security alarm systems.
  - The building would be finished in lime washed render with Cotswold stone quoins with weather boarded elevation, a Sedum roof in flat form and following the bowed roof shape are proposed to cover the roof form.
  - Low profile and position causes minimal impact on Hawkesbury Hill.
  - The dwelling is proposed to minimise the use of energy and resources as a result of :
    - 1 Sited to minimise energy demand by orientation. Doors and windows with an overall thermal transmittance rating of W/1.5M<sup>2</sup>k.
    - 2 Accredited construction details to be used to limit thermal bridging.
    - 3 Air tightness to achieve a minimum of 6.9M<sup>3</sup>/hr/m<sup>2</sup>@ 50q
    - 4 Heating and hot water by an Air to Water Heat Pump.
    - 5 Design maximises insulation and demand for water, space heating and cooling, lighting and power is minimised by use of efficient equipment and controls. A 1500 litre underground rainwater harvest tank conserves and enables use of water to the property.
    - 6 The design incorporates high insulation values, incorporating heat recovery ventilation both powered and passive.
    - 7 The proposed development provides designated bin storage, recycling and composting facilities.

## **2. POLICY CONTEXT**

2.1 National Guidance  
National Planning Policy Framework March 2019

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design  
CS4a Presumption in Favour of Sustainable Development  
CS5 Location of Development  
CS8 Improving Accessibility  
CS9 Managing the Environment and Heritage  
CS15 Distribution of Housing  
CS16 Housing Density  
CS17 Housing Diversity  
CS34 Rural Areas

South Gloucestershire Local Plan: Policies, Sites and Places Plan Nov 2017

PSP1 Local Distinctiveness  
PSP2 Landscape  
PSP3 Trees and Woodland  
PSP8 Residential Amenity  
PSP11 Transport Impact Management  
PSP16 Parking Standards  
PSP17 Heritage Assets and the Historic Environment  
PSP19 Wider Biodiversity  
PSP40 Residential Development in the Countryside  
PSP43 Private Amenity Space Standards

2.3 Supplementary Planning Guidance

South Gloucestershire Landscape character Assessment (adopted Nov 2014)  
The South Gloucestershire Design Checklist SPD (adopted)  
Residential Parking Standards Supplementary Planning Document adopted December 2013.  
Landscape Character Assessment SPD character area (Adopted) November 2014  
Waste Collection SDP Adopted January 2015

**3. RELEVANT PLANNING HISTORY**

- 3.1 None related to housing save for a pre-application application
- 3.2 PK09/0040/F Change of use of barn from Agricultural to mixed use, Motor Vehicle Repairs (Class B2) and Agriculture as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). Approved subject to only two employees (to include the applicant), no outside storage and work to the drive surface.
- 3.3 There appears to have been unauthorised development in the yard adjacent to this site:
- 1 a fill-in extension between the stable and small barn cited on the consent above (listed as Garage and stable on the current plans)
  - 2 A new small barn to the west of these buildings and
  - 3 A further new building/carport to the east of the range.

**4. CONSULTATION RESPONSES**

- 4.1 Hawkesbury Parish Council  
Objection – outside of the settlement boundary

#### 4.2 Other Consultees

##### Highway officer

Object

##### Conservation officer

harm and engage weighting (before unsolicited plans)

##### Landscape officer

Disappointing submission given the sensitivity of the location.

##### Ecology officer

The hedge and tree planting is welcomed, but more detail is required. The writing on the plan provided is not clear so it is difficult to understand what is being proposed in relation to the hedge planting. I would recommend that a species mix is submitted ahead of determination. I defer planting and management to the Landscape Officer.

##### Highway Structures

No comment

### **Other Representations**

#### 4.3 Local Residents

Support comments have been received from forty households

- o Blackwell badminton
- o Reasons – better security to help business survive
- o Does not impact on neighbours or countryside
- o Sees residential accommodation for the valued garage owner is means of keeping him in the community.
- o Good local facility saves many unnecessary car journeys on already busy lanes
- o Garage is available to many people who visit the AONB
- o Will help his better serve the customers and secure property and equipment
- o Impact on surroundings and AONB will be minimal
- o Growing additional trees would enhance area further
- o Deterrent to rural crime in the area – especially as there are horses, a church and other dwellings on this dark lonely lane.
- o Easier access for breakdowns/ out of hours collections
- o The design is well thought out and sympathetic to the surrounding environment. These principles should be applauded and encouraged for other future dwellings.
- o a very nice looking modest dwelling that will fit nicely into its surroundings
- o valuable business and local business opportunities.
- o give him the ability to secure and obtain the computer hardware necessary now to continue his business safely.
- o The property would not in anyway negatively impact on the surrounding area.
- o Creed credentials will make it blend into landscape.
- o Would free up a property in eth village

- o Re Cotswold way -not even sure this plot is visible from the footpaths, and is barely visible from the road even when driving past
- o It will have easy access on and off the road.
- o Applicant helps to keep the hill gritted when there is serious ice and snow
- o Little impact on traffic flows
- o Without this development writer suspects that they will lose the business to an industrial estate outside of the parish.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

This application stands to be assessed against the Development Plan and National Planning Policy Framework Feb 2019. The NPPF sets a presumption in favour of sustainable development.

5.2 Paragraph 11 of the NPPF states that ‘Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the LPA cannot demonstrate a five year supply of deliverable housing sites.’

5.3 The latest (Dec 2019) Authority’s Monitoring Report (AMR) indicates that the Council can show a five year housing supply and accordingly the councils locational policies CS5 and CS34 of the Core Strategy. CS5, (the key locational policy in relation to development states that development on land such as the application site which is located in the open countryside outside a settlement boundary (but outside the Green Belt) should be strictly limited. Furthermore CS34 focusing on Rural Areas states that settlement boundaries around rural settlements should be maintained and that development outside those boundaries should be strictly controlled. The starting point is however the Development Plan policy. This indicates that there is an “in principle” objection to the development.

5.4 Other considerations in this case include the site being in the AONB, impact on heritage, access and design of the property which are considered below.

### 5.5 Landscape Impact

The NPPF states that great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.

Paragraph 172 says ‘Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas’.

There is a public footpath running along the road which is part of the Cotswold Way and another public right of way (Bridleway) from where one can see the proposal.



The proposed dwelling is a mix of two single storey forms of building and will sit alongside other buildings at the site, some of which are unauthorised as set out in 3.3 above.

Whilst some planting is proposed the landscape proposals are minimal and, given the sensitivity of the location, a proper landscape architect's appraisal and proposal would be expected. Proposed and existing tree/hedge planting is unclear. Proposed hedge planting should be double staggered row, 6no. plants per lin metre. As well as conforming to SGC planning policy related to landscape the proposals should also conform to the relevant Cotswolds AONB landscape strategy and the landscape strategy for the SGC Cotswold Scarp landscape character area (LCA 4). Given the initial adverse informal opinion given in relation to this proposal and the in principle objection to the proposal no further details were sought beyond making the landscape officers comments public.

Whilst unsolicited drawings were received which reduced the height of the building relative to the sloping ground about it and this in turn reduced the relationship of the roof to the skyline, this is not considered to overcome the harm caused by the erection of a new home in open AONB.

## 5.6 Impact on Heritage

The current buildings are visible from the Bath Lane footpath/bridleway across, the valley, most noticeably in winter when the trees are bare and hedges managed. From the footpath, the site and the Somerset Monument can be in the same view but mainly only glimpses of the site would be read as such. Nevertheless additional structures at this location, particularly as they would be visible from the road too, would have some detrimental impact on the rural scene and tranquil valley.

Many of the comments in support of the proposal are keen to see drop offs and pick ups of vehicles made easier and whilst there is no permitted outside storage with the use of the workshop, it is more likely that cars would be parked outside and like the unauthorised carport create more harm in the open countryside and conservation area.

Amended plans reduced the schemes elevation up the hillside and nestles the building closer to the existing (unauthorised) open carport. As such the impact on the conservation area is considered low to neutral in relation to the context of the other buildings. However, the continuation of the erection of buildings at this site, together with domestic garden which will again be glimpsed from footpaths and the road, and will have a domestic character will have a degree of harm to the character and appearance of the conservation area as a result of the erosion of the openness of the countryside between Hawkesbury Upton and the cluster of buildings at Hawkesbury Village.

This would make the proposal contrary to PSP17 of the adopted Local Plan. In terms of the NPPF, the level of harm would be less than substantial, engaging paragraph 196 and the need to weigh the harm against the public benefits of

the proposal taking into account the great weight afforded to the assets conservation

A programme of archaeological investigation and recording for the site would be necessary as it occurs adjacent to a historic settlement and is located within an entry on the Historic Environment Record for historic rabbit warrens which may have been part of a Medieval manor. Should this application be approved this can be secured by a condition.

#### 5.7 Weighing public benefits - heritage

The less than substantial harm comes from the ability to see the proposed development in the wider countryside/heritage setting. There is considerable public support, seemingly on the whole, from the applicants customers and this might be considered a public benefit to them but there is no guarantee that that benefit will continue once the permanent dwelling is permitted, nor any evidence that another more secure site could not be found to serve these supporters, some of whom travel some distance to use the service provided. The supporting comments clearly rate the applicant highly but the next person to rent or own the building may have less perceived public benefit. The applicant lives local to the site already and whilst officers sympathise with the apparent need to secure the business from theft, this permanent dwelling would stand long past the operation of the garage in its current business format. As such officers give this perceived public benefit very little weight. Indeed the real benefit is only to the applicant as the business is still operational. Therefore whilst the harm from the siting of the dwelling is limited by surrounding landscaping it harm is permanent and not outweighed by public benefit.

#### 5.8 Transportation

At the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through plan making and decision taking. The NPPF states at para 108 that plans and decisions should take account of whether safe and suitable access to the site can be achieved for all people and policy PSP11 supports this stance.

We note that this site is fairly remotely situated within a predominately rural area with very limited local facilities and no footway access along a narrow, unlit lane. Hence, this dwelling will be largely car dependent. The development does not therefore comply with the requirements of Policy PSP11 of the adopted South Gloucestershire Local Plan: Policies, Sites and Places document in terms of juxtaposition to necessary facilities and access by all travel modes.

However, it is unlikely that this small property will generate more than 7 vehicular trips per day and that the development will be unlikely to have a severe impact on the adjoining highway. The one parking for the site is not shown in the redlined area but could be accommodated adjacent in the yard so as to prevent further profiling of the hillside. Nevertheless, although this trip generation cannot be considered to be severe, objection is raised on the basis of the site's lack on non-vehicular access facilities.

Finally, officers understand that this site will continue to use the access arrangements currently associated with the existing buildings on this site. As

this seems to be of a very low standard there is concern, arrangement, especially in relation to the visibility provided at this location and its apparent lack of any all-weather surfacing.

5.9 Residential amenity

There are no nearby properties to be materially affected by the proposal.

5.10 Drainage

There is no in principle objection to the proposal from the drainage team but they would want more detail if it were approved.

5.11 Planning balance

Where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

Having demonstrated a five year housing land supply the application should be refused as it conflicts with CS5 and CS34 of the Core Strategy. Other concerns about the development are also found in that some harm will also occur to the AONB and Hawkesbury Upton Conservation Area. Great weight should be given to conserving and enhancing landscape and scenic beauty in the Areas of Outstanding Natural Beauty, which has one of the highest status's of protection in relation to these issues.

In this case the applicant seeks support for the proposal as it is close to his business which has had security issues and as a result of the sustainable buildings techniques demonstrated.

The application is assessed in the context of paragraph 11 of the NPPF, this states that proposals should be permitted unless;

- *“...- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
- *specific policies in this framework indicate development should be restricted.”*

This assessment has found that the proposed development would not be situated in a sustainable location and would be isolated in terms of its reliance on the private car to access services and facilities. This would be contrary to the social and environmental roles of sustainable development as set out in paragraph 8 of the NPPF, as well as paragraph 79 which states that local planning authorities should avoid isolated homes in the open countryside. This factor would weigh heavily against the proposed development. There is further harm by reason of its impact on the AONB and Conservation Area and no public benefit is found to outweigh this harm to heritage.

The proposal would have a very modest benefit in terms of the provision of 1no. dwelling towards the Council's five year housing land supply.

In weighing the above, it is considered that the adverse impacts highlighted against the proposed development, would significantly and demonstrably outweigh the benefit of allowing the new dwelling when assessed against the policies in the NPPF taken as a whole. For these reasons this application is recommended for refusal.

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

## 7. RECOMMENDATION

- 7.1 That planning permission should be refused for the following reasons:

**Contact Officer: Karen Hayes**  
**Tel. No. 01454 863472**

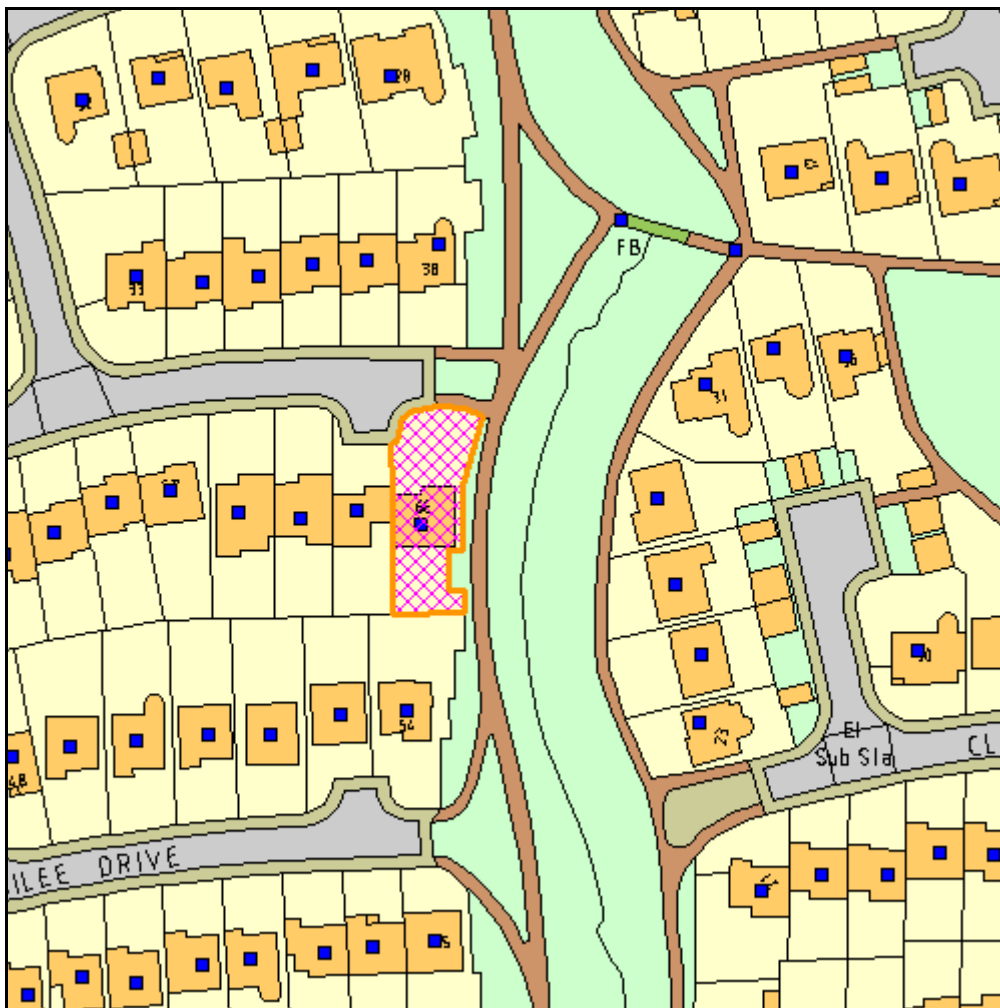
## REFUSAL REASONS

1. The development, if approved, would result in the erection of a dwelling outside of any defined settlement boundary, as identified on the proposals maps, and within the open countryside where the access to the site is poor. This is not an appropriate place for new development and would be contrary to policies CS5 and CS34 of the South Gloucestershire Core Strategy (Adopted) December 2013 and PSP11 and PSP40 of the Policies Sites and Places Plan (Adopted) November 2017, and the National Planning Policy Framework 2019.

2. The site is located within the Cotswolds Area of outstanding Natural Beauty (AONB) and the proposal does not conserve and enhance the natural and scenic beauty of the AONB. The proposal is therefore contrary to the provisions of Policy CS1, CS5 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, PSP2 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017 and the National Planning Policy Framework February 2019.
3. The proposal by reason of its location is harmful to the Hawkesbury Upton Conservation Area. This less than substantial harm is not outweighed by public benefit. The proposal is therefore contrary to the provisions of Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017 and the National Planning Policy Framework February 2019.

## CIRCULATED SCHEDULE NO. 04/20 – 24 JANUARY 2020

<b>App No.:</b>	P19/8542/F	<b>Applicant:</b>	Mrs Janet Lewis
<b>Site:</b>	39 Jubilee Drive Thornbury Bristol South Gloucestershire BS35 2YQ	<b>Date Reg:</b>	10th July 2019
<b>Proposal:</b>	Erection of two storey and single storey front extension and conversion of original garage to form additional living accommodation.	<b>Parish:</b>	Thornbury Town Council
<b>Map Ref:</b>	364958 190024	<b>Ward:</b>	Thornbury
<b>Application Category:</b>	Householder	<b>Target Date:</b>	30th August 2019



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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.

### **INTRODUCTION:**

This application appears on the Circulated Schedule due to an objection from the Town Council. Although the element cause concern to the Town Council has been removed from the plans, the original objection has not been removed. The application will therefore appear on the circulated schedule in the interests of completeness.

## **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for erection of a two storey side extension to the front of the existing dwelling to form additional living accommodation. A small single storey element will project from the two storey part.
- 1.2 The application site relates to a two storey, detached property which is located within a residential area of Thornbury.
- 1.3 As initially submitted, the application also included a detached garage to the front of the dwelling. Due to officer concerns, this element was removed from the scheme and a set of revised plans received. Re-consultation was carried out on the amended plans.

## **2. POLICY CONTEXT**

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

CS1 High Quality Design

CS4a Presumption in Favour of Sustainable Development

CS5 Location of Development

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

PSP1 Local Distinctiveness

PSP8 Residential Amenity

PSP11 Transport

PSP16 Parking Standards

PSP38 Development within Existing Residential Curtilages

PSP43 Private Amenity Standards

- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted) 2007

**3. RELEVANT PLANNING HISTORY**

3.1 None directly relevant

**4. CONSULTATION RESPONSES**

4.1 Thornbury Town Council

Raises and objection to the garage.

*Although the garage element has been removed from the scheme, the Parish Council have not withdrawn their objection. The application must therefore appear on the circulated schedule*

Transportation Officer

No objection

**Other Representations**

4.2 Local Residents

None received

**5. ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Policy PSP38 of the PSP Plan (November 2017) allows the principle of development within residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety. Furthermore, Policy CS1 of the Core Strategy seeks that the siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the application site and its context. The proposal accords with the principle of development subject to the consideration below.

5.2 Design and Visual Amenity

The application seeks full planning permission for erection of a two storey front extension to form additional living accommodation. Whilst front extensions can be visually intrusive, in this instance, due to the presence of other front extensions in the street scene, the visual impact is considered to be acceptable. The proposed materials are set to match that of the existing dwelling, as such it is considered that the proposed extension would appear as an appropriate addition within the immediate streetscene. Overall, it is considered that the design, scale and finish of the proposed extension results in an addition that sufficiently respects the character and distinctiveness of the host dwelling and its immediate context.

5.3 Residential Amenity

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



- 5.4 The impact of the proposal on the residential amenity currently enjoyed by the occupiers of neighbouring properties has been considered. Due to the location of the extension, it is not considered that its erection would materially harm the residential amenity at any of the adjoining properties. Due to levels of separation, it is not deemed that the proposed extension would impact upon the residential amenity enjoyed at properties nearby.
- 5.5 The proposal will occupy additional floor space, however sufficient private amenity space will remain following development and there is no objection with regard to this.
- 5.6 Sustainable Transport and Parking Provision  
The resultant dwelling would benefit from four bedrooms. In terms of parking provision, it would have the benefit of two parking spaces on the existing driveway. Sufficient off street parking is therefore being provided to meet the needs of the extended family dwelling.
- 5.7 Equalities  
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

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

## 6. CONCLUSION

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

## 7. RECOMMENDATION

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

**Contact Officer: Marie Bath**  
**Tel. No. 01454 864769**

**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).

**CIRCULATED SCHEDULE NO. 04/20 – 24 JANUARY 2020**

<b>App No.:</b>	PK18/4565/F	<b>Applicant:</b>	Mr Massey Total Roofing Solutions and Building Services Ltd
<b>Site:</b>	Copp Barn Westerleigh Road Westerleigh Bristol South Gloucestershire BS37 8QH	<b>Date Reg:</b>	9th October 2018
<b>Proposal:</b>	Demolition of existing garages and removal of portacabins. Erection of 1 no. light industrial building (Class B2) with parking and associated works.	<b>Parish:</b>	Westerleigh Parish Council
<b>Map Ref:</b>	369941 180041	<b>Ward:</b>	Westerleigh
<b>Application Category:</b>	Minor	<b>Target Date:</b>	3rd December 2018

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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.

### **CIRCULATED SCHEDULE**

This application appears on the Circulated Scheduled due to objection comments from the local Parish and local residents, contrary to Officer recommendation.

## **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission for the demolition of existing garages and removal of portacabins. Erection of 1 no. light industrial building (Class B2) with parking and associated works.
- 1.2 The application site relates to Copp Barn, Westerleigh Road, Westerleigh. The site lies outside the settlement boundary and in the Bristol/Bath Green Belt.
- 1.3 During the course of the application, and following discussions revised plans were submitted to the LPA in an attempt to address concerns. This includes a revised red edge, an overall reduction in the amount of proposed development and an improvement to landscaping of the site. A Transport Statement was also submitted to better assess the proposed impact on the highway network. Further slight adjustments to the position of the building within the site were submitted but as this did not materially change the proposal no re-consultations were made.

## **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
CS12	Safeguarded Areas for Economic Development
CS13	Non-Safeguarded Economic Development Sites
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
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water, and Watercourse Management
PSP21	Environmental Pollution and Impacts
PSP27	B8 Storage and Distribution Uses
PSP28	Rural Economy

### 2.3 Supplementary Planning Guidance

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

South Gloucestershire Design Checklist (Adopted) 2007)

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

SPD: Development in the Green Belt (Adopted) 2007

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

## 3. RELEVANT PLANNING HISTORY

The site has been subject of a number of planning applications, the 3 latest are listed below:

- |     |          |   |
|-----|----------|---|
| 3.1 | P96/1893 | Removal of condition 01 attached to planning permission P95/1380 dated 6 June 1995 (re time limit).<br>Refused 22.7.96<br>Allowed at appeal   |
| 3.2 | P95/2597 | Use of land for the stationing of temporary cabin for storage of electrical fittings.<br>Refused 10.1.96  |
| 3.3 | P95/1380 | Use of building as office store and light vehicle repair/submersible pump repairs. Construction of car park. Erection of prefabricated storage building without complying with Condition 01 attached to Planning Permission Reference No. P92/2537<br>Approved 6.6.95 |

## 4. CONSULTATION RESPONSES

### 4.1 Westerleigh Parish Council

Objection:

This development seeks to turn the site into an urban style industrial estate which is inappropriate for a Green Belt location. Traffic generated would add more danger to an already hazardous section of highway. There are serious concerns about more effluent being created by more buildings/employees which is currently not served by a mains sewer but drains into a stream.

## **Internal Consultees**

4.2 Highway Structures  
No objection subject to an informative

4.3 Economic Development  
No objection

## **Statutory / External Consultees**

4.4 Transport  
Safe access to this facility for all types of vehicle is provided without jeopardising the operation of the existing highway. Transport Statement required.

*Updated details received*

*Additional information provided details of the expected trip generation which was considered acceptable. Does not fully comply with PSP11 given its rural location but impact will not be severe. Details of proposed parking have been provided which again are considered acceptable. Information in the form of a swept path analysis and visibility splay have also been submitted and are acceptable.*

*No objection subject to plans and details being conditioned.*

4.5 Drainage  
No objection in principle but query the proposed connection point into the proposed method of foul sewage disposal which the application form states is via a mains sewer.

*Updated details received re new septic tank::*

*No objection subject to a SUDS condition.*

The applicant has agreed to this pre-commencement condition.

## **Other Representations**

4.6 Local Residents  
Objections have been received from 5 local residents. The points raised are summarised as:

- Huge warehouse style building; No dimensions on plan; would dominate the entrance to the village
- No transport statement has been provided
- Materials would be at odds with stone buildings around it
- No plan for the removal of waste water or sewage
- Traffic is likely to be HGVs and there is not enough turning space on site for this size vehicle
- Westerleigh Road has a weight restriction and restricted view
- There are no portacabins on the site
- This is a speculative development not associated with the current use of the site
- Inappropriate development in the Green Belt
- Proposal more suited to an industrial park than the edge of a village

- Will set a precedent
- Parking needs to be contained within the site

## 5. ANALYSIS OF PROPOSAL

- 5.1 The proposal is for the demolition of existing garages and the removal of portacabins and the erection of 1no. light industrial building with parking.
- 5.2 Principle of Development  
The proposal stands to be assessed against the above listed policies and all material considerations. Of importance is the location of the site within the Green Belt where development is limited to certain criteria and local spatial strategy discourages inappropriate development. The site is previously developed land and on this basis fits one of the exception criteria but only if the scheme would not have a potentially negative impact on openness. This is discussed below along with matter regarding impact on residential amenity, transport and employment provision in the countryside.
- 5.3 Green Belt:  
The site lies outside and to the north of the settlement boundary of Westerleigh. It is set back from the main road with open fields to the west and north, residential houses to the west and further to the south. It is an established light industrial site and comprises a main two-storey stone building with a monopitched roof side addition to the southeast corner plus two single storey garages/storage buildings to the south west corner. The north of the site is, for the main, used for open storage and parking.
- 5.4 This scheme proposes to demolish the two single storey structures and replace them with a larger storage unit. The re-development of previously developed land is acceptable where it would not have a greater impact on the openness of the Green Belt than the existing development.
- 5.5 The two single storey structures are modest in scale, size and massing and it must be noted that there have been issues with the storage of materials and/or rubbish in the past. The proposal is for a single larger building to in the first instance replace these two existing structures and secondly to provide some on-site storage to avoid items being left in untidy piles around the site.
- 5.6 Preserving the openness of the Green Belt is one of the main aims. It is reasonable to use the meaning of the word 'preserve' as keep from harm rather than to maintain as it is. Openness can have both a spatial and visual impact. It follows then that the effects on openness must be assessed in terms of any harm. The main issues to consider include: the size, the appearance, the existing situation vs the proposed one.
- 5.7 It is acknowledged that the proposed new building would present a larger volume in terms of built form than the existing situation. However, in the first instance, it must be noted that additions to existing buildings of up to 50% can be acceptable in certain circumstances and can on occasions result in very large buildings and sometimes ones of poor appearance. Rather than merely add to the existing structures, this proposal is for a purpose-built, modern

- functioning building. It would be of a typical light industrial building form but, following revised plans would now read within the context of a group of other buildings.
- 5.8 The proposal would assist in expanding an existing rural business and weight is given in its favour for this reason. In addition, the existing use of the site has resulted in some untidiness and outside storage of items. This has a negative visual impact on openness. The purpose-built new building would mean that these areas could be cleared and tidied and as such would be an improvement over the current situation. This counts in favour of the scheme.
- 5.9 The applicant has argued that due to its close proximity the site should be regarded as being within the settlement boundary and cites a Court of Appeal judgement *Wood v Secretary of State for Communities and Local Government* [2014] EWHC 63 (Admin) where the judgement found LPAs are required to consider as a matter of fact on the ground, whether the site appeared to be in the village.
- 5.10 It is acknowledged that the settlement boundaries have not been updated on the adopted maps and plans for some time. The proximity of the site to the edge of the village boundary and the general geography presented in this case is acknowledged but as the site is considered previously development land and has been shown that overall it would not have a negative impact on the openness, this argument has not been considered further.
- 5.11 To summarise: the proposal is on previously developed land and presents benefits which include the general tidying up of the site, being located within a group of existing buildings rather than set away from them, being close to the edge of the settlement boundary as opposed to further into any open space, supporting an existing rural business and introducing additional planting within the site. Given the above the proposal is regarded as being in accordance with Green Belt policy and can be supported.
- 5.12 Design and visual impact  
The current site has two small garages, parking areas and an area where various items are stored or perhaps just left outside. The proposal would see these garages replaced by a single larger structure which would also negate the need for any items to be left outside. A condition will be imposed to ensure there is no external storage on the site. In this way the proposal would consolidate the parking areas and furthermore, tidy up the site. This would clearly be of visual benefit to this rural location. In addition, a scheme of planting to supplement the existing boundary is proposed. This will be secured by condition and along with a condition for materials to be agreed with the LPA, will further assist the integration of this light industrial building into this location. Given the above there are no objections in design terms.
- 5.13 Employment provision:  
The site is an established employment site but not covered by any policy designation. Policy PSP28 supports the expansion of rural businesses, providing it would:  
- be located with the curtilage of the site which this proposal would;



- providing it would be reasonably necessary for the purposes of the business use and is clearly for that purpose. The agent has stated that the new building is for the expansion of the existing business and Officers have no evidence to dispute this
  - the volume and nature of any good sold would not have a significant adverse effect on shopping facilities available in nearby settlement. The proposal would not impact on nearby facilities in that way
  - the proposal is of a scale which is consistent with its rural location. Development would be limited to the lower part of the site and is now in the form of a single building. This level is considered acceptable for this small rural site.
- 5.14 The proposal therefore accords with this policy aim.
- 5.15 Under the remit of Policy CS34 proposals should, among other things, protect the designated Green Belt, maintain the settlement boundaries and protect rural employment sites, services and facilities. This proposal has been shown to comply with Green Belt policies and to support rural employment sites. It would be very close to the established settlement boundary and in these circumstances has been found to be an appropriate scaled expansion of an existing rural business which counts in its favour.
- 5.16 Transport  
During the course of the application, additional information in the form of a Transport Statement was requested of the applicant. An examination of the potential trip generation of this both under its present and future arrangements was undertaken. This indicates that in both cases that site's trip generation would be negligible. It is noted that this estimate has been derived using the TRICS database, and as such the conclusion is accepted as being valid and no further requirement of traffic impact on the local highway network is required.
- 5.17 It is noted that the site is within a rural area away from facilities, services and good public transport links. However, the proposed development would not generate sufficient vehicular trips to be regarded as having a 'severe' impact on the highway network.
- 5.18 A total of 15 car parking spaces are proposed for this site and sufficient spacer remains available for other vehicles to turn and leave in forward gear. Facilities are also proposed for disabled and cycle parking. Given the above the amount of on-site parking is considered appropriate.
- 5.19 In addition, a swept path analysis was provided to demonstrate that refuse vehicles could enter and leave the site and visibility splay details show this would be adequate to accommodate the traffic associated with the application. These details are considered acceptable and as such there are no objections in transportation terms.
- 5.20 Residential amenity  
The proposed new building would be on the other side of the existing stone building and therefore would not have an unacceptable impact on closest residential properties.

5.21 Drainage

Comments from local residents are noted and additional information was submitted by the applicant. It is noted that no public foul sewers are readily available and as such a septic tank with an approved method of irrigation for the overflow effluent is required. The applicant is also required to consult the Environment Agency for the need to obtain an 'Environmental Permit' and Building Regulation approval will also be required but that is separate to this planning assessment.

5.22 Officers are satisfied that an appropriate form of drainage can be achieved for this site.

5.23 Planning Balance

The above assessment has shown that the proposal is compliant with Green Belt policy, being the development of previously developed land. Any impact on the openness of the Green Belt has been offset by firstly, the future tidying-up of the site as no outside storage will be permitted and secondly, it will also secure additional landscape and boundary planting to screen the site as a whole. The scheme will benefit an existing rural business which is an aim of adopted policy. Given the above the proposal is recommended for approval.

5.24 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.

5.25 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.

5.26 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.

5.27 Other Matters

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.

5.28 Setting a precedent:

Each application is assessed on its own merits and against adopted local and national planning policy at the time of submission.

## 6. CONCLUSION

6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in

accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

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

## **7. RECOMMENDATION**

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

**Contact Officer: Anne Joseph**  
**Tel. No. 01454 863788**

### **CONDITIONS**

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

Reason

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

2. Development shall proceed in accordance with the following plans:

As received by the LPA on 8.10.19:

Existing site plan - 002

The location plan - 001 A

As received by the LPA on 22.10.19:

Unit 1 revised elevations - 102B

Proposed block plan - 100

As received by the LPA on 14.1.20:

Proposed site plan - 101D

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP1 and PSP7 of the Policies Sites and Places Plan (Adopted) 2017 and the National Planning Policy Framework.

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

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

- o A clearly labelled drainage layout plan showing the exact location of the proposed Septic Tank as well as any soakaways on site.

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

4. No outside storage of material/goods/waste or plant shall take place at the premises.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP1 and PSP7 of the Policies Sites and Places Plan (Adopted) 2017 and the National Planning Policy Framework.

5. Prior to that part of the development details/samples of the roofing and external facing materials proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP1 and PSP7 of the Policies Sites and Places Plan (Adopted) 2017 and the National Planning Policy Framework.

6. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP1 and PSP7 of the Policies Sites and Places Plan (Adopted) 2017 and the National Planning Policy Framework.

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

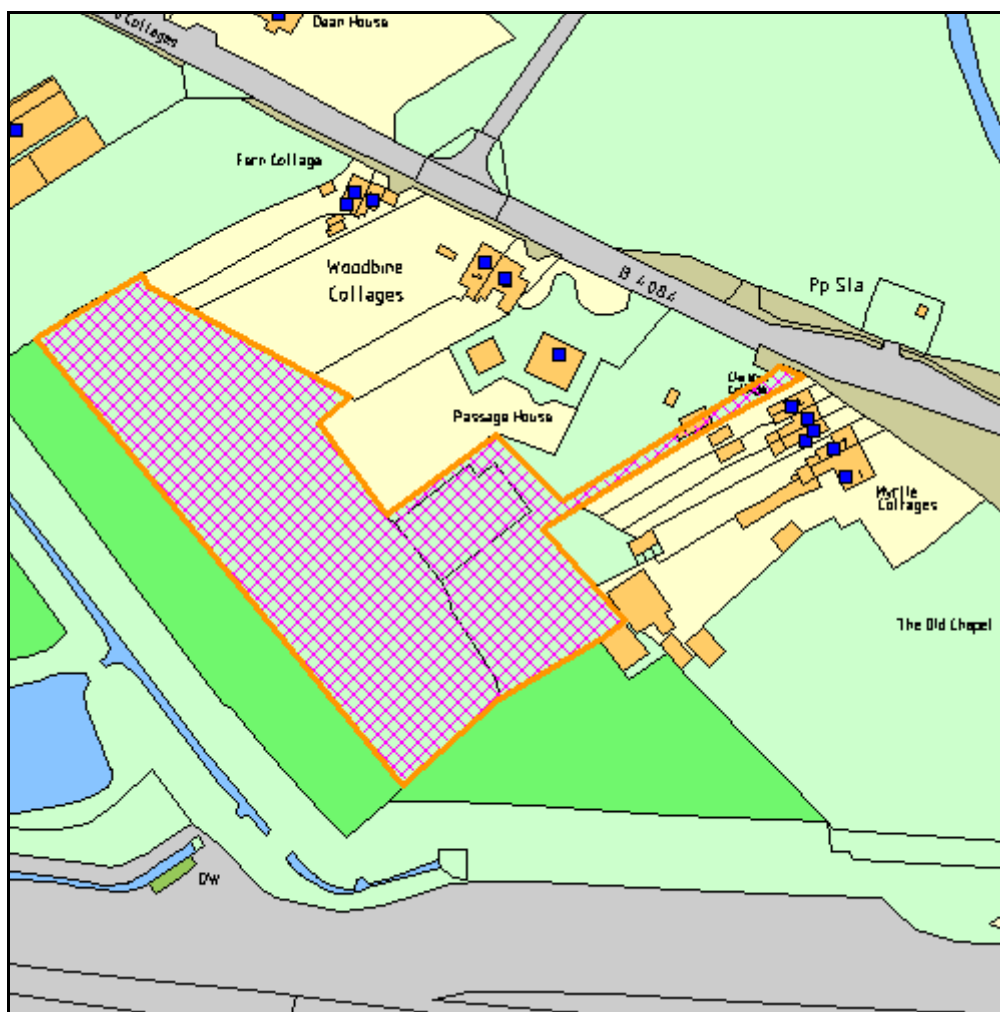
Reason

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

2013; Policy PSP1 and PSP7 of the Policies Sites and Places Plan (Adopted) 2017 and the National Planning Policy Framework.

**CIRCULATED SCHEDULE NO. 04/20 – 24 JANUARY 2020**

<b>App No.:</b>	PT18/1933/F	<b>Applicant:</b>	Helm Construction Ltd
<b>Site:</b>	The Nurseries New Passage Road Pilning Bristol South Gloucestershire BS35 4LZ	<b>Date Reg:</b>	25th May 2018
<b>Proposal:</b>	Erection of two storey building (Class B1) with parking and associated works (Retrospective)	<b>Parish:</b>	Pilning And Severn Beach Parish Council
<b>Map Ref:</b>	354382 186299	<b>Ward:</b>	Pilning And Severn Beach
<b>Application Category:</b>	Minor	<b>Target Date:</b>	20th July 2018



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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 is referred to the Circulated Schedule because a significant number of supporting representations were made, which are contrary to the officer recommendation.

## **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of a two storey office building (use class B1) for use as an office base for the applicant, Helm Construction Ltd, with additional parking and ancillary development.
- 1.2 The building would be located on the site where previously permission was granted for an agricultural building in 2010 under planning permission PT10/2574/F. However although a building has been partially constructed on the site in the approximate location of the approved building, this building has been found to differ materially in design terms from the approved agricultural building. Consequently it is considered to be an unauthorised building, and the permission for the agricultural building has lapsed (an application for a Certificate of Lawfulness for the partially completed building was withdrawn on officer advice). As the existing partially-constructed building is not lawful, this application will be treated as seeking permission for the erection of the whole building.
- 1.3 The site is located on agricultural land to the rear of Passage House, off New Passage Road, which is a no through road just outside of the village of Pilning and close to Severn Beach. The site is within the Bristol and Bath Green Belt. The land was formerly an agricultural nursery which included a large glass house near to the site of the current proposal. This was demolished and the site cleared some years ago, and all agricultural use of the site ceased. In addition to the partially built building, a temporary office has also been erected on the site, along with various other engineering operations to facilitate the change of use from agriculture to a business premises. No planning permission exists for these works, though they do not form part of this application.
- 1.3 In December 2018 (after the application was submitted) the applicant, Helm Construction, entered into administration and ceased trading.

## **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework February 2019
- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013  
CS1 High Quality Design

CS5 Location of Development  
CS8 Improving Accessibility  
CS9 Managing the Environment and Heritage  
CS11 Distribution of Economic Development Land  
CS34 Rural Areas

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

PSP1 Local Distinctiveness  
PSP2 Landscape  
PSP8 Residential Amenity  
PSP11 Transport Impact Management  
PSP16 Parking Standards  
PSP20 Flood Risk  
PSP21 Environmental Pollution and Impacts  
PSP28 Rural Economy  
PSP31 Town Centre Uses

**3. RELEVANT PLANNING HISTORY**

- 3.1 PT10/2574/F - Erection of agricultural and livestock building. (Resubmission of PT10/0346/F). Approved.
- 3.2 PT18/1458/CLE - Certificate of Lawfulness for existing use of partly built barn. Withdrawn.

**4. CONSULTATION RESPONSES**

- 4.1 Pilning and Severn Beach Parish Council  
Pilning & Severn Beach Parish Council object to this application on the following grounds;
- 1) The site is in the Green Belt and the proposal would amount to inappropriate development as defined by paragraph 87 of the National Planning Policy Framework and the application fails to demonstrate any very special circumstances for development to be permitted.
  - 2) The site is in Flood Zone 3a and the application does not include a flood risk assessment to demonstrate that there are no available properties or sites in a lower risk area nor to demonstrate that the proposed development will be safe and will not increase the risk of flooding to other properties.
  - 3) The site is located in a rural setting, accessed via a weight limited dead end road and the application fails to demonstrate that the high number of vehicular movements associated with 50 staff plus visitors and deliveries can be accommodated.
  - 4) The proposed development is close to the site boundary with private homes and gardens and is likely to lead to a loss of privacy and amenity for adjoining properties.
  - 5) As the barn has already been started, the application should be for a change of use.



#### 4.2 Other Consultees

Transportation DC – co comment

Ecology Officer – no objection.

Lead Local Flood Authority – no objection, but request drainage conditions be attached.

Archaeology Officer – no objection.

Contaminated Land Officer – no objection, but contamination remediation conditions recommended

Landscape Architect – no landscape proposals, so not able to make a proper landscape assessment. Green Belt concerns raised. In the event that permission is granted a landscape scheme should be required.

Environment Agency – no response

#### **Other Representations**

#### 4.3 Local Residents

4 objection comments, making the following points:

- Inappropriate development in the Green Belt
- Located in Flood Zone 3a, and the application does not include a flood risk assessment
- Located in a rural setting and is not in keeping with it,
- Accessed via a weight limited dead end road – will increase traffic, noise and road pollution
- Plenty of places for offices to be built, the garden of a rural quiet property is not suitable
- Would overlook adjacent properties, affecting privacy and their views
- Will affect the value of houses, and works may cause damage to them.
- Will disturb rodents and drive them to adjacent properties.

1 general Statutory Declaration setting out the history of the partially-built building.

45 supporting comments were submitted, and these were considered in the determining of this application. The following main points were raised:

- The development will support jobs and business in the community.
- It is located in the built-up area of New Passage
- It will put a semi-derelict site to good use
- Well designed and will blend in
- There is no harm to the Green Belt
- There is no harm to the character and appearance of the area
- There is limited transportation impact
- Applicant is supportive of local community
- There should not be much noise disturbance
- The building will be well screened
- There will be no impact on privacy of adjacent dwellings

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

The site is located within the Bristol and Bath Green Belt. Although the land was previously occupied by a large glasshouse building used by the former horticultural nursery, because this was (in planning use terms) an agricultural building and the lawful use of the land is for agriculture, the land is not classed as previously developed land for planning purposes.

5.2 Green Belt policy within the Local Plan is contained within Location of Development policy CS5 which requires development in the Green Belt to comply with the provisions of the NPPF. Further clarification is provided in Development in the Green Belt policy PSP7, and Rural Areas policy CS34 additionally seeks to protect the Green Belt from inappropriate development.

5.3 As a new building for office use (use class B1) on undeveloped agricultural land, the development would not fall within any of the limited categories of appropriate development in the Green Belt, as set out at paragraphs 145 and 146 of the NPPF. Accordingly the development is inappropriate development in the Green Belt. The introduction of commercial development to this previously undeveloped agricultural site will also lead to encroachment into the countryside, conflicting with the third purpose of including land in the Green Belt as set out at paragraph 134 of the NPPF. Furthermore, in the absence of any evidence of a lack of alternative previously developed sites outside of the Green Belt, the development also conflicts with the fifth purpose, that being to assist in urban regeneration by encouraging the recycling of derelict and other urban land.

5.4 The proposed development is for office use, which is classed as a main town centre use; accordingly town centre uses policy PSP31, which sets the locational strategy for such uses, is also a principal consideration. This policy seeks to direct such uses to main town centres rather than out-of-centre locations. As such, there is an in-principle conflict with this policy.

5.5 As a proposal for commercial develop in the countryside, Rural Economy policy PSP28 would also set the principle policy context. While this policy is generally supportive of sustainable new development which promotes a strong rural economy, it reaffirms the position that development in the Green Belt is inappropriate save for those limited exceptions in the NPPF or where very special circumstances can be demonstrated.

5.6 Inappropriate development is, by definition, harmful to the Green Belt, and should not be approved except in very special circumstances. A case for very special circumstances has been put forward by the applicant, and this is considered later in the report.

### Green Belt Openness

5.7 The proposal comprises a large two-storey office building with associated parking areas and external bicycle and bin storage facilities. The building would measure approximately 25m by 13m, with a height of 11m. The plans show parking for 18 vehicles. Constructed on previously un-developed land,

the building and associated development would lead to a substantial reduction in openness of the site, albeit with the limited visual impact tempering the harm to a small degree. Nonetheless, the loss of openness must attract substantial further weight against the development.

#### Location of Development

- 5.8 Offices are classed as a town centre use, and Town Centre Uses policy PSP31 seeks to direct these types of developments to town centres where possible. With regard to out-of-centre proposals, the policy states that these will only be acceptable where no centre or edge of centre sites are available and the proposal would be in a location readily accessible on foot, cycle and by public transport.
- 5.9 The supporting statement for the application makes no case for a need for the development to be in the proposed location, or for there being no town centre or edge of centre sites available, and it is very likely that suitable sites are available in the district. The supporting statement gives limited information about public transport provisions, however there is a bus stop nearby with some limited services (to Cribbs Causeway). Pilning Train station has further services to Bristol, but is two miles from the site. However, according to the supporting statement only 8 of the 48 employees live within the parish, and only 20% of the employees who live locally travel to work by walking/cycling or public transport, with the remainder of employees travelling by car. The existing evidence consequently suggests that the use of sustainable transportation is limited and isn't practical or attractive as an option. The development therefore conflicts with policy PSP31.

#### Design and Appearance and Landscape Impact

- 5.10 The plans show that the proposed building would have a brickwork plinth with either cement board or timber clad upper elevations. Roofing materials are not stated, but could be controlled by condition. The plans show a series of solar panels on the south west facing roof slope, and roof lights in the north east. Windows and doors would have black aluminium frames.
- 5.11 Subject to conditions requiring details of the final finishing materials the design is considered to be appropriate to the proposed use and the location, and no objection is raised in design terms.
- 5.12 The site is largely screened from the south west by an existing bund, and from the south east by an existing small area of woodland. To the north and north east are the rear gardens of the dwellings fronting onto New Passage Road. Consequently views of the building would be limited from the public domain, though the building and site would be visible to some extent from the adjacent residential properties, especially those referred to as Clarence Cottages in the supporting planning statement. No landscape proposals or appraisal were submitted with the application, and the council's Landscape Architect has consequently been unable to provide any detailed comments. However it is considered unlikely that the proposal would have a significant detrimental impact in landscape terms, and in accordance with the Landscape Architect's comments, in the event that permission were to be granted a condition could be

attached requiring a landscape appraisal and scheme of mitigation for any harm identified.

#### Residential Amenity

- 5.13 The site is bordered by residential properties to the north and north east, with those properties known as Clarence Cottages being the closest to the development. The proposed building is located approximately 18m from the site boundary, and the properties have long rear gardens with the dwellings being around 65m away. The proposed parking is located on the other side of the building, meaning that the building would act as a screen to any noise from vehicles coming and going. No objections have been raised in relation to noise disturbance, and it is not anticipated that there would be any issue in this regard.
- 5.14 While privacy and overlooking have been raised in representations objecting to the proposal, the plans show that the north east elevation facing toward the adjacent properties would only have windows at ground floor level, with roof lights providing natural light without the ability to see out from the building. Consequently views in the direction of the adjacent properties would be limited to those from the ground floor windows, and given the boundary fences and vegetation and the considerable degree of separation the development will not give rise to any detrimental impact on residential amenity.

#### Transport and Parking

- 5.15 Access to the site is off New Passage Road, via a driveway between the residential properties. The access has good visibility onto the road, which is a no-through-road with limited traffic. The site will provide 18 parking places and a covered cycle store. As considered at 5.9 above, sustainable transport options are limited, and the majority of employees travel to the site by car.
- 5.16 Although no objection was raised by the Transportation DC Team to the proposal, this was on the understanding (inferred from the supporting documents) that the business was already operating lawfully from the site (in the temporary offices). However these temporary offices are themselves not lawful, and the development should properly be treated as being new to the site. As such, the development is considered to be unsustainable in transport terms, and consequently conflicts with Transportation Impact Management policy PSP11 and Improving Accessibility policy CS8 and Town Centre Uses policy PSP31.

#### Flood Risk

- 5.17 The site is located within flood zone 3a, and is consequently at high risk of flooding. A flood risk assessment was submitted in support of the application as required by policy, though this was prepared from the perspective of the development being a change of use rather than a new-build. As such it concludes that the sequential test, which seeks to direct development to areas less at risk of flooding, should not be applied. However as the development is a new build office, it is not a minor development as defined for flood risk purposes, and the sequential test should be applied.

- 5.18 The development has no specific requirements to be in the present location, and applicant has not provided any evidence that there are no suitable sites within areas at lower risk of flooding, and significant areas of the district fall within Flood Zone 1. Accordingly suitable alternative sites located in flood zones 1 and 2 would be available in the district. Consequently the development does not comply with Flood Risk policy PSP20 and the provisions of the NPPF.

#### Economic Development

- 5.19 The applicant business was a construction company, and the proposal was to form an office base for the business. The application form and supporting statement indicate the number of employees proposed to work at the office as being circa 50. The supporting statement states that the applicant business seek to use other local businesses where possible, and provides a list of local businesses to whom they provide trade. Many of the supporting representations state this as a main ground of their support for the application.
- 5.20 However, the applicant business went into administration in December 2018, and remains in administration at the time of the writing of this report, the business is no longer trading. While the new office would still provide some level benefit to the rural economy through the provision of alternative employment and the related support for other local businesses, the specific benefits set out in the application can no longer be relied upon.

#### Case for Very Special Circumstances and the Planning Balance

- 5.21 The proposal has been found to be inappropriate development in the Green Belt, and it conflicts with the purposes of the Green Belt and leads to a significant reduction in openness. Substantial weight is attached to the harm to the Green Belt. In addition to the harm to the Green Belt, the proposal is considered to conflict with sustainable transport and flood risk objectives, and substantial additional weight is attached to that harm. The proposal is found to be acceptable in design, landscape impact and residential amenity terms, and these are considered to be neutral in the balance. There would have been some economic benefits to the proposal, through some local employment and trade to other local businesses.
- 5.22 The applicant has put forward a case that the economic benefits, combined with limited visibility of the site and the local support for the proposal, constitute very special circumstances. However, while these benefits attract some weight, this would not be sufficient weight to clearly outweigh the substantial combined harms identified, so as to amount to the very special circumstances necessary to justify approving the development.

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

## **7. RECOMMENDATION**

- 7.1 That planning permission is refused.

**Contact Officer: Neil Howat**  
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## **REFUSAL REASONS**

1. The site is located within the Bristol and Bath Green Belt. The land is not previously developed, and the erection of a building for office use does not fall within any of the limited categories of appropriate development in the Green Belt as set out at paragraphs 145 and 146 of the NPPF. The development also conflicts with the purposes of the Green Belt, and substantially reduces openness. Although the applicant has put forward a case for the economic benefits that are derived from the business being located on the site and the public support for the proposal amounting to very special circumstances, these are not considered to clearly outweigh the combined harms identified, so as to amount to the very special circumstances needed to justify approval of the development. This is particularly the case following the applicant business entering administration and ceasing to trade. The development therefore conflicts with policies CS5 and CS34 of the South Gloucestershire Council Local Plan Core Strategy (adopted) 2013 and policies PSP7 and PSP28 of the South Gloucestershire Council Local Plan: Policies, Sites and Places Plan (adopted) 2017 and the NPPF.
2. The site is located within flood zone 3a, and the flood risk assessment has not followed the sequential approach to flood risk which seeks to direct development to areas less at risk of flooding. The development conflicts with policies CS5 and CS34 of the South Gloucestershire Council Local Plan Core Strategy (adopted) 2013 and policy PSP20 of the South Gloucestershire Council Local Plan: Policies, Sites and Places Plan (adopted) 2017.

3. The development fails to accord with locational strategy and sustainable transport objectives which seek to steer this type of development to town centres, and, is not in a location readily accessible on foot, cycle and by appropriate public transport links. The development conflicts with policies CS5 and CS8 of the South Gloucestershire Council Local Plan Core Strategy (adopted) 2013 and policies PSP11, PSP28 and PSP31 of the South Gloucestershire Council Local Plan: Policies, Sites and Places Plan (adopted) 2017.