

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: 44/20

Date to Members: 30/10/2020

Member's Deadline: 05/11/2020 (5.00pm)

The reports listed over the page form the 'Circulated Schedule' a procedure agreed by Council in July 2020. Under the arrangement certain reports are circulated on a weekly basis. The reports assess the application, considers representations which have been received, and make a recommendation regarding the proposal.

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

Before referring an item to the Committee, it is recommended that Members speak to an officer about the issue, to explore whether any problems can perhaps be resolved without the need for referral to a Committee. You may also wish to refer to the guidance given in the Members' Planning Code of Good Practice in the Council's constitution, which sets out the criteria the Chair of the Committee, in consultation with the Spokes will use to consider any referral requests.

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

NOTES FOR COUNCILLORS

– formal arrangements for referral to committee

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

- a) Be made in writing using the attached form by emailing MemberReferral@southglos.gov.uk identifying the application reference and site location
- b) Within 5 working days of the date of this schedule e.g. if the schedule is published on a Friday, comments have to be received by end of the following Thursday (see cover page for the date)
- c) The referral should include the reasons for the referral why it would not be appropriate to permit the proposal to be determined under the delegated arrangements; the issue the proposal raises in relation to the relevant policy context and the balanced consideration that has been given to the extra costs and delay to the referral You may wish to consider the guidance given in the Members' Planning Code of Good Practice in the Council's constitution, which sets out the criteria the Chair of the Committee, in consultation with the Spokes will use to consider any referral requests.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

c. All applications for non-material amendments

d. All applications to discharge planning conditions

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

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

Additional guidance for Members

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

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

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

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

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

A template for referral is set out below:

Referral from Circulated Schedule to Development Management Committee

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

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

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

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

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

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

Date:

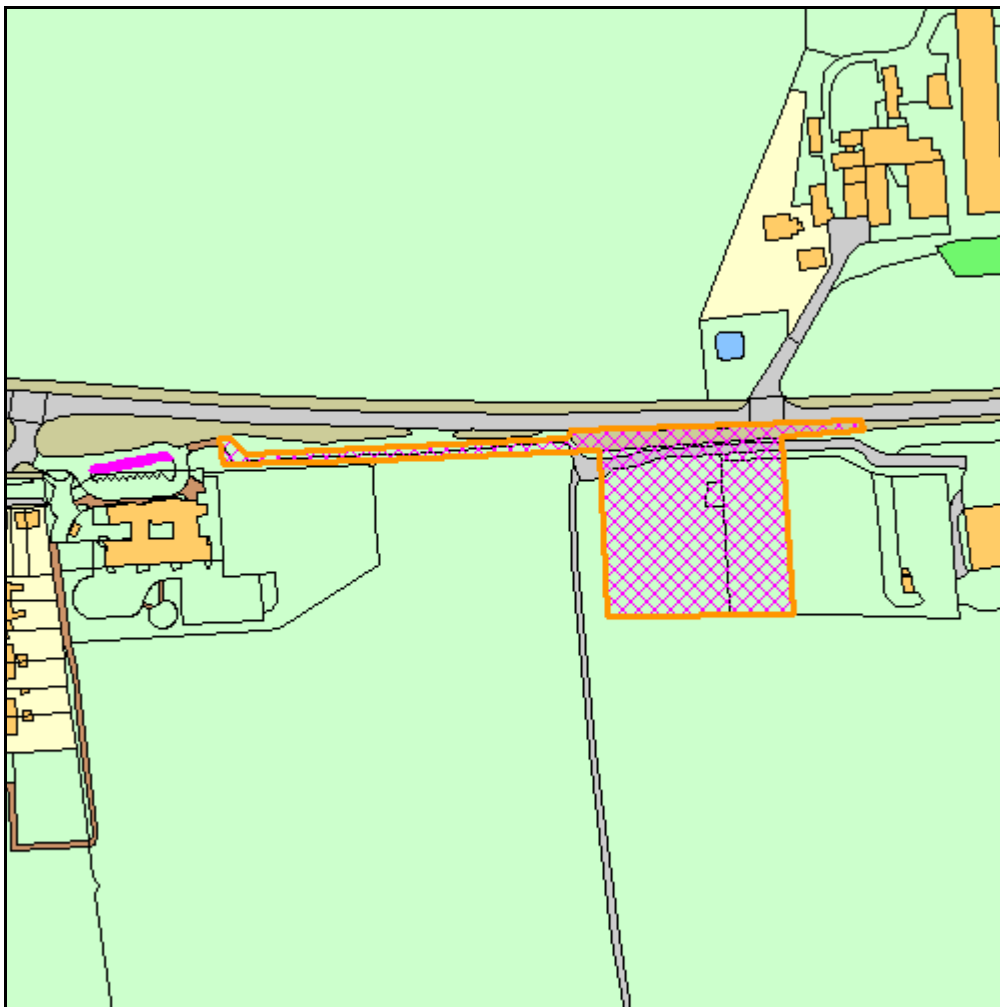
To be emailed to MemberReferral@southglos.gov.uk

CIRCULATED SCHEDULE - 30 October 2020

ITEM NO.	APPLICATION NO.	RECOMMENDATION	LOCATION	WARD	PARISH
1	P19/19778/F	Approved Subject to Section 106	Land West Of Garston Farm Marshfield South Gloucestershire	Boyd Valley	Marshfield Parish Council
2	P20/02701/R3F	Deemed Consent	Land Adjacent To Shortwood Road Pucklechurch South Gloucestershire BS16 9PQ	Boyd Valley	Siston Parish Council
3	P20/07483/F	Approve with Conditions	Land And Part Of Building North Of Forty Acre Lane Alveston South Gloucestershire	Severn Vale	Alveston Parish Council
4	P20/10894/F	Approve with Conditions	The Old Dramway Stables 77A High Street Oldland Common South Gloucestershire BS30 9TJ	Bitton And Oldland	Bitton Parish Council
5	P20/10922/F	Approve with Conditions	The Stables Rookery Lane Doynton South Gloucestershire BS30 5TH	Boyd Valley	Doynton Parish Council
6	P20/11862/F	Approve with Conditions	33 Saxon Way Bradley Stoke South Gloucestershire BS32 9AR	Bradley Stoke North	Bradley Stoke Town Council
7	P20/11881/F	Approve with Conditions	75 Church Road Frampton Cotterell South Gloucestershire BS36 2NE	Frampton Cotterell	Frampton Cotterell Parish Council
8	P20/17395/F	Approve with Conditions	10 Kenilworth Drive Willsbridge South Gloucestershire BS30 6UP	Longwell Green	Oldland Parish Council

CIRCULATED SCHEDULE NO. 44/20 - 30th October 2020

App No.:	P19/19778/F	Applicant:	Mrs Christine Eden Marshfield Community Land Trust
Site:	Land West Of Garston Farm Marshfield South Gloucestershire	Date Reg:	13th January 2020
Proposal:	Erection of 18no. dwellings with associated landscaping and highways works including new road access to Chippenham Road (A420).	Parish:	Marshfield Parish Council
Map Ref:	379117 173825	Ward:	Boyd Valley
Application Category:	Major	Target Date:	13th April 2020



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100023410, 2008. **N.T.S.** **P19/19778/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

On 7th May 2020 a report was included on the Members Circulated Schedule relating to the erection of 18 no. dwellings with associated landscaping and highways works including new road access to Chippenham Road (A420). The report was referred in accordance with the Council Constitution as a total of three objections were received that are contrary to the Case Officer's recommendation. The application was not referred to the Development Management Committee.

At the current time therefore there is a resolution in place to grant consent for the development subject to conditions and the signing of a S106 agreement.

On the 1st October 2020 a request for further time to allow for the signing of the S106 agreement (until 31st October) was made, in the light of Section 7.2 of the original report (See Appendix below). Advice from the Council Legal Officer is that further time is required.

Matter to Consider:

That a further extension until 15th January 2021 is allowed

Appendix 1

1. THE PROPOSAL

- 1.1 This application is for the erection of 18 no. dwellings to the east of Marshfield. The development is made by the Marshfield Community Land Trust and will comprise 12 units of affordable housing (10 units being made available for Social Rent and 2 for Shared Ownership), 3no. Units that will be retained by the landowner with 3no. Units being sold as outright sale (it is indicated that these will help fund the development).
- 1.2 Access to the site is located midway on the northern elevation. Visibility splays are to be provided each side of the entrance. It is proposed to construct a new pedestrian and cycle path on the southern edge of the layby that runs alongside the A420 to give access to the village and in particular the school. 35 parking spaces are indicated, the majority of which will be located at the northern edge of the site.
- 1.3 The development will comprise largely barn style structures which while two storey are designed to sit low in the landscape (almost appearing single storey when viewed from the wider landscape. These buildings are set around a central courtyard. In contrast a cluster of three units (those to be retained by the landowner) will be located at the south-eastern corner and these appear more in keeping with the tradition form of a rural farmhouse with their own courtyard in a farmyard style. The development therefore comprises four groups of dwellings.

- 1.4 The site is situated beyond the eastern boundary of Marshfield on 0.83 hectares of land. The site is farmland situated to the immediate south of the A420 and is surrounded to the west, south and east by further farmland. Immediately to the west of the site lies a farm track (which is a public right of way running south into the Doncombe Brook Valley), with Marshfield Primary School lying a further 100 metres away. A small Airstrip lies approx. 260 metres to the south used for limited recreational flying. To the east lies further farmland and approximately 40 metres from the site lies a hedgerow and the first farm buildings associated with Garston farm. To the north lies the A420 separated from the site at present by a low rise bund and hedgerow. A rough roadway runs parallel to the A420 between the site and the school to the west.

In terms of topography the site is relatively flat albeit with a slight slope from east to west (the fall is indicated as being 2 metres).

- 1.5 The application site is situated outside of the settlement boundary of Marshfield within the Area of Outstanding Natural Beauty (AONB) and the Green Belt. The application is submitted as a Rural Affordable Housing Exception Site. There are no other constraints.
- 1.6 In support of the application, in addition to the Design and Access Statement and Plans, the following documents have been submitted; Affordable Housing Needs Survey Report, Affordable Housing Statement, Landscape Visual Impact Assessment, Arboricultural Report, Geophysical Survey, Drainage Strategy, Ecological Impact Assessment, Transport Statement and Energy Statement.

2. POLICY CONTEXT

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

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS19	Rural Housing Exception Sites
CS24	Green Infrastructure, sport and recreation standards
CS34	Rural Areas

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

PSP1	Local Distinctiveness
PSP2	Landscape

PSP5	Undesignated Open Spaces
PSP7	Development in the Green Belt
PSP8	Residential Amenity
PSP16	Parking Standards
PSP20	Flood Risk, Surface Water, and Watercourse Management
PSP38	Development within Existing Residential Curtilages
PSP40	Residential Development in the Countryside
PSP43	Private Amenity Space Standards

2.3 Supplementary Planning Guidance

Development in the Green Belt SPD (Adopted) June 2007

Design Checklist SPD (Adopted) August 2007

Residential Parking Standard SPD (Adopted) December 2013

Landscape Character Assessment SPD (Adopted) November 2014

CIL and S106 SPD (Adopted) March 2015

Waste Collection SPD (Adopted) January 2015 (updated March 2017)

3. RELEVANT PLANNING HISTORY

3.1 There is no relevant planning history

4. CONSULTATION RESPONSES

Please note, some of the consultation responses, given their length are set out in summary form. The full comments are on the South Gloucestershire Website.

4.1 Marshfield Parish Council

Marshfield Parish Council strongly supports this small-scale housing scheme on an 'exception site' within the current settlement boundary, led by a community initiative, which delivers a small number of local requirement homes to meet the identified need. These 18 new homes will be secured in perpetuity for local people and for this reason MPC favours the inclusion of rented accommodation.

MPC strongly approves of the design which is in keeping with the rural/agricultural landscape along with the sustainable and energy efficient approach to the design and build.

4.2 Other Consultees

Sustainable Transport Team

Initial Comments (summary)

The development is considered to have two key material planning considerations. Firstly whether the site is in a sustainable location and secondly whether there will be an adverse impact upon the surrounding highways network.

Sustainability

The site is within the vicinity of local services inc a primary school, doctors surgery, two convenience stores, community centre, post office and two pubs. Public Transport facilities meet the criteria although there is no Sunday service. The minimum criteria of walking distances to services exists subject to the provision of the footpath to the front.

Highway Impact

Visibility is considered appropriate at the access. The applicant has agreed to the provision of the extension of the 50mph limit further to the east of the site entrance. Also the provision of a footway to link the site to the village and school. There is a need for a “right turn” facility to avoid waiting traffic on the A420, this has been identified by the safety audit officer and must be provided.

Parking provision meets the Council standard.

Conclusion

1. Whilst, we transportation development control have no in-principal objection to a residential development on this site, we request that the developer reviews its junction design and to provide right turn lane facility all in compliance with safety auditors' recommendations.
2. We would also recommend that all works in relation to the new junction is secured under an appropriate legal agreement.

Following the submission of revised details the following comments have been received:

The applicant has now submitted a revised plan showing a revised junction layout - this incorporates provision of a right turn lane facility all designed in line with the highway design standards. In view of the revised plan then, there is no objection to the proposed access.

Other highway works associated with this scheme would involve the creation of a new footway/cycle link connection between the new site and Marshfield. Construction of a footway/cycleway link is essential if the development is to be made sustainable site in respect of access being available on foot and by cycling to all those existing facilities within Marshfield including accessing the Marshfield primary school nearby off Chippenham Road. Proposed footway /cycleway link should be minimum of 2m wide.

Other highway works proposed with this involves a review of the speed limit on the main road. Safety Auditor has recommended that the current speed limit outside the site is to be reviewed from currently being de-restricted to 50mph passing the new site and this is something that the Highway officers support too.

All highway works as outlined above ought to be secured under an appropriate legal agreement. In this respect, we recommended that the works are covered under a s106 legal agreement.

Conclusion - In view of all the comments made previously, and within this response then, there is no highway objection to this application subject to the applicant first entering into a s106 legal agreement to secure the junction and all associated works, the footway and the speed limit review (to 50 mph).

A condition is required to ensure that all the parking and manoeuvring areas on the approved plans are completed and retained as such thereafter.

Environmental Protection

No objection subject to a condition to a Construction Environmental Management Plan condition and advices.

Public Open Space

Initial Comments:

It is unclear whether public open space is being provided on site. If it is not the contribution to community infrastructure would be as follows:

Category of open space	Minimum spatial requirement to comply with policy CS24 (sq.m.)	Spatial amount provided on site (sq.m.)	Shortfall in provision (sq.m.)	Contributions towards off-site provision and/or enhancement	Maintenance contribution
Informal Recreational Open Space	470.4	0	470.4	£12,955.10	£22,835.62
Natural and Semi-natural Open Space	Adequate existing supply of Natural and Semi-natural Open Space within the settlement boundary of Marshfield				
Outdoor Sports Facilities	633.6	0	633.6	£34,702.34	£10,503.25
Provision for Children and Young People	84	0	84	£15,415.86	£16,209.90
Allotments	Adequate existing supply of Allotments within the settlement boundary of Marshfield				

Wales and West Utilities

The applicant is advised that there are gas pipes in this area and that no plant or apparatus can be built over.

Waste Engineer

Initial Comments:

Confirmation is required regarding waste collection arrangements in line with the SPD.

This information has now been supplied and is acceptable.

Environmental Policy Team

Initial Comments (summary):

The overall approach is welcome however the following points are raised:

- The developer is encouraged to consider designing and constructing the scheme to PHI Low Energy building standard as a means of enhancing and certifying the quality and energy performance of the scheme
- Thermal bridging needs be explained
- How will air tightness be assessed?
- Details of MVHR units required
- Ground source heat pumps strongly supported. Recommendations made re the detailed arrangements
- Energy table calculations (regulated and unregulated emissions) need to be checked – appear low
- PV encouraged to be on all units including market sale
- Measures to prevent overheating recommended, use of green infrastructure
- Applicant encouraged to provide 100% of parking spaces with ECV points

The applicant has submitted a detailed Energy Statement that covers the above points. The Environmental Policy Team now state that the development meets the objectives of PSP6 and recommend the following condition:

The development hereby approved shall incorporate the energy efficiency measures, renewable energy, sustainable design principles and climate change adaptation measures into the design and construction of the development in full accordance with the Energy Statement (Energy Statement, Adam Sims, Energy Compliance Ltd, April 22nd 2020) prior to occupation.

In accordance with the approved Energy Statement a total 41% reduction in carbon dioxide emissions (based on the DER and TER) beyond Part L 2013 Building Regulations shall be achieved, and a 20.20% reduction in carbon dioxide emissions below residual emissions (that is regulated and unregulated emissions) through renewable technologies shall be achieved.

Ecologist (summary)

The impact of the site is assessed as being site to local level of ecological importance. The main constraints are bats, birds, reptiles, hedgehogs and dormice. Though no further dormice surveys were considered needed, because of their presence in the surrounding habitat a check will need to be completed as part of bird nesting checks and reptiles checks to confirm absence of dormice by a suitably qualified ecologist.

The strimming of the grass to a lower level included in the reptile mitigation is to be supervised by a suitably qualified ecologist.

As badgers and hedgehogs could be using the site, any excavations must be covered at night and a means for escape should be installed such as a ramp should an animal become trapped. The excavations should be also checked on a daily basis. These informatives should form part of the LEMP.

No objection subject to conditions to; ensure that all works take place in accord with the mitigation strategy in the EIA report; the submission of a lighting design strategy; installation of ecological enhancement features, bird boxes, bat boxes, permeable fencing (hedgehog highways) and native planting; the submission of a landscape and ecological management plan.

Arts Officer

No comment

Housing Enabling Officer (summary)

This application to build 18 homes on a rural exception site meets the required criteria under CS19 of the Council's adopted Core Strategy Development Plan Document. The Strategic Housing Enabling Team support this proposal for Affordable Housing in Marshfield.

Recommendation: No Objection.

Lead Local Flood Authority

Initial Comments (summary)

The proposed drainage strategy has been reviewed. There are questions that must be resolved.

- Treated effluent cannot be discharged to ground via a soakaway after being through the treatment plant. The applicant must gain an Environment Agency permit to allow discharge
- Surface water disposal via soakaways throughout the site is acceptable however infiltration tests need to be complete
- Some soakaways are located close to tree roots and need to be located elsewhere as they need to be accessed for maintenance

Police

The proposal is not acceptable in its current form. For the following reasons:

Footpaths lie to the rear of the two blocks of terrace housing; gates should have a key lock; there is excessive permeability throughout the site.

Following the submission of amended details subject to the inclusion of 6.8mm laminated glass on the ground floor windows and doors, this objection is removed.

Highway Structures

No objection subject to informative

Landscape Officer

Initial Comments

The site is within the AONB, and Greenbelt and is close to the village of Marshfield, a conservation area, with multiple listed buildings. The proposed site is outside the settlement boundary, with views towards Marshfield, and is close to sites of nature conservation interest, and a registered Park, garden and battlefield. Given the designation of the site, views into and out of the site are of importance to the wider landscape and the landscape character of the area.

The Landscape Design and Detail to be conditioned and to include the following. All rear gardens to have fruit trees, all rear gardens to have hedgerows running along the length of the proposed chain link fence, the proposed boundary fence to be stock fence, with the proposed native species hedgerow with hedgerow trees, all walls to be permeable for hedgehog, reduce the number of Hedera helix, Sorbus torminalis to be included in hedgerow trees and include Oak trees within the planting plan.

Further comments have been received following further correspondence with the applicant's agent (summary – full comments on website):

It is considered that the application is acceptable with regard to landscape and compliant with our current landscape policies. The submission of a revised planting plan as a condition of planning is considered appropriate.

Urban Design Officer

No objection. A question over whether sufficient parking is provided. The proposed materials are to be welcomed. A condition should be applied that secures details of pavers, access surfaces, kerbs, self-bound gravel, window frames, doors/garages, lintels and sills, fibre cement tiles/sheet, facing bricks, stone cladding, mortar, guttering. A condition should also secure a palette of materials to show the principle facing materials including brick, stone cladding and fibre cement cladding.

Cotswold Conservation Board (summary)

The provision of affordable housing is an important consideration as evidenced by the Housing Needs Survey. The scheme is proportionate to the existing settlement

The Board is concerned that the development has the potential to have a significant adverse impact on the purpose of the AONB designation which is to conserve and enhance the natural beauty. There is concern that the proposed development is physically detached from the settlement boundary (this is incompatible with the landscape characterised by a very open and exposed nature).

The Landscape and Visual Impact Assessment (LVIA) is not sufficient in failing to assess the effect of the development on the landscape character. Great weight should be given to this impact, also the site is in the Green Belt. A detailed assessment of the LVIA is included in an annexe (details can be seen on the website).

If consent were to be given the percentage of affordable housing should be increased to at least 75% (15 out of 18) or (12 out of 16).

The farmstead design concept is welcome particularly given the immediate context. If permission is granted the building materials should include locally quarried limestone rather than just yellow brick.

Other Representations

4.3 Local Residents

2 letters of objection has been received. The grounds of objection can be summarised as follows:

- This will set a precedent for future development in Marshfield
The proposal will add to existing traffic problems in Marshfield High Street
- The site is located within an extremely sensitive location and the proposals would not conserve and enhance the scenic qualities of the AONB. The proposed development would therefore not be compliant with paragraphs 172 of the NPPF, policy CS9 of the Core Strategy, and policies PSP 2 and 3 of the Local Plan. The proposed development would result in demonstrable harm to the character, appearance and special qualities of the AONB and these considerations should not be overridden by virtue of the proposals being for affordable housing. As such, the proposed development should be refused on landscape and visual grounds.

79 letters of support have been received. The grounds of support can be summarised as follows:

- The site is ideally placed for facilities.
- Easy access to the school, playing field and Community Centre
- Low cost affordable housing is much needed in Marshfield which is expensive place to live
- Marshfield needs more housing especially smaller units
- It is a good scheme because it includes a large element of social housing

- People who view Marshfield as home can remain (too many individuals and young families forced to relocate to neighbouring towns)
- The proposal meets the requirements for a Rural Exception
- The design is appropriate for the rural context
- Delivers on the localism agenda
- The proposal follows inclusive local consultation and represents feeling in the village
- Good low energy design
- Will enhance the village
- Will help the school which has low numbers
- Planning condition should secure the footpath to the front of the site
- Marshfield residents should get first priority
- This is a valuable addition to the local community

5. **ANALYSIS OF PROPOSAL**

The application proposes the erection of 18 no. dwellings with associated landscaping and highways works including new road access to Chippenham Road (A420).

5.1 Principle of Development

In considering the principle of development, the application site is situated outside of the settlement boundary of Marshfield in the open countryside. Furthermore the site is situated within the Bristol/Bath Greenbelt and the Cotswold Area of Outstanding Natural Beauty (AONB).

5.2 *Locational Strategy*

The locational strategy for the District is set out in policy CS5 and, in this instance, CS34 of the Core Strategy. Under these policies, new residential development is directed to the strategic housing allocations, existing urban areas, and defined rural settlements as shown on the proposals maps. In rural areas, new residential development outside of a defined settlement is strictly controlled and would have to comply with the provisions of policy PSP40.

This application proposes development outside of a defined rural settlement, however policy PSP40 indicates that development will be acceptable for rural housing exception initiatives which accord with Core Strategy Policy CS19 (Rural Housing Exception Sites).

CS19 states that:

Proposals for permanent affordable housing to meet an identified local need (including a small element of market housing where this will facilitate the successful delivery of the affordable housing) will be permitted as an exception on sites where market housing would not normally be acceptable.

Proposals should be:

- *Supported by an approved housing needs survey*
- *Well related to a rural settlement*

- *Modest in scale and in keeping with the form and character of the settlement and the local landscape setting; and*
- *Supported by the appropriate Parish Council*

The permission will be subject to conditions, or a legal obligation to ensure that the affordable housing is reserved in perpetuity for those in local affordable housing need.

In association with the South Gloucestershire strategic housing enabling team, corporate research team and Marshfield Parish, a housing needs survey was carried out between July and September 2018. There was a response rate of 34.4% to this survey which concluded that 17 households were in need of Affordable Housing of which 13 required affordable rented accommodation. These findings are supported by and endorsed by Marshfield Parish Council.

The design and access statement indicates that a thorough site selection process was undertaken, with the site being chosen for a number of reasons. These reason include: proximity to the village and the services/facilities that it can offer future residents; topography – it is relatively level; the site is able to accommodate sufficient affordable and market housing; there are no on site constraints such as archaeology and lastly the site is available on reasonable terms. The form and scale of the development is considered acceptable. The provision of a footway linking the site to the remainder of the village (to the school) will ensure that although there is a degree of separation from the settlement boundary, the relationship is considered acceptable. A more detailed assessment of the impact upon the landscape is set out in the body of the report below.

It is therefore considered that the proposal meets the criteria set out in Policy CS19 and thus can be considered a Rural Housing Exception Site, thus fulfilling criteria 1 of PSP40.

It is important to note that PSP40 also requires that:

In all circumstances, development proposals including any alterations, extensions or creation of a residential unit, will be acceptable where they do not have a harmful effect on the character of the countryside or the amenities of the surrounding area.

This is considered in detail below however subject to this assessment the proposal is considered acceptable in these terms.

5.3 *Green Belt*

The site is located within the Green Belt. Among other criteria, the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open, to preserve the setting and special character of historic towns and to assist in safeguarding the countryside from encroachment. The essential characteristic is their openness and permanence.

For the above reasons the forms of development deemed appropriate in the Green Belt is strictly limited.

Para 145 (f) of the National Planning Policy Framework does however indicate the following as an exception to the general rule that the construction of new buildings in the Green Belt should be treated as inappropriate:

Limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites)

As set out above in 5.2, the site is considered to meet the criteria for a Rural Housing Exception Site that are set out in Policy CS19 of the Core Strategy and it therefore follows that the development is deemed to be an appropriate form of development in the Green Belt.

5.4 *Area of Outstanding Natural Beauty*

The site is situated within the Cotswolds Area of Outstanding Natural Beauty where, in accordance with guidance in the NPPF, great weight should be given to conserving landscape and scenic beauty. To this end, policy PSP2 seeks to resist proposals that would have an adverse impact upon the natural beauty of the AONB. The NPPF is more specific; with regard to development in designated areas such as AONBs it states that 'major' development that would affect the AONB should be refused unless it is in the public interest.

The protection of the Cotswold Area of Outstanding Natural Beauty both in terms of the protection of its character and appearance is also set out within Policy CS9 of the Core Strategy as well as the aforementioned PSP2 and also PSP3.

No definition of major development is given in the NPPF. This has been a matter of contention across the country however in *R (Trevone Objections Group) v Cornwall Council [2013] EWHC 4091* the judge concluded that the definition of 'major' development in the AONB should be a matter of planning judgement rather than defined in the Development Plan. The judge in *Aston v SSCLG [2-13] EWHC 1963* stated that there is no uniform meaning to the phrase 'major development' in relation to the AONB and each should be assessed in its context.

In this case given the number of units and location it is considered reasonable to conclude that the proposal constitutes major development.

The NPPF indicates that consideration of such major applications should include an assessment of:

- a) *The need for the development, including in terms of any national considerations and the impact of permitting it or refusing it upon the local economy*
- b) *The cost and scope for developing outside the designated area or meeting the cost in some other way*

c) *Any detrimental effect on the environment, the landscape and recreational opportunities and the extent to which that could be moderated*

As set out above there is a demonstrable need for the development. This need is specific to Marshfield and thus the development has to be within the parish boundary. This need is recognised and the development supported by the Parish Council. Other sites have been examined but this is a site which has become available and would allow for the delivery of the development meets all the requirements needed within the confines of the Marshfield Parish.

In terms of criteria C, that considers whether the proposal would have a detrimental effect on the environment, the landscape and recreational opportunities (and extent to which the impact can be moderated) the following assessment is made.

Landscape (existing) Considerations

An objection has been received that contends that the proposal would demonstrably harm the character and appearance and special qualities of the AONB and that the proposal would not be in accord with its management plan. The objection contends that *“landscape protection considerations should not be overridden simply by virtual of the proposals being for affordable housing within a rural exception site”*.

The Case Officer completely concurs with the sentiment expressed in this objection and considers that it is for this reason that the NPPF has been written as it has with three distinct and separate criteria that must be **all be satisfied, thus any benefit from the provision of the Affordable Housing cannot outweigh any impact upon the environment and landscape of the AONB.** To reiterate the three criteria are: *The need for the development, including in terms of any national considerations and the impact of permitting it or refusing it upon the local economy; the cost and scope for developing outside the designated area or meeting the cost in some other way; any detrimental effect on the environment, the landscape and recreational opportunities and the extent to which that could be moderated.*

The impact upon the Cotswold AONB in these terms goes to the heart of whether the application is acceptable in principle. The extent of that impact and whether it is detrimental and the extent to which it can be moderated is however a matter of planning judgement.

An objection as set out above has been received from the Cotswold Conservation Board (CCB). This objection is available on the website in its entirety. The CCB recognises the benefits of the proposal in terms of the provision of affordable housing and considers the development proportionate in scale to the existing settlement. In the event the scheme is given approval it is considered that the percentage of affordable housing should be increased and a different choice of materials used in part. Notwithstanding this it is considered that the scheme will have a detrimental impact upon the landscape given its nature and separation from the settlement. The supporting Landscape Visual

Impact Assessment is also criticised for underplaying the impact and technically not supporting its conclusions in the submission.

The Council's Landscape Officer has assessed the impact of the proposal, and notwithstanding the comments received from the Cotswold Conservation Board, has made that assessment based upon her professional opinion and interpretation of the information that has been supplied. The assessment set out below is made having regard to criteria C as set out above that major development must consider "*any detrimental effect on the environment, the landscape and recreational opportunities and the extent to which that could be moderated*". The assessment has full regard for the site's context within the AONB and the sensitivity of the site having regard to the designation of the site, views into and out of the site in particular are of importance to the wider landscape.

The site is within LCA2 'The Marshfield Plateau' as identified in the Landscape Character Assessment SPD. In terms of its attributes, the landscape is identified as being gently sloping, open, and agricultural in nature.

It is considered that views of the site will be largely in passing from the A420, from the footway alongside the site or more distant views from land to the south. The applicant has indicated that a number of measures have been taken to mitigate the impact upon the landscape. These include management and replanting of hedgerows, recessive building materials, clustering of buildings, tree planting, avoiding hard surfacing, keeping dry stone walling. It is noted that the design of the terraced buildings which although two storey appear as single storey from the outside of the site due to the roof form design.

A detailed Landscape Visual Impact Assessment (LVIA) has been submitted which demonstrates a limited impact from the proposal. This acknowledges sensitivity to change. This LVIA was produced following detailed discussion between the Council Landscape officer and representatives of the applicant. It should be noted that a total of 46 viewpoints were considered following Zone of Theoretical Visibility modelling and a number of more distant southerly views were ruled out as the site was not visible from these locations. A selection of representative viewpoints were then agreed with the applicant to form the basis of the LVIA.

Concerns that the assessment is not sufficient or broad enough are noted, in particular that the site would be visible from a considerable distance and also that an existing nearby waste management site should be taken into account. The assessment of the impact has been made having regards to the degree of separation of the site from the Marshfield village boundary and its position in the landscape however the Guidelines for Landscape and Visual Impact Assessments (GLVIA 3 2013) require the assessment to be proportionate to the scale of the development. Notwithstanding the objection received, it is the professional view of your officers that the LVIA provides a suitable level of information and accords with the guidance in the GLVIA being considered sound for the purposes of assessing the scheme.

The conclusion of significance of impact has been calculated with regard to the high level of landscape mitigation proposed. It is noted that concern has been expressed that the site currently has no physical boundaries and is in an exposed position within an arable field, however the Landscape Strategy within the Marshfield Plateau landscape character area is ; ‘to “provide a positive enhancement to the current landscape and biodiversity and ensure the conservation and enhancement of the diverse habitats within this character area, to ensure their connectivity via informal broadleaf tree planting and native species hedgerows’.

It is considered that the landscape proposals are in accordance with this strategy requirement and furthermore, additional planting has been secured, as including trees to rear gardens and hedgerows to divide rear gardens, bird and bat boxes, minor amendments to tree species and additional tree planting within the southwestern boundary of the site. It is considered that the planting proposals are appropriate and provide a good level of mitigation and biodiversity enhancement. A revised planting plan incorporating these additional improvements to the scheme will be submitted as a condition of planning

Concern has been raised that the approval of this application and subsequent development, would leave the area of land between this site and the primary school vulnerable to development. It is not considered that this is a matter that can be considered in detail here as each application must be assessed on its own merits. In this case however any such application would have to meet the same very stringent policy considerations that this application is assessed against not least whether it meets those criteria above that define a “rural housing exception site”.

Overall, if permitted the development would be unlikely to have a significant or demonstrable impact on the landscape character of the area. While the aim of the AONB is to preserve land to protect natural beauty, the development would not notably detract from the character of the AONB or degrade the natural beauty of this location within the AONB.

Great weight should be attached to the preservation of the landscape in the AONB in accordance with national guidance, however while there would be some landscape impact, this impact is limited in nature and as a result would not have a significant adverse impact.

5.5 *Principle of Development (summary)*

It is concluded that the application is acceptable in principle. The remainder of this report will considered the detailed material planning considerations.

5.6 Landscaping (proposed)

The impact upon the existing landscape, forms part of the assessment of the principle of development given the location in the Area of Outstanding Natural Beauty.

In terms of the future landscaping of the site itself, this needs to be carefully considered.

A balance needs to be struck between the need to provide a boundary around the site and the need to ensure that the site blends into the existing landscape in a natural way (as indicated above the landscape is generally open). Careful consideration needs to be given to the treatment on the southern boundary in particular. For occupiers of the site, the view across this landscape and the south facing aspect is clearly an important consideration, so it is considered by officers that a dense and high tree belt would not be appropriate either as a response to the landscape character or in terms of the amenity of the occupiers. Against this consideration needs to be given to security and a boundary to the site. Given the prevailing winds perhaps a more substantial cluster of trees is appropriate at the south-western corner of the site. Along the southern boundary a native hedge is appropriate with trees of a suitable size and species at intervals.

In addition officers would like to see all rear gardens to have fruit trees and to have hedgerows running the length of the chain link fence. A stock fence on the boundary is considered appropriate to the rural character (along with the native species hedgerow and hedgerow trees discussed above). Walls should be permeable for hedgehog and oak trees should be included in any planting plan.

It is considered appropriate to attach a condition to the decision to secure a detailed landscaping plan (as indicated elsewhere in the report a condition will also be included to secure a Landscape and Ecological Management Plan).

5.7 Ecology

Policy CS9 of the Core Strategy and Policy PSP19 of the Policies, Sites and Places Plan indicate that development should conserve and enhance the natural environment, avoiding or minimising impacts upon biodiversity. PSP19 in particular indicates that where appropriate biodiversity gain will sought proportionate to the size of the scheme.

An Ecological Impact assessment has been submitted with the application, which has been viewed and agreed with by officers.

While the site is not within a designated site for nature conservation, it is within an area that would have the potential to impact upon the St Catherine's Valley SSSI, however it is considered given the scale of the development that this would not in fact be the case. Turning to those species that are protected under the habitat regulations:

Bats

There were no trees or other features on the site that were found to provide roosting sites. Some activity has been recorded within the northern hedgerow but this is limited given the proximity to the main road and regular hedge maintenance. It is concluded that the low level of activity is present and the ecological value for bats is low.

Great Crested Newts

There is a lack of suitable waterbodies and these are unlikely to be found although some areas of the site may be used by toads.

Dormice

Due to intensive agricultural practices it is considered that while the site potentially could offer a suitable habitat these are unlikely to be present.

Birds

The site provides a suitable habitat for ground nesting birds

Reptiles

Notwithstanding the fact that the site largely comprises arable farmland, the margins in particular the stone wall and rougher grassland/scrub may provide habitat however it is considered that the site is unlikely to support a population.

Badgers

No signs of badgers were recorded although they may cross the site.

Hedgehog

The site provides suitable sheltering and hibernation habitat for hedgehogs within the areas of dense scrub, field margins and hedgerow bases.

Invertebrates (e.g. noble chafer)

No notable invertebrates were recorded during the survey and the habitats are considered to be of sub-optimal quality for invertebrates due to the agricultural management and species poor hedgerows and field margins.

It is concluded that the site would have a local level of ecological importance with the main potential being with regards to bats, birds, reptiles, hedgehogs and dormice.

The proposal is considered acceptable in ecological terms subject to conditions to ensure that all works take place in accordance with the recommendations set out in the "Mitigation Measures" section of the submitted Ecological Impact Assessment report and a condition to secure a detailed lighting design strategy (bats, badgers and hedgehog). Also a condition will be attached to ensure that the ecological enhancement features that are set out in the Ecological Appraisal are installed prior to the first occupation of the development, these features should include but not be limited to bird boxes, bat boxes, permeable fencing and native planting. Lastly a condition will be attached to the decision notice requiring the submission of and implementation of a landscape and ecological management plan (LEMP).

5.8 Affordable Housing

As set out in the section above (5.1 to 5.5), the provision of a Rural Housing Exception Site through this proposal allows for the development of affordable housing in a rural location where because of planning policy the provision of market housing would not normally be acceptable. Policy CS19 states;

Proposals for permanent affordable housing to meet an identified local need (including a small element of market housing where this will facilitate the successful delivery of the affordable housing) will be permitted as an exception on sites where market housing would not normally be acceptable.

Proposals should be:

- Supported by an approved housing needs survey
- Well related to a rural settlement
- Modest in scale and in keeping with the form and character of the settlement and the local landscape setting; and
- Supported by the appropriate Parish Council

The permission will be subject to conditions, or a legal obligation to ensure that the affordable housing is reserved in perpetuity for those in local affordable housing need. Taking the above criteria in turn:

Proposals should be Supported by an Approved Housing Needs Survey

In April 2018 Marshfield Parish Council (MPC) asked SGC's Housing Enabling Team to conduct an Affordable Housing Needs Survey (AHNS) as the previous one had come to the end of its 5-year shelf-life.

Following discussions with MPC, survey questions and distribution method were agreed and the survey was conducted during the summer, closing in mid-September 2018.

Subsequent analysis took several months but the final consultation report was published in January 2019 and concluded the housing need as set-out below:

Affordable Housing	
Social rent tenure	13 households
Shared ownership (40% or 50% product)	4 households
Total	17 households

The survey also offered further detail on the house-types required:
10 x 1-bed, 5 x 2-bed and 2 x 3-bed

Table 2 provides a summary of the number of affordable homes needed by tenure and bedroom size.

Table 2: Affordable Homes needed by tenure and size			
Tenure	1bf	2bf or 2bh	3bh
Social rented	7	4	2
Shared Ownership	3	1	
Total	10	5	2

In association with the South Gloucestershire strategic housing enabling team, corporate research team and Marshfield Parish, a housing needs survey was carried out between July and September 2018. There was a response rate of 34.4% to this survey which concluded that 17 households were in need of Affordable Housing of which 13 required affordable rented accommodation. These findings are supported by and endorsed by Marshfield Parish Council.

It is therefore considered that the above evidence demonstrates that there is a genuine need for affordable housing within Marshfield from those with close connection to the parish.

Proposals should be Well Related to a Rural Settlement

By definition exception sites are outside of the village's development or settlement boundary, as is the case with this application. This site is situated just outside the settlement boundary where a footpath to the front of the site will provide access to the facilities that Marshfield is able to provide. Although there is a gap top the settlement boundary it is considered that the site relates well to the village.

Proposals should be Modest in Scale and in Keeping with the Form and Character of the Settlement and Local Landscape Setting

The impact of the design and layout of the proposal upon the local landscape setting is discussed elsewhere in this report in detail. The proposal is considered to meet this criteria.

Proposals should be Supported or Initiated by the Appropriate Parish Council

Marshfield Parish Council outlined their position in January 2016 when they endorsed South Gloucestershire Council's stance for an 'exception site' where this would allow a small-scale development, under local control, to potentially come forward. Officers of the Housing Enabling Team note that the Parish Council have supported the work of Marshfield Community Land Trust and endorsed the finding of the housing needs survey at a meeting on 5th March 2019. The Parish have also shown their support for the proposal in their response to this planning application (see 4.1 above)

It is proposed to provide the following as part of the development:

Social Rent

Quantity & Type	Min Size m ²
4 x 1 bed 2 person flats	50
4 x 2 bed 4 person houses	79
2 x 3 bed 5 person houses 2 storey	93

Shared Ownership

Type	Min Size m ²
2 x 2 bed 4 person houses	79

The remainder of the units i.e. 6 dwellings will help subsidise the affordable element.

In terms of the design, delivery, rent levels, these have been set out and with one exception meet the requirements of the SPD. The one exception is that in this case it is considered that the provision of one wheelchair accessible unit can be waived. This judgement has been made in association with the occupational therapist on the basis that:

1. As a semi-rural location, its geography can make access to facilities, public services & retail challenging.
2. Public transport can be challenging or infrequent and this may cause isolation for the disabled person.
3. Commissioning care from Care agencies is challenging in semi- rural communities.

In terms of the design the affordable units are to be built to the same high quality design standards and will be visually indistinguishable from the market units and in addition, Part M of the Building Regulations accessibility standards M4(2), Secured by Design Silver, Part Q Building Regulation standards and compliance with the RP Design Brief;

- i. All rear gardens to be turfed and generally to have 1.8m high close boarded fencing to boundaries and privacy panels;
- ii. All properties to have vinyl/tiles on floor in all ground floor rooms;
- iii. Ceiling height tiling to 3 sides of bathroom to be provided;
- iv. Provide wall mounted shower (either electric or valve and kit);
- v. Provide gas and electric points to cooker space (where gas is available);
- vi. Painted softwood curtain battens to each window (where construction is traditional as opposed to timber frame)

In terms of the delivery and phasing the applicant has confirmed that should permission be achieved, the development will proceed over one development phase.

The Council to refer potential occupants to all first lettings and 75% of subsequent lettings. As a rural exception site a local lettings policy will be agreed between SGC, and Marshfield CLT.

Affordable housing on rural exception sites will be subject to a condition or legal obligation, which limits occupancy to those with the local connection, (defined in CS19, paragraph 10.55). Should dwellings remain unoccupied for a period of time a cascade approach to widen the area of connection will come into effect. The cascade approach will be defined in a legal agreement, together with details of how the dwellings will be reserved as affordable in perpetuity.

In terms of the rent levels and affordability Social Rent homes to be let at Target Rent (Rent Standard Direction 2014). Shared Ownership homes to be sold at no more than 40% of market value, and annual rent on the equity retained by the RP should be no more than 1.5%. Service charges will be capped at £650 per annum (April 2016 base and linked to RPI) to ensure that all housing costs are affordable to future occupants.

The Affordable Housing provision will be secured through a planning obligation as set out in Section 7(a) below, both in terms of the quantity, tenure and details set out above.

5.9 Environmental Protection

Policy PSP 21 states that proposals for development on land which may be affected by contamination will be acceptable where adequate remedial measures are taken. Officers note the current use as arable land and that the chance of contamination is low however it is considered appropriate to apply a precautionary condition to require the reporting of any contamination found during construction and to secure measures to deal with this if it is found. Subject to this condition the development is considered acceptable in these terms.

5.10 Transportation

Policy CS8 of the Core Strategy considers the location of new development and encourages new development that is sustainably located where development can secure access to facilities and services by means other than the private car. PSP11 in more detail requires development to have an acceptable impact on highway and road safety.

In support of the application the applicant has submitted a Transport Statement.

Sustainability

The application site is situated just beyond the settlement boundary by approximately 260 metres, the nearest development being the Marshfield Primary School and its grounds. The access profile for Marshfield shows a dedicated community centre, post office, two public houses, there are also two

convenience stores. Unusually for a rural settlement there is a Doctors surgery (Three Shires Practice Back Lane) approximately 800 metres from the site.

Within the settlement there is a small safeguarded employment area (Listed under Policy CS12 as the Sungard Vivista Premises). As indicated above the settlement has a primary school with walking and cycling distance.

Marshfield lacks facilities such as a library, pharmacy, dentist, large food retail store, secondary school and major employers. MJ Church is approx. 2km from the site further to the east along A420 but is not considered to be accessible easily/safely by anyone wanting to walk or cycle so is discounted.

In terms of Public Transport, a Service (No.53) runs between Kingswood and Marshfield. PSP11 sets out the accessibility criteria for bus services, indicating that this should have at least one service arriving before 9am and at least one that returns after 5pm. The criteria indicates that on Saturdays there should be one service that arrives before midday and returns after 3pm. The above service meets these criteria. There are no public transport connections on a Sunday.

In terms of distances to facilities for walking and cyclists from the entrance onto the A420, these are as follows (the appropriate standard set out in Policy PSP11 is included in brackets :

Primary School	260m (3200m)
Post Office	930m (1200m walking/800 cycling)
Community Centre	600m (800m)
Local Shops	1100m (1200m)
Lord Nelson (nearest Public House)	790m (800m)
GP Surgery	790m (800m)
Bus Stop (Chippenham Road)	360. (400m)

In summary it is considered that there is a mixed picture. The principal transport mode will be the private motor car. For a rural settlement the available facilities can be considered appropriate and those available although likely to be accessed by car, all fall within the minimum criteria in PSP11 for walking and cycling.

Highway Safety – Site Access

The single vehicular access to and from the site is in the form of a simple “T” Junction. Visibility is considered acceptable. A safety audit undertaken made three recommendations; the provision of a new footway between the site and the access road serving the school (where connection exist to the remainder of the settlement); the extension of a 50mph speed limit between the site and a point to the east on the A420 and lastly a right turn facility from A420.

The applicant has agreed to the provision of the above through a S106 agreement (see Section 7 below). Considerable negotiation has taken place to secure an appropriate design for the right turn facility but that is now agreed. Officers consider the number of likely traffic movements justify this facility on Highway Safety grounds. The footpath is absolutely critical in ensuring connectivity to those facilities available.

Parking

South Gloucestershire Council residential parking standards are set out in PSP16 and in the Supplementary Planning Document (SPD) adopted in 2013. The standards are described as minimum provision, plus visitor allowance. For this proposed development consisting of 4no. 1-bed and 6no. 2 bed and 8no. 3-bed the minimum parking requirement is 33 including 4 visitors' spaces. The submitted details show a total of 36 car parking spaces. This therefore exceeds the minimum standards and as such is considered acceptable.

In summary subject to the signing of a legal agreement to secure the above provisions and a condition to secure the provision of the parking spaces prior to first occupation the development is considered acceptable in transportation terms.

5.11 Urban Design

Policy CS1 (and PSP1, of the Policies, Sites and Places Plan) of the Core Strategy indicates that development will only be permitted where *“the highest possible standards of design and site planning are achieved. Proposals will be required to demonstrate that siting, form, scale, height and massing, detailing, colour and materials are informed by, respect and enhance the character distinctiveness and amenity of both the site and its context.”* Integration with the landscape such that it is integral to the design, safety and security are all considerations.

The design of the proposal is as set out above in 5.1 to 5.6, one of the considerations in considering the principle of development in so far as this is a factor both in terms of consideration of the AONB where the development must make a positive contribution but also in terms of meeting the tests of meeting the definition of a Rural Housing Exception Site i.e. being *“Modest in scale and in keeping with the form and character of the settlement”*.

The site has an unusual context as it is effectively a “stand-alone” rural development where there is a degree of separation from Marshfield. The context is therefore largely open farmland.

The applicant has set out that the scale, massing and layout of the proposal is considered to respond to the various aspects of the context by minimising the visual impact of the development. The development is set out as a courtyard development with largely linear barn like structures that are set around shared communal space. The exception to this is a cluster of three buildings at the south-east corner to be used by the farmer. These have the appearance of standard farmhouses. Buildings will be two storey and avoid north facing

elevations. They are set back from the road and an area of car parking is provided back from the northern edge, although smaller areas of parking can be found within the site.

The buildings while two storey, given the pitch of the roof appear as single storey when viewed from long views into the site. This reduces the impact of the development upon the landscape significantly. The “taller eaves” i.e. where the building appears two storey face onto the communal space and thus are view from much closer. The three dwellings at the south east corner are detached but connected at the ground floor by stone walls. This to a degree ensures that this part of the site reads as a single unit.

In terms of materials, the linear barn like structures will be of light-weight materials of a similar type to agricultural buildings. Fibre cement roofs and gable ends with the longer elevations front and back being clad in yellow brick which is said to replicate that to be seen on stone walls. The three dwellings situated at the south east corner are to be clad in masonry with the garden walls that attach the properties to each other at ground floor level to be of buff stone. The fibre cement will match that on the other buildings.

The access/internal roads are to be privately maintained. There will be a communal bin store for the 4 no. flats and each house will be provided with an individual store. There was a concern in relation to the provision of waste storage at the south-east corner of the site as this exceeded the distance to which refuse storage would be collected. As a result a bin storage area is now provided to the west of the earlier location such that it is accessible for the users and collectors within the distance limitation of 25m set out in the Council's waste standards. Cycle storage is provided with one store per house (to allow storage of 2 no. cycles), with the flats have a separate communal cycle store.

The scheme is not of a scale that would warrant the provision of public art.

Initial concerns were raised by the police with respect to the security of the site. These concerns related to the footpaths to the rear of the properties and natural surveillances, and the preference of gates to these footpaths. The applicant has agreed to add gates to the ends of these footpaths to make clear that this is private or public space. Fence heights have been increased closer to the road. The Case Officer however accepts the view of the applicant following submitted evidence that open areas are overlooked. There are only two access points for the occupiers of the site, one vehicular and one pedestrian and the main public area is overlooked at the centre of the development and anyone not from the site would be visible. The applicant is also showing on the plans the use of thickened laminated glass at ground floor level. The police are now satisfied with the proposal from a safety/security perspective.

Subject to appropriate conditions to secure the submission of details of materials and a specific condition to secure the provision of a sample palette in situ of the facing materials the proposed development is considered acceptable in design terms.

5.12 Climate Change/Environmental Policy

PSP6 in line with the NPPF requires local planning authorities to adopt proactive strategies to mitigate and adapt to climate change.

PSP6 requires all development proposals to be encouraged to minimise end user energy requirements over the current building regulations. In addition all major greenfield residential development will be required to reduce Carbon Dioxide emissions further by at least 20%. This proposal falls within this category.

An initial Energy Statement was submitted with the proposal and as set out above (consultation response), further information was requested. Following a few further revisions the energy statement has been accepted by officers.

The applicant intends to build the scheme to Passive House Standards and to use a consultant during the construction phase of the development. The following key areas are to be used:

- Low thermal fabric u-values go far beyond the guidance set out in Part L 1A.
- Highly efficient Kensa Shoe Box Ground Source Heat Pump heating system to supply both heating and hot water.
- Low u-value TRIPLE glazed windows and highly insulated entrance doors.
- High levels of thermal bridging performance/efficiency.
- Low air permeability
- Highly Efficient MVHR (mechanical ventilation with heat recovery) ventilation systems.
- 100% LED lighting

The submitted information states that a 20.2% Carbon Dioxide saving can be achieved. Furthermore Passivhaus methodology will allow the opportunity to assess overheating as summer temperatures increase. Electric vehicle charging points are to be provided. The Environmental Protection Team is satisfied with the proposed statement and a condition will be attached to the decision notice to ensure that all work is carried out in accordance with the recommendations held within it.

5.13 Drainage

Policy CS9 of the Core Strategy requires that development should be firstly located away from areas of flood risk and secondly should reduce and manage the impact of flood risk through among other criteria the use of Sustainable Drainage Systems (SuDS). PSP20 more specifically considers flood risk and surface water management.

The application site is located in Flood Zone 1 where there is the lowest risk from flooding and where vulnerable development such as that proposed should be located in the first instance.

Notwithstanding this fact, it is requirement that development proposals should reduce surface water discharge from the site area. This is a greenfield site and it is a requirement that discharge is restricted through a controlled outflow to minimise surface water both within the site and to minimise off-site flood risk. Initial draft proposals were deemed inappropriate primarily because of inappropriate means of discharge from a package treatment system for foul rather than surface water.

It is now considered that it is possible to address this issue satisfactory subject to a condition to secure full details of a surface water and foul water sewage scheme ensuring flood prevention, pollution control and environmental protection, bearing in mind that no public sewer connection is possible in this location. The condition will specify the level of detail required including the exact location of any soakaways and details of a new sewage package treatment plant and method of disposal.

Subject to this condition the development is considered acceptable in drainage terms.

5.14 Public Open Space

Policy CS6 of the Core Strategy recognises that new development of a sufficient scale (and this proposal as a development of 18 no. dwellings falls within the thresholds specified in the National Planning Policy Guidance (NPPG), will add to the overall demand upon existing infrastructure. The policy states that the development will be required to provide on-site provision but also where the provision cannot be provided on site “financial contributions will be sought and may be pooled to secure the necessary off-site infrastructure investment”.

Within the supporting text (6.19), the provision of Green Infrastructure to include Open Space, play and outdoor sports facilities is included as a facility or service that a development may be required to contribute towards. The provision of a full range of open spaces is recognised as a key element in the delivery of sustainable communities supporting the residents’ health and social well-being.

It is predicted that an additional dwellings would result in a population increase of 39.6 people. An audit of existing provision has demonstrated a shortfall of Informal Recreational Open Space and provision for Children and Young People. There is a reasonable quantity of outdoor sports facilities however Withymead Playing Field has been identified in the SGC Playing Pitch Strategy as needing improvements through better maintenance. There is an adequate supply of Natural and Semi-natural Open space and allotments within the settlement boundary of Marshfield. Withymead Playing field is well connected to the site by footpaths either to the south or via the front of the site and to the side of the school (this puts emphasis on the importance of upgrading/providing this link to the front of the site).

It is considered that if informal recreational open space is provided on site then this is sufficient to meet the required amount. This will be maintained privately by the developer.

There is adequate existing supply of natural and semi-natural open space within the settlement boundary of Marshfield as well as Allotments. It is noted however that the submitted landscape plans indicate on-site provision of 510sq.m of Natural and Semi-natural Open Space and 314sqm of Ancillary Space and the Heads of Terms of the S106 will include this and the requirement for its inclusion in the future maintenance arrangements by the private management entity.

There is a requirement however for both outdoor sports facilities and equipment/facilities for children and young people as well as its future maintenance to be provided off-site and as indicated above this will be provided at nearby Withymead Playing Field. This is included in the S106 Heads of Terms set out in Section 7 below.

Category of open space	Minimum spatial requirement to comply with policy CS24 (sq.m.)	Spatial amount provided on site (sq.m.)	Shortfall in provision (sq.m.)	Contributions towards off-site provision and/or enhancement	Maintenance contribution
Outdoor Sports Facilities	633.6	0	633.6	£34,702.34	£10,503.25
Provision for Children and Young People	84	0	84	£15,415.86	£16,209.90

5.15 Residential Amenity

Given the scale and the location of the proposed development and the relationship with the nearest residential properties, the proposed development will not result in any loss of amenity to existing residential occupiers.

Turning to the development itself the proposed development adopts a layout/inter-relationship that ensures that the amenity of future occupiers is protected in terms of privacy and outlook. In addition adequate private amenity space is provided for the future occupiers to accord with Policy PSP43 of the Policies, Sites and Places Plan.

5.16 Consideration of likely impact on Equalities

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

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

6. **CONCLUSION**

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

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

RECOMMENDATION

7.1 That authority be delegated to the Director of Environment and Community Services to grant permission, subject to the conditions set out below and the applicant first voluntarily entering into an agreement under section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:

a) Affordable Housing

- 12 dwellings to be delivered as affordable housing, as defined by the NPPF
- Tenure split as follows:

Social Rent

Quantity & Type	Min Size m²
4 x 1 bed 2 person flats	50
4 x 2 bed 4 person houses	79
2 x 3 bed 5 person houses 2 storey	93

Shared Ownership

Type	Min Size m ²
2 x 2 bed 4 person houses	79

- In all other respects the development shall comply with the requirements as set out in para 5.8

Reason:

To accord with Policy CS19 of the South Gloucestershire Core Strategy 2013 and the Affordable Housing and Extra Care SPD 2014

b) Transportation

- The construction of a new junction off the A420 Marshfield Road in accordance with the details as shown in principal on drawing title 'REVISED HIGHWAY IMPROVEMENT SCHEME' plan (i.e. drawing no. SK004 rev A) together with all associated works.
- The construction of a new footway/cycleway (minimum 2m wide) link between the site and existing footway outside Marshfield Primary school off Chippenham Road together with all associated works as shown in principal on plan title 'SITE PLAN PROPOSED' (i.e. Drawing 1811 (00) 002 rev P09.
- The Council's reasonable costs towards promoting a 50 mph speed limit along the development frontage on the A420 through an application for a Traffic Regulation Order (TRO) at this location.

c) Public Open Space

- On-site Informal Recreational Open Space shall be provided as shown on Drg. No 1811 (00) 130 P01 Public Open Space Plan (for the avoidance of doubt this is 1089sq.m). This Informal Recreational Open Space shall be made accessible to the public at all times.
- The on-site provision of 510sq.m of Natural and Semi-natural Open Space as shown on Drg. No 1811 (00) 130 P01 Public Open Space Plan and its future maintenance by the private management entity.

The provision of 314sqm of Ancillary Space as shown on Drg. No 1811 (00) 130 P01 Public Open Space Plan and its future maintenance by the private management entity.

- The Council charges a fee (£52.00 per 100sq.m.plus £500 core service fee) to inspect the open spaces to ensure their compliance with the approved plans prior to transfer to the private management entity.

- A contribution of £34,702.34 towards the provision of Outdoor Sports Facilities and £10,503.25 towards its future maintenance
- A contribution of £15,415.86 of provision for children and young people and £16,209.90 towards its future maintenance

Reason:

To accord with Policy CS24 of the South Gloucestershire Local Plan Core Strategy (adopted Dec 2013)

- 7.2 That should the agreement not be completed within 6 months of the date of the resolution that delegated authority be given to the Director of Environment and Community Services to refuse the application.

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. Mitigation Measures (Ecology)

The development shall proceed in strict accordance with the Mitigation Measures provided in Chapter 3 of the Ecological Impact Assessment (Clarkson & Woods, December 2019) this shall include the further monitoring recommended for bats.

Reason

To protect the wildlife and the ecological interests of the site to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy 2013 and PSP 19 of the South Gloucestershire Local Plan; Policies, Sites and Places Plan 2017.

3. External Lighting Design

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

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

c) All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained/retained thereafter in accordance with the strategy (no further external lighting shall be installed without prior consent from the local planning authority)

For the avoidance of doubt the strategy/plans shall prevent light spill over bat commuting/foraging habitat created or retained as open space (European Protected Species), most particularly along the northern boundaries. The lighting plan should concord with BCT/ILP Guidance Note 08/18 'Bats and Artificial Lighting in the UK.

Reason

To protect the wildlife and the ecological interests of the site to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy 2013 and PSP 19 of the South Gloucestershire Local Plan; Policies, Sites and Places Plan 2017.

A pre-commencement condition is required in order to avoid the need for remedial action.

4. Landscape and Ecological Management Plan (LEMP)

A landscape and ecological management plan (LEMP) shall be submitted to and be approved in writing by the local planning authority prior to the occupation of the development. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence managements.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason

To protect the wildlife and the ecological interests of the site to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy 2013 and PSP 19 of the South Gloucestershire Local Plan; Policies, Sites and Places Plan 2017.

5. Ecological Enhancement Measures

Prior to first occupation of the two areas identified on Drawing No.1811 (00) 109 P01 (Proposed ecological enhancement areas received 30th September 2020) , evidence of the installation of the ecological enhancement features recommended in the Ecological Appraisal (Clarkson & Woods, December 2019) shall be submitted to the local planning authority for approval in writing. This shall include, but is not limited to, bird boxes, bat boxes, permeable fencing (hedgehog highways) and native planting

Reason

To protect the wildlife and the ecological interests of the site to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy 2013 and PSP 19 of the South Gloucestershire Local Plan; Policies, Sites and Places Plan 2017.

6. Land Contamination

Any contamination found during the course of construction of the development shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development (or relevant phase of development) is resumed or continued.

Reason

To ensure that the development will not be affected by existing contamination and to accord with Policy PSP21 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Nov 2017.

7. This decision relates only to the plans identified below:

Received 24th December 2019

1811(00)001 P01 SITE LOCATION PLAN

Received 10th January 2020

1811(00)050 P04 EXISTING SITE PLAN/TOPOGRAPHICAL SURVEY

1811(00)160 P03 TYPICAL UNIT PLANS

1811(00)252 P06 SITE WIDE SECTIONS_PROPOSED SHEET 2

1811(00)360 P03 ELEVATIONS PROPOSED BUILDING A FLATS

1811(00)361 P03 ELEVATIONS PROPOSED BUILDINGS B AND D BARNES

1811(00)362 P03 ELEVATIONS PROPOSED BUILDING C 'FARMHOUSES

1811(00)370 P03 ELEVATIONS PROPOSED BUILDING A FLATS COLOUR

1811(00)371 P03 ELEVATIONS PROPOSED BUILDING B & D BARNES COLOUR

1811(00)372 P03 ELEVATIONS PROPOSED BUILDING C 'FARMHOUSES
COLOUR

Received 12th March 2020

1811(00) 100- GATES, PERIMETER BOUNDARIES AND LOCKABLE GATES

1811(00) 100- OVERLOOKING/PASSIVE SURVEILLANCE

Received 30th September 2020

1811(00)002 P10 SITE PLAN PROPOSED
1811(00)101 P10 FIRST FLOOR PLAN PROPOSED
1811(00)100 P15 GROUND FLOOR PLAN PROPOSED
1811(00)102 P12 ROOF PLAN PROPOSED
1811(00) 109 P01 PROPOSED ECOLOGICAL ENHANCEMENT ZONES
1811(00) 130 P03 OPEN SPACE PLAN
1811(00)250 P07 ELEVATIONS_PROPOSED SHEET 1
1811(00)251 P07 SITE WIDE SECTIONS_PROPOSED SHEET 1

Received 12th March 2020

1811(00) 100- GATES, PERIMETER BOUNDARIES AND LOCKABLE GATES
1811(00) 100- OVERLOOKING/PASSIVE SURVEILLANCE

1811(00)050 P03 EXISTING SITE PLAN/TOPOGRAPHICAL SURVEY

1811(00)102 P09 ROOF PLAN PROPOSED

1811(00)251 P05 SITE WIDE SECTIONS_PROPOSED SHEET 01

Reason

For the avoidance of doubt

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

Reason

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

A pre-commencement condition is required in order to avoid the need for remedial action.

9. Materials

Prior to the commencement of above ground works details of the following materials shall be submitted to an approved in writing by the Local Planning Authority:

Pavours
Access Surfaces
Kerbs
Self-bound gravel
Window frames doors/garages
Lintels and sills
Fibre cement tiles/sheets
Facing bricks

Stone cladding
Mortar
Rain Water goods

The development shall be carried out in accordance with the approved details.

Reason

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

A pre-commencement condition is required in order to avoid the need for remedial action.

10. Samples

Prior to the commencement of above ground works panels of the facing materials shall be provided on site for inspection. The panels shall include the brick, stone cladding with mortar and fibre cement cladding

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.

A pre-commencement condition is required in order to avoid the need for remedial action.

11. Drainage

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 condition:

A clearly labelled drainage layout plan showing the exact locations of any soakaways and new sewage package treatment plant and method of disposal to be utilised.

A copy of the approved discharge consent from the Environment Agency (EA) in relation to treated effluent disposal from the sewage package treatment plant.

Evidence is required to confirm that the ground is suitable for soakaways. Percolation / Soakage test results in accordance with BRE Digest 365 and as described in Building Regs H - Drainage and Waste Disposal

Evidence that the soakaway is appropriately sized in accordance with BRE Digest 365 Soakaway Design.

It is important to note that Soakaways must be located 5 Metres from any structure including the Public Highway

Reason

To comply with South Gloucestershire Local Plan: Policies, Sites and Plans Plan (Adopted) November 2017 Policy PSP20; South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 Policy CS1 and Policy CS9; and National Planning Policy Framework 2018.

A pre-commencement condition is required in this instance in order to avoid the need for future remedial action.

12. Car Parking/Manoeuvring Area

Prior to the first occupation of the development the car [vehicle] parking area and manoeuvring area as shown on the approved plans shall be provided and thereafter, the area shall be kept free of obstruction and available for the parking of vehicles associated with the development.

Reason

To ensure the satisfactory provision of the parking facilities and manoeuvring area, 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.

13. Construction Environmental Management Plan (CEMP)

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

The CEMP shall address the following matters:

- (i) Measures to control the tracking of mud off-site from vehicles.
- (ii) Measures to control dust from the demolition and construction works approved.
- (iii) Adequate provision of fuel oil storage, landing, delivery and use, and how any spillage can be dealt with and contained.
- (IV) Adequate provision for the delivery and storage of materials.
- (V) Adequate provision for contractor parking.

Reason

In the interests of highway safety and environmental protection, and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, PSP21 of the South Gloucestershire Local Plan Policies Sites and Places Plan 2013 and the National Planning Policy Framework.

This is required to be agreed prior to the commencement of development as it relates to the construction period.

14. Energy and Sustainability

The development hereby approved shall incorporate the energy efficiency measures, renewable energy, sustainable design principles and climate change adaptation measures into the design and construction of the development in full accordance with the Energy Statement received April 23rd 2020 (Energy Statement, Adam Sims, Energy Compliance Ltd, April 22nd 2020) prior to occupation.

In accordance with the approved Energy Statement a total 41% reduction in carbon dioxide emissions (based on the DER and TER) beyond Part L 2013 Building Regulations shall be achieved, and a 20.20% reduction in carbon dioxide emissions below residual emissions (that is regulated and unregulated emissions) through renewable technologies shall be achieved.

Reason

To ensure that the development incorporates measures to minimise the effects of, and can adapt to a changing climate in accordance with policies CS1 and PSP6, and reduces regulated and unregulated emissions in accordance with policy PSP6.

15. Accessibility

The Affordable Dwellings, identified as A01, A02,A11, A12, B01,B02, B03, B04, B05, D02, D03 and D04 in the Design and Access Statement and on Drawing No. 1811(00)100 P14 GROUND FLOOR PLAN PROPOSED, shall be constructed to meet Part M of the Building Regulations accessibility standard M4(2)

Reason

To ensure inclusive design access for all in accordance with Policy PSP37 of the adopted South Gloucestershire Local Plan: Policies, Sites and Places Plan.

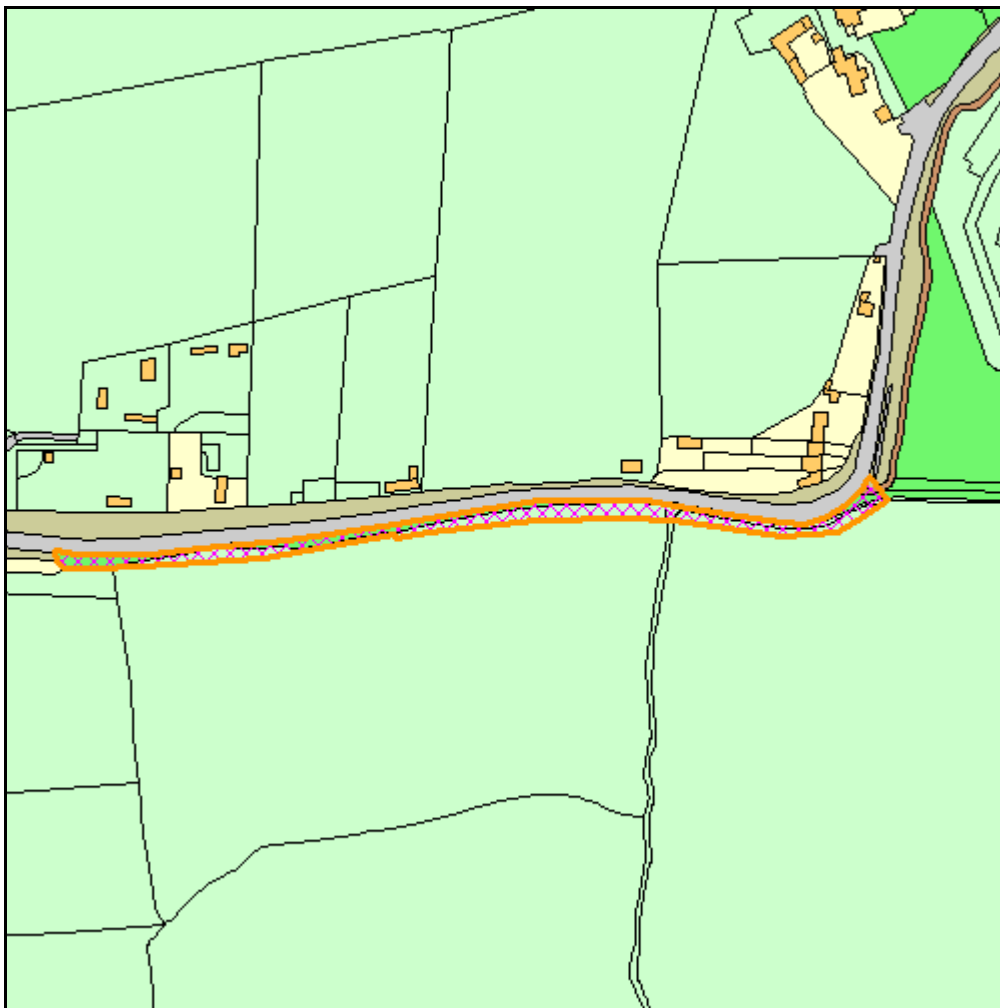
IN ACCORDANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) ORDER 2015 **POSITIVE AND PROACTIVE STATEMENT:**

In dealing with this planning application the Local Planning Authority have worked with the applicant in a positive and proactive manner on seeking solutions to problems arising in the following ways: The LPA has worked with the applicant to ensure that the development can be considered sustainable development and the decision has been issued in a timely manner.

Case Officer: David Stockdale
Authorising Officer: Marie Bath

CIRCULATED SCHEDULE NO. 44/20 - 30th October 2020

App No.:	P20/02701/R3F	Applicant:	South Glos. Council
Site:	Land Adjacent To Shortwood Road Pucklechurch South Gloucestershire BS16 9PQ	Date Reg:	5th May 2020
Proposal:	Creation of new foot and cycle path.	Parish:	Siston Parish Council
Map Ref:	368944 175776	Ward:	Boyd Valley
Application Category:	Minor	Target Date:	25th May 2020



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100023410, 2008. **N.T.S.** **P20/02701/R3F**

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 comments made by the Parish Council and given that it is an application on behalf of South Gloucestershire Council.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the Creation of new foot and cycle path. The site relates to Land Adjacent To Shortwood Road Pucklechurch. The site is outside the settlement boundary, in the Green Belt and in the Siston Conservation Area.
- 1.2 The proposed new shared use path (foot, cycle and equestrian) along the southern side of the B4465 Shortwood Road, is part of a planned wider network link to connect Pucklechurch with the A4174 Ring Road cycle track near Mangotsfield, with connections to Siston Village and Back Lane restricted byway. A section of public footpath PSN/44/10, which crosses an adjacent field between the B4465 and Siston Lane, will be diverted along the new shared route.

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
CS6	Infrastructure and Developer Contributions
CS7	Strategic Transport Infrastructure
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS34	Rural Areas

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP7	Development in the Green Belt
PSP10	Active Travel Routes
PSP11	Transport Impact Management
PSP17	Heritage Assets and the Historic Environment

PSP18	Statutory Wildlife Protection
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water, and Watercourse Management
PSP21	Environmental Pollution and Impacts
PSP44	Open Space, Sport and Recreation

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
 Landscape Character Area (LCA) 6: Pucklechurch Ridge and Boyd Valley, and
 LCA12: Westerleigh Vale and Oldand Ridge (in which Siston is located).

3. RELEVANT PLANNING HISTORY

3.1 No planning history

4. CONSULTATION RESPONSES

4.1 Pucklechurch Parish Council

Pucklechurch parish council is surprised that it has as yet to receive formal notification of this application. Nevertheless the completion of the mixed used path has long been an aspiration for those that live and work in Pucklechurch and has much to commend it. In this respect PPC has no objection in principle but has deep reservations about the potential long-term impact on the visual amenity and local distinctiveness of this area which is currently afforded by mature trees and hedgerows. It is particularly concerned by the results of the botanical survey which reports that translocation of a particular area of mature hedgerow from its current location (S6) to one to the south of its existing position 'still remains the most ecologically damaging of the options given the potential for sections of the hedgerow to fail to regenerate, and the temporary removal of an important habitat feature which may take a decade or more to regain the height and thickness (which it currently has) post translocation.' A ten year recovery period seems to be more than 'temporary removal'.

4.2 Siston Parish Council

Strongly support

Internal Consultees

4.3 Landscape architect

No objection subject to **conditions**

4.4 Ecologist

The report recommends activity surveys to be conducted on the hedgerow that is to be potentially removed. Prior to determination these activity surveys will need to be conducted to ensure correct mitigation is in place prior to works commencing.

Updated comments

Following additional information there are no objection subject to conditions begin attached to the decision notice.

4.5 Conservation

No objection subject to a condition re fencing.

4.6 Highway Structures

No comment

Statutory / External Consultees

4.7 Transport

No objection

Other Representations

4.8 Local Residents

One letter of objection has been received. Points raised are summarised as:

- Removal of hedgerow will materially alter the gateway to the village
- Mature trees in the proposed route should be protected and the path diverted around them – otherwise loss of habitat

23 letters of support have been received. Points raised are summarised as:

- Safety improvements
- Long overdue
- Enhance village
- Encourage healthy lifestyle
- Link to major Bristol/Bath cycle path and Emerson's Green
- Will definitely be well used

5. ANALYSIS OF PROPOSAL

5.1 The application is for the creation of new foot and cycle path.

5.2 Principle of Development

The application stands to be assessed against the above listed policies and all material considerations. Of particular importance is the location of the site in the open countryside and within the Bristol Bath Green Belt. Impact on landscape, ecology, highways and residential amenity of closest neighbours.

5.3 Green Belt

Adopted planning policy limits the type of new development in the Green Belt to a list of acceptable categories. Inappropriate development is strongly resisted and requires a case of very special circumstances to overcome the perceived harm. One of the appropriate categories is:

The provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotment; as long as the facilities

preserve the openness of the Green Belt and do not conflict with the purposes of including land within it

5.4 The creation of a cycle path is considered to accord with the above listed criteria and is therefore acceptable in principle.

5.5 Other policy areas:

5.6 Design and visual appearance:

Details submitted with the application in The Shortwood Road B4465 Shared Use Path – Closing The Gap Report (February 2020) produced by South Gloucestershire Streetcare, submitted engineering plans and Preliminary Landscape Layout Plan T425-LA-234-01 Rev D clearly show the design intent and parameters.

5.7 The new shared route will comprise a 3.5m wide tarmac path, with 0.5m grass verge/buffer separating it from a 2m wide strip of new hedgerow planting/retained hedgerow. Field access, and diverted footpath, gates will be accommodated at appropriate locations together with new cycleway/highway signage.

5.8 The proposal is considered acceptable and to accord with general policy aims regarding appearance and design. This is discussed more in the below landscape assessment section.

5.9 Landscape:

The site lies within the western margin of Landscape Character Area (LCA) 6: Pucklechurch Ridge and Boyd Valley, close to its boundary with LCA12: Westerleigh Vale and Oldand Ridge in which Siston is located. The proposals take in the existing highway verge along the southern side of the B4465 Shortwood Road where it lies west of Pucklechurch and NE of Siston Court, together with the roadside hedge and/or sliver of adjacent agricultural land.

5.10 The existing roadside hedge comprises mixed native species, which is gappy in places, and contains groups of taller self-sown trees. Its height varies from below to above eye level when viewed from the road. Views towards and from the road will be noticeable more open in winter.

5.11 There is no existing hedge planting on the south side of the road, where it bends NE to enter the built edge of Pucklechurch and from here there is an open field frontage with views across the adjacent agricultural land.

5.12 Plans indicate that retained sections of hedgerow will be protected during construction by fencing and new hedging will comprise either native 'instant hedging' of 1.4m to 1.5m height, or transplant stock of 0.6m to 0.8m height. Groups of new native trees are proposed along the route, including a cultivar of Elm resistant to Dutch Elm Disease.

- 5.13 The new planting will be protected by a roadside post and wire fence with rabbit proof netting/rabbit spiral guards, with a 1.2m high post and four rail timber fence erected along its field boundary, except where 2m high woven wicker fencing is proposed to provide initial visual screening/privacy whilst the planting establishes.
- 5.14 The loss of sections of existing hedgerow planting to the scheme will open up views to and from the road, with traffic being more visible in the short to medium term (5 to 10 years) from overlooking public footpaths such as the adjacent 2No. field footpath routes; after 5 Years, new hedgerow planting will have reached an average growth height of 2.5m depending on species and initial stock size (based on standard annual growth increment 0.2 to 0.5m) and between 3.5m and 4m at Year 10 years, with new tree planting being taller in stature.
- 5.15 The proposed selection of native hedgerow and tree species is appropriate to the locality. The new hedge and tree planting will reinstate a strong, green planted edge along the southern side of the B4465, which together with infill of gaps within retained sections of hedgerow, and infill of the existing open field frontage at the approach into Pucklechurch and will offer boundary improvements. There is the opportunity for associated, ongoing management works to further enhance the roadside vegetation structure.
- 5.16 Comments made by the Parish are noted but the scheme has been thoroughly assessed by the landscape officer and has been deemed acceptable. As such it is recommended for approval and appropriate conditions are to be attached to the decision notice.
- 5.17 Ecology:
A botanical survey (Simecology, May 2019), Phase one and bat tree assessment (Simecology, February 2019) were submitted with the application.
- 5.18 The hedgerows, scrub and trees have the potential to provide nesting opportunities for breeding birds and Hedgehogs may use the hedgerows and scrub for foraging, shelter and commuting. The on site stream it is too shallow, shaded and fast flowing to support great crested newts; the habitat around the hedgerow is not of sufficient quality to support a population of dormice, there is low potential for otter holts and no badgers were found on site. Several trees were identified as having bat roosting potential, on inspection these were downgraded to low potential and not needing further surveys but activity surveys for the southern boundary hedgerow were recommended and required prior to determination.
- 5.19 These details additional details were provided in the form of a Static Bat Activity Survey Report (Simecology, September 2020). Common species of bats and the more light sensitive species, Myotis, were found to use the hedgerow foraging and commuting.
- 5.20 In ecological terms, the scheme is considered acceptable but given the above sensitive lighting should be incorporated into the scheme. Appropriate conditions are to be included in the decision notice.

- 5.21 Heritage:
The creation of a new section of cycle track connecting Pucklechurch to Shortwood has been subject to discussions and negotiations and improvements to the treatment of the boundary with Siston Conservation Area have been successfully incorporated into the design, with extensive planting of new hedges and the retention of sections of original hedge where road/path alignments allow.
- 5.22 The fencing along the north side of the larger field requires further detail which can be secured via condition. The appearance of this boundary treatment is very important given the proximity to the conservation area. Whilst a woven wicker fence may be more in keeping with the rural character of the locality, its replacement in the future with a suburban style of close-board fencing or post and panel fence would be detrimental to the rural character of the northern edge of the conservation area, it being viewed from the section of realigned footpath that leads south to the village. Intervening hedgerows will restrict visibility of the fence from further into the village, particularly in the area around Siston Court. An appropriate condition is to be attached to the decision notice.
- 5.23 Transport:
The proposed cycle path would not interfere with the highway and as such there are no transport objections to the scheme.
- 5.24 Residential amenity:
The cycle path would run along the southern side of Shortwood Road. Open fields are to be found to the south of this proposed path. The cycle path would meet up with an existing pavement at the end of the garden serving Horseshoe Cottage. As such there would be no adverse impact on residential amenity resulting from the introduction of this facility.
- 5.25 Prior to commencement conditions:
The applicant has agreed to the prior to commencement conditions.
- 5.26 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.
- 5.27 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.
- 5.28 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 be **APPROVED** subject to the conditions written on the decision notice.

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 12.2.20:
Preliminary landscape layout - 01 D
Existing topographical survey - 17
Site boundary plan - 18
Cycle direction signs - 19 A
Kerbing signs and lines - 20 C
Surfacing construction types - 21 A
Footpath and diversion - 22 A
Long and cross sections - 25
General arrangement - 26

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; Policies PSP1, PSP2, PSP7 and PSP17 of the Policies Sites and Places Placen (Adopted) 2017 and the National Planning Policy Framework.

3. Prior to the commencement of development full details of the proposed fencing must be submitted to the LPA for written approval. Development must proceed in accordance with these approved details.

Reason

This is a prior to commencement condition to avoid any unnecessary remedial action in the future and to ensure a satisfactory standard of external appearance in the Siston Conservation Area and the Bristol/Bath Green Belt, and to accord with and Policy CS1 and CS9 9 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.

4. The approved fence shall not be changed or altered or replaced in any way without the express written permission of the LPA. Development shall proceed in accordance with the approved details.

Reason

To ensure a satisfactory standard of external appearance in the Siston Conservation Area and the Bristol/Bath Green Belt, and to accord with and Policy CS1 and CS9 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 commencement of development detailed planting plans specifying the location, species stock size, planting centres and numbers for all proposed planting; accompanied by tree pit, hedge trench and topsoil/ground preparation details shall be submitted to the LPA for written approval. Development shall proceed in accordance with the agree details.

Reason

This is a prior to commencement condition to avoid any unnecessary remedial action in the future and to ensure a satisfactory standard of external appearance in the Siston Conservation Area and the Bristol/Bath Green Belt, and to accord with and Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP1, PSP2 and PSP7 of the Policies Sites and Places Plan (Adopted) 2017 and the National Planning Policy Framework.

6. Prior to commencement of development a 10 year landscape and ecological management statement, including a schedule of annual maintenance works to aid the establishment of the new planting (in particular, weeding, watering and rabbit protection) is to be submitted to the LPA for approval in writing. Development to proceed in accordance with approved details.

Reason

This is a prior to commencement condition to avoid any unnecessary remedial action in the future and to ensure a satisfactory standard of external appearance in the Siston Conservation Area and the Bristol/Bath Green Belt, and to accord with and Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP1, PSP2 and PSP7 of the Policies Sites and Places Plan (Adopted) 2017 and the National Planning Policy Framework.

7. Prior to commencement of development details of the siting of the cycle path/highway signage shall be submitted to the LPA for written approval. Development shall proceed in accordance with the approved details.

Reason

This is a prior to commencement condition to avoid any unnecessary remedial action in the future and to ensure a satisfactory standard of external appearance in the Siston Conservation Area and the Bristol/Bath Green Belt, and to accord with and Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP1, PSP2 and PSP7 of the Policies Sites and Places Plan (Adopted) 2017 and the National Planning Policy Framework.

8. Prior to commencement of development full details of the gate and surfacing treatment construction shall be submitted to the LPA for written approval. Development shall proceed in accordance with the approved details.

Reason

This is a prior to commencement condition to avoid any unnecessary remedial action in the future and to ensure a satisfactory standard of external appearance in the Siston Conservation Area and the Bristol/Bath Green Belt, and to accord with and Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP1, PSP2 and PSP7 of the Policies Sites and Places Plan (Adopted) 2017 and the National Planning Policy Framework.

9. The development shall proceed in strict accordance with the Mitigation Measures provided in the botanical survey (Simecology, May 2019), Phase one and bat tree assessment (Simecology, February 2019) and Static Bat Activity Survey Report (Simecology, September 2020) (PSP19);

Reason

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

10. Prior to first use, a "lighting design strategy for biodiversity" for the pathway shall be submitted to and approved in writing by the local planning authority. The strategy shall:
 - o Identify those areas/features on site that are particularly sensitive for bats, badgers and hedgehog and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - o Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority (PSP19).

Reason

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

11. A Hedgerow Translocation Method and Mitigation Plan is to be submitted prior to commencement of works as detailed within Phase one and bat tree assessment (Simecology, February 2019), this is also to include details of additional planting to mitigate any loss due to construction works. (PSP19)

Reason

This is a prior to commencement condition to avoid any unnecessary remedial action in future and to ensure the works are carried out in an appropriate manner and in the interests of local biodiversity, and to accord with Policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and, the National Planning Policy Framework.

12. A toolbox talk is to be conducted prior to the commencement of works to inform all personnel the potential risk of the presence of reptiles. (PSP19)

Reason

This is a prior to commencement of work condition to avoid any unnecessary remedial action and to ensure the works are carried out in an appropriate manner and in the interests of local biodiversity, and to accord with Policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and, the National Planning Policy Framework.

13. There are opportunities to enhance the site for roosting bats, a bat box is to be installed on a retained mature tree, minimum 3m from the ground in south-westerly to south-easterly direction (e.g. Schwegler 2FN). Evidence of installation of the bat box is to be submitted to the local authority prior to footpath use.

Reason

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

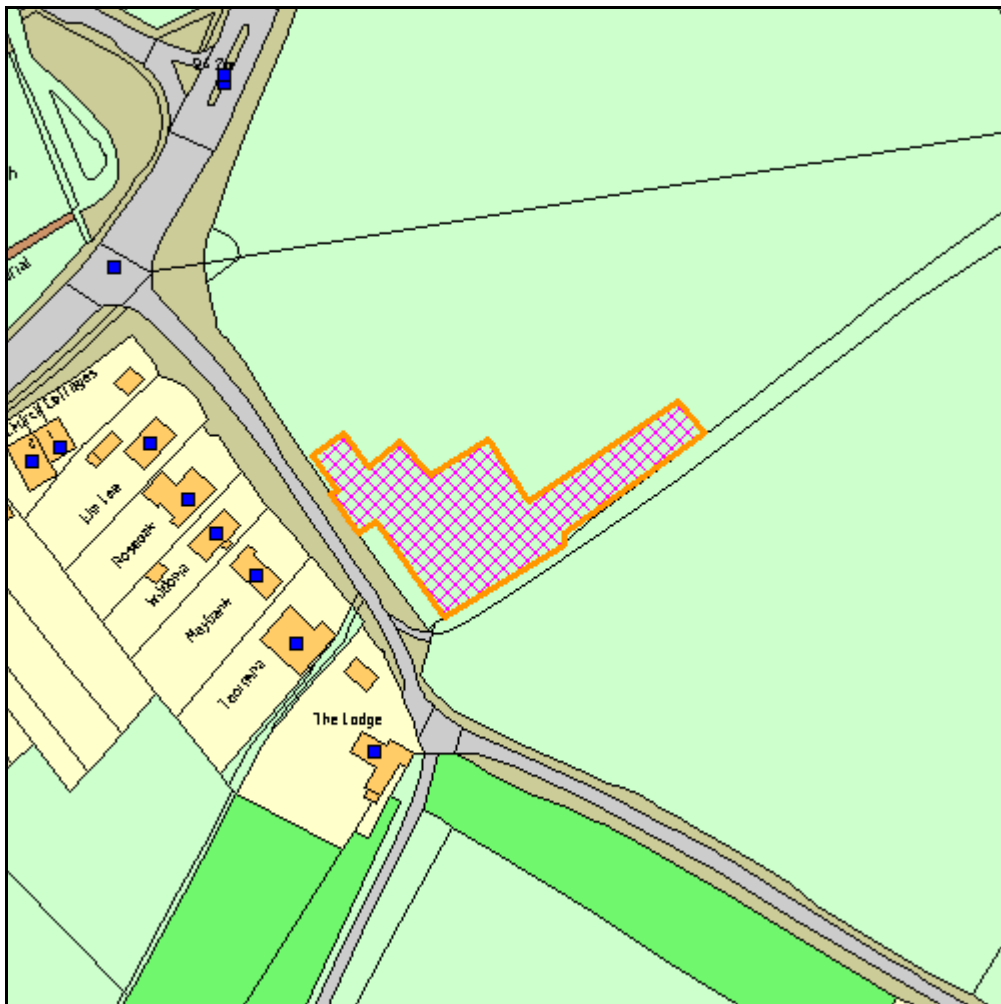
IN ACCORDANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) ORDER 2015
POSITIVE AND PROACTIVE STATEMENT:

In dealing with this planning application the Local Planning Authority have worked with the applicant in a positive and proactive manner on seeking solutions to problems arising in the following ways: The proposal is considered acceptable and is recommended for approval.

Case Officer: Anne Joseph
Authorising Officer: David Stockdale

CIRCULATED SCHEDULE NO. 44/20 - 30th October 2020

App No.: P20/07483/F	Applicant: Mr C. Hyslop Wolfridge Alpaca Stud
Site: Land And Part Of Building North Of Forty Acre Lane Alveston South Gloucestershire	Date Reg: 12th May 2020
Proposal: Installation of shop front, 2 no. storage tanks, hardstanding to form vehicular parking areas and a bike storage rack to facilitate a change of use of land and part of a building from agriculture to a mixed use craft space, shop and cafe with outdoor seating area (sui generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).	Parish: Alveston Parish Council
Map Ref: 363501 187429	Ward: Severn Vale
Application Category: Minor	Target Date: 2nd July 2020



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100023410, 2008.

N.T.S. **P20/07483/F**

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

REASON FOR REFERRING TO THE CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule following the receipt of an objection from Alveston Parish Council and objections from more than three local residents, all of which are contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The application site is an existing Alpaca Farm (The Wolfridge Alpaca Stud Farm) which was granted consent under PT18/4983/F and P19/15803/NMA; located on the outskirts of the village of Alveston; south of the A38 and east of Forty Acre Lane. A ribbon type development of residential dwellings lie on the south-western side of the lane opposite the application site. The site lies outside of any settlement boundary, within open countryside. The site is also situated within the Bristol/Bath Green Belt.
- 1.2 The Alpaca Farm comprises a number of paddocks, a large hay barn and associated hard-standings, with vehicular access off Forty Acre Lane. The building is built from profiled steel sheeting and is fully open to the front but is enclosed on the remaining three elevations. The barn measures 30m in length by 10m in width (300 sq.m. external floor area) with a height to eaves of 5m. There are 5no. 6 metre equal bays within the barn. Profiled steel sheeting, with roof-lights, is also used for the roof. The frame sits on a concrete raft foundation.
- 1.3 The application site is approximately 3.1 hectares (7.66 acres) but the applicant farms 19.1 hectares (47.2 acres) of land in total. The applicant takes a hay crop from 18.4 hectares (45.42 acres) off the land.
- 1.4 The applicant wishes to diversify the existing Alpaca breeding business to provide a rural tourism element and proposes to develop part (two of the five bays) of the hay barn to accommodate a craft workshop space, shop and small café with the remaining 3 bays used for agricultural storage. This means that the proposed change of use would occur within 120sq.m of the 300sq.m agricultural building. The existing access off Forty Acre Lane would be utilised to serve the proposal.
- 1.5 The applicant is keen to work with the local community to provide services and opportunities for local residents as well as using their links in the education and voluntary sector to provide educational/visitor experiences for a variety of groups across the age range.

2. RELEVANT PLANNING HISTORY

- 2.1 PT18/4983/F - Erection of agricultural building. Creation of new access and hardstanding.
Approved 10th Jan. 2019

- 2.2 P19/15803/NMA - Non material amendment to planning permission PT18/4983/F to change the external materials from timber cladding to profiled steel sheeting.
No objection 28th Nov. 2019

Enforcement Matters

- 2.3 During the course of this application, it was brought to the Council's attention that both the barn and access approved under PT18/4983/F have not been constructed in the positions shown on the approved plans. Furthermore Condition 2 of the permission, had not been complied with.
- 2.4 Condition 2 reads as follows:

“Within three months of the development hereby approved being substantially complete, the existing access to the western side of the field, located on the corner of Forty Acre Lane and Gloucester Road (A38) shall be removed and replaced with a hedgerow. The hedgerow shall be maintained as such thereafter.”

Reason

“To protect the biodiversity of the area, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP19 of the South Gloucestershire Policies, Sites and Places Plan (Adopted) Nov. 2017 and the NPPF.”

In effect the condition sought to secure hedge planting to compensate for that lost by the construction of the new access to the barn.

- 2.5 The Council's Enforcement Officer has investigated the situation and visited the site on at least two occasions and has concluded the following:

As regards the requirements of Condition 2, the applicant stated that: “As the winter had been so wet the applicant made the decision to keep the old gate entrance operational during fencing work, in case it was needed to avoid excessive damage to the grass through repeated vehicular accesses. On completion of the fencing work (March) the Coronavirus lockdown had commenced so the applicant was unable to source suitable hedgerow plants.” This matter has since been resolved by removing the access gate and replacing it with the hedgerow planting required. Condition 2 has therefore now been satisfactorily complied with, albeit somewhat later than originally envisaged; no further action is therefore required regarding this matter.

- 2.6 As regards the barn, the applicant informed the planning case officer at the time of his site visit that the builder had moved the barn away from the boundary hedge for ease of construction. The Council's enforcement officer is satisfied that the barn itself has the correct dimensions but its position is some 3m-4.5m further north i.e. into the field, than it should be; that said the field boundary is not well defined due to the thickness of the hedge and the approved plan has a large scale.

- 2.7 The applicant also informed the case officer that he decided to locate the access to where it is i.e. some 4.5m further north (closer to the A38) because it resulted in a reduced loss of the more mature hedgerow trees along the lane and meant that the barn would be better screened. The access would also be further away from the PROW on the opposite side of the lane, which serves as access to the allotments to the west.
- 2.8 Where breaches of planning control have occurred, it remains for the Council's Planning Enforcement Officers to consider how expedient it is to take enforcement action, if at all required. In this case the Enforcement Officer has concluded that: "... the development is not materially different from that approved. Therefore, we consider the development has been implemented in line with the permission. "
- 2.9 Officers wish to stress that in the determination of this current application P20/07483/F, notwithstanding the previous breaches, Members should consider what is now before them on the individual merits of the case and assess it accordingly.

3. CONSULTATION RESPONSES

3.1 Alveston Parish Council

Although the Planning Committee in principal would encourage new business that creates jobs and provides an educational resource whilst improving the quality of life for residents in the parish, it does have concerns relating to the planning application as it stands. Councillors agreed that the A38 is too busy a junction and too dangerous if an additional influx of vehicles were to arise.

Councillors are worried about the width of the lane regarding the nature of the vehicles that would be using the lane in conjunction with the requirement for a facility for cyclists who have not been considered. SGC should consider restricting access to certain vehicles at specific times.

There is particular concern for the safety of children as the Parish Council already has a sub-group relating to excessive and irresponsible parking on Greenhill particularly at school pick up and drop off times and having an additional parking facility over the road will encourage parents to use this, therefore creating more parents and children to cross the A38 to school, which in turn will increase the risk of an accident. With the increase of vehicular and pedestrian use at an exceptionally busy road councillors recommended that these concerns be flagged up with the traffic officer so a full investigation, traffic study and risk assessment could be commissioned taking into account periods of heavy use.

3.2 Other Consultees

The Listed Building & Conservation Officer
No objection

Highway Structures

Details of excavations and the temporary support that is to be provided during construction are to be submitted to satisfy the highway authority that support to the highway is provided at all times.

If the application includes a boundary wall / fence alongside the public highway or open space land then the responsibility for maintenance for this structure will fall to the property owner

Lead Local Flood Authority

No objection subject to a condition to secure a SUDS drainage scheme.

Transportation D.M.

No objection

PROW

No objection

Open Spaces Society

No response

The Tree Officer

No objection subject to a condition to secure a Tree Protection Plan as per Arboricultural Report.

The Archaeology Officer

No objection

The Landscape Officer

No objection subject to a condition to secure *inter alia* mitigation planting.

The Ecology Officer

No objection subject to conditions to secure a lighting design strategy for biodiversity and ecological enhancement features.

Environmental Protection

No objection subject to a condition to control the hours of operation.

Police Community Safety Officer

No objection

Other Representations

3.3 Local Residents

A total of 37no. representations (from 29no. different people) were received objecting to the proposal. The concerns raised by the objectors are summarised as follows:

- Adverse impact on the rural character of the location.
- Dangerous access to the A38

- Forty Acre Lane is too narrow.
- Will lead to residential development.
- Residents' drives will be used for turning.
- The exit to the A38 is on a bend and 40mph.
- Advertising will attract peak time and holiday traffic.
- The lane is not suitable for large vehicles or caravans – no turning circle.
- Increased traffic disturbance on the lane.
- The barn and access have been constructed in the wrong place.
- Cars will encroach on the grass verges of the lane.
- Deficient transport report – Covid 19 therefore lane underused at the time of the report.
- Condition 2 of the original permission PT18/4983/F has not been complied with.
- The support comments are not from local residents.
- Will block access for emergency vehicles.
- A38 dangerous for children, pedestrians, and cyclists to cross.
- The lane is a no through road.
- Residents' drives will be blocked.
- Adverse visual impact.
- Increased noise, smell and loss of privacy.
- Will increase crime.
- Moto Cross events at the top of the lane.
- St Helens School nearby – no suitable crossing points.
- The barn has not been erected in the correct place thus allowing for parking behind it.
- Vehicles will allow drivers to look into the bedroom of the bungalow opposite (Taormina).
- Car lights will shine into bedroom of bungalow opposite access (Taormina).
- The existing access is in the wrong place to detriment of amenities of bungalow opposite (Taormina).
- People walk to the nearby allotments.
- No assessment of pedestrian, cycle or bus provision.
- There is no footway on the lane.
- Inadequate visibility splay (to left) onto the A38.
- Size of barn justified by previous calculation of bales of hay to be stored in it.
- Traffic is often diverted from M5 to A38.
- Site lies in the Green Belt.
- Increased carbon footprint.
- Will lead to houses being built on the site.
- EHO suggested hours are longer than those proposed by applicant.

A total of 83no. representations were received in support of the proposal. The points raised can be summarised as follows:

- The café will provide a service currently lacking in the area.
- Will provide a family activity with educational value.
- The applicants are a local family.
- Will create employment opportunities.

- The development will be within an existing structure which is well screened with parking.
- Will not disrupt the local area or highways.
- Can be accessed by bus, bike or foot.
- Will enhance the local area.
- Will benefit the local community.
- Supported by the Rural Development Programme.
- Will support rural enterprise.
- Will encourage tourism.
- Craft Shop and Centre will add interest.
- Will be used by local schools, residents and allotment users.
- People already visit the alpacas.
- Will be a suitable community hub.
- Will be a focal point for the village.
- Close to St Helens School – good for educational purposes.
- Will be well used by walkers.
- Good for mental health.
- Will boost local economy.
- The site is well screened.
- Within easy walking distance of the village.
- There is a bus stop nearby on the A38.
- The access is good.
- Sensitive design.
- Local pubs have closed down so a new asset is welcomed.

4. **ANALYSIS OF PROPOSAL**

4.1 Principle of Development

Para.2 of the NPPF makes it clear that applications for planning permission must be determined in accordance with the Development Plan. Para 12 states that the NPPF does not change the statutory status of the Development Plan as the starting point for decision-making. Proposed development that conflicts with an up-to-date Development Plan should be refused unless material considerations indicate otherwise. Officers are satisfied that for the determination of this application, the relevant main policies within the Development Plan are sufficiently up to date.

4.2 The NPPF makes a presumption in favour of sustainable development and has a strong emphasis in respect of supporting economic growth in rural areas. The NPPF supports the sustainable growth and expansion of all types of businesses in rural areas, both through conversion of existing buildings and well-designed new buildings. It also supports the development and diversification of agricultural businesses.

4.3 The proposals have three elements; a café, craft workshops/alpaca interactions and a shop with the aim of diversifying the existing agricultural alpaca enterprise to create a mixed use *sui generis* rural development. The intention is to provide a variety of visitor experiences such as leading alpacas on supervised short walks and participating in craft workshops, creating items

made from alpaca fibre. The small shop element would sell the applicant's yarn and also the products they will shortly be selling via their online shop. The café would provide visitors with basic refreshments such as hot and cold drinks, cakes, snacks and sandwiches. The nearest café/coffee shop is currently found in Thornbury.

- 4.4 The demand for alpaca and natural fibre products is growing as people become more aware of what their clothes are made of and how they are made. Alpaca farming is a sustainable practise with many uses for the fibre and the alpaca industry in this country is growing steadily and replicating that of the successful industries that have been seen in Australia and America.
- 4.5 The proposed shop would be modest in size (3m x 3m) and would display the alpaca products made on the enterprise as well as those of others. It would be created in a small corner of the overall space and would not have a shop window.
- 4.6 The café would have approximately 34 covers with the layout shown on the submitted plans (see Design Guide Plan 04) but it is envisaged that there would be one large table for around 10 people that would act as the main craft workshop space. During the warmer months of the year there would be a modest outside seating area to the front of the building (see Block Plan) so people can view the alpacas.
- 4.7 The alpacas will reside in the paddocks all year round in movable field shelters. The 3/5ths of the barn to remain would be used for agricultural storage of hay and other materials, equipment etc. that are needed for the alpacas as at present.
- 4.8 The café would be focussed on providing refreshments for visitors to the Wolfridge Alpaca Stud Farm with the applicant providing items such as hot and cold drinks, cakes and light snacks/meals. They expect to have some passing trade and local visitors but they are not planning on having a chef and providing large meals.
- 4.9 The workshops and group visits would be for a maximum of 12 people at any one time to ensure that the building and site is not overused and to keep vehicle movements to a minimum.
- 4.10 The inclusion of the shop is to help promote the alpaca products in general but also to provide another aspect of the business that would encourage customers to visit. It would also generate a secondary spend in addition to the workshop participants. Any new business in the vicinity would help to support the local economy and it is envisaged that as the enterprise grows that employees will be taken on. These employees are likely to be local.
- 4.11 Paragraph 83 of the NPPF, specifically relates to the 'Rural Economy' and sets out that:

"Planning policies and decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
 - b) the development and diversification of agricultural and other land-based rural businesses;
 - c) sustainable rural tourism and leisure developments which respect the character of the countryside; and
 - d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.”
- 4.12 Local Plan Policy PSP28 states that sustainable new development which promotes a strong rural economy will be acceptable in rural areas. Proposals for business development outside the defined urban areas and settlement boundaries will be acceptable. In the case of the intensification of existing rural businesses this is acceptable where:
- a) The development is located within the curtilage of the site; and
 - b) The development is reasonably necessary for the purposes of the business use and is clearly for that purpose; and
 - c) The volume and nature of any goods sold would not have a significant adverse effect on shopping facilities available in nearby settlements; and
 - d) The proposal is of a scale which is consistent with its rural location.
- 4.13 The supporting text to PSP28 states at para. 7.33 that : “Farm diversification can assist farmers to stay in business and provide facilities for the local community and visitors to rural areas.” The proposal would meet all of the above criteria and is therefore acceptable in principle subject to the detailed analysis as set out below.
- Green Belt Issues
- 4.14 The NPPF para. 133 states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 4.15 The five purposes of including land in the Green Belt are:
- a) To check the unrestricted sprawl of large built-up areas.
 - b) To prevent neighbouring towns merging into one another.
 - c) To assist in safeguarding the countryside from encroachment.
 - d) To preserve the setting and special character of historic towns; and
 - e) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 4.16 Inappropriate development is, by definition, harmful to the openness of the Green Belt and should not be approved except in very special circumstances.
- 4.17 When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt

by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

- 4.18 The NPPF at paras. 145 & 146 lists exceptions that are not inappropriate development within the Green Belt. These include at para. 145 c) :

“the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building”.

The footprint and envelope of the building would not alter. Two of the existing bays within the barn would be utilised and filled in but the size of the building would not alter.

- 4.19 At para.146 certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include at 146 d):

“the re-use of buildings provided that the buildings are of permanent and substantial construction”

Part of the existing barn would be utilised to provide the craft workshop space, shop and small café. Officers are satisfied that the building is of a permanent and substantial construction.

- 4.20 Moving to the associated change of use of land from agricultural use to the *sui generis* use proposed; NPPF para. 146 does not list such uses as being not inappropriate although it does include:

f) Material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds);

Officers consider that to some extent the proposed use would have a recreational element to it. Nevertheless, the proposal would introduce additional hard-standings to those already present and these would be used for the parking of cars; these hard-standings would lie primarily to the rear of the barn and to the western side of it. Existing hard-standings to the front of the barn would also be used as an outdoor seating area for the café.

- 4.21 Officers must assess the level of harm that the proposed change of use of land would have on the openness of the Green Belt and weigh this against the ‘other considerations’ or benefits of the scheme.

- 4.22 In the first instance it should be noted that the areas around the barn which include the existing hard-standings, can already be used lawfully for the unrestricted parking of vehicles and machinery as well as for storage of items associated with the existing agricultural uses of the land and barn. To some extent this would simply be replaced by the vehicles and paraphernalia associated with the new uses. Some of the areas around the barn would take on a more developed appearance by formalising the parking areas by the introduction of additional hard standings but their location to the rear of the barn

and adjacent to the roadside hedge would mean they lie within the curtilage of the barn and are well screened so the perception of development would be low.

- 4.23 In assessing harm to the Green Belt, officers are mindful of recent case law established in a Supreme Court Judgement in R(Samuel Smith Old Brewery) v North Yorkshire CC [2020] UKSC3. In the Supreme Court judgement, Lord Carnwath presiding explained that impact on openness is a matter of planning judgement. At para.22 of the Supreme Court's judgement, Lord Carnwath notes that:

*“The concept of “openness”... is naturally read as referring back to the underlying aim of Green Belt policy...”to prevent urban sprawl by keeping land permanently open...”. Openness is the counterpart of urban sprawl and is also linked to the purposes to be served by the Green Belt. As PPG2 made clear, it is not necessarily a statement about the visual qualities of the land, though in some cases this may be an aspect of the planning judgment involved in applying this broad policy concept. **Nor does it imply freedom from any form of development** (my emphasis).*

- 4.24 Weighing the harm to the openness of the Green Belt, such as it is, officers give considerable weight to the other considerations of the scheme, namely:

- It supports farm diversification and provides local employment and provides services and facilities that would otherwise be lacking in a rural environment, which accords with the Core Strategy Policy CS34.
- It enables public access to the countryside in accordance with the Core Strategy's Vision for the Rural Areas.
- It supports rural tourism in accordance with policy CS34
- It delivers an ecological enhancement to the site.
- It will result in the planting of a number of new trees which makes a positive contribution to SGC's aim to become carbon neutral by 2030.
- The location is a sustainable one.
- It provides educational opportunities.
- It does not involve the construction of permanent buildings.

- 4.25 The proposal does not represent urban sprawl and as such is not contrary to the purposes of including land within the Green Belt. It is reasonable in the case of the change of use of a building to have some associated change of use of the land within its curtilage, to support the new use and that is the case here. The impact on the openness of the Green Belt is minimal and officers are satisfied that any harm is outweighed by the other considerations listed above. The very special circumstances exist and proposal is therefore acceptable in Green Belt terms.

Analysis

Scale and Design

- 4.16 Core Strategy Policy CS1 states that development will only be permitted where the highest possible standards of design and site planning are achieved. Information submitted with an application should *inter alia* be proportionate to

the scale, significance and impact of the proposal. Development proposals will be required to demonstrate that:

1. Siting, form, scale, height, massing, detailing, colour and materials, are informed by, respect and enhance the character, distinctiveness and amenity of both the site and its context.

- 4.17 The scale of the existing building would not alter and the overall appearance would remain much the same. Two of the bays would be filled in using vertical timber, metal sliding doors and glazed doors, which would all be in-keeping with the rural character of the building and location. The scale and design are acceptable.

Transportation Matters

- 4.18 Para. 109 of the NPPF states that: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be **severe**."

Sustainability

- 4.19 From a sustainability point of view, the site lies close to the village of Alveston and is readily accessible by bike and on foot. Furthermore there is a bus stop nearby on the A38 with regular bus services. The site would be well served by cycle parking spaces and there is a public footpath that runs through the site and walkers are encouraged to use the site.

Traffic Generation

- 4.20 The existing site has unrestricted agricultural use for the existing barn associated with the alpaca business. As such the existing access and stretch of Forty Acre Lane leading to it, can already be used by the agricultural vehicles accessing and egressing the site at any time of the day. These vehicles are likely to be tractors with a trailer.
- 4.21 With fewer bays used for agricultural storage, as proposed, it would mean that fewer agricultural movements would be accessing the site and these vehicle movements would be replaced by the vehicles of the customers using the café, craft workshops/alpaca interactions and a shop. It is not envisaged that coaches would access the site with most traffic movements to the site being by those on foot, on bicycle, motorcycle, private cars or minibuses in relation to school trips. The proposals would provide ample, but not excessive, on-site parking and turning areas proposed behind and to the side of the barn.
- 4.22 Currently Forty Acre Lane serves limited residential properties and a few farms/businesses. The volume of traffic along the lane is as a result, relatively low.
- 4.23 The traffic movements are spread throughout the day rather than concentrated to the morning and evening peak hours. Whilst there would be movements with the current proposal, they would be limited and spasmodic throughout the day rather than concentrated at peak network times. The TRICS Database indicates that there would be some 70 vehicles entering and leaving the site over the course of a working day, which equates to 8 movements per hour. It is

however noted that the business would have limited opening hours (see para. 4.47 below).

Access

- 4.24 There have been a number of concerns raised by objectors in relation to the access on/off the A38. From observations on site and from looking at the accident records in the vicinity, there is no evidence of a safety issue either at this junction or along Forty Acre Lane. Whilst there would be an increase of movements along the lane, the scale of the proposal is such that the Transportation Officer does not believe that it will create a severe highway safety issue. There is a 40 m.p.h. speed limit on the A38 where Forty Acre Lane joins it.
- 4.25 Forty Acre Lane is a no through road and is characterised as having wide highway verges with access points for the residential units along one side which would provide informal passing bays for cars along the lane. There would be no need to use these drives as informal turning areas as the application site includes adequate turning areas within the site, which allow vehicles to enter and egress in forward gear. At the time of the officer site visit, having pulled off the A38 into Forty Acre Lane, your officer encountered a large white van coming the other way but was easily able to pass this vehicle without mishap.
- 4.26 Access to the site would be via the existing access from Forty Acre Lane. The site is one of the first properties found along this highway and the first on the left, meaning that vehicles accessing the site do not travel down a significant length of the lane. The lane down as far as the application site is relatively wide but further on narrows to a single track road. This part of the lane would not be used by visitors to the site.
- 4.27 The access was designed for larger agricultural vehicles so is seen as being suitable for the vehicles that can be expected to use the site for the proposed use. The largest vehicle to access the site would likely be a minibus for school trips.
- 4.28 The access has been improved to provide a bell-mouth, which is some 10 metres wide to accommodate all the vehicles wanting to access the site. This width will allow two cars to pass with ease in the access. Gates to the site would be provided and set-back to at least 3.5 metres from the carriageway edge and there are suitable visibility splays in both directions when leaving the site.

Parking Provision

- 4.29 There are no parking standards within the PSP for commercial premises so officers tend to use the maximum parking standards laid out in Policy T8 of the former South Gloucestershire Local Plan. These standards require 24 parking spaces and this level of parking provision is provided in the proposal to the rear and side of the barn. These would be secured by condition.
- 4.30 In terms of cycle parking, 6 spaces are required and again these would be provided and secured by condition.

Crossing Point

- 4.31 Some concerns have been raised by local residents' and the Parish Council about the A38 being dangerous for children, pedestrians, and cyclists to cross. Your Case Officer at his site visit made a specific journey to view matters first hand in walking from the nearby school to the site. There are islands in the A38 nearby to assist crossing and the Officer had no problem crossing the A38 safely.
- 4.32 The Parish Council is also concerned that the site would be used as an informal parking area during the school drop off and pick up period. It should be stressed however that the proposed parking areas around the barn are intended for customers only and are not general public parking areas. The access would be gated and the site would not be open to the public until 09.30 on weekdays and would close at 16.00hrs in the winter.
- 4.33 Having regard to all of the above there is no transportation objection to the proposal.

Landscape Impact

- 4.34 The site lies within open countryside in the Green Belt just north of the village of Alveston. LCA 17: Rudgeway and Tytherington Ridge is described as a broad open ridge that comprises a pastoral landscape, punctuated by woodland and copses and dissected and defined by roads.
- 4.35 Mature hedgerows with trees extend along the southern site boundary and the lane frontage, providing some enclosure around the site, which has an open aspect to the north and east. There are no proposals to remove any of this vegetation. A low field hedge runs along the south side of the A38 corridor which allows the existing barn to be seen from the A38 as a rural building within a rural setting.
- 4.36 Whilst the Council's Landscape Architect considers that the Proposals would have a limited impact on the openness of the Green Belt; the proposed new car park and seating areas, together with the storage facilities, would be visible in local views from 40 Acre Lane (including private views through the access from overlooking properties), the public footpath crossing the site, and the A38. There is opportunity to further integrate the new parking and seating areas, and auxiliary storage facilities into their surroundings by the introduction of new screen planting around these areas; and also, infill of any gaps within the frontage planting along the lane. This can be secured by condition.

Heritage Issues

- 4.37 By reason of separation distances involved (approximately 250 metres) the application site makes little or no contribution to the setting of the Grade II Listed 'The Loans' which lies to the west. Views to the north of 'The Loans' are also largely enclosed by an established tree belt that defines the northern and western property boundaries. With the setting unaffected, the significance of the designated heritage asset would be sustained.

Ecology

- 4.38 No designated sites would be impacted by the proposed works. Bats may use the hedgerows and trees adjacent to the site for foraging, commuting and / or roosting. Lighting would need to be designed sensitively to not disturb bats. There would be no disturbance to the surrounding habitats, including the fields, hedgerows and trees. There are opportunities to enhance the site for bats, a bat box is recommended to be installed on a nearby mature tree or on the building once renovated.
- 4.39 The Council's Ecologist has no objection subject to conditions to secure a lighting design strategy for biodiversity and ecological enhancement features as described above.

Environmental and Drainage Issues

- 4.40 The site lies within Flood Zone 1 and is not therefore prone to flooding. Neither has the site been subject to any underground mining. Surface water drainage would be via a SUDS Drainage Scheme, the details of which would be secured by condition.
- 4.41 Notwithstanding the submitted details, the method of foul disposal would also be secured by a pre-commencement condition with possible options being a Package Treatment Plant or to a mains Sewer if accessible. Percolation tests have been carried out to officer satisfaction.
- 4.42 Some details of the proposed Extraction and Odour Abatement System have been submitted, the details included a noise assessment. Notwithstanding the details submitted to date however, a condition would be imposed on any consent to secure the submission and agreement of the **full** details of the odour abatement and extraction systems prior to the first occupation of the development proposed.
- 4.43 Whilst there would be some disturbance during the construction/conversion phase, this would be on a short term basis only. An appropriate condition can be imposed to control the hours of construction.

Impact on Residential Amenity

- 4.44 The nearest residential dwellings likely to be affected are those on the opposite side of Forty Acre Lane. These properties are however bungalows that are reasonably well set back from the site. They are also screened to some extent by the various hedgerows that grow to the fronts of these dwellings.
- 4.45 The existing barn, although large, is set well back from the dwellings and is orientated end on to the lane. Furthermore there is a belt of mature trees and hedging on the boundary of the site with the lane and to either side of the access, which provides an adequate level of screening. The dimensions of the barn would not alter, so there would be no overbearing issues over and above those that already exist; and those impacts are negligible.
- 4.46 In terms of loss of privacy from overlooking, there are glimpsed views down the driveways of these dwellings for anybody already using the lane. These would include vehicles accessing the various businesses along the lane, people using

the nearby allotments and those that attend the occasional Thornbury Moto Cross meetings that are held in a field at the end of the lane.

- 4.47 The proposal would result in more people and more cars using the application site. Given the scale of development proposed, the numbers would not however be large and much of the activity would take place either indoors or out in the paddocks. Furthermore, the hours of opening would be controlled by condition as follows:

Monday: closed except for Bank Holidays 09.30hrs to 16.00hrs in the Winter and 09.30hrs to 18.00hrs in Summer (BST).

Tuesday to Saturday: 09.30hrs to 16.00hrs in the Winter and 09.30hrs to 18.00hrs in Summer (BST).

Sunday: 10.0hrs to 16.00hrs all year round.

These are the opening hours originally put forward by the applicant in his Design & Access Statement. The applicant states that these hours of opening were chosen to avoid adding to rush hour traffic. The applicants do not want to open early for the breakfast market. However, they do anticipate that there would be demand for Summer evening custom and after-school visitors, so closing at 16.00hrs is not ideal but they consider that 18.00hrs to be reasonable.

- 4.48 The EHO having assessed the scheme in terms of noise, odour and disturbance, considered that, on the basis of the information provided to date that slightly longer hours of opening would be acceptable, but having highlighted the local resident concerns, your officer was able to obtain confirmation from the applicant that the originally suggested opening hours would be acceptable to him.
- 4.49 Concerns have been raised by the occupant of the bungalow located directly opposite the site access (Taormina), that drivers of vehicles leaving the site would be able to look into the bedroom window of this property and that car lights would also shine into the bedroom.
- 4.50 Officers consider that notwithstanding the distance to this window, which is already visible to anybody using the lane, drivers leaving the site are more likely to be looking left or right for highway safety reasons. Given the hours of opening, it is unlikely that vehicles would have their headlights on at those times of the day. Officers consider there is no justification to refuse the application on these grounds.
- 4.51 Officers are satisfied that on balance, given the level of control on the opening hours, that there would be no significant adverse impact on residential amenity to result from the proposal.

Other Matters

- 4.52 Of the other matters raised by local residents that have not been addressed above; the officer has the following responses:

Potential for Future Residential Development

- 4.53 Concerns have been raised that if this scheme is approved, it will lead to future residential development on the site. This is, at this stage, purely supposition. There are no proposals within this submission for any residential development and the application must be determined on its individual merits. If at some time in the future, residential development is proposed, that application would also need to be determined on its individual merits, in accordance with the National Guidance and Development Plan Policies relevant at that time.

Justification for Barn Size

- 4.54 A local resident has correctly pointed out that in application PT18/4983/F the applicant had to give clear justification as to why a barn of the scale proposed was required for the proposed business in this location and why the loss of 2 of the 5 bays is now acceptable. The applicant has provided a comprehensive response which reads as follows:

“The original agricultural building application was made in November 2018. At this time, and in the two summers preceding this date, we sold our entire hay crop to a local farmer. As part of our plans to re-start the family rural business, we decided we would look to make a better return on our hay crop by selling small bales to the local horse/pet market alongside the main new venture of breeding alpacas. The proposed hay barn and new access was in an ideal location to carry this out and also advertise the offer. The barn and hard standing, whilst justified by the need to store hay, was also intended to support the new alpaca breeding business.

Around this time we also took delivery of our first 6 alpacas. We were effectively a new alpaca breeding business in the early stages of development, looking to make sensible long-term decisions but also looking for opportunities to create income whilst the breeding business was growing. The hay barn was due to be completed in April 2019, ready for its first full crop of hay. Due to contractor delays the barn was not ready for the 2019 summer hay crop and we again sold the whole crop to a local farmer.

To refer back to the original application, it included a justification based on circa 50 acres of land. Below is a more accurate calculation based on our actual land:

** 45 acres of grass land produces circa 720 large square bales (16 bales per acre)*

** A large square bale is circa 2.88 cubic metres x 720 bales = 2,073.6 cubic metres*

** Actual barn is 30m x 10m x 5m (to the eaves) = 1,500 cubic metres*

The size of the barn means that we cannot store 45 acres worth of hay in it. We have to either wrap some and store it outside as haylage, or sell some of it to local farmers. We are fortunate that the farmer we have got a working relationship with has said he will take whatever hay we are willing to sell to him. This means we do not have to store all of the hay we produce in the barn. Indeed this year we again chose to sell most of the hay crop to him as it was the sensible option with the coronavirus around.

At the time of writing we have 29 alpacas with one more cria (baby alpaca) due this year. We hope to continue this rate of growth with the main breeding business over the next few years but we are unsure exactly how many alpacas we will have in the long term. Alpacas will graze the fields all year round with the need for hay increasing as the winter kicks in and the grass loses its goodness. We cannot make hay out of the grass the alpacas are grazing. So as the number of alpacas in the herd grows, there is less land to produce hay. We have nearly 30 alpacas and they are now grazing circa 11 acres. So we have 34 acres of pasture to make hay from now. If we decide to fence off another field for alpacas to graze (when we have sufficient numbers), we will have less hay again.

In summary, the hay barn was built to both store the hay we need for our main breeding business and also to accommodate the rest of our hay crop so that we could look to make a better return from it than simply selling in bulk to a local farmer. It gives us the flexibility to sell as much of our hay crop, in whatever form we choose (large bales to farmers or small bales to the “pet” market) as we want to.

As detailed in the 2020 change of use application, it was not until November 2019 that we first seriously considered a diversification project. The Rural Development Programme for England funding opportunity acted as a catalyst to develop the craft workshop/shop/café concept. Changing two fifths of the barn to another use will initially mean either selling more hay in bulk to the local farmer or making more haylage. This is justified as the diversification will also hopefully help the overall business grow as it will increase awareness of the alpaca industry in the UK and help to drive demand for our alpaca products and the alpacas themselves.”

- 4.55 Officers are satisfied that sale of any excess hay has been considered by the applicant and the diversification of the business has also been carefully considered. The creation of the proposed use in the existing building is the most suitable way to diversify. The size of the original barn was more than justified as is the now proposed conversion of 2 of the 5 bays to an alternative use.

Crime Prevention

- 4.56 One local resident considered that the proposal would result in an increase in crime in the area. The Police Crime Prevention Officer has commented and whilst not objecting to the proposal, he has made some suggestions to increase security, which the applicant may wish to take up in the future. Officers consider that the intensification of the use of the site as proposed, would inevitably result in an increase in passive surveillance at the site.

Consideration of likely impact on Equalities

- 4.57 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.

Planning Balance

- 4.58 The proposal would utilise an existing building and relates to the diversification of an existing rural business, which is generally supported by the NPPF and Local Plan Policy. The proposal would provide a community facility and opportunities close to the village as well as enhancing rural tourism. The proposal would serve a variety of groups as well as providing rural employment opportunities. The proposal would boost the rural economy in a sustainable location and in doing so would respect the character of the countryside. These matters would outweigh any harm to the openness of the Green Belt, amenities of local residents and highway safety which would be mitigated by adequate controls on the opening hours and the provision of additional screen planting. The proposal therefore represents sustainable development that should be approved without delay.

5. CONCLUSION

- 5.1 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.
- 5.2 The recommendation to grant planning 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.”

6. RECOMMENDATION

- 6.1 That planning permission be GRANTED subject to the conditions listed below:

CONDITIONS

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

Reason

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

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

Site Location Plan Drawing No. AL(()) 00 received 11th May 2020

Existing Block Plan (1:200) Drawing No. AL(()) 01 received 11th May 2020
Existing Block Plan (1:500) Drawing No. AL(()) 01 received 11th May 2020
Combined Existing Plans Drawing No. AL(()) 03 received 11th May 2020

Proposed Block Plan Drawing No. AL(()) 10 received 28th April 2020
Proposed Grease Separator (Not to Scale) Drawing No. DS1269P 03 received 28th April 2020
Design Guide by Mitchel Eley & Gould March 2006 (includes existing & proposed ground plan and elevations).

Reason

For the avoidance of doubt.

3. The hours of working on site during the period of construction shall be restricted to 07.30hrs to 18.00hrs Mon to Fri; and 08.00hrs to 13.00hrs Sat. and no working shall take place on Sundays or Bank 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 the site.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policies PSP8 and PSP21 of The South Gloucestershire Local Plan : Policies Sites and Places Plan (Adopted) 8th Nov. 2017

4. Notwithstanding the details submitted; 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 to and approved in writing by the Local Planning Authority. A detailed development layout showing surface water and SUDS proposals is required as part of this submission.

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 New Package Sewage Treatment Plant (or alternative means of foul disposal), its drainage field and any soakaways for surface water runoff.
- o Evidence is required to confirm that the ground is suitable for soakaways. Percolation / Soakage test results in accordance with BRE Digest 365 and as described in Building Regs H - Drainage and Waste Disposal
- o Evidence that the soakaway is appropriately sized in accordance with BRE Digest 365 Soakaway Design.
- o Sp. Note; - Soakaways must be located 5 Metres from any structure including the Public Highway
- o Sp. Note; - Package Sewage Treatment Plants must be located 10 Metres from any structure including the Public Highway
- o Sp. Note: - No surface water discharge will be permitted to an existing foul sewer without the expressed approval of the sewage undertaker.

Reason

To comply with Policy PSP20 of the South Gloucestershire Local Plan: Policies, Sites and Plans Plan (Adopted) November 2017; Policy CS1 and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 ; and National Planning Policy Framework Feb 2019. This is a pre-commencement condition to ensure a satisfactory means of foul disposal and that the site can be adequately drained.

5. Prior to the first use of the development for the purposes hereby approved, the car parking facilities and vehicle manoeuvring areas on site, shall be provided in accordance with the approved details and subsequently maintained thereafter for that purpose.

Reason

To mitigate the increased numbers of vehicles using the site and to ensure the satisfactory provision of car parking facilities and tuning areas; in the interest of highway safety and the amenity of the area, and to accord with Policies PSP11 and PSP16 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) 8th Nov. 2017 and Policy CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013.

6. Prior to the first use of the development hereby approved, details of the proposed cycle parking facilities shall be submitted to and approved in writing by, the Local Planning Authority. Thereafter the cycle parking facilities shall be maintained at all times in full accordance with the details so approved.

Reason

To encourage sustainable forms of transport and to accord with Policy PSP16 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) 8th Nov. 2017 and Policy CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013.

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

Reason

To protect the character and appearance of the area and to protect residential amenity, to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policies PSP2 & PSP8 of The South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) Nov. 2017 and the National Planning Policy Framework (Feb) 2019. This is a pre-commencement condition to ensure that the character of the area and residential amenity can be adequately protected.

8. Prior to the first occupation of the development hereby approved, a "lighting design strategy for biodiversity" for the boundary features shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- o Identify those areas/features on site that are particularly sensitive for bats, badgers and hedgehog and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - o Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason

To ensure there isn't excessive light spill onto adjacent habitats; in the interests of protected species and the bio-diversity of the location, to accord with Policy PSP19 of The South Gloucestershire Local Plan : Policies, Sites and Places Plan (Adopted) Nov. 2017 and Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013.

9. Prior to the first occupation of the development hereby approved, evidence of the installation of the ecological enhancement features (to include a bat box) shall be submitted to the local planning authority for approval in writing.

Reason

In the interests of protected species and the bio-diversity of the location, to accord with Policy PSP19 of The South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) Nov. 2017 and Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013.

10. The development hereby approved shall be open to the public during the following hours only:

Monday: closed except for Bank Holidays 09.30hrs to 16.00hrs in the Winter and 09.30hrs to 18.00hrs in Summer (BST).

Tuesday to Saturday: 09.30hrs to 16.00hrs in the Winter and 09.30hrs to 18.00hrs in Summer (BST).

Sunday: 10.0hrs to 16.00hrs all year round.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policies PSP8 and PSP21 of The South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) 8th Nov. 2017.

11. Notwithstanding the information already provided; prior to the first occupation of the development for the uses hereby approved, full details of the proposed extraction and odour abatement system should be submitted to and approved in writing by, the Local Planning Authority. Thereafter the odour abatement system shall be implemented in full compliance with the details so approved and maintained as such at all times.

1. The submitted details should include details on the specification and location of all fans, filters, plant and flues, including a detailed schematic diagram of the ventilation system and its location inside and outside the building. The plan should also show scaled details of where the flue will terminate in relation to adjoining premises (residential and commercial). To ensure dispersion and dilution of odours, it is recommended that the flue should not terminate less than 1m above the roof ridge of any building within 15m of the building housing the commercial kitchen, and discharge vertically upwards. Additional odour control measures may still be required depending on the cooking type and frequency. If this cannot be complied with for planning reasons, then the extracted air shall be discharged not less than 1m above the roof eaves or dormer window of the building housing the commercial kitchen and additional odour control measures may be required. If neither of these can be complied with for planning reasons, then an exceptionally high level of odour control will be required*.

Any canopy above a wood burning appliance shall be designed in line with current guidance*. Solid fuel appliances should be considered separately when designing a safe and efficient ventilation/control system.

*Guidance on the above can be obtained in the EMAQ report, Control of Odour and Noise from Kitchen Exhaust Systems, an update to the 2004 report prepared by NETCEN for the Department of the Environment. It is available at <https://ee.ricardo.com/downloads/air-quality/control-of-odour-and-noise-from-commercial-kitchen-exhaust-systems>

2. A maintenance/cleaning schedule of the proposed extraction and odour abatement system, written in accordance with the manufacturers' instructions and recommendations should be incorporated as part of the application. A written recording system should be retained thereafter to demonstrate when all such work is carried out for the duration of its use.
3. In addition to information on odour abatement, details should be provided on predicted noise levels from the extraction system (fan and air movement, through and leaving the ducting) should be incorporated as part of the application. . Flues should be well insulated and sited to minimise the effects of vibration transmission and noise to any adjacent building. It may be necessary to install anti vibration mounts, flexible couplings, silencers etc. Full details should be provided to show how any potential noise nuisance will be prevented through the design. Any assessment should be carried out by a suitably competent engineer/consultant and be in accordance with BS4142 as amended.

OR The Rating Noise Level of any plant associated with the extraction system shall not exceed the pre-existing LA90 Background Noise Level when measured and assessed in accordance with the British Standard 4142 as amended.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policies PSP8 and PSP21 of The South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) 8th Nov. 2017.

POLICIES CONSIDERED IN THE DETERMINATION OF THIS APPLICATION:

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 - High Quality Design
CS4a - Presumption in Favour of Sustainable Development
CS5 - Location of Development (Inc Green Belt)
CS8- Improving Accessibility
CS9 - Managing the Environment and Heritage
CS34 - Rural Areas

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

PSP1 - Local Distinctiveness
PSP2 - Landscape
PSP7 - Development in the Green Belt
PSP8 - Residential Amenity
PSP11 - Transport Impact Management
PSP17 - Heritage Assets and the Historic Environment
PSP19 - Wider Biodiversity
PSP20 - Flood Risk, Surface Water and Watercourse Management
PSP21 - Environmental Pollution and Impacts
PSP28 - Rural Economy
PSP29 - Agricultural Development

Supplementary Planning Guidance

SPD3 - Design Checklist SPD (Adopted) August 2007
SPD4 - Development in the Green Belt SPD (Adopted) June 2007

National Guidance

NAT5 - National Planning Policy Framework
NAT5 - National Planning Policy Framework

IN ACCORDANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) ORDER 2015 **POSITIVE AND PROACTIVE STATEMENT:**

In dealing with this planning application the Local Planning Authority have worked with the applicant in a positive and proactive manner on seeking solutions to problems arising in the following ways:

By seeking additional information in order to overcome officer concerns.

Case Officer: Roger Hemming
Authorising Officer: David Stockdale

CIRCULATED SCHEDULE NO. 44/20 - 30th October 2020

App No.:	P20/10894/F	Applicant:	Mathew Woolley
Site:	The Old Dramway Stables 77A High Street Oldland Common South Gloucestershire BS30 9TJ	Date Reg:	26th June 2020
Proposal:	Change of use from Office (Class A2) to Tattoo Studio (by appointment only) (Sui Generis).	Parish:	Bitton Parish Council
Map Ref:	367884 171827	Ward:	Bitton And Oldland Common
Application Category:	Minor	Target Date:	17th August 2020



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100023410, 2008. **N.T.S.** **P20/10894/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 has been referred to the Circulated Schedule due to the receipt of objection from Parish Council.

1. THE PROPOSAL

- 1.1 The application seeks planning permission for the change of use of the existing building from office (Class A2) to Tattoo Studio (by appointment only) (Sui Generis) at the Old Dramway Stable, 77A High Street, Oldland Common. It is not proposed to extend or alter the appearance of the building.
- 1.2 The application site relates to a single storey building locating within Oldland Common. It is a locally listed building situating within the Bristol / Bath Green Belt in the open countryside.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework February 2019
National Planning Practice Guidance

2.2 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 & Heritage
CS34	Rural Areas

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

PSP1	Local Distinctiveness
PSP8	Residential Development
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Heritage Environment
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water and Watercourse Management
PSP28	Rural Economy

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted 2007)
Residential Parking Standards SPS (Adopted) 2013

3. PLANNING HISTORY

- 3.1 K208 Use of land for stationing of mobile home.
Refused 15th Aug. 1974
- 3.2 K208/2 Retailing of stone garden ornaments manufactured on site.
Refused 7th March 1978
- 3.3 K208/3 Use of land for stationing of mobile home.
Approved 7th March 1978
- 3.4 K208/4 Use of land & buildings for the manufacture of stone garden fixtures.
Approved 5th July 1978
- 3.5 K208/5 Use of existing mobile home as toilet and office accommodation in connection with business of manufacture of concrete garden products and sale of concrete products and patio equipment.
Refused 7th Oct. 1981
- 3.6 K208/6 Use of premises for the manufacture of concrete garden products and retail sales of concrete products and patio equipment.
Refused 7th Oct. 1981
- 3.7 K208/7 Use of premises for the manufacture of concrete garden products, formation of car park and alteration to vehicular access. Temporary retention of mobile home for use as office and toilet.
Approved 1st Feb. 1985
- 3.8 K208/8 Erection of workshop for use in the preparation of concrete products.
Approved 8th August 1989
- 3.9 K208/9 Modification to condition 5 attached K208/8 (to extend time limit for erecting replacement building).
Approved 23rd March 1992
- 3.10 PK04/1910/F Change of use of site from the manufacture of concrete products (B2) to the storage of builders materials and machinery (B8), replacement of existing buildings with 2 No. single storey building (B8) and ancillary office, with associated vehicular turning and area and 5 No. car parking spaces.
Refused 8th Dec. 2004
Appeal Ref: APP/P0119/A/04/1171405 Dismissed 25th April 2005
- 3.11 PK05/0849/F Change of use of site from the manufacture of concrete products (B2) to the storage of builders materials and machinery (B8), replacement of existing buildings with 1 No. single storey building (B8), with associated vehicular turning and area and 5 No. car parking spaces.
Refused 12th May 2005

3.12 P20/03582/CLE Continued use of land for concrete product storage and builders storage yard (Class B8) Approved. 12.05.2020

4. CONSULTATION RESPONSES

Bitton Parish Council – objection. If this application is approved, it would be difficult to limit the use to one client per day. This would attract considerable car traffic - not just from clients, but also from employees, waste disposal etc. The site is opposite a primary school, and the entrance to the diverted footpath, the football club and the community building. There are already traffic issues in this locality and a number of parking restrictions. This is within the Green Belt and we would argue that the proposed use is inappropriate in the Green Belt because of the traffic that it will generate. If South Gloucestershire Council is minded to approve this, we would hope to see appropriate traffic and parking conditions, conditions on hours of opening and a condition to prevent advertising on-site, because of the location within the Green Belt

Listed Building and Conservation Officer – no objection

Highway Officer – no objection subject to condition

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The site is situated just outside the settlement boundary, therefore PSP28 would be particularly relevant. PSP28 generally supports development proposals for conversion, re-use of existing buildings and alteration of existing business located within the rural area. Given the nature of proposal, it is considered that the proposed use would not be contrary to this policy.

The site itself is located within the Bristol / Bath Green Belt, NPPF, CS5 and PSP7 seek to protect the openness of the Green Belt. The building is also a locally listed building and also situated within the setting the adjacent listed building, No. 54 and Weston Court Farm. As such, PSP17 would be relevant and the policy is to conserve and enhance the heritage assets. Furthermore, the proposal needs to be assessed against other policies listed above.

5.2 Green Belt

Paragraph 143 of the NPPF stated that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. However, certain other forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. One of these is that the re-use of buildings provided that the buildings are of permanent and substantial construction. Given the nature of the proposal, it is considered that it would be an appropriate development in Green Belt.

5.3 Design, Visual Amenity and Heritage Assets

Policy CS1 of the Core Strategy and policy PSP38 of the Policies, Sites and Places Plan seek to ensure that development proposals are of the highest possible standards of design. PSP17 seeks to protect and enhance the significance of heritage assets and their settings. As the proposal is not to

extend or alter the appearance of the building, there is no objection in this regard. The applicant is however advised that an advertisement consent may be required for external advertisement.

5.4 Residential Amenity

Policy PSP38 of the Policies, Sites and Places Plan explains that development will be permitted provided that it would not detrimentally impact the residential amenities of nearby occupiers. Policy PSP8 outlines the types of issues that could result in an unacceptable impact. The proposal is to use the existing building for a tattoo studio (by appointment only). Given the modest scale of the building and the nature of the proposed use, it is considered that the proposal would not cause an unreasonable adverse impact by means of noise, dust, smells or vibration, upon the amenity of the neighbouring occupiers. In addition, a planning condition is imposed to restrict the opening hours between 10am to 6pm Monday to Saturday. These hours are not considered to be excessive and therefore the impact on residential amenity is therefore deemed to be acceptable.

5.5 Transport

Policy PSP38 of the Policies, Sites and Places Plan sets out the Councils parking standards. This application seeks to change the existing building to tattoo parlour (Sui Generis). As this site is very small and this change of use is unlikely to materially affect its travel demand, as such, it would not raise any serious highway and transportation issues. Nevertheless, as this conclusion is partly based on the applicants statement that the tattoo parlour will be available to customers by appointment only and walk ins will not be accepted, provided that a planning permission is imposed to ensure that the proposed use will only be used on this base (as the parlour could have a different trip generation pattern, which could create far more significant highway and transportation issues), there is no highway objection to the proposal.

5.6 Signage

The signage is not for consideration as part of this planning application but instead needs to be the subject of a separate advert application.

5.7 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. 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. 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

That planning permission be granted subject to the following conditions:

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 use hereby permitted shall not be open to customers outside the following times: 10.00 to 18.00 Monday to Saturday.

Reason

In the interests of highway safety and the amenity of the neighbouring properties, and to accord with Policy PSP8 and PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017) and Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

3. The proposed use hereby approved shall strictly be available to customers by appointment only.

Reason

In the interests of highway safety and the amenity of the neighbouring properties, and to accord with Policy PSP8 and PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017) and Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

IN ACCORDANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) ORDER 2015 **POSITIVE AND PROACTIVE STATEMENT:**

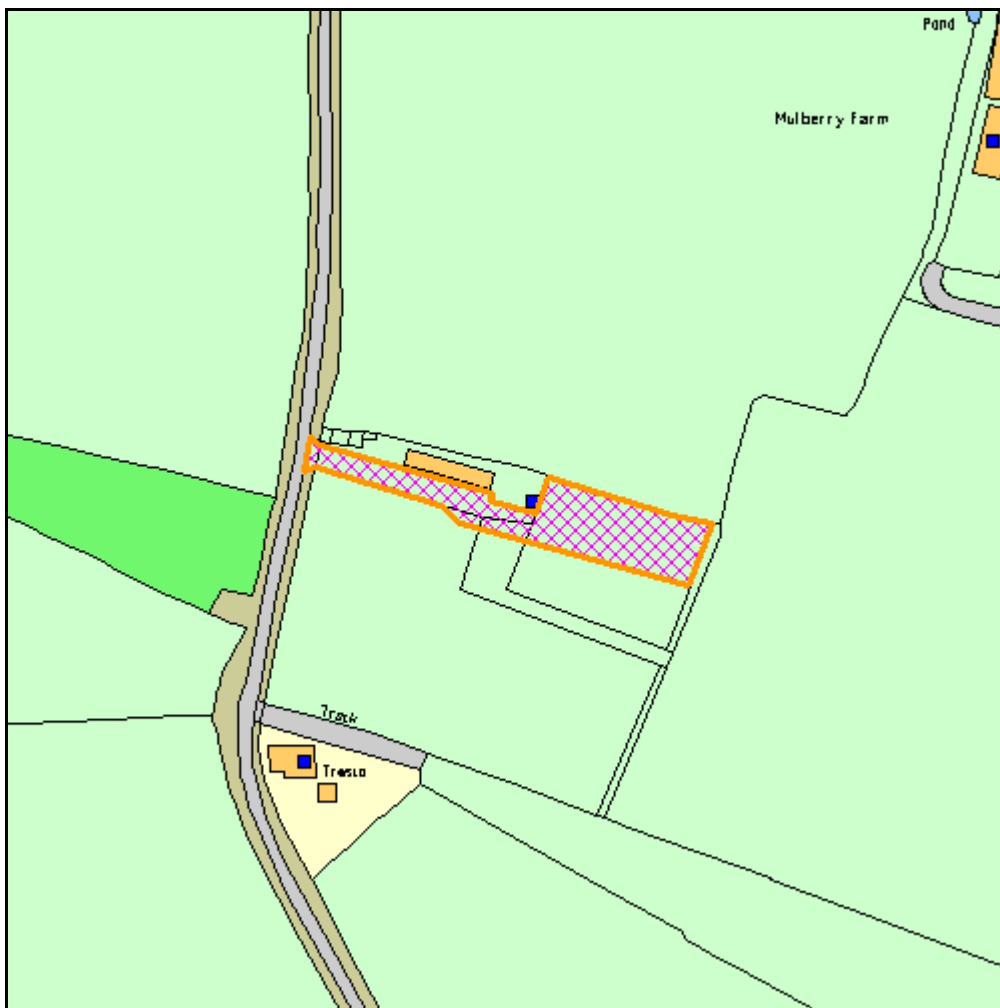
In dealing with this planning application the Local Planning Authority have worked with the applicant in a positive and proactive manner on seeking solutions to problems arising in the following ways: The application has been determined in a positive manner.

Case Officer: Olivia Tresise

Authorising Officer: David Stockdale

CIRCULATED SCHEDULE NO. 44/20 - 30th October 2020

App No.:	P20/10922/F	Applicant:	Mr And Mrs Evans
Site:	The Stables Rookery Lane Doynton South Gloucestershire BS30 5TH	Date Reg:	30th June 2020
Proposal:	Erection of 1no. Rural Workers Dwelling ancillary to equestrian use, with associated works.	Parish:	Doynton Parish Council
Map Ref:	371889 175087	Ward:	Boyd Valley
Application Category:	Minor	Target Date:	18th August 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.

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 The application is for the erection of 1no. Rural Workers Dwelling ancillary to equestrian use, including breeding, with associated works.
- 1.2 The site lies some 1km north of Doynton village, off the east side of Rockery Lane, in open countryside within the Green Belt. The site is currently used for the stabling and breeding of horses, with the stables and a yard area lying closest to the lane, a large barn to their east, and a static caravan tucked behind the eastern end of the barn. Of note the site has benefited from planning permission for siting of temporary static caravan for the purposes of a rural workers dwelling.
- 1.3 A landscape and visual appraisal have been submitted with the application.

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 (Inc. Green Belt)
- CS9 Managing the Environment and Heritage

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

- PSP1 Local Distinctiveness
- PSP2 Landscape
- PSP7 Development in the Green Belt
- PSP8 Residential Amenity
- PSP11 Transport Impact Management
- PSP16 Parking Standards
- PSP19 Wider Biodiversity
- PSP28 Rural Economy
- PSP30 Horse Related Development
- PSP40 Residential Development on the Countryside
- PSP41 Rural Workers Dwellings
- PSP43 Private Amenity Space Standards

- 2.3 Supplementary Planning Guidance
South Glos. Green Belts SPD
South Glos. Residential Parking Standards SPD

3. RELEVANT PLANNING HISTORY

- 3.1 PK03/1624/F - Change of use from agricultural to mixed agricultural & equestrian use. The construction of an American barn for horses which includes the provision of a farrier's forge, 10 stables, feed store and tack room with an access and associated works. Withdrawn 10/11/03
- 3.2 PK04/0954/F -Change of use from agricultural to equine use. Erection of stables with feed store and tack room, for the keeping of horses with access and associated works (Resubmission of PK03/1624/F). Refused 10/9/2004
- 3.3 PK05/0798/F - Change of use from agricultural to equine use. Erection of stables with feed store for the keeping of horses with access and associated works. Approved 23/5/05.
- 3.4 PK12/0152/F - Erection of a steel portal framed shed for the storage of fodder and machinery for equine use. Approved 8/3/2012
- 3.5 PK17/0164/F - Siting of temporary static caravan and additional stabling to be erected inside existing barn. Approved 30/6/2017

4. CONSULTATION RESPONSES

- 4.1 Doynton Parish Council
1. There are reservations about the height of the two storey building on the skyline in what is already an elevated position. In such as this rural location you would expect to see a barn on the skyline but not a two storey home.
2. Members do not object at this stage to the principle to replace the mobile home that is on site however, a single storey would be more acceptable to the area.

- 4.2 Landscape Officer
There were initial concerns and objection regarding the proposed mass and appearance of the permanent dwelling and it not being in keeping with the agricultural style of the few farm buildings scattered along the Boyd Valley, the interrelationship with the nearby AONB and the impact upon the openness of the Green Belt in its initial form.

Revised plans were subsequently received, incorporating a redesign and reduction in ridge heights and glazing. Further landscape comments were subsequently sought.

There is no landscape objection to the revised proposals, which offer significant built and landscape design benefits over the previously submitted scheme.

Sustainable Transportation

The site is in the open countryside remote from key facilities and as such general residential development would be contrary to SGC Policy PSP11. However if it is satisfied that there is a rural workers planning exception in this case, there are no transport objections, conditions are recommended.

Lead Local Flood Authority

Recommends clarification of SUDS.

Highways Structures

No comment

Other Representations

4.3 Local Residents

1 letter of objection has been received, raising the following points:

- proposals are larger than required for wardens dwelling
- it is an attempt to get a large family house in the countryside

5 letters of support have been received, summarised as follows:

- It's a well run and stud and breeding site with a lot of necessary time and dedication put in
- Welfare and safety of their horse is of utmost importance and this requires extra supervision and security measures
- To breed and foal mares without a doubt require round the clock care and attention
- Close monitoring at all times is essential. Should a problem arise as it so often does where the animals are concerned, how swiftly action is taken can be imperative to survival
- because they are living on site under temporary planning permission, both were on hand immediately to administer first aid, and call an emergency vet out to treat a complex
- Had they not been there, the mare would undoubtedly have suffered serious complications and infection, if she had not been seen until the following morning. Intensive nursing care without on hand onsite 24 hr supervision is impossible
- The Stables needs to have permanent residence on site in order to provide an adequate level of care for mares and foals. With the majority of mares foaling down overnight, this need is magnified.
- The time it takes to travel back and forth from another address, when a mare is foaling, can mean the difference
- essential it is to be on site 24 hours day and night for the care of both mares and foals to ensure their safety and well being. For instance, in a few minutes the life of a new foal can be endangered without supervision and unfortunately they do not perform 9 till 5

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The National Planning Policy Framework (NPPF) states that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside – ref. paragraph 79. The principle of the requirement for accommodation for rural workers to enable them to be at the site has been identified and established by the granting of previous consent. This was subject to conditions, in particular condition 2 of PK17/0164/F read as follows:

'The static caravan hereby permitted shall be removed and the land restored to its former condition on or before 30th June 2020 in accordance with the scheme of work submitted to and approved in writing by the Local Planning Authority.'

Reason

'There is insufficient evidence available at this stage to assess the impact of the development and permission for a limited period will allow the Local Planning Authority to re-assess the development in the light of experience of the use, the provisions of the Local Plan, and any other material considerations.'

- 5.2 In this respect therefore whilst the principle of accommodation at the site has been considered necessary and acceptable, this was initially time limited. The main issues for consideration are therefore whether circumstances have changed or whether the site of dwelling for permanent workers in agriculture, forestry or other rural continues to meet the relevant criteria, what the impact has been, and whether a permanent dwelling would be an acceptable proposition instead of the static unit and any additional impact this may have, all in the context of current national and local policy terms.
- 5.3 PSP40 (Residential Development in the Countryside) states that development proposals for residential development in the open countryside, outside the settlement boundaries, will be acceptable for a specific set of criteria, including rural workers. PSP41 (Rural Workers Dwellings), states that, outside of the defined settlement boundaries, the erection business will be acceptable where the applicant can demonstrate:

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 boundary.

- The stables and stud themselves are located outside of the settlement boundary and the necessity is to be on hand to the facility at all times.
- The principle of the requirement for accommodation for rural workers to enable them to be at the site has been identified and established by the granting of previous consent, (please see relevant history section, above).
- The applicants state that the key functional role is in respect of the care and welfare of the horses, to be on hand in case of emergencies. Such a full-time and all year round role cannot be provided from off the site. In many agricultural situations, a degree of mortality is accepted though all stock keepers try to

keep this as low as possible. However, in the equine world such a degree of mortality is not acceptable at all. Any loss of livestock has an affect on the income and running of a holding.

- All horses and ponies in training either for handling or to be ridden, including breeding horses, especially when stabled, require close supervision as there are a number of problems that can arise at any time and that need immediate attention, including horses becoming cast in their stables, sick with colic and a number of other emergency situations.

- Functional need in this instance is based on animal welfare, although consideration should be given to site security and business efficiency. Without well cared for horses, a secure site against theft, damage etc, the proper functioning of any rural and equestrian business is significantly affected.

- It should be noted that given the number of valuable horses to be accommodated on the land there is an essential functional requirement for suitably skilled and competent people to be available at the premises at all times for the following reasons:

- The functional need for accommodation is principally determined by the scale and type of enterprise operated and the system employed. A functional need is more likely to exist where circumstances requiring the prompt attention of a skilled worker could occur outside normal working hours and where they do not typically fall within a pre-determined routine.

- The keeping, breeding and rearing of horses does in principle generate a functional need for the on-site residential presence of skilled workers for a breeding facility. Whilst the action of foaling is an extremely critical period for the health and welfare of mare and foal, an essential functional need is also generated throughout the year in keeping of broodmares and foals and young livestock.

5.4 *'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'*

- The principle of the requirement for accommodation for rural workers to enable them to be at the site has been identified and established by the granting of previous consent, (please see relevant history section, above).

- The Planning Practice Guidance (PPG) states that in the case of new enterprises, consideration should be given as to whether it is appropriate to grant permission for a temporary dwelling for a trial period. A temporary permission was granted and the business now established has proved that it can continue to be financially viable.

- The breeding, keeping and selling of livestock, has taken place over at the site and the business has been successful. A business plan and records produced over the last three years supports this application.

-The continuation of a dwelling on site will continue to support the business.

5.5 *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.*

- The principle of the requirement for accommodation for rural workers to enable them to be at the site has been identified and established by the granting of previous consent. This building would replace and be on the same site as the existing temporary accommodation.

- there is not considered to be other viable or available existing buildings in the vicinity

The proposal is satisfactorily sited in relation to the rural business and wherever possible, is sited within a hamlet or existing group of buildings

- The dwelling is located at the site of the existing temporary accommodation and is tucked in behind an existing barn and is within the site of the business to which it would serve, near to existing buildings.

On this basis the principle of the proposal is considered acceptable in terms of the NPPF and Policy PSP41, in this instance the site is also located within the Green Belt, so its acceptability in Green Belt terms would also need to be re-established.

5.6 Green Belt

The main purpose of the Green Belt is to prevent urban sprawl and protect its openness. There are specific forms of development that may be considered appropriate within the Green Belt. The proposals do not fall within the limited criteria or exceptions that may be considered appropriate development within the Green Belt and would therefore be considered inappropriate. Inappropriate development is by definition harmful to the Green Belt and should not be approved unless 'very special circumstances can be demonstrated. Very special circumstances will not exist unless the potential harm to the Green Belt, by reason of its inappropriateness is clearly outweighed by other considerations.

5.7 *Very Special Circumstances*

Policy supports rural worker dwellings in Paragraph 79 of NPPF and amongst others, PSP41 of local policy. Both of these need to demonstrate an essential and functional need and where this is proven and within the Green Belt, it has been determined in other applications similar to this one that this need outweighs any harm. The NPPF and Policy 41 support the proposals and the principle of the need for a rural workers dwelling has been established. That need clearly still exists. Notwithstanding this the applicant has put forward extensive continued very special circumstances in support of the proposals. These include:

- Permission for a temporary accommodation unit for an equestrian worker was

granted during 2017, with an essential and functional need accepted. During this time the stud business has expanded and continues to be successful.

- The temporary permission allowed for all the horses belonging to the applicant to be kept on site, with an essential need to enable this rural business to operate successfully, both in terms of breeding and economic success.

- The horses include brood mares, foals and a stallion. Therefore, this proposed application in turn necessitates for the continued onsite presence of the site manager to care for the welfare of the horses and allow for the existing business to continue with its success as shown over the last three years.

- The stables are run as a high quality specialist establishment for the breeding and producing of Arabian horses, for showing and competition. The success of the business relies on small numbers of high value horses being given the optimum care and attention whilst they are kept on site in the care of the applicant for breeding.

- Due to the intricacies of breeding and the associated levels of care and attention required, with onsite accommodation the applicant has the capability to look after a number of horses and needs to be on site 24 hours a day for care, management and medical/veterinarian attention.

- The whole business model relies on the applicant having complete control of the yard environment and this model is totally different from any livery venture

- The dwelling is required to provide security and a 24 hour presence on site to look after the safety and welfare of the horses and to undertake the management of the horses. The applicant requires to be on site not only to feed, exercise, train and muck out the horses but also to be in constant attendance during the build up to foaling and beyond with the aftercare of the mare and new foals. The stallions on site needs continued specialist care.

- The proven essential and functional need associated with this proposal, which is made up of a number of specific individual matters relevant to the site and proposal, is considered a Very Special Circumstance in itself.

5.8 Based on the evidence, there is considered to be an established essential need for a permanent residential presence on site. The proposal would therefore meet the circumstance of Paragraph 79(a) of the Framework in respect of isolated homes in the countryside, and would also comply with the policies of the Framework in respect of supporting a prosperous rural economy, as well as the exceptions for rural dwellings contained in the Local Plan (PSP 41). Substantial weight can therefore be attached to this essential requirement and the benefits arising from the proposal, along with the very special circumstances provided and summarised above. It is considered that the essential need for a rural worker to live on the site, clearly outweigh any potential the harm to the Green Belt and very special circumstances necessary to justify the development have therefore been demonstrated. The proposal would therefore be acceptable in its Green Belt context.

5.9 Design/Landscaping

There was some initial concern regarding the design and scale of the original proposals. Revised plans were subsequently submitted, reducing the ridge heights and amount of glazing in the design. The ridge of the proposals is now lower than the adjacent barn. The dwelling would be on the footprint of the existing temporary static caravan in an area previously identified to accommodate the temporary structure, tucked alongside the existing barn, which offers some screening. The design of the dwelling utilising a mix of stone walls, timber cladding and slate roof, is considered an acceptable addition as a rural workers dwelling. A landscape and planting plan is also proposed. There are no landscape objections to the proposals.

5.10 Residential Amenity

Given the location and relationship of the proposals with the surrounding area, it is not considered that they would give rise to any residential amenity impacts upon surrounding properties. The dwelling would provide suitable living space and there would be adequate amenity space for the dwelling.

5.11 Transportation

The comments above are noted. As referred to in the relevant section above, it is considered that a valid and viable need to the rural workers dwelling has been established at this location. Access will remain as existing and sufficient parking and turning would remain to exist with the site.

5.12 Drainage

An existing drainage package plant serving the property will be utilised. The footprint and any hardstanding will remain similar and the drainage requirements would not significantly or material increase over and above the existing situation and provision.

5.13 Consideration of likely impact on Equalities

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

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

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 That planning permission is granted, subject to the conditions recommended.

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 off-street parking facilities 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.

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

Reason

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

4. The occupation of the dwelling hereby approved shall be limited to a person working solely, or mainly working, or last working in conjunction with the equestrian use based at The Stables, Rookery Lane, Doynton, or a widow or widower of such a person, and to any resident dependants.

Reason 1

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

Reason 2

The site lies within the Green Belt and is inappropriate development requiring very special circumstances; to accord with Policy CS5 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013; Policy PSP7 of The South Gloucestershire Local Plan : Policies, Sites and Places Plan (Adopted) Nov 2017 and The National Policy Framework Feb. 2019.

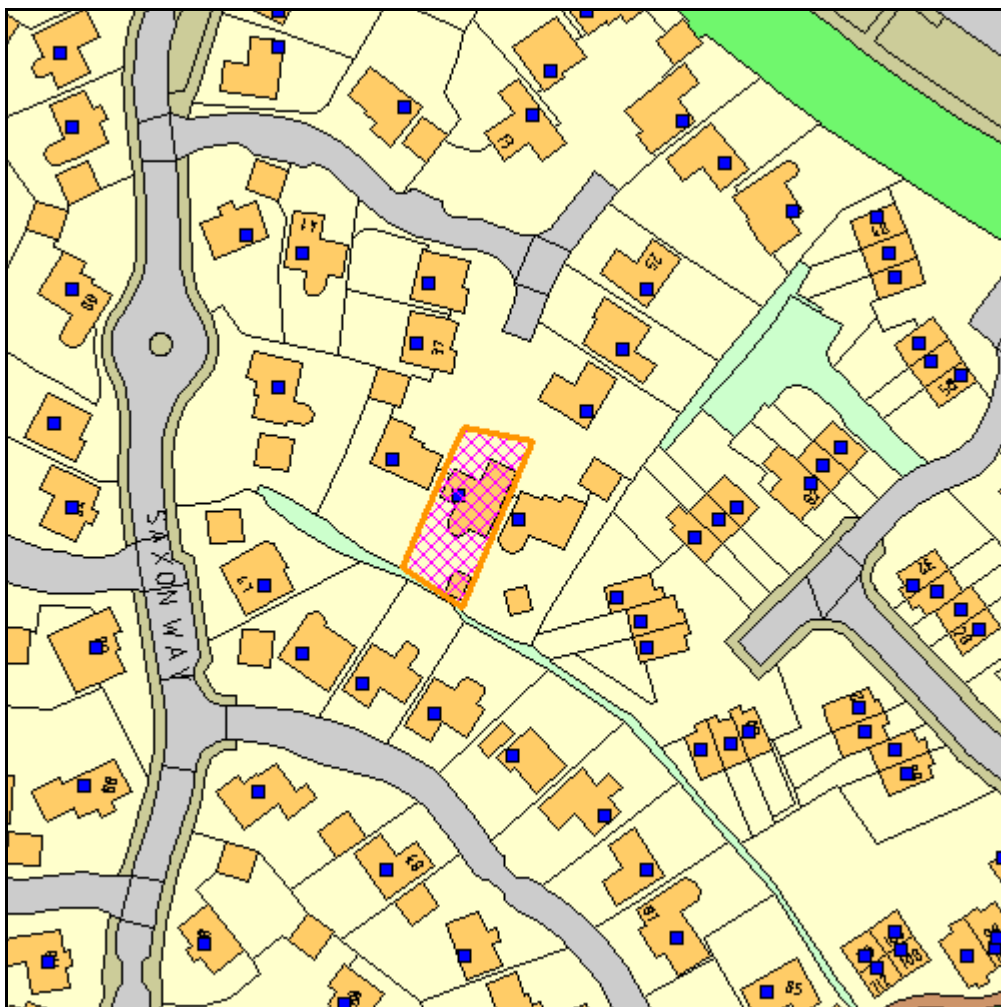
**IN ACCORDANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY PLANNING
(DEVELOPMENT MANAGEMENT PROCEDURE) ORDER 2015**
POSITIVE AND PROACTIVE STATEMENT:

In dealing with this planning application the Local Planning Authority have worked in a positive and proactive manner in seeking a timely resolution to the application, in accordance with the relevant policies.

Case Officer: Simon Ford
Authorising Officer: Marie Bath

CIRCULATED SCHEDULE NO. 44/20 - 30th October 2020

App No.:	P20/11862/F	Applicant:	Mr & Mrs Jonanthan & Carly Little
Site:	33 Saxon Way Bradley Stoke South Gloucestershire BS32 9AR	Date Reg:	9th July 2020
Proposal:	Erection of a first floor side and single storey rear extensions to form additional living accommodation.	Parish:	Bradley Stoke Town Council
Map Ref:	361274 182172	Ward:	Bradley Stoke North
Application Category:	Householder	Target Date:	31st August 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.

The application appears on the Circulated Schedule as there is an objection raised by Bradley Stoke Town Council where the officer recommendation is one of approval.

1. **THE PROPOSAL**

- 1.1 The proposal seeks full planning permission for erection of a single storey rear extension and first floor side extension to form additional living accommodation.
- 1.2 The original property is a two-storey, detached house, located at 33 Saxon Way, Bradley Stoke.

2. **POLICY CONTEXT**

2.1 National Guidance

National Planning Policy Framework
National Planning Practice Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4a	Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS25	Communities of the North Fringe of Bristol Urban Area

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP8	Residential Amenity
PSP16	Parking Standards
PSP38	Development within Existing Residential Curtilages
PSP43	Private Amenity Space Standards

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist

3. **RELEVANT PLANNING HISTORY**

- 3.1 No relevant planning history.

4. **CONSULTATION RESPONSES**

- 4.1 Bradley Stoke Town Council

Bradley Stoke Town Council objects to this planning application on grounds of overdevelopment of the site.

4.2 Other Consultees

None received.

Other Representations

4.3 Local Residents

The Local Planning Authority received 2no. objection comments and 1no. support comment. Key points summarised below:

Objection:

- Extension above garage blocks out a line of sight from our downstairs and upstairs windows;
- Previous applications to extend in this way on Victoria style houses in the road have had compromise plans agreed with a straight side wall to roof line rather than the angles roof in the proposals;
- The proposed new back window on the first floor will have a direct line of sight into our garden;
- The proposed structure is imposing in design. It also has a significantly larger footprint than the current structure;
- The extension on the property at 51 combined with the proposed structure means that the gap between the buildings when built is now very significantly less, providing less space and a greater feeling of being squashed in;
- The proposal will have an impact on both the saleability and value of our own property;
- We do not give permission for our right to light be taken. We have resided at our current property since it was constructed in 1994. We have earned the right to light to enter our property.
- The current proposed first floor extension at the rear contravenes the 45-degree rule for the extension planning elevation. The first-floor extension is within 2 meters of the property boundary, extends 1 meter past our property and impacts the light entering our living room at the rear of our property.
- There is parking space for 2.5 vehicles at 33 Saxon Way. There is no additional parking for construction workers given there are two vehicles currently in use at the property.
- The first-floor side extension from the front and rear will cause a terracing effect between the row of three houses between 31, 33 and 35 Saxon Way.
- My wife is a key worker and works during the night. Her wellbeing would be compromised due to sleep disturbance from the construction noise.

Support:

- Absolutely fine, no issues at all.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Policy CS1 'High Quality Design' of South Gloucestershire Core Strategy (adopted December 2013) states that development proposals will only be permitted where the highest possible standards of design and site planning are achieved. Proposals should demonstrate that they: enhance and respect the character, distinctiveness and amenity of both the site and its context; have an appropriate density and its overall layout is well integrated with the existing development. PSP38 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan is supportive in principle of development within the residential curtilage of existing dwellings. This support is subject to the proposal respecting the existing design of the dwelling and that it does not prejudice the residential and visual amenity; adequate parking provision; and has no negative effects on transportation. The proposal accords with the principle of development subject to the consideration below.

- 5.2 The proposed single storey rear extension would replace the existing conservatory, and would provide rear open plan with kitchen. The proposed first floor extension would allow to increase the size of bedrooms 3 and 4. No additional bedrooms would be added.

5.3 Design and Visual Amenity

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

5.4 *Single-storey rear extension*

The proposed single-storey rear extension would involve the demolition of the existing conservatory. It would measure 7m wide and 4.05m deep. It would incorporate a dual-pitched roof with 2no. roof lights on each side, and would measure 3.65m high (2.3m to the eaves). The rear elevation of the proposed extension would incorporate 1no. window and 1no. set of bi-fold doors, as well as 1no. bull's eye window feature. Also, 2no. windows would be installed on the West (side) elevation. Based on the submitted plans, the external finishing materials would closely match those of the existing dwellinghouse.

5.5 *First floor extension*

The proposed first floor extension would be built over the existing garage (which is currently subdivided into a storage area and a playroom). This part of the development would allow to increase the footprint of 2no. existing bedrooms. There would be 2no. windows installed (1no. to the front and 1no. to the rear). The proposed visual appearance of this part of the development is considered to be satisfactory.

- 5.6 Regarding '*The first-floor side extension from the front and rear will cause a terracing effect between the row of three houses between 31, 33 and 35 Saxon Way*'. Given the remaining separation distance, it is not considered that it would cause a terracing effect.

5.7 Overall, it is considered that the proposed alterations would not harm the character or appearance of the area and as such are considered acceptable in terms of visual amenity. Therefore, it is judged that the proposal has an acceptable standard of design and is considered to accord with policies CS1 of the South Gloucestershire Local Plan Core Strategy and PSP38 of the Policies, Sites and Places Plan.

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 Local residents brought up several concerns relating to the residential amenity. The below assessment is inclusive of the raised concerns.

5.10 *Rear extension.* Given the scale and design of the proposed rear extension, it is not considered that it would be detrimental to residential amenities of neighbouring occupiers.

5.11 *First floor extension.*

- Regarding '*Extension above garage blocks out a line of sight from our downstairs and upstairs windows*'. It is considered that while this part of the proposal may block out a line of sight to a certain degree, it would not be to such a degree where it would be detrimental to nearby occupiers.
- The introduction of the new rear window on the first floor would not be detrimental to the privacy of nearby occupiers, especially taking into consideration that there are already 3no. existing windows to the rear first floor elevation.
- It is considered that the design and scale of the proposed first floor extension would not cause any significant overbearing or overshadowing effect to any nearby residents.
- Right to light and 45-degree rule. It is worth noting that 45-degree rule is only a guidance, and each application is assessed on its own merit. Based on the available proposed plans, there is no evidence to suggest that the proposed first floor extension would not be compliant with 45-degree rule. It is considered that any potential impact on light reaching No. 35, would not be detrimental to their residential amenity.

5.12 On the basis of the assessment set out above, it is concluded that the proposal would have no unacceptable impacts on residential amenity of nearby occupiers, and the proposed development therefore accords with policies PSP8, PSP38 and PSP43.

5.13 Transport

Local residents raised concerns relating to parking, all of which were noted. The proposed development would not affect the existing parking provision, nor would it require the creation of additional parking. As such, the proposal is considered acceptable from transportation perspective, as per PSP16.

5.14 Other Matters

Regarding the objection from the Town Council. '*Bradley Stoke Town Council objects to this planning application on grounds of overdevelopment of the site*'. It is not considered that this proposal would amount to overdevelopment of the site, as it is not unreasonable for changes of such nature and scale to take place within residential setting.

5.15 Regarding '*My wife is a key worker and works during the night. Her wellbeing would be compromised due to sleep disturbance from the construction noise*'. Small scale development such as this are not unusual in residential setting. The degree of disturbance is likely to be proportional to the scale of development in terms of duration of construction.

5.16 Regarding '*The proposal will have an impact on both the saleability and value of our own property*'. Such matters do not fall under material planning consideration.

5.17 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 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.

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).

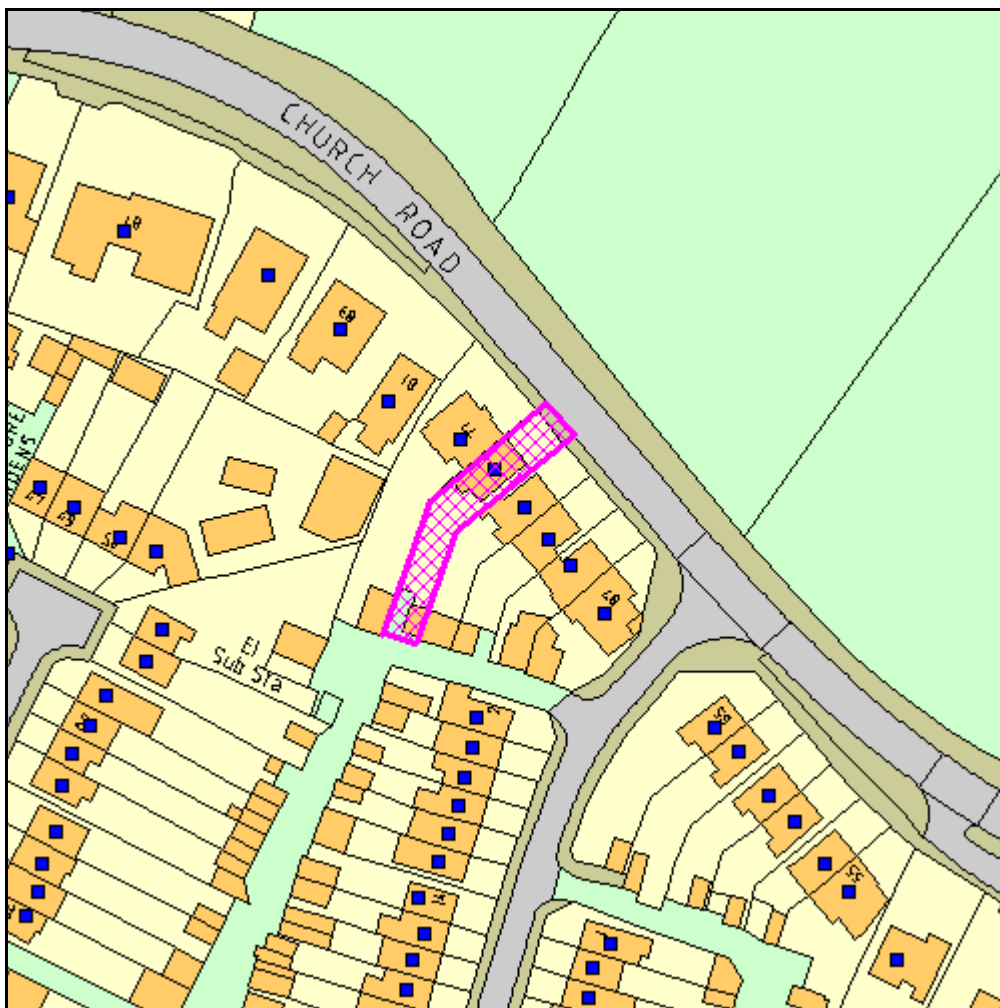
POSITIVE AND PROACTIVE STATEMENT:

In dealing with this planning application the Local Planning Authority have worked with the applicant in a positive and proactive manner by conducting a thorough assessment.

Case Officer: Mykola Druziakin
Authorising Officer: Marie Bath

CIRCULATED SCHEDULE NO. 44/20 - 30th October 2020

App No.:	P20/11881/F	Applicant:	Miss Samantha Lear
Site:	75 Church Road Frampton Cotterell South Gloucestershire BS36 2NE	Date Reg:	27th July 2020
Proposal:	Creation of new vehicular access and installation of a block paved driveway.	Parish:	Frampton Cotterell Parish Council
Map Ref:	367592 181569	Ward:	Frampton Cotterell
Application Category:	Householder	Target Date:	17th September 2020



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P20/11881/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 has been referred to the Circulated Schedule due to the receipt of objection from Parish Council.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the creation of new vehicular access and installation of a block paved driveway at No. 75 Church Road, Frampton Cotterell. The site is situated within the settlement boundary of Frampton Cotterell and is washed over by the Bristol / Bath Green Belt. It is not located within any conservation area and the host dwelling is not a listed building.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework February 2019
National Planning Practice Guidance

2.2 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

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP8	Residential Development
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP38	Development within Existing Residential Curtilages

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted 2007)
Residential Parking Standards SPS (Adopted) 2013

3. PLANNING HISTORY

None.

4. CONSULTATION RESPONSES

- 4.1 Parish Council – objection. The Parish Council feels there is insufficient information for the parish council to form a considered response. The parish council supports the Transport Development Control Officer's request for the applicants to provide further information concerning their proposals
- 4.2 Highway Officer – Further details have been provided. No objection
- 4.3 Local resident – one letter of objection has been received, and the concerns are summarised as follows:
- The fast traffic that drives along Church Road would make driving out of this entranceway very dangerous
 - The tree growing in the corner of the neighbouring garden would obstruct the view both pedestrian and traffic
 - It is shame to remove the existing lilac tree
 - Fear not being able to park outside the house and visitors will have to park elsewhere and walk
 - When it rains the run off comes down to Church Road

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of development
The site is located within a residential area of Frampton Cotterell and it is also washed over by the Bristol / Bath Green Belt. Policy PSP38 generally supports development within existing residential curtilages, and NPPF, CS5 and PSP7 would be particularly relevant given its green belt location.
- 5.2 Green Belt
Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. However, certain forms of development are not inappropriate in the Green Belt provided that they preserve its openness and do not conflict with the purposes of including land within it. One of which is (b) engineering operation. Given that the nature of the proposal, officers consider that the proposal fall within this exception, therefore it would be appropriate development in the Green Belt.
- 5.3 Design and Visual Amenity
Policy CS1 of the Core Strategy and policy PSP38 of the Policies, Sites and Places Plan seek to ensure that development proposals are of the highest possible standards of design. This means that developments should be informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context.
- 5.4 Officer noted the residents' comments regarding the cumulative impact upon the street scene as a number of neighbouring properties have already constructed hard-standing area to their front garden. Whilst the proposed development would result in a loss of garden and it would have some impact upon the general character of the area, it is not considered that such impact

would be so significant to warrant a refusal on design grounds. As such, there is no objection in this regard.

5.5 Residential Amenity

Policy PSP38 of the Policies, Sites and Places Plan explains that development will be permitted provided that it would not detrimentally impact the residential amenities of nearby occupiers and would not prejudice the retention of adequate private amenity space. Due to the nature of the proposed development and its siting, it is not considered that the proposal would result in any detrimental impacts to the residential amenity of neighbouring occupiers. Furthermore, sufficient private residential amenity space would remain for the occupiers of the host dwelling should the driveway be implemented.

5.6 Transport

Policy PSP11 states that development proposals need to provide an appropriate, safe, accessible, convenient, and attractive access for all mode trips, and PSP38 of the Policies, Sites and Places Plan sets out the Council's parking standards. After reviewed the original scheme, there were some concerns regarding the lack of details regarding the future provision of parking on this site. To overcome this, additional information has been submitted. It is noted that the applicant has not provided any information about visibility available from their proposed access and that it would be necessary for drivers to reverse in or out of the new parking spaces. However, as this is a predominantly residential area which is subject to a 30 mph speed limit where adjacent properties are equipped with similar parking facilities, in this instance, officers do not consider this presents a material safety concern. As such, there is no highway to the proposal.

5.7 Landscape consideration

Residents mentioned that the proposal would result in a loss of garden tree. Given that the existing tree is not protected and the site is not situated within a conservation area or any special landscape designation. In addition, the formation of hard-standing area within a residential curtilage would be permitted development. Therefore the loss of an existing garden tree would not be sufficient to warrant a refusal of this application. Therefore there is no objection in this regard.

5.8 Drainage

Residents' concern regarding run-offs are noted. Given the area of the proposed hard-standing, it would be necessary and reasonable to impose a condition to ensure the hard surface is made of porous materials, or provision is made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the host dwelling.

5.9 Consideration of likely impact on Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between

people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

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

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 That planning permission be granted subject to the following conditions:

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 proposed block paved driveway shall be made of porous materials, or provision is made to direct run-off water from the driveway to a permeable or porous area or surface within the curtilage of the host dwelling.

Reason

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

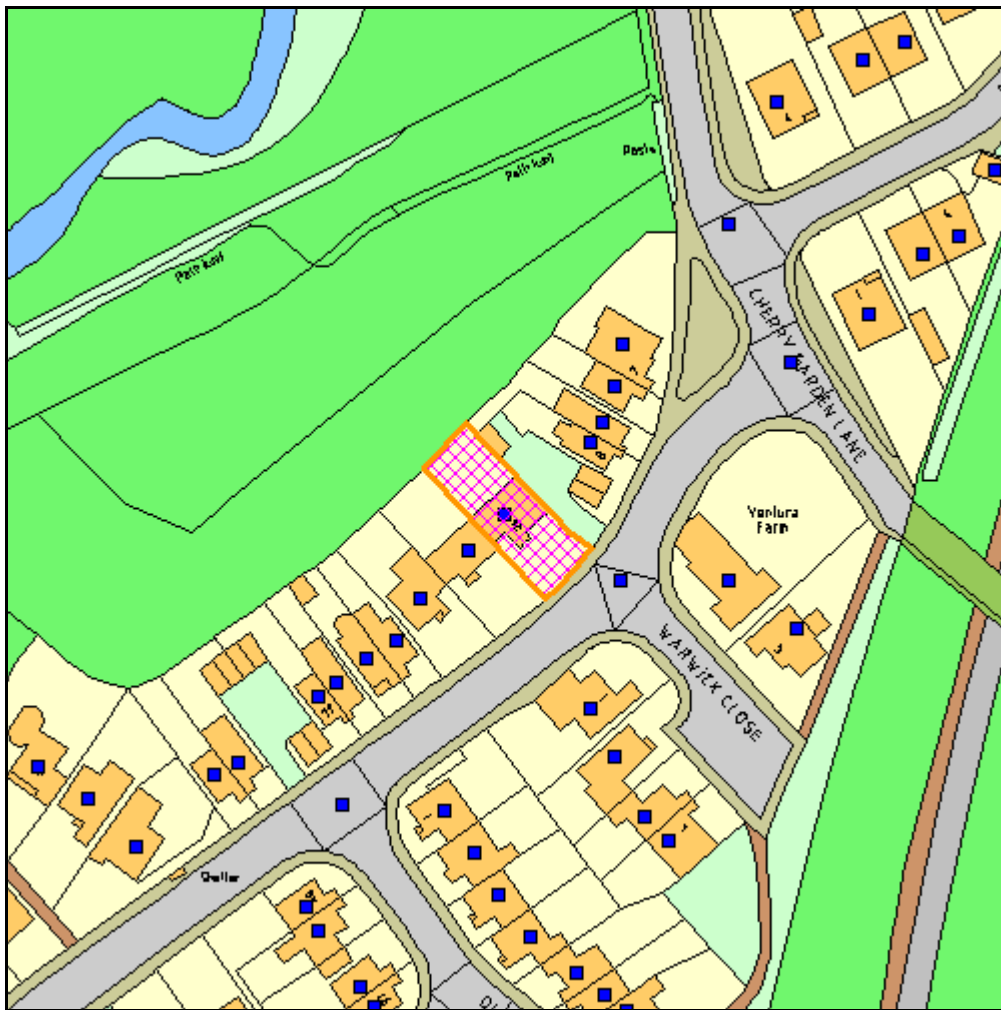
IN ACCORDANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) ORDER 2015 **POSITIVE AND PROACTIVE STATEMENT:**

In dealing with this planning application the Local Planning Authority have worked with the applicant in a positive and proactive manner on seeking solutions to problems arising in the following ways: The applicant has been given opportunities to address the planning issue and the application has been determined in a positive manner.

Case Officer: Olivia Tresise
Authorising Officer: David Stockdale

CIRCULATED SCHEDULE NO. 44/20 - 30th October 2020

App No.:	P20/17395/F	Applicant:	Mr N Rogers
Site:	10 Kenilworth Drive Willsbridge South Gloucestershire BS30 6UP	Date Reg:	23rd September 2020
Proposal:	Erection of a single storey side and rear extension to form additional living accommodation.	Parish:	Oldland Parish Council
Map Ref:	366880 170873	Ward:	Longwell Green
Application Category:	Householder	Target Date:	10th November 2020



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

REASON FOR REFERRING TO THE CIRCULATED SCHEDULE

The application appears on the circulated schedule due to an objection from the parish council that is contrary to the findings of this report.

1. THE PROPOSAL

- 1.1 Full planning permission is sought for the erection of a single storey side and rear extension to form a home office, enlarged kitchen and store.
- 1.2 The application site is a 'link-detached' dwelling fronting Kenilworth Drive in Willsbridge, within the East Fringe of Bristol Urban Area. No other planning constraints apply to the site that would affect or otherwise restrict the development.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework February 2019
National Planning Practice Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS29	Communities of the East Fringe of Bristol

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

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

2.3 Supplementary Planning Guidance

Design Checklist SPD (Adopted) August 2007
Residential Parking Standard SPD (Adopted) December 2013

3. RELEVANT PLANNING HISTORY

- 3.1 PK14/2180/F – Approved with conditions 24/09/2014:
Single storey extension and conversion of garage.

- 3.2 K803/7 – Approval 25/04/1978:
Erection of 105 dwellinghouses with associated garages, roads & footpaths & incidental open space. Approx. 10.3 acres
- 3.3 K803/3 – Approved 11/09/1975:
Detailed site layout & plotting plan for 145 dwelling units.

4. CONSULTATION RESPONSES

- 4.1 Bitton Parish Council
No objection
- 4.2 Oldland Parish Council
Objection;
- Inadequate parking
- Plans for the rear extension shows the proposed exterior side wall running on the boundary of the two properties and issues raised by the neighbour in respect of ownership must be resolved.
- 4.3 Sustainable Transport
No objection
- 4.4 Local Residents
1no. objection comment has been received;
- No dialogue regarding the extension, only became aware due to notification from the Council
- Issues raised regarding foundations trespassing on to land
- Proposed extension should not include any parts of the side wall as this is not a party wall
- Covenant in the deeds of properties states that garages cannot be modified and must be used for intended purpose
- Devaluation of property as it will become semi-detached

5. ANALYSIS OF PROPOSAL

- 5.1 The proposal seeks to erect single storey side and rear extensions. The proposal also includes the conversion of the existing link garage, which has been previously established as being acceptable under PK14/2180/F, though it must be noted that this would not require planning permission for the internal conversion.
- 5.2 Principle Of Development
PSP38 of the South Gloucestershire Council Policies, Sites and Places Plan (adopted November 2017) permits development within existing residential curtilages (including extensions) in principle where they do not unduly harm the design, visual amenity and residential amenity of the locality or prejudice highway safety or the provision of adequate private amenity space. PSP38 is achieved through CS1 of the South Gloucestershire Council Core Strategy (adopted December 2013), which requires development to demonstrate the highest standards of design and site planning by demonstrating that siting, form, scale, height, massing, detailing colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the site

and its context. The development is acceptable in principle, subject to the following detailed consideration.

5.3 Design and Visual Amenity

The host dwelling is faced with brickwork and the roof is characterised by double roman tiles. Fenestration is in the form of Upvc windows and door and the dwelling benefits from a modest front lean to front porch. The proposed extension would at the front project forward of the garage to become flush with the front of the existing porch and to the rear, would have a depth of c.3 metres, height of c.3.4 metres with a lean to roof. The roof over the existing link garage would become higher in order to link the new side and rear extensions together between no.10 and 12. The design of the extension is considered to be in keeping with the host dwelling and surrounding area by virtue its design cues clearly being taken from the host dwelling and locality. It is a suitably subservient and proportioned addition that is reasonably modest and considered to be acceptable in its residential setting and in compliance with PSP38 and CS1.

5.4 Residential Amenity

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

5.5 Given the modest rear depth, officers are satisfied that the rear extension will not present any appreciable or unacceptable impacts on the adjacent neighbour, no.12. The side part of the extension will also not be able to present any such impacts on the adjacent neighbour, no.12, because of its modest scale, depth and siting. Accordingly, officers consider the proposal to be acceptable in terms of residential amenity.

5.6 Parking Standards

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

5.7 Concerns regarding parking from the Parish Council are noted. However, the highways officer has reviewed the scheme and raises no objection. For clarity, the proposal will not increase the number of bedrooms, which remains at 3. Under PSP16, 3 and 4 bed dwellings require 2no. off-street parking spaces and so even if the downstairs office proposed were to be counted as additional sleeping accommodation (i.e. an extra bedroom), there would be no material increase in requirements under policy.

5.8 The frontage benefits from parking for 2no. Vehicles, which would remain so notwithstanding the loss of space affront the garage. As the proposal exhibits a policy compliant level of parking commensurate to the size of the dwelling, the proposal is considered policy compliant with regard to parking under the

provisions of PSP16. Given that the required parking already exists, it would not be considered necessary to recommend a condition requiring the provision of parking, should permission be granted.

5.9 Private Amenity Space

Whilst some loss of private amenity space would occur to the rear, an acceptable level would remain in accordance with PSP43, should permission be granted.

Impact on Equalities

5.10 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.

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

5.12 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.

5.13 Property devaluation is noted as a concern from a neighbour, however it cannot be given any weight as matters of private finance are not material planning considerations.

5.14 Party wall matters are civil issues and not material planning considerations. The applicant should be reminded of their obligations under the Party Wall Act 1996 by way of an informative, should permission be granted. Foundations inevitably will be required, and any trespass on to neighbouring land is a civil matter between the applicant and affected neighbour(s). Similarly, ownership is a civil matter although for clarity, the applicant has signed Certificate A, which indicates that the development will take place on land wholly within the applicant's ownership. The applicant should be reminded that planning permission does not grant permission to access neighbouring land by way of an informative, should permission be granted.

5.15 Covenants on garages (i.e. restrictive covenants on title deeds) are conveyancing matters that are inherently civil issues and cannot be given weight in the determination of a planning application as they are not material considerations. It is noted that from a planning point of view, there are no restrictive conditions applied to the original permissions for the dwelling that

would limit the use of the garage. This was also noted in the officer report for previously approved PK14/2180/F.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 It is recommended that permission is **GRANTED** subject to the following conditions;

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).

IN ACCORDANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) ORDER 2015 **POSITIVE AND PROACTIVE STATEMENT:**

In dealing with this planning application the Local Planning Authority have worked with the applicant in a positive and proactive manner on seeking solutions to problems arising in the following ways:

The application has been determined in a timely manner.

Case Officer: Alex Hemming
Authorising Officer: Marie Bath