

# 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. 31/20

**Date to Members: 31/07/2020**

**Member's Deadline: 06/08/2020 (5.00pm)**

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

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

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

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

## NOTES FOR COUNCILLORS

### – formal arrangements for referral to committee

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

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

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

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

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

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

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

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

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

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

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

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

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

c. All applications for non-material amendments

d. All applications to discharge planning conditions

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

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

### **Additional guidance for Members**

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

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

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

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

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

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

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

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

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

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

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

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

a) Referring Member:

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

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

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

**Date:**

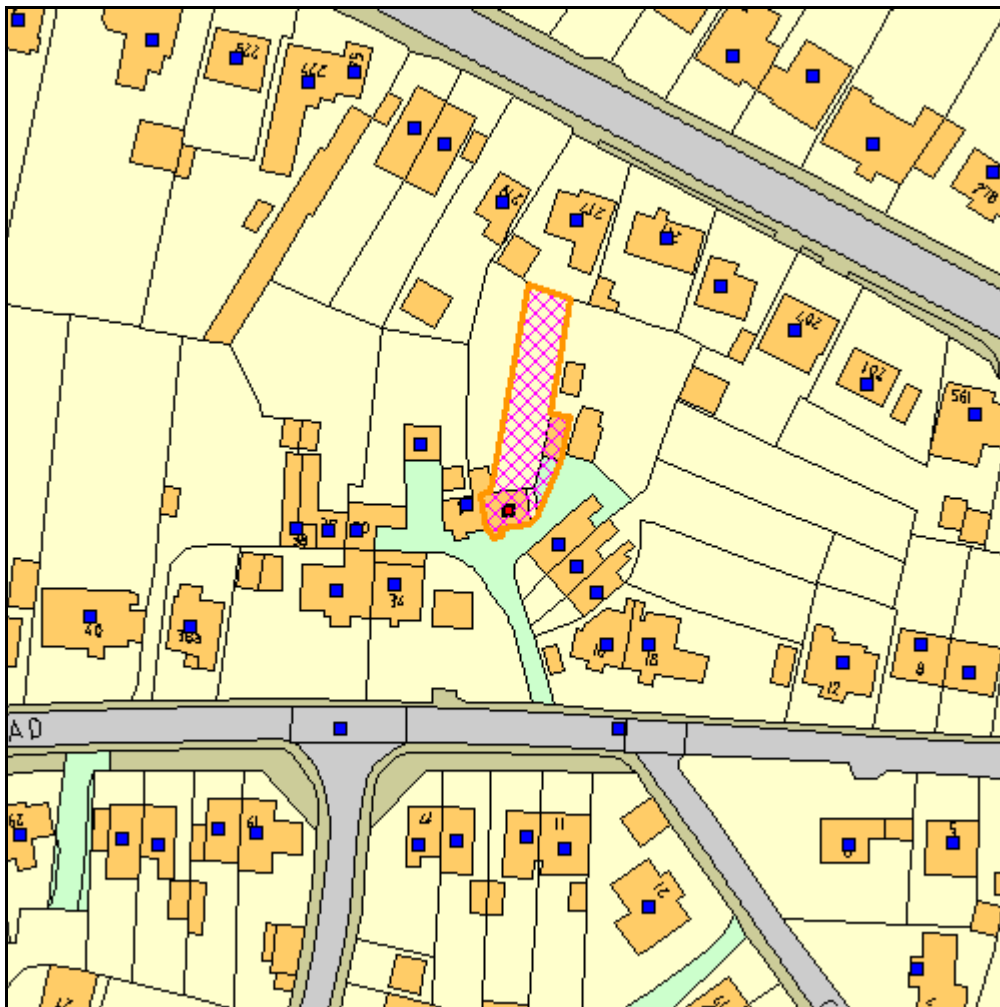
To be emailed to [MemberReferral@southglos.gov.uk](mailto:MemberReferral@southglos.gov.uk)

# CIRCULATED SCHEDULE - 31 July 2020

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	<b>P19/3293/F</b>	Approve with Conditions	26 Clyde Road Frampton Cotterell Bristol South Gloucestershire BS36 2EE	Frampton Cotterell	Frampton Cotterell Parish Council
2	<b>P20/02341/F</b>	Approve with Conditions	Land At Meadows Livery Church Road Bitton South Gloucestershire BS30 6LL	Bitton And Oldland	Bitton Parish Council
3	<b>P20/06288/F</b>	Approve with Conditions	Red Lion Public House 76 Broad Street Staple Hill South Gloucestershire BS16 5NL	Staple Hill And Mangotsfield	
4	<b>P20/06547/F</b>	Approve with Conditions	Windyridge Abson Road Wick South Gloucestershire BS30 5TS	Boyd Valley	Wick And Abson Parish Council
5	<b>P20/09151/F</b>	Approve with Conditions	Land Off Old Hundred Lane Acton Turville Road Tormarton Badminton South Gloucestershire GL9 1JB	Boyd Valley	Tormarton Parish Council
6	<b>P20/11526/F</b>	Approve with Conditions	11 Stoke Meadows Bradley Stoke South Gloucestershire BS32 9BG	Bradley Stoke North	Bradley Stoke Town Council

**CIRCULATED SCHEDULE NO. 31/20 - 31st July 2020**

<b>App No.:</b>	P19/3293/F	<b>Applicant:</b>	Ms R Dingwall
<b>Site:</b>	26 Clyde Road Frampton Cotterell Bristol South Gloucestershire BS36 2EE	<b>Date Reg:</b>	26th March 2019
<b>Proposal:</b>	Erection of a single storey side and rear extension to form annexe ancillary to the main dwelling house.	<b>Parish:</b>	Frampton Cotterell Parish Council
<b>Map Ref:</b>	366977 181726	<b>Ward:</b>	Frampton Cotterell
<b>Application Category:</b>	Householder	<b>Target Date:</b>	18th May 2019



© South Gloucestershire Council 2007.all rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2008.

N.T.S.

P19/3293/F

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

### **REASON FOR REFERRING TO CIRCULATED SCHEDULE**

This application is referred to the circulated schedule due to comments from the Parish Council which are contrary to the Officer's recommendation.

## **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for the erection of a single storey side and rear extension to form an annex ancillary to 26 Clyde Road, Frampton Cotterell.
- 1.2 The application site relates to a semi-detached, two storey cottage located within the residential area of Frampton Cotterell.

## **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  
CS8 Improving Accessibility

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 Standards

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

## **3. RELEVANT PLANNING HISTORY**

- 3.1 PT14/2190/F  
Erection of two storey rear and first floor side extension to form additional living accommodation.  
Approve with conditions: 24/07/2014

- 3.2 PT09/1074/F  
Erection of single storey side and rear extension to provide additional living accommodation.  
Approve with conditions: 31/07/2009

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

- 4.1 Frampton Cotterell Parish Council  
Objection- Out of character with the area and overdevelopment.
- 4.2 Sustainable Transport  
No objection- no increase in bedrooms is proposed and as such the existing parking is acceptable.

#### **Other Representations**

- 4.3 Local Residents  
Objection comments received from 1 no local resident, summarised as follows;
- Current owner has converted the garage into living space, so no intention to use this for parking.
  - Proposal encroaches onto other parking space- increasing congestion.
  - Intention is to knock through into the garage to increase the living area further, creating an excessively sized house.

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

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

##### **Annex Test**

For a proposal to be an annexe it should only contain ancillary accommodation to the main dwelling and have some form of functional and physical reliance upon the main dwelling. In this instance the proposal has the majority of the elements of principal living accommodation (i.e. bedroom, kitchen and living room) that would enable it to be used as an independent unit of residential accommodation. However, officers note that it would share a bathroom, garden, parking area and services with the main dwelling and would be linked to the main dwelling at the rear. As such, it does seem to show some physical and functional reliance on the main property. Furthermore, given the relationship and location to the main house, its use as an independent dwelling would likely be unacceptable. As such, Officers are satisfied that the annexe would be used ancillary to the main house.



5.2 Design and Visual Amenity

The proposed addition would extend to the rear of the existing property at single storey level. It is considered to be a relatively large addition in terms of its in depth, 3m of which would be against the neighbouring boundary and the remainder separated from the boundary by approximately 2.2 metres. However, the host property benefits from a long and narrow rear garden, it is therefore not considered to be a disproportionate addition within the context of the site. The proposed extension would run parallel with the existing garage and consist of a dual pitched roof to match. Concern has been raised in regard to the proposal being out of keeping with the character of the area. Given the location at the rear of the property and considering it would be set at a lower gradient than the existing garage, the proposed annex would be almost entirely screened from the public realm by existing built form. Furthermore, the materials proposed to be used in the external finish would match those of the host property. As such, it is not thought by the officer that the proposal would result in any substantial harm to the character or appearance of the surrounding area and it is therefore considered to comply with policy CS1 of the Core Strategy.

5.3 Residential Amenity

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

5.4 The impact of the proposal on the residential amenity currently enjoyed by the occupiers of neighbouring properties has been considered. Given the siting and single storey nature of the proposal, it is not considered to result in any unacceptably adverse impacts to the residential amenity of any of the surrounding neighbours.

5.5 The proposal will occupy additional floor space, however sufficient private amenity space will remain following development and there is no objection with regard to this.

5.6 Sustainable Transport and Parking Provision

The application is not proposing any additional bedrooms and would therefore retain 4 bedrooms within the property; policy PSP16 requires a 4- bedroom property to provide 2 off-street parking spaces. The applicant has indicated that parking requirement will be satisfied by use of the existing garage with an additional space in front. Concern has been raised in relation to the existing garage having been converted and therefore not available as parking provision. Subsequently, revised plans were submitted indicating that the intension of the applicant is to reinstate the garage from storage to vehicle parking, the officer has no reason to believe this to be untrue and it is therefore is considered that this level of parking is adequate to comply with policy PSP16. Furthermore, plenty of on-street parking is available within the surrounding area and the existing parking requirements of the property would remain the same. That

said, a condition is considered necessary to secure the use of the garage for vehicle parking and, in addition, the plans will also be conditioned for clarity.

#### 5.7 Equalities

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

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

### 6. CONCLUSION

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

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

### 7. RECOMMENDATION

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

**Contact Officer: James Reynolds**  
**Tel. No. 01454 864712**

### CONDITIONS

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

Reason

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

2. The development shall be implemented strictly in accordance with the following documents:

Received by the Council on 23rd March 2019:

Site Location Plan  
Block Plan

Received by the Council on 23rd July 2020:

Existing Floor Plans, Existing and Proposed Side and Rear Elevations ( 80421-1 A)

Proposed Floor Plans, Existing and Proposed Front and Side Elevations (80421-2 A)

Reason

For the avoidance of doubt.

3. Prior to the first occupation of the proposed annex hereby approved, the proposed garage and parking spaces shall be provided in accordance with the submitted drawing no.80421-2 A, and maintained as such thereafter.

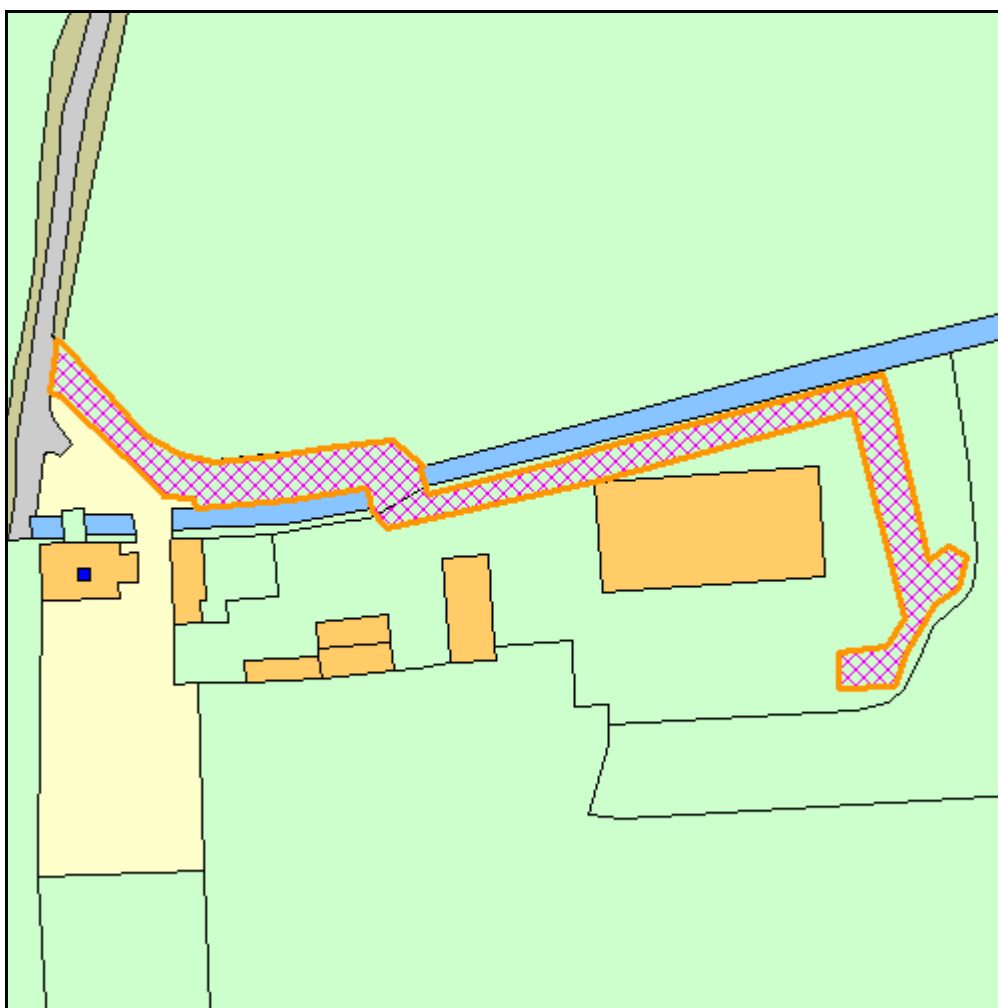
Reason

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

**CIRCULATED SCHEDULE NO. 31/20 - 31st July 2020**

<b>App No.:</b>	P20/02341/F	<b>Applicant:</b>	Ms Nicola Gunning
<b>Site:</b>	Land At Meadows Livery Church Road Bitton South Gloucestershire BS30 6LL	<b>Date Reg:</b>	5th March 2020
<b>Proposal:</b>	Erection of 1no. quarantine stable block and 1no. tack wash down building (Sui Generis) (Retrospective).	<b>Parish:</b>	Bitton Parish Council
<b>Map Ref:</b>	368204 169103	<b>Ward:</b>	Bitton And Oldland Common
<b>Application Category:</b>	Minor	<b>Target Date:</b>	29th April 2020

---



© South Gloucestershire Council 2007.all rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2008.

N.T.S.

P20/02341/F

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

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

This application appears on the Council's Circulated Schedule procedure following objections from the local parish council which are contrary to the officer recommendation detailed in the report below.

## **1. THE PROPOSAL**

- 1.1 This application is retrospective and seeks planning permission for the erection of 1no. Quarantine stable block and 1no. Tack wash down building (Sui Generis).
- 1.2 The site relates to Meadows Livery, Church Road, Bitton.
- 1.3 The site is located within the open countryside outside of any defined settlement boundary and within the Bristol/Bath Green Belt. The site is also within flood zone 3b and the Bitton Conservation Area.
- 1.4 Revised plans were requested and received during the application period. It was requested that a Yurt and 2.no mobile homes, shown on the block and location plans be removed. A re-consultation was undertaken as the presence of these structures was deemed to affect the site.
- 1.5 An amended Flood Risk Assessment and Flood Response Plan was also received during the course of the application.

## **2. POLICY CONTEXT**

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design  
CS5 Location of Development  
CS8 Accessibility  
CS9 Heritage and Environment  
CS34 Rural Areas

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

PSP1 Local Distinctiveness  
PSP2 Landscape  
PSP7 Development in the Green Belt  
PSP8 Residential Amenity  
PSP16 Parking Standards

PSP17	Heritage
PSP19	Wider Biodiversity
PSP20	Flood Risk
PSP28	Rural Economy
PSP30	Horse Related Development
PSP40	Residential Development in the Countryside
PSP44	Recreation and Sport

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

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

- 3.1 PK18/2295/F – Approved with Conditions - 06.07.2018  
 Conversion of existing Dutch barn to form rural workers dwelling on first floor and equestrian yard facilities on ground floor (sui generis)
- 3.2 PK08/1149/F – Approved with conditions - 18.08.2008  
 Change of use of agricultural land to land for the keeping of horses. Repairs and alterations to 2 no. agricultural buildings and partial reconstruction of agricultural building to facilitate change of use to livery use. Replacement of field shelter and erection of boundary fence (Retrospective) (Resubmission of PK08/0377/F).
- 3.3 PK04/1786/CLE – Refusal - 27.07.2004  
 Certificate of lawfulness of existing use of site for mixed use of agriculture, maintenance, repair and storage of motor vehicles and storage of skips, trailers and other associated goods and machinery.
- 3.4 PK03/1360/F – Approved with Conditions - 28.07.2003  
 Alteration to roof to increase height of agricultural building from 5.4m to 8.4m
- 3.5 P99/4152/CL – Refusal - 20.05.1999  
 Certificate of Lawfulness for existing mixed use of site for agriculture, maintenance, storage & repair of motor vehicles. Storage of skips, trailers, scrap computers & assorted goods.
- 3.6 K7235/1 – Approved - 26.06.1996  
 Change of use of agricultural buildings to provide 7 no. Stables and ancillary facilities. Change of use of agricultural land to land for grazing
- 3.7 K2433 – Approved - 19.09.1978  
 Extension to existing silage bunker and construction of new covered yard (Floor area approx. 7,500 sq.ft)

### **4. CONSULTATION RESPONSES**

- 4.1 Bitton Parish Council

The comments of the Parish Council are Objection. Councillors would like to know is it essential to have a quarantine and tack wash building within the greenbelt.

#### 4.2 Other Consultees

##### Highway Structures

No comment.

##### Lead Local Flood Authority

An updated Flood Risk Assessment has now been submitted and accepted, therefore we have, No Objection.

##### British Horse Society

No comment.

##### Ecology

No comment

##### Landscape

Acceptable, providing new hedgerow planting and management undertaken by way of mitigation.

##### Listed Building and Conservation

No objection.

##### Planning Enforcement

No comment.

##### Transport

We note that this planning application seeks retrospective permission to erect a quarantine stable block and tack wash down building at Meadows Livery which is situated on Church Road, Bitton. We understand that this facility is already constructed and that no traffic issues had been reported as a result. Moreover, as we do not consider that this small ancillary facility is likely to cause this site to generate any significant additional travel, we do not believe that it will create any severe highways or transportation issues. Consequently, we have no comments about this application.

#### **Other Representations**

#### 4.3 Local Residents

No comments

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

#### 5.1 Principle of Development

##### *Green Belt*

The site is situated within the Bristol and Bath Green Belt. Policy CS5 and CS34 of the Core Strategy and policy PSP7 of the Policies, Sites and Places

Plan support the protection of the Green Belt from inappropriate development. The NPPF attaches great importance to the Green Belt – with the fundamental aim of preventing urban sprawl and keeping the land open in nature. In order to achieve this, there is a general presumption against inappropriate development in the Green Belt.

- 5.2 Any type of development in the Green Belt is considered inappropriate, unless it falls into a predefined exception category or very special circumstances override the presumption against inappropriate development.
- 5.3 One such exception category, as set out in paragraph 145 of the NPPF, 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, burial grounds and allotments, as long as the facilities preserve the openness of the Green Belt and does not conflict with the purposes of including land within it'*
- 5.4 The proposal for the erection of 1no. Quarantine stable block and 1no. Tack wash down building is considered to fall within the above exception and as such the principle of the facilities is considered acceptable in Green Belt terms. In addition, as documented within the code of practice for the welfare of Horses, when a new horse enters premises, the horse should be isolated before being introduced to the new herd. If a horse is, or is suspected to be ill, separate equipment, facilities and clothing must be provided. In terms of openness, the built form of both the Quarantine stable block and Tack facilities is very modest in size and is not considered to have a harmful impact on the openness of the Green Belt.

The justification for a quarantine stable block and tack wash down facility is further supported by *'The National Equine Welfare Council' (NEWC)*.

The NEWC state *'Isolation facilities should ideally be in a separate building with access independent of the main yard. Separate equipment should be used, and waste disposal carefully controlled to prevent contamination of the main premises. If shared buildings are unavoidable, isolation facilities should ideally have a completely separate airspace to prevent the spread of airborne pathogens, and it should not be possible to move directly from isolated horses to the permanent residents'*.

#### *Location of Development*

- 5.5 PSP30 sets out that development proposals for horse related development outside defined urban areas and rural settlements will be acceptable subject to a number of criteria, which are assessed below:

1. *new buildings, shelters or arenas are located, where possible, near to existing farmsteads or groups of buildings; and*

The quarantine block and tack wash down facilities are located to the east of the site, adjacent the existing outdoor ménage. It is therefore considered that this criterion is met.



2. *there are no existing suitable underused buildings available or capable of conversion, located near to existing farmsteads or groups of buildings; and*

During a site visit, it did not appear to officers that there were any existing suitable buildings in the locality available or capable of conversion. Furthermore, the separate access track allows horses the opportunity to exercise without risk of cross-contamination.

3. *the design of buildings, and the size of the site and the number of horses to be accommodated, has proper regard to the safety and comfort of horses and to the preservation and enhancement of the landscape; and*

With regards to the buildings, the tack washdown facilities will measure approximately 3.4metres in height, 3.9 metres in depth and 3.7 metres wide. The quarantine block will measure approximately 10.6 metres in length, 3.9 metres in depth and have a maximum height of 3.5metres. Both facilities will feature timber clad elevations with a pitched roof and will be tucked up adjacent the existing ménage.

4. *where necessary, safe and convenient access to bridleways and riding routes are available to riders; and*

A bridleway branches off Church Road to the north of the site, and so the horses will benefit from a safe and convenient riding route.

5. *adequate provision is made for vehicular access, parking and manoeuvring and the development would not give rise to traffic conditions to the detriment of highway safety; and*

It is not considered that the ancillary facilities will generate any significant additional travel. Furthermore, there are no objection on highways grounds, the site is large and provides ample parking and space for manoeuvring of vehicles.

6. *any temporary structures, and vehicles associated with the development, are located in appropriately designed storage on site, to avoid any harm or degradation to open countryside and rural landscapes.*

Storage and vehicular parking is located to the west of the development. The tack wash-down and stable facilities are isolation facilities, separated to prevent the spread of disease.

- 5.6 Overall, it is considered that the development is acceptable in principle, subject to consideration of visual amenity, landscape, and residential amenity.

#### 5.7 Landscape and Design

The tack wash-down facilities will measure approximately 3.4metres in height, 3.9 metres in depth and 3.7 metres wide. The quarantine block will measure approximately 10.6 metres in length, 3.9 metres in depth and have a maximum

height of 3.5metres. Both facilities will feature timber clad elevations with a low pitched metal roof.

5.8 The facilities are located to the east of the site, adjacent to the existing outdoor ménage, and so the impact on the wider landscape is low. The design is acceptable and accords with policy CS1. The site is situated within the Bitton Conservation Area, it is not considered that the development will have any negative impact on the character and the Conservation Officer has no objection to the scheme. The design proposed is acceptable and in accordance with policy CS1 and CS9 of the Core Strategy.

5.9 Residential Amenity

No residential properties will be affected by the development.

5.10 Transport

It is not considered that the ancillary facilities will generate any significant additional travel. Furthermore, there are no objection on highways grounds, the site is large and provides ample parking and space for manoeuvring of vehicles.

5.11 Horse Welfare

The facilities erected are required in order to provide adequate care for the horses at the site. As such, there are no horse welfare concerns following the development.

5.12 Consideration of Likely Impact on Equalities

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

With regards to the above this planning application 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 on the decision notice.

**Contact Officer: Westley Little**  
**Tel. No. 01454 863162**

### **CONDITIONS**

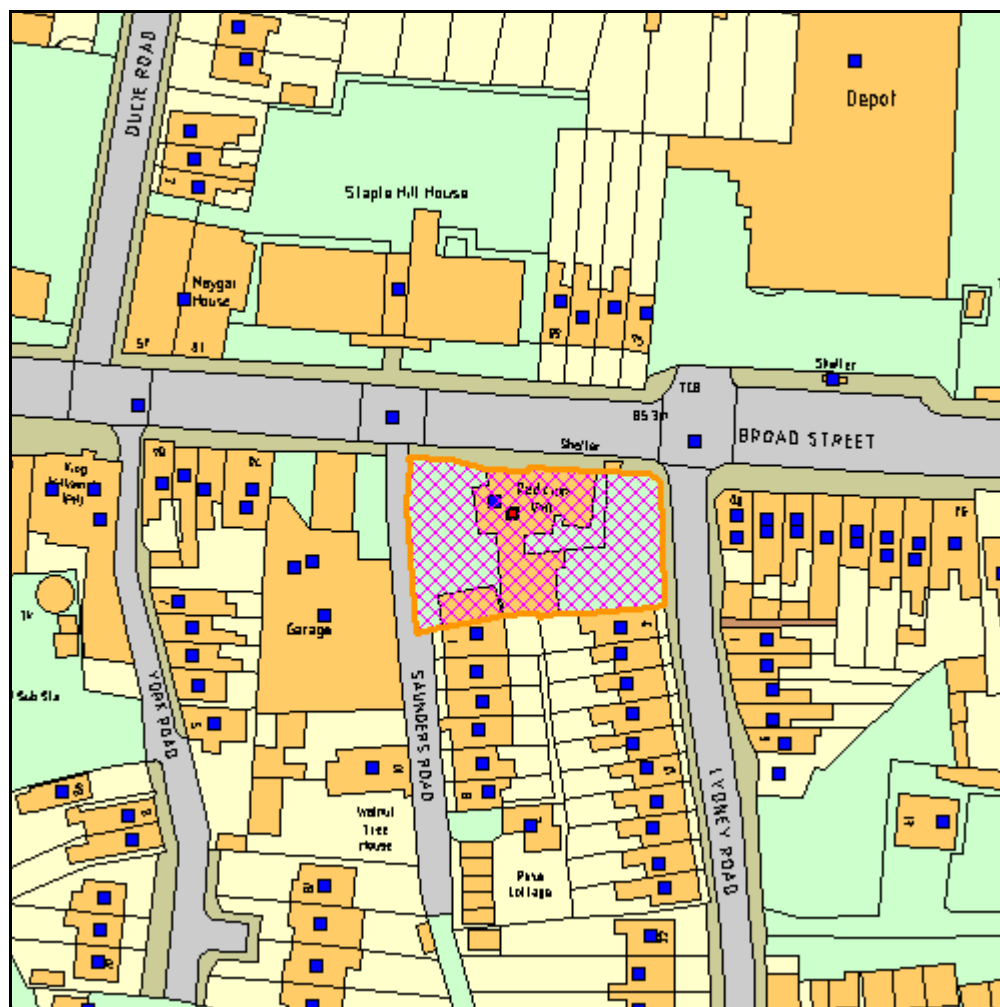
1. At no time shall the buildings, the subject of this permission, be used for any other purpose than the temporary quarantine of horses.

Reason

To ensure the number of horses kept on site does not exceed that set under a previous planning permission (PK08/1149/F) and in order to accord with horse welfare standards, in accordance with policy PSP30 of the Policies Sites and Places Development Plan Document (Adopted) November 2017.

**CIRCULATED SCHEDULE NO. 31/20 - 31st July 2020**

<b>App No.:</b>	P20/06288/F	<b>Applicant:</b>	Premium Abodes
<b>Site:</b>	Red Lion Public House 76 Broad Street Staple Hill South Gloucestershire BS16 5NL	<b>Date Reg:</b>	1st May 2020
<b>Proposal:</b>	Demolition of existing extensions and ancillary outbuildings. Installation of hip-to-gable extension to facilitate the sub-division of existing first floor flat to 2no. flats. Erection of a part single, part two storey side extension to form additional public house (Class A4) floorspace and 7no. flats, with associated landscaping and works.	<b>Parish:</b>	
<b>Map Ref:</b>	365228 175880	<b>Ward:</b>	Staple Hill And Mangotsfield
<b>Application Category:</b>	Minor	<b>Target Date:</b>	26th June 2020



© South Gloucestershire Council 2007.all rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

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

### **Reasons for Referring to the Circulated Schedule**

This application has been referred to the Circulated Schedule following the receipt of 3 or more representations from the general public that are contrary to the officer recommendation.

## **1. THE PROPOSAL**

- 1.1 The application relates to the Red Lion Public House, Staple Hill; a two-storey 19<sup>th</sup> C building with residential accommodation above. The site lies within the Bristol East Fringe Urban Area and Secondary Shopping Frontage of Staple Hill. The 0.1ha application site lies to the south of Broad Street at Staple Hill between its junctions with Saunders Road to the west and Lydney Road to the east. The existing building is Locally Listed. The pub is served by a garden to the east, car park to the west and ancillary outbuildings to the rear comprising a stone-built, part single/part two-storey barn used for storage; to the rear of the car park is a single-storey lean-to building used as a garage.
- 1.2 The proposal is to demolish the existing extensions and ancillary outbuildings to facilitate the redevelopment of the public house, to include the erection of a part single, part two--storey side extension comprising A4 floorspace at ground floor and 7no. self-contained flats at ground, first and second floor level (within roof). Sub-division of existing first floor flat to create 2no. self-contained flats, including hip-to-gable extension.
- 1.3 This is a revised scheme that has been prepared following the refusal of planning application P19/3976/F on the 26th July 2019. An appeal (ref: APP/P0119/W/19/3239747) against the refusal was recently dismissed, although not all of the reasons for refusal were upheld. The appeal decision is a material consideration of significant weight in the determination of this current application. Following to the appeal decision, the scheme has been re-designed in response to the Inspector's findings.
- 1.4 The application is supported by the following documents:
  - Coal Mining Risk Assessment
  - Transport Statement
  - Planning and Heritage Statement
  - Bat Survey
  - Consumer Survey
  - Noise Impact Assessment
  - Energy Statement

## **2. POLICY CONTEXT**

### **2.1 National Guidance**

National Planning Policy Framework Feb. 2019  
National Planning Practice guidance 2014

### **2.2 South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec 2013**

CS1 - High Quality Design  
CS4A - Presumption in Favour of Development  
CS5 - Location of Development  
CS6 - Infrastructure and Developer Contributions  
CS8 - Improving Accessibility  
CS9 - Managing the Environment and Heritage  
CS15 - Distribution of Housing  
CS16 - Housing Density  
CS17 - Housing Diversity  
CS18 - Affordable Housing  
CS23 - Community Infrastructure and Cultural Activity  
CS29 - Communities of the East Fringe of Bristol Urban Area

### **2.3 The South Gloucestershire Local Plan : Policies, Sites and Places Plan (Adopted) Nov. 2017**

PSP1 - Local Distinctiveness  
PSP2 - Landscape  
PSP6 - On Site Renewable and Low Carbon Energy  
PSP8 - Residential Amenity  
PSP11 - Transport Impact Management  
PSP16 - Parking Standards  
PPS17 - Heritage Assets and the Historic Environment  
PSP19 - Wider Biodiversity  
PSP20 - Flood Risk, Surface Water and Watercourse Management  
PSP21 - Environmental Pollution and Impacts  
PSP34 - Public Houses  
PSP43 - Private Amenity Space Standards

### **2.4 Supplementary Planning Guidance**

The South Gloucestershire Design Checklist (SPD)  
Trees on Development Sites (SPG) Adopted Nov 2005  
The South Gloucestershire Council Residential Parking Standards (Adopted) 2014  
Waste Collection: Guidance for New Developments SPD Adopted Jan. 2015.  
Affordable Housing and extra care SPD (Adopted) May 2014  
Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide.  
The Local List (SPD) Feb 2008

## **3. RELEVANT PLANNING HISTORY**

3.1 PK99/0245/ADV - Retention of display board on West elevation.  
Approved 10 Jan 2000

- 3.2 P99/4625/A - Retention of advertising panel.  
Refused 17 Feb 2000
- 3.3 PK18/4888/F - Demolition of existing extensions and ancillary outbuildings. Erection of extensions and alterations to public house, to accommodate 4no. self-contained flats (public house use retained). Erection of 2no. semi-detached dwellings with access, parking, landscaping and associated works.  
Withdrawn 28<sup>th</sup> Jan. 2019
- 3.4 P19/3976/F - Demolition of existing extensions and ancillary outbuildings. Erection of a two-storey side extension comprising A4 floorspace at ground floor level and a self-contained flat at first floor level. Sub-division of existing first-floor flat to create 2no. self-contained flats. Erection of 2no semi-detached dwellings (fronting Saunders Road) and 1no. detached dwelling (fronting Broad Street) to contain 4no. cluster flats; with access, parking, landscaping and associated works. (re-submission of PK18/4888/F).  
Refused 26<sup>th</sup> July 2019  
Appeal Ref: APP/P01119/W/19/3239747 dismissed 25<sup>th</sup> Feb. 2020 on grounds of:
- The detached dwelling Plot 6 to the North-East would appear as an excessively dominant and cramped structure within the street scene, detrimental to the significance of the non-designated heritage asset as well as the broader character and appearance of the area.
  - Plot 6 insufficient private amenity space.

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

4.1 Parish/Town Council  
Not a parished area

4.2 Other Consultees

Highway Structures  
No comment

Lead Local Flood Authority  
No objection subject to a condition to secure a SUDS Drainage Scheme.

Transportation D.M.  
No objection subject to conditions to secure:

- A Travel Plan
- Provision of off-street parking.
- Provision of cycle parking.

And a S106 legal agreement to secure:

- A contribution of £3,000 towards the cost of a TRO.

### The Coal Authority

The application site falls within the defined Development High Risk Area. The Coal Authority records indicate that the site is likely to have been subject to historic unrecorded underground shallow coal mining.

The Coal Authority has previously provided a consultation response dated 16 November 2018 (in connection with application ref. PK18/4888/F) recommending the need for the imposition of a pre-commencement planning condition. The revised scheme subject to the current application does not alter the previous views of the Coal Authority which are therefore reiterated.

### Children and Young People

No response

### Community Infrastructure and Public Open Space

The scheme is below the threshold for contributions to POS.

### Environmental Protection

No objection subject to a condition to secure the recommendations of the revised Noise Report 15<sup>th</sup> April 2019.

### The Tree Officer

No response

### Listed Building and Conservation Officer

The scheme is considered acceptable from a heritage perspective subject to a more sympathetic and considered palette of materials that respects and enhances local distinctiveness. Sample panels of all external materials, details of the living wall, details of all external vents & extracts, glazed screens, rooflights and large scale construction details should be conditioned.

*Revised plans were subsequently submitted to take account of the above comments.*

## **Other Representations**

### 4.3 Local Residents

A total of 26no. responses were received; 4no. objecting and 22no. supporting the scheme.

The concerns raised by the objectors are summarised as follows:

- Will result in increased parking in Saunders Road which is very narrow.
- 3-storey blocks do not respect or enhance the characteristics and distinctiveness of the locality.
- Plans not explicit regarding the wall to the side of no.1 Saunders Rd. and end of the Skittle Alley.
- The ground outside no.1 Saunders Road is privately owned.
- Party Wall issues with No.1 Saunders Road.
- Loss of house values.



- Detrimental effect on privacy of Nos.1 & 3 Saunders Rd.
- Wall between No.2 Lydney Rd. is attached to outbuilding.
- Impact to health from Coal Workings.
- Insufficient parking provision will result in increased on-street parking demand on Lydney Road.
- Open car-park is security risk for neighbouring houses.
- Illegal parking on pavements will increase.
- Over development.
- No parking for the pub.
- Toilets back onto Saunders Rd.

The comments in support of the scheme are summarised as follows:

- Will be good to have a family friendly pub in the area.
- Somewhere new to go.
- High Street is in need of regeneration.
- Will provide new housing.
- Will enhance the area and support local businesses.
- Will refurbish one of the oldest buildings in Staple Hill.
- Will provide a disabled access and toilet.
- Good to see the beer garden will be retained.
- There is a need for a family pub in the area.
- Will retain the pub and increase security.

## 5. **ANALYSIS OF PROPOSAL**

### Principle of Development

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 5.2 The South Gloucestershire Local Plan: Core Strategy was adopted by the Council on 11th December 2013. By virtue of Section 38(6) of the Planning and Compulsory Purchase Act, the starting point for determining any planning decision will now be the Core Strategy, as it forms part of the adopted Development Plan and is generally compliant with the National Planning Policy Framework 2012 (NPPF). The Policies, Sites & Places Plan was adopted in Nov. 2017 and also now forms part of the Development Plan.
- 5.3 It has recently been established via the 2019 Annual Monitoring Revue (AMR) March 2020 Addendum that, using the Standard Method, South Gloucestershire can now demonstrate a 5.21 years housing land supply. The revised NPPF (para. 11) reiterates that; at the heart of the Framework is the presumption in favour of sustainable development. At para. 11 c) the NPPF states that development proposals that accord with an up-to-date development plan should be approved without delay.
- 5.4 Furthermore, The South Gloucestershire Local Plan Core Strategy adopted (Dec 2013) Policy CS4 replicates the NPPF in enforcing the presumption in favour of sustainable development. In accordance with the NPPF para. 38, Core Strategy Policy CS4A states that; when considering proposals for

sustainable development, the Council will take a positive approach and will work pro-actively with applicants to find solutions so that sustainable development can be approved wherever possible. Policy CS17 of the Core Strategy sets out the importance of delivering a wide range of residential accommodation and makes specific reference to the importance of planning for inclusive and mixed communities.

- 5.5 The locational strategy for the District is set out in policy CS5. Under this policy, new residential development is directed to the strategic housing allocations, existing urban areas, and defined rural settlements as shown on the proposals maps, with most new development being on the North and East Fringes of Bristol. This application proposes development within the designated Urban Area on the East Fringe and as such is acceptable in principle.
- 5.6 It is considered likely that the proposed development would begin to contribute towards housing supply in the district within a period of 5 years.
- 5.7 Chapter 9 of the NPPF promotes sustainable transport and states that development should only be prevented on transport grounds where the residual cumulative impacts of development are 'severe'.
- 5.8 It is noted that the NPPF puts considerable emphasis on delivering sustainable development and not acting as an impediment to sustainable growth, whilst also seeking to ensure a high quality of design and good standard of amenity for all existing and future occupants of land and buildings. The NPPF encourages efficient use of land and requires (para.59) the need to boost significantly the supply of homes.
- 5.9 Core Strategy Policy CS16 seeks efficient use of land for housing. It states that: Housing development is required to make efficient use of land, to conserve resources and maximise the amount of housing supplied, particularly in and around town centres and other locations where there is good pedestrian access to frequent public transport services.
- 5.10 Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013 seeks to secure good quality designs that are compatible with the character of the site and locality.
- 5.11 The remainder of this report will conduct the exercise of applying national guidance and policies in the Development Plan to the proposed development.

#### Scale and Design

- 5.12 Policy CS1 of the Core Strategy and Policy PSP1 of the Policies, Sites and Places Local Plan both seek amongst other things, high quality design that respects and enhances the character and distinctiveness of a site and its context, thereby reflecting the objectives of the NPPF.
- 5.13 The site consists of a large, two storey public house faced in coarse stone work with generous window surrounds, prominent quoining detail, and a large forward facing gable to the eastern end of the building. To the west of the building, there is an open car park, beyond which there is a car repair garage

with a large open forecourt. To the east, the public house has an amenity space with tables and chairs which is enclosed by a stone wall and mature landscaping.

- 5.14 The Red Lion is a prominent and relatively intact building of local architectural, historic and societal interest. It is an important part of the local character of the area and the historic map and physical evidence shows that it was a building that was designed and intended to be seen as a prominent piece of architecture within the street scene. Officers consider, that in design terms, the Red Lion is one of the highest quality buildings within what is otherwise, a street scene of mixed development and modest quality.
- 5.15 Policy CS1 'High Quality Design' of the Adopted Core Strategy requires that "Development will only be permitted where the highest possible standards of design and site planning are achieved..." 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.
- 5.16 In terms of density the scheme would make efficient use of previously developed land within the Urban Area. The density of development would be high but this merely reflects the 'flatted' nature of the scheme. Such higher densities are not necessarily unacceptable in Town Centre locations.
- 5.17 In the appeal decision for the previously proposed scheme P19/3976/F the Inspector raised no objection to the then proposed semi-detached houses fronting Saunders Rd or the proposed extension to the public house, noting that it would represent a subservient addition to the public house. The Inspector however did not support the erection of a detached dwelling to the north-east corner of the site, stating that it would appear as an excessively dominant and cramped structure within the street scene, detrimental to the significance of the non-designated heritage asset as well as the broader character and appearance of the area.
- 5.18 Following the appeal decision on the previous proposal, this current scheme removes the detached dwelling to the east of the public house altogether and retains this area as the pub garden, which is a welcome change. The Inspector found there to be no harm to the locally listed public house as a result of the modern extensions to the west, and this area remains the focus of development in this new submission. The scheme has, however, been modified with the two-storey continuation of the terrace on Saunders Rd. being replaced with a 'three-storey' modern block (the gambrel roof effectively provides a full second floor), whilst the extension to the public house has been set back from the street frontage and has been given a living wall above the glazed ground floor entrance.
- 5.19 Officers consider in this case that the scheme as proposed amounts to an acceptable and sympathetic development of the site that accords with Policies

CS1 & PSP1 and the NPPF. This matter is discussed at length under the heritage section below.

#### Heritage Issues

- 5.20 The Red Lion Public House has been identified as a building that makes a significant contribution to the character and distinctiveness of the locality; a Locally Listed Building. It is a non-designated heritage asset on the main road into Staple Hill and is one of a number of public houses built along Broad Street/High Street in the late 19th/early 20th centuries. Its development coincides with the late 19th century expansion of Staple Hill and the introduction of the Bristol trams and the construction of the tram terminus opposite. As highlighted in the submitted Heritage report, the land to the east and west of the public house has been previously developed, with pairs of buildings (possibly dwellings) erected and subsequently demolished, leaving the site as found today, with the garden to the east and the car park to the west. A single-storey flat-roof, rendered addition on the west side of the building, partially covers the scars of the previous buildings that were attached to the side of the public house, the masonry changing from coursed, squared rubble to irregular rubble where it was previously an internal wall. These buildings were demolished by the turn of the 20th century, whilst the structures to the east remained in some form until the late 20th century.
- 5.21 The Red Lion is a prominent building of local architectural and historic interest. It is an important part of the local character of the area and the evidence shows that it was a building that was designed and intended to be seen as a prominent piece of architecture, distinct from and dominating the buildings to either side of it. The continuation of the quality stone work, ashlar banding and freestone window surround onto the west elevation, reinforces the imposing gable of the main, right hand block and is part of the design intent on keeping the attached buildings set back and distinctly subordinate to the main building. The early structures to the east were equally set back by at least half the depth of the main building, reinforcing the impression of dominance and importance of the building and its desire to be seen as a 'feature' building on Broad Street.
- 5.22 In terms of the policy framework Policy CS1 'High Quality Design' of the Adopted Core Strategy, requires that "Development will only be permitted where the highest possible standards of design and site planning are achieved..."
- 5.23 This policy also sets out a list of 11 tests that development will be required to meet. Of relevance to this application is the following:
- 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 the its context; and
  3. Existing features of landscape, nature conservation, heritage or amenity value and public rights of way, are safeguarded and enhanced through incorporation into development.

Policy CS9 'Managing the Environment and Heritage' states that 'The natural and historic environment is a finite and irreplaceable resource. In order to protect and manage South Gloucestershire's environment and its resources in a sustainable way, new development will be expected to:

1 Ensure that heritage assets are conserved, respected and enhanced in a manner appropriate to their significance.

3. Conserve and enhance the character, quality, distinctiveness and amenity of the landscape.

5.24 These core policies are supported by the policies in the Adopted Local Plan : Policy, Sites and Places DPD. In particular, PSP1 'Local Distinctiveness' states that Development proposals will be acceptable where the proposals demonstrate an understanding of, and respond constructively to the buildings and characteristics that make a particularly positive contribution to the distinctiveness of the locality'.

5.25 PSP17 of the Policies, Sites and Places Plan which is entitled 'Heritage Assets and the Historic Environment' reaffirms the Council's commitment to conservation and enhancement of the historic environment.

5.26 Under the title 'Locally important heritage assets', the policy requirement is that any 'development proposals affecting locally important heritage assets should ensure they are preserved or enhanced, having regard to their significance. The Council will seek to retain buildings included on the Local List, as well as other non-designated heritage assets identified in the development management process.

5.27 The section under the heading 'Assessment of development which does not conserve or enhance a heritage asset' sets out a list of requirements that all have to be met if, as in this case, potential harm to a heritage asset and its setting needs to be considered in light of 'the conservation of South Gloucestershire's heritage assets is a priority for the Council.."

5.28 In the context of the National Planning Policy Framework (2019), under the heading 'Achieving Sustainable Development' (part 2), three dimensions to sustainable development are listed. This includes an 'environmental objective' which requires the planning system to "contribute to protecting and enhancing our natural, built and historic environment...'

Under part 12 "Achieving well designed places", paragraph 127 requires that "planning polices and decisions should ensure that developments:

- a) Will function and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

- c) Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or changes (such as increased densities);
- d) Establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places....”

Paragraph 130 states that “permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of the area”.

Paragraph 192 requires local planning authorities to (when determining planning applications) take into account the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

Paragraph 197 picks up the issue of proportionality, as it states that the ‘effect of an application on the significance of a non-designated heritage asset should be taken into account when determining the application. In weighing applications that affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset’.

- 5.29 The adopted Local List Supplementary Planning Document (Feb 2008) also states:

“When designing extensions to Locally Listed buildings it is important that the character and setting of the building is not harmed, and that the extension relates appropriately in scale and massing. Extensions should be subservient to the building in height and massing.”

- 5.30 The revisions remove the detached dwelling to the east and pull the building line back on the west side, which helps maintain the primacy of the public house on the site as well as protecting the pub garden. These are improvements on the previous scheme and the link is slightly more subservient than it was with the previous scheme (which was already sufficiently subservient for the appeal Inspector). The living wall will provide an attractive splash of greenery on the side of the road which is largely devoid of trees or planting. The new 2(3?) storey block of flats fronting Saunders Rd. is a lot larger than previously proposed though, and the building looks rather alien in this context with the gambrel metal roof against the traditional tiled pitches of the pub and adjacent terrace. As the D&AS notes, however state, the building is read more as an infill building adjacent to the locally listed building, not an extension to it, so a contemporary approach is being adopted, which in this case is acceptable.
- 5.31 The materials to be used will respect and enhance local distinctiveness and help integrate the building into the area irrespective of its more contemporary design. There will be a lot of natural stone from the demolition of the structures and boundary wall, which would be reused as cladding to provide a high quality stone exterior finish. Natural stone on the ground floor and gable would give

- more coherence to the group of buildings (Red Lion/terrace/flats), and soften the transition from the traditional public house to the contemporary new building and would provide a more durable and forgiving walling material.
- 5.32 With the retention of the public house and beer garden, and the proposed set back of the western extension to maintain the primacy and prominence of the public views along Broad Street, the scheme is considered acceptable from a heritage perspective that respects and enhances local distinctiveness.
- 5.33 Sample panels of all external materials, details of the living wall, details of all external vents & extracts, glazed screens, rooflights and large scale construction details would be conditioned in the event of a planning permission being granted.
- 5.34 The proposed scheme now amounts to an acceptable development of the site and the creation of new additions and separate dwellings that are considered to respect and enhance the character, distinctiveness and setting of the Locally Listed Building. The proposal therefore accords with Policies CS1 & CS9 of the adopted Core Strategy, Policies PSP1 and PSP17 of the adopted Local Plan PSP DPD, the NPPF and the adopted Local List SPD.
- Impact on the Viability of the Public House
- 5.35 In promoting healthy communities, NPPF para. 92 considers that in order to deliver the social, recreational and cultural facilities and services the community needs; planning policies and decisions should *inter alia*:-
- a) Plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
  - c) Guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
  - d) Ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community; and
  - e) Ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.
- 5.36 Core Strategy Policy CS23 confirms, *inter alia*, 'existing community infrastructure will be retained, unless it can be demonstrated that:
- 3. the use has ceased and there is no longer a demand; or
  - 4. the facility is no longer fit for purpose; and
  - 5. suitable alternative provision is available within easy walking distance to the required standard.
- 5.37 The supporting text to Policy CS23 at paragraph 10.81 confirms that community and cultural infrastructure covers a wide variety of services and facilities which can include: "Local pubs and clubs".

- 5.38 Subsequent paragraph 10.84 states: “Where the redevelopment of an existing community facility is proposed for another use, the developer should clearly demonstrate that the use has ceased. In doing so it should be demonstrated that a reasonable amount of time has lapsed for an alternative agency or organisation to re-establish the use, or an alternative community use, or the facility no longer provides for the needs of its users to modern day standards and alternative suitable provision is available within a reasonable walking distance. Distances should be measured along suitable walking routes (easy walking distance is considered to be approximately 800m).
- 5.39 Policy CS13 is to some extent relevant as it seeks to protect small employment sites. Proposals for the change of use of such sites will not be allowed unless it can be clearly demonstrated that all reasonable attempts have failed to secure a suitable economic development re-use. Where these circumstances occur, then priority will be given to alternative uses in the following sequence:
1. A mixed use scheme.
  2. A residential only scheme.
- 5.40 Policy PSP34 states that: The Council supports the retention of Public Houses. Development proposals for the change of use, redevelopment and/or demolition of a public House will be acceptable where:
- 1) The proposal does not constitute the loss of, or would compromise the viability, of a service of particular value to the local community; or
  - 2) It can be demonstrated that use as a Public House is no longer viable; and
  - 3) The proposed alternative use will not detrimentally affect the vitality of the area and the character of the street scene; and
  - 4) Significant external heritage assets features are retained.
- 5.41 The supporting text at para. 7.83 states that:
- ‘In many local communities, the public house provides a valuable meeting place and indeed, may provide the sole meeting place for local residents. Consequently, this policy is aimed at guarding against the loss of public houses, except where it is not capable of being viably operated, or marketing demonstrates that continuation as a public house is unrealistic.’
- 5.42 Para. 7.85 goes on to say:
- To determine that a pub is no longer viable, the following evidence will need to be provided:
- i. That the public house has been vacant for a continuous period of at least two years; and
  - ii. It has been continuously marketed for the duration of the vacancy, through appropriate marketing outlets, e.g. not marketing avenues focused on residential or non-public house use.
- 5.43 The Red Lion is a long established public house that has served the needs of the local community since the 19<sup>th</sup> century. It can best be described as a traditional ale house comprising a bar, lounge, skittle alley and beer garden.



The first floor flat has traditionally provided accommodation for the pub landlord. The pub regularly hosts live music and also has a pool table. Both BT Sports and Sky Sports are available on the TV. In the July 2019 edition of 'Pub & Club News' the Red Lion advertised a function room "available for all types of occasions" and weekly Coffee Mornings for residents to 'get together and meet new people'. The pub does not however have a food offering other than small snacks.

- 5.44 In many respects the existing pub offering is similar to that of other pubs along Broad Street/High Street, most notably The King William IV, The Portcullis, The Old Mail House and The Crown.
- 5.45 Having regard to the above, it is noted that the scheme seeks to retain a pub on the site. Disregarding the skittle alley, the new pub would have a similar amount of A4 floor space as the existing pub. From the available evidence the existing pub appears to be a viable business. Your officer, who is familiar with the pub, does not recall the pub ever closing for any significant length of time. Furthermore the applicant previously stated that PSP34 criterion 2 is not relevant i.e. the existing pub is currently a viable business.
- 5.46 The new pub offering would however be quite different, with an emphasis on food and a 'family friendly' offering. To demonstrate the economic sustainability for such a facility the applicant conducted a Consumer Survey of over 100 local residents and users of High Street and Page Park; the results of which have been submitted. Officers note however that the questions asked were of a very general nature and were not specific to the Red Lion. On this basis, little weight can be attached to the Survey results.
- 5.47 Officers are however mindful that the food offering could be improved within the confines and authorised use of the existing building. It is not clear however how the new pub would be any more 'family friendly'. It is noted that no business plan has been submitted to demonstrate that the new pub would be viable and the end user is unknown. That said, officers are aware that these are difficult times for traditional pubs, with many closing down every month. Whilst there can be a variety of reasons why a pub business ceases to be viable, some no doubt fail by reason of not changing with the times; this weighs to some extent in favour of the proposed scheme.
- 5.48 What is however evident in the proposed scheme is that the skittle alley would be no more, the pub car park would be lost, the landlord's accommodation would be lost as well as the existing garaging and much of the storage facilities; the traditional nature of the pub would, to all intent and purposes, also be lost. There is no evidence of a function room in the proposed development. Given the extent of new residential build, it seems unlikely that the venue would continue to host live music. All of these facilities are considered to contribute to the viability of the existing business. In particular it is known that the skittle alley is a popular feature that is well used and brings in a good deal of custom from outside the area. Notwithstanding the presence of an alternative facility at the Downend Tavern, the scheme would result in the loss of the last skittle alley in Staple Hill. The scheme would in officer opinion, compromise the viability of a service of particular value to the local community, contrary to PSP34 criterion 1.

Furthermore the loss of the historic outbuildings would be contrary to PSP34 criterion 4.

- 5.49 The Inspector for the previous appeal however, in assessing these matters concluded the following:

*“The proposal would see the loss of some of the facilities that are currently offered by the public house. This would include the existing beer garden, the skittles alley, and the car parking spaces. However, the operation would also be extended through the ground floor of the proposed side extension and from the appellant’s perspective, this would enable the premises to be modernised.*

*Despite the Council’s concerns in relation to the effect on the viability of the business, the existing offering of the public house cannot be controlled through the planning system. The skittles alley could be re-utilised and the beer garden closed. Essentially, these matters relate to commercial decisions and I have no substantive evidence before me to confirm that the proposal would compromise the viability of the business. Instead, the proposal represents a commercial decision which, based on the evidence before me, seeks to retain and enhance the existing public house. In this respect, the proposal would be entirely consistent with the aims of Policy PSP34.”*

On this basis officers cannot substantiate a reason for refusal in relation to the above issues.

#### Transportation Issues

- 5.50 The applicant is seeking permission for part conversion and extension of the existing Public House to create a total of 9no. flats and to continue use of the existing Public house. The application follows the previous scheme P19/3976/F which was refused by the Council (although not on highway’s grounds) and subsequently dismissed at appeal.
- 5.51 This current proposal differs from the earlier 2019 scheme in that the proposal now involves the creation of 9no. flats (comprising six 2-bed and three 1-bed flats) and it is also proposed that the existing public house will continue to operate as previously.
- 5.52 The applicant has submitted a Transport Statement (TS) and a draft Travel Plan. Officers consider that in terms of sustainable travelling - the site has good active travel credentials with easy access to public transport facilities. Its position on Broad Street within an established local [shopping] centre in Staple Hill allows good access to some employment and retail opportunities and other facilities and services required on a daily basis, as well as public transport links to Bristol City centre and the surrounding area. Future residents would also have good accessibility to the Bristol and Bath Railway Path, via Signal Road (circa 600-metres from the site) with a well-developed local pedestrian network in the area. Therefore, there is no highways or transportation objection on this basis.
- 5.53 There are currently two vehicular accesses to this site. The existing ‘Red Lion’ yard (space for circa six parking spaces when laid out formally) is accessed

from Broad Street in the north-western corner of the development site, immediately adjacent to Saunders Road. The existing second vehicular access is located to the rear of the Red Lion via Lydney Road although this access is not in much use at present.

- 5.54 As part of this [current] application, it is proposed to close the existing access off Broad Street. As part of this application, it is proposed that the existing site access via Lydney Road is widened to around 5.7m - this provides the main access to a new car parking area for the residential units. Officers have no objections to the access arrangement as proposed.
- 5.55 The parking requirement for residential development is generally assessed based on the number of bedrooms in each unit. The development proposal comprises of 6no. 2-bed and 3no. 1-bed flats. When assessed against the SG Council's parking standards then, a total of 14 parking spaces are required including a visitor's space – the plan submitted shows a total of 11no. parking spaces on the site. The Council does however allow a degree of relaxation in parking requirements when dealing with developments within a sustainable location where there is good accessibility to other modes of travel other than the use of private cars. Additionally, it is noted that the applicant is proposing a 'travel plan' with the scheme, as well as a willingness for the provision towards an obligation for a car-club (all in line with the previously agreed mitigating measures associated with the application in 2019). Overall, the transportation officer considers the level of car parking for the proposed residential development to be acceptable in this case.
- 5.56 Parking for the public house was not raised as a highway or transportation issue with the earlier application and officer's note that was not used by the planning inspector to refuse the earlier application hence, this issue cannot be used as reason to object to this current application.
- 5.57 Additionally, the applicant is proposing to fund a car-club car and free membership to be provided to each residential unit upon first occupation, including free drive time for 12 months (worth £100 per unit in total) and with a car-club space to be provided on the local highway network in close proximity to the site. The mechanism to implement any such car-club arrangement would have to be through a legal/binding agreement. From the Council perspective, the provision of a car-club is broadly supported.
- 5.58 Based on the initial consultation between the transportation officer and his colleagues in the traffic management department, officers consider that the provision of a car-club [parking] space on the public highway at this location may be possible. However this requires implementation of a Traffic Regulation Order (TRO). There are costs associated with the necessary TRO and any such costs must be met by the applicant. In this regards, the applicant is requested to meet the necessary TRO cost of £3,000. Any contribution towards the TRO would have to be secured under an appropriate form of S106 legal agreement.
- 5.59 In line with the Councils' policy for sustainable development, officers note that the applicant proposes provision for cycle stores/stands on site for a total of

25no. bikes, the provision of which can be secured through a planning condition.

5.60 Subject to conditions to secure:

- A Travel Plan
- Provision of off-street parking.
- Provision of cycle parking.

And a S106 legal agreement to secure:

- A contribution of £3,000 towards the cost of a TRO.

There are no objections on transportation grounds.

#### Impact on Residential Amenity

5.61 Policy CS1 requires (inter alia) proposals to respect and enhance the amenity of the site and its context. Policies PSP8 and PSP38 state that development should not create unacceptable living standards for occupiers or nearby properties, through (but not limited to) loss of privacy, overbearing impact or loss of light. PSP37 requires development to comply with National Space Standards, whilst policy PSP43 sets minimum external amenity space standards, as a guide, which equate to 5sq.m for a 1-bedroom flat and 5sqm for two-or-more bedroom flats, plus private shared communal space. Paragraph 8.67 of the supporting text states that, "The space standards are a guide and include the totality of balconies, front and back gardens and communal spaces etc., but not access paths" and that they should also be applied as an average across the site.

5.62 The nearest properties likely to be most affected by the proposal are No.1 Saunders Road and No.2 Lydney Road that directly adjoin the site. These are both end of terrace houses with blank side elevations. Given the location, scale and orientation of the proposed buildings, officers do not consider that the scheme would result in a level of overbearing impact, loss of privacy from overlooking or significant overshadowing for local residents' that would justify refusal on this issue.

5.63 In the previous scheme, no private or communal space was proposed for the apartments. The Inspector stated,

*"However, as acknowledged by the Council, the site lies in a highly sustainable location and close to a local park, which based on the evidence before me, provides open space, sporting facilities and a children's play area. Although no private amenity space would be provided for the occupants of the apartments, the Council have not articulated what harm would derive from such a lack of provision. Consequently, due to the proximity of such usable open space, I am satisfied that this would compensate for the under provision for the proposed apartments."*

5.64 The housing mix has been significantly altered from the previous scheme, and the site still complies with National Space Standards. No amenity space is proposed for the maisonettes (it should be noted that the existing four-bedroom flat has no private amenity space) or the ground floor flats. For the five upper floor flats, the amenity space requirements are all exceeded. As an average across the site, the 84sqm of amenity space amounts to 9.3sqm per dwelling, which exceeds the policy requirement of 5sqm.

5.65 Within the supporting text of policy PSP43, paragraph 8.69 states: -

*“The Council recognises also that higher density development may be appropriate in certain locations and circumstances, such as where other planning policies are promoting regeneration around and along key transport corridors and nodes. In such circumstances it is expected that the standards will be relaxed, but that developers will be expected to demonstrate good design standards in terms of access to fresh air and daylight, for example through good practice and solutions such as provision of balconies, high ceilings, large windows, open plan layouts, adopting Nationally Described Space Standards, light tubes, use of roof tops and well designed and managed communal space etc.”*

5.66 A high-street location within the urban area and on a major bus route is considered to be an example of a location where standards could be relaxed. The applicant has provided information to confirm that in line with the requirements of paragraph 8.69, for the maisonettes, the space standards are vastly exceeded, and that for the ground floor flats the space standard is met. The ground floor flats are open plan with large bedrooms (minimum 13% larger than the 11.5sqm minimum space standard for a double bedroom) and with large windows to all rooms. The maisonettes also benefit from larger than average rooms providing plentiful circulation space, and again, with large windows.

5.67 The scheme exceeds the National Space Standards and the site lies in a highly sustainable location and close (150m) to Page Park with its open spaces, sporting facilities (tennis, bowls, football and cricket) and children’s play area which is also a material consideration in the justification of the absence of private amenity space for the ground floor flats and the maisonettes. In conclusion and taking into account the Inspector’s findings on these matters, officers consider that the development would comply with policy PSP43.

5.68 Officers note that concerns relating to loss of privacy from overlooking have been raised by neighbouring occupiers. The site is located in a densely populated area; as such a degree of overlooking, including the perception of it, is to be reasonably expected. All of the balconies overlook the garage to the west rather than residential property. The scale of the development, nor its layout, would be harmful in this context.

#### Landscape Issues

5.69 Policy PSP2 of the South Gloucestershire Local Plan Policies, Sites and Places Plan (Adopted) Nov 2017 seeks to conserve and where appropriate, enhance the quality, amenity, and distinctiveness of the landscape. Policy CS9 of the

South Gloucestershire Local Plan Core Strategy expects new development to conserve and enhance the character, quality, distinctiveness and amenity of the landscape.

- 5.70 The site has no special landscape designation and there are no protected (TPO'd) trees on the site. Other than the pub garden, which is to be retained, the site is not considered to be an open space that contributes significantly to the character of the area.
- 5.71 There is little vegetation of note within the site save for some small garden trees and shrubs around the edge of the pub garden. There is a semi-mature Sycamore Tree adjacent to the Lydney Road access, which does make a positive contribution to the street scene; this tree is however shown retained on the submitted plans.
- 5.72 It is however noted that the driveway and parking areas proposed, would encroach beneath the canopy of the Sycamore with the potential to damage the root system. An appropriate condition could secure a no dig area beneath the canopy. The proposed living wall would be a welcome addition to the landscape. Details of the proposed living wall and its maintenance can be secured by condition. On balance therefore, there is no landscape objection.

#### Environmental and Drainage Issues

- 5.73 Whilst there would inevitably be some disturbance for neighbours during the development phase, this could be adequately addressed by imposing a condition to restrict the hours of working. For future occupiers, the site does lie adjacent to the busy Broad Street and retained public house.
- 5.74 A Noise Impact Assessment has been submitted in support of the application; this concluded that with an appropriate building envelope and ventilation sound insulation, appropriate internal noise levels can be achieved. Hence, subject to appropriate planning conditions, the development can be granted planning permission in respect of noise.
- 5.75 In terms of drainage, the site lies in Flood Zone 1 and the Council's Drainage Engineer has raised no objection to the proposal subject to a condition to secure the prior submission and approval of a SUDS scheme of drainage. The site does lie within a Coal Referral Area; the Coal Authority has previously provided a consultation response dated 16 November 2018 (in connection with application ref. PK18/4888/F) recommending the need for the imposition of a pre-commencement planning condition. The revised scheme subject to the current application does not alter the previous views of the Coal Authority, which are therefore reiterated. Subject to the aforementioned condition there are no objections relating to this issue.

#### Ecology

- 5.76 A bat survey was carried out which concluded that the existing structures have a low potential for roosting bats. A subsequent emergence survey did not record any bats emerging from the buildings or even foraging around the site. No further surveys are required and no mitigation measures were

recommended. A number of enhancement measures are included within the scheme, such as bird and bat boxes and these can be secured by condition.

#### Affordable Housing

- 5.77 The National Planning Policy Guidance states that ‘provision of Affordable Housing should only be sought for residential developments for major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or lower).’ Major development being defined as - ‘For housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more.
- 5.78 As the site size is stated as 0.1ha with a net increase of 8no. dwellings, there is therefore no requirement for Affordable Housing on this scheme under Policy CS18 of the Council’s adopted Core Strategy Development Plan Document.

#### Community Services

- 5.79 As this application falls below the POS threshold of 10 dwellings or more and/or is below 0.5ha and there appears to be no POS on site, it would not trigger a policy CS24 requirement.

#### Sustainability Issues

- 5.80 The South Gloucestershire Council Policies, Sites and Places (PSP) Plan Policy 6 “On site renewable and low carbon energy” (Adopted November 2017) states that:

All development proposals will:

- 1 be encouraged to minimise end-user energy requirements over and above those required by the current building regulations through energy reduction and efficiency measures, and in respect of residential for sale and speculative commercial development offer micro renewables as an optional extra, and
  2. be expected to ensure the design and orientation of roofs will assist the potential siting and efficient operation of solar technology. In addition, all major greenfield residential development will be required to reduce CO2 emissions further by at least 20% via the use of renewable and/or low carbon energy generation sources on or near the site providing this is practical and viable. The Council will also take positive account of and support development that provides further energy reduction, efficiency, renewable and low carbon energy measures on or near site, where measures comply with other policies of the plan.
- 5.81 An energy and sustainability appraisal has been submitted that concludes an overall reduction of 20.48% in carbon emissions can be provided from 10.29 kWp of solar PV. ▪ 4.50 kWp photovoltaic panels for the commercial unit ▪ 5.79 kWp photovoltaic panels for the residential units. The proposed redevelopment is to remain naturally ventilated. Energy demand from artificial lighting has been reduced though maximising natural daylighting and providing LED lighting throughout. The proposed development lends itself to connection to a future district heating system.

5.82 The scheme is therefore considered to comply with Policy PSP6.

5.83 Planning Obligations

The Community Infrastructure Levy Regulations 2010 set out the limitations of the use of Planning Obligations (CIL). Essentially the regulations (regulation 122) provide 3 statutory tests to be applied to Planning Obligations and sets out that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation is;

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

In this instance, it is considered that the planning obligations relating to the £3,000 contribution towards the TRO is required to mitigate the impacts from the development and are consistent with the CIL Regulations (Regulation 122). The Inspector for the previous appeal confirmed this.

Community Infrastructure Levy (CIL)

5.84 The South Gloucestershire Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide SPD was adopted March 2015. The introduction of CIL charging commenced on 1st August 2015. In the event that a decision to approve this application is issued the scheme would most likely be liable to CIL charging.

5.85 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.

Other Matters

5.86 Regarding matters raised by local residents that have not been addressed above:

The impact of the development on house values is not currently a material consideration in the determination of planning applications.

Where buildings adjoin neighbouring property and are proposed to be demolished, this work must be carried out having regard to the Party Wall Act. This is separate legislation to the Planning Act and is a civil matter to be



resolved between the respective parties. Appropriate informatives would be added to the Decision Notice should planning consent be forthcoming.

Illegal parking on pavements or private land is a matter for the police to control.

#### Overall Planning Balance

- 5.87 The main benefit of the scheme would be the provision of a mixed housing development on a previously developed site, in a highly sustainable location, within the Urban Area where there is an acknowledged ongoing need for housing. The accommodation would however be flats with a net increase of only 8no. dwellings. This level of increase in housing is therefore only afforded moderate weight.
- 5.88 The retention of a public house and garden on the site with a food offering and continued employment opportunities is a positive aspect of the scheme, as are the social and economic benefits of the scheme. With the mitigation measures proposed the transportation and parking issue is considered to be neutral.
- 5.89 The proposal would provide suitable living conditions for future occupiers especially given the highly sustainable location of the site. The proposal would not be harmful to the character and appearance of the area and neither would it harm the significance of the non-designated heritage asset.
- 5.90 The scheme overcomes the previous concerns identified in the appeal against refusal of P19/3976/F and as such is, on balance, acceptable.

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

- (i) a financial contribution of £3,000 to the Council toward its cost to promote a TRO outside the application site on Broad Street in order to create a parking space on the public highway for specific use as a car-club provision.

The reasons for this Agreement are:

(i) To mitigate the increased numbers of dwellings and ensure the satisfactory provision of car parking facilities and 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.

7.2 It is recommended that the Head of Legal and Democratic Services be authorised to check and agree the wording of the Agreement.

7.3 It is recommended that should the Agreement not be completed within 6 months of the date of any consent being granted; that delegated authority be given to the Director or Environment and Community Services to refuse the application.

**Contact Officer: Roger Hemming**  
**Tel. No. 01454 863537**

### **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. 1872-CMS-00 -XX-DR-A-LOC01 received 21st April 2020

Existing Site Plan Drawing. No. 1872-CMS-00 -XX-DR-A-PL01 received 21st April 2020

Existing Ground Floor Plan Drawing. No. 1872-CMS-00 -XX-DR-A-PL02 received 21st April 2020

Existing First Floor Plan Drawing. No. 1872-CMS-00 -XX-DR-A-PL03 received 21st April 2020

Existing Elevations (North and West) Drawing. No. 1872-CMS-00 -XX-DR-A-PL04 received 21st April 2020

Existing Elevations (South and East) Drawing. No. 1872-CMS-00 -XX-DR-A-PL05 received 21st April 2020

Existing Section Drawing. No. 1872-CMS-00 -XX-DR-A-PL06 received 21st April 2020

Existing Street Elevations Drawing . No. 1872-CMS-00 -XX-DR-A-PL07 received 21st April 2020

Proposed Site Plan Drawing. No. 1872-CMS-00 -XX-DR-A-PL10 Rev A received 21st April 2020

Proposed Ground Floor Plan Drawing. No. 1872-CMS-00 -XX-DR-A-PL11 Rev A received 21st April 2020

Proposed First and Second Floor Plan Drawing. No. 1872-CMS-00 -XX-DR-A-PL12 A received 21st April 2020

Proposed West and North Elevation Plan Drawing. No. 1872-CMS-00 -XX-DR-A-PL13 Rev A received 8th June 2020

Proposed East and South Elevation Plan Drawing. No. 1872-CMS-00 -XX-DR-A-PL14 Rev A received 8th June 2020

Proposed East Street Elevation Plan Drawing. No. 1872-CMS-00 -XX-DR-A-PL15 Rev A received 8th June 2020

Reason

For the avoidance of doubt.

3. The hours of working on site during the period of demolition and 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. Prior to the commencement of the development hereby approved, surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in full accordance with the details so approved.

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

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

#### Reason

In the interests of flood risk to accord with Policies CS1 and CS5 of The South Gloucestershire Local Plan Core Strategy (Adopted), Policy PSP20 of The South Gloucestershire Local Plan : Policies Sites and Places Plan (Adopted) 8th Nov. 2017 and the requirements of the NPPF. This is a pre commencement condition to ensure that the site can be adequately drained.

5. Prior to the commencement of the development hereby approved, intrusive site investigation works of the site shall be undertaken to establish the coal mining legacy issues (if any) on the site and appropriate measures of mitigation, should shallow mining or mine entries be found. The mitigation measures if required shall be carried out to the Council's written satisfaction prior to the commencement of the development hereby approved.

#### Reason

The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework and to accord with Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013 and Policy PSP22 of The South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) Nov. 2017. This is a pre-commencement condition as investigation works and appropriate mitigation are required to ensure the future safety of the occupiers of the development and prevent the need for retrospective mitigation after the development is commenced/completed and to take account of the past mining activities within the area.

6. Prior to the commencement of the relevant phase of development, representative samples of all roofing and external facing materials proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out strictly in accordance with the approved samples.

#### Reason

Having regard to the historic character of the building and to ensure the satisfactory appearance of the development to accord with Policies CS1 & CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec. 2013; Policy PSP17 of The South Gloucestershire Local Plan : Policies, Sites and Places Plan (Adopted) November 2017 and the provisions of the NPPF.

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

Reason

Having regard to the historic character of the building and to ensure the satisfactory appearance of the development to accord with Policies CS1 & CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec. 2013; Policy PSP17 of The South Gloucestershire Local Plan : Policies, Sites and Places Plan (Adopted) November 2017 and the provisions of the NPPF.

8. Prior to their installation or construction, the detailed design including materials and finishes of the following items shall be approved in writing by the Local Planning Authority:
- a. all new external doors
  - b. all new windows (including cill, head and reveal details)
  - c. eaves, verges and ridges
  - d. all new external glazed screens
  - e. conservation rooflights
  - f. chimneys
  - g. all new vents, flues and external meter boxes
  - h. coping to new boundary wall
  - i. exterior signage
  - j. rainwater goods

The design and details shall be accompanied by elevations and section drawings to a minimum scale of 1:5 with full size moulding cross sections. The works shall thereafter be implemented strictly in accordance with the agreed details.

Reason

Having regard to the historic character of the building and to ensure the satisfactory appearance of the development to accord with Policies CS1 & CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec. 2013; Policy PSP17 of The South Gloucestershire Local Plan : Policies, Sites and Places Plan (Adopted) November 2017 and the provisions of the NPPF.

9. The development hereby approved shall not be occupied until the recommendations of the submitted Residential Planning Noise Assessment Acoustic Report Ref: A1356 R01c by iON Acoustics dated 6th March 2020 have been implemented in full.

Reason

To protect residential amenity and the environment in accordance with Policy PSP8 and PSP21 of The South Gloucestershire Local Plan : Policies Sites and Places Plan (Adopted) Nov. 2017.

10. Prior to the first occupation of any dwelling hereby approved, a 'Travel Plan' shall be submitted for written approval by the council with measures to promote sustainable means of travelling- For avoidance of doubt, the measures should include those measured as outlined on para of 4.25 to 4.30 of the applicant's transport statement - [specifically these should include type measures such as travel information pack of sustainable travel vouchers including £200 travel vouchers per dwellings and 12 months free membership to the car club for future residents to realise the active and sustainable options available to them. Furthermore, confirmation that a car-club car to be funded by the developer and that free membership will be provided to each

residential unit upon first occupation, including free drive time, for 12 months (worth c£100 per unit in total). The approved travel plan shall thereafter be implemented in accordance with the approved Plan and prior to the occupation of any of the dwellings hereby approved.

Reason

To promote sustainable forms of travel and to mitigate the increased numbers of dwellings and ensure the satisfactory provision of car parking facilities and 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.

11. Prior to the first occupation of the dwellings hereby approved, the off street car parking (including electric charging point for all parking spaces) as well as manoeuvring area on site, shall be provided in accordance with the approved Proposed Site Plan Drawing. No. 1872-CMS-00-XX-DR-A-PL10 Rev A and subsequently maintained thereafter for that purpose.

Reason

To promote sustainable forms of travel and to mitigate the increased numbers of dwellings and 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.

12. Prior to the first occupation of the dwellings hereby approved, the on site cycle parking facilities shall be provided in accordance with submitted and approved Proposed Site Plan Drawing. No. 1872-CMS-00-XX-DR-A-PL10 Rev A and subsequently maintained as such thereafter.

Reason

To promote sustainable forms of travel and to mitigate the increased numbers of dwellings and ensure the satisfactory provision of cycle parking facilities; in the interest of highway safety and the amenity of the area, 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.

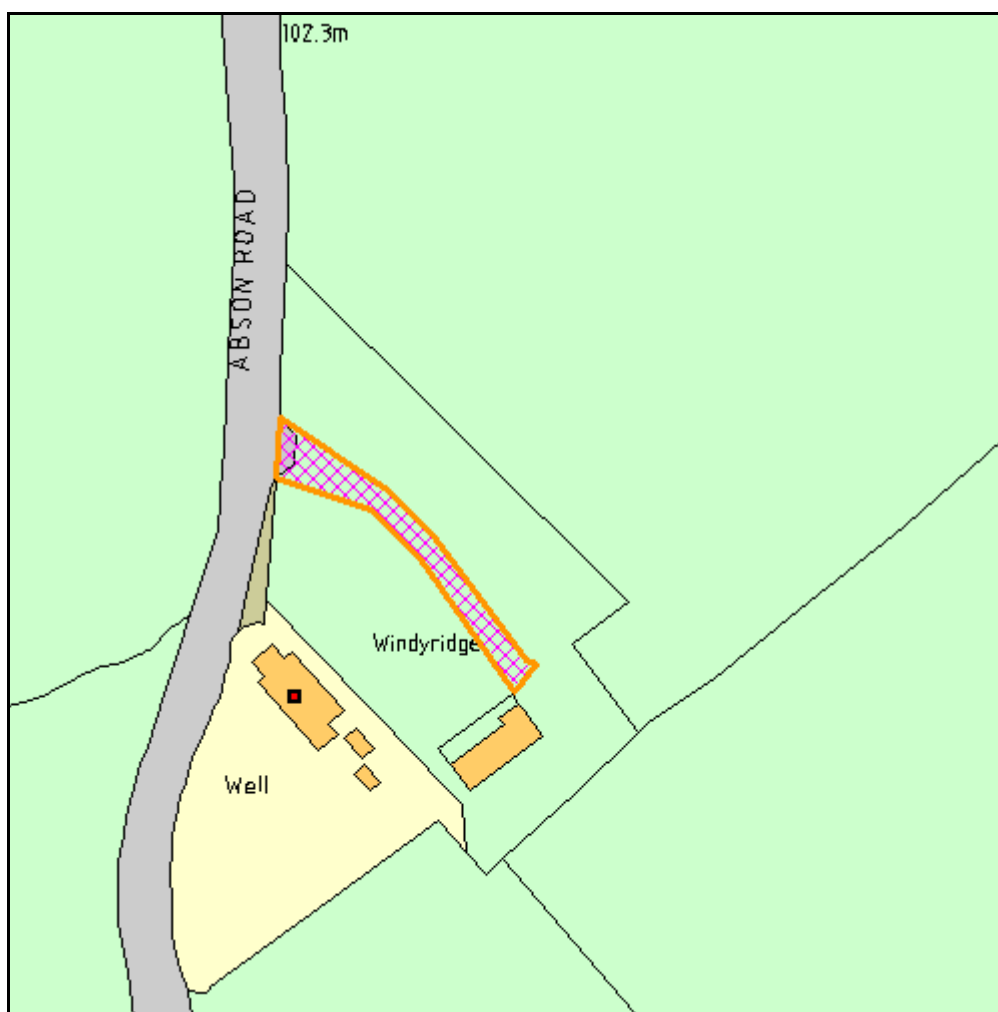
13. Prior to its construction/introduction, details of the proposed living wall and its future maintenance, shall be submitted to and approved in writing by, the Local Planning Authority. Thereafter the living wall shall be provided in the first available planting season and maintained thereafter in accordance with the approved maintenance 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, Policy PSP2 of The South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) Nov. 2017 and the National Planning Policy Framework.

**CIRCULATED SCHEDULE NO. 31/20 - 31st July 2020**

<b>App No.:</b>	P20/06547/F	<b>Applicant:</b>	Mr And Mrs B Andrews
<b>Site:</b>	Windyridge Abson Road Wick South Gloucestershire BS30 5TS	<b>Date Reg:</b>	16th April 2020
<b>Proposal:</b>	New vehicular access, track and 1.4m high stone wall (retrospective)	<b>Parish:</b>	Wick And Abson Parish Council
<b>Map Ref:</b>	370486 174080	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Minor	<b>Target Date:</b>	10th June 2020



© South Gloucestershire Council 2007. all rights reserved.  
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
 100023410, 2008. **N.T.S.** **P20/06547/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.

The application appears on the Circulated Schedule as there is an objection raised by Wick and Abson Parish Council where the officer recommendation is one of approval.

## **1. THE PROPOSAL**

- 1.1 The proposal seeks a retrospective planning permission for creation of new vehicular access, track and 1.4m high stone wall.
- 1.2 The application site relates to Windyridge, Abson Road, Wick.
- 1.3 During the determination phase of this planning application the case officer received revised proposed plans from the agent.

## **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

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP7	Green Belt
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  
Development in the Green Belt



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

3.1 PK16/5315/F

Change of use of land from keeping of horses to mixed use agricultural and keeping of horses. Erection of part blockwork and part timber agricultural building.

Approved: 18 January 2017.

3.2 PK09/0849/F

Change of use of land from agricultural to land for the keeping of horses. Erection of stable block with hay store and tack room.

Approved: 23 June 2009.

3.3 PK09/0787/F

Construction of new vehicular access track from Abson Road including erection of 1.4m high gate and associated works.

Approved: 17 June 2009.

### **4. CONSULTATION RESPONSES**

4.1 Wick and Abson Parish Council

Council is willing to withdraw objection subject to natural hedgerow being reinstated, which has been removed during work.

4.2 Other Consultees

Sustainable Transport

No objection.

Lead Local Flood Authority

No objection.

Highway Structures

Wish to make no comment.

#### **Other Representations**

4.3 Local Residents

The Local Planning Authority is in receipt of 1no. objection comment. Key points summarised below:

- Current property being developed beyond what has been applied for;
- The perimeter wall is over the height stated;

## 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 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.

5.3 The proposal involves widening of the existing vehicular access and construction of approx. 42m grasscrete track leading towards the existing barn. The widening of the vehicular access also involves partial demolition of the existing stone wall and the erection of approx. 13.4m stone wall adjacent to the new gates and the existing stone wall. It is considered that this proposal is acceptable in design terms and will not cause any detrimental visual impact on local distinctiveness.

5.4 In response to the Parish Council's comments the agent have provided a revised plan which shows where the new mixed native hedge will be located.

### 5.5 Residential Amenity

It is considered that the design and scale of the proposed development will not prejudice the residential amenities of neighbouring occupiers nor will it create any detrimental impact on their private amenities.

### 5.6 Access and Transport

There are no objections to this proposal from transportation perspective.

### 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. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

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

## 6. **CONCLUSION**

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

## 7. **RECOMMENDATION**

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

**Contact Officer: Mykola Druziakin**  
**Tel. No. 01454 868434**

**CIRCULATED SCHEDULE NO. 31/20 - 31st July 2020**

<b>App No.:</b>	P20/09151/F	<b>Applicant:</b>	Mr and Mrs P Kennedy
<b>Site:</b>	Land Off Old Hundred Lane Acton Turville Road Tormarton Badminton South Gloucestershire GL9 1JB	<b>Date Reg:</b>	2nd June 2020
<b>Proposal:</b>	Creation of new access from Old Hundred Lane to the site. Installation of agricultural gate, and SUDS metalled track, remove part of boundary wall. Engineering works within field and embankment. Realignment of existing wire and post fence.	<b>Parish:</b>	Tormarton Parish Council
<b>Map Ref:</b>	376452 178683	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Minor	<b>Target Date:</b>	21st July 2020



© South Gloucestershire Council 2007.all rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2008.

N.T.S.

P20/09151/F

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

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

This application appears on the Circulated Schedule because there have been in excess of 3no. objections from local residents which are contrary to the findings of this report and officers recommendation.

The application has also received an objection from the Parish Council (Tomarton PC) which is also contrary to the findings of this report and officers recommendation.

### **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for the creation of a new vehicular access on to Old Hundred Lane. This will require engineering works within the field and embankment to allow the access to be created and includes the installation of an agricultural gate, SUDS metalled track, removal of part of the boundary wall and re-alignment of an existing wire/post fence.
- 1.2 The application site is a parcel of pasture land of approximately 1.5 hectares which is bound by Old Hundred Lane (East), the Cotswold Way (North East), Acton Turville Road (North West) and by a cluster of buildings to the south, some listed, including The Granary and The Old Hundred. The site is not within any designated settlement boundary.
- 1.3 In terms of constraints, the site is located within the Costwolds Area of Outstanding Natural Beauty (AONB) and is adjacent to the Cotswold Way (a PROW). Though nearby, the site of the proposed access is highly separated from the listed buildings due South and is not considered to be either their setting or curtilage.

### **2. POLICY CONTEXT**

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

- 2.2 Development Plans

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

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

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
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

2.3 Supplementary Planning Guidance

Design Checklist SPD (Adopted) August 2007

Landscape Character Assessment SPD (Adopted) November 2014

**3. RELEVANT PLANNING HISTORY**

None

**4. CONSULTATION RESPONSES**

4.1 Tomarton Parish Council

Objection – summarised as follows (full version available online):

- Due to pandemic, various important/statutory consultees have not been able to visit to assess appropriateness aesthetically (AONB, proximity to Cotswold Way) or in terms of highways. This should be thoroughly investigated by consultees once able to visit.
- Lane is narrow, pretty and in the AONB. Regularly frequented by walkers and crossed by the Cotswold Way.
- Lane not suited to larger vehicles.
- Gateway is large and highly engineered and would necessitate removal of a large section of wall which would be detrimental.
- Applicant suggests that there was a previous entrance to Old Hundred Lane. No evidence found to support.
- Questions why a new access point is required for guest flocks specifically on Old Hundred Lane when 'excellent' access exists from main gateway on to Acton Turville Road (B4465). Especially as this would provide a lower cost option.

Additional comments received by the Parish Council from residents are also included in their representation.

4.2 Sustainable Transport

No information regarding visibility has been provided, but as Old Hundred Lane is a very minor, unclassified Highway we do not consider that this is likely to present a serious safety issue.

Notes that proposal requires the access to cross a highway verge. Unclear whether or not there is a ditch or other drainage facility present. If there is, the applicants will be required to provide suitable facilities. A condition is recommended.

The track will need to be surfaced in a suitable, bound material, which is to be approved by the Council to prevent dirt or dust being dragged on to the highway. A condition is recommended.

Reminds the applicant that all works on or immediately adjacent to the highway must be approved by the council before, during and after completion.

4.3 Highway Structures

No comment

4.4 LLFA (lead local flood authority)

No objection

4.5 Tree Officer

No comment has been received

4.6 Archaeology Officer

No comments

4.7 PROW

No comment has been received

4.8 Listed Buildings and Conservation Officer

No objection

4.9 Landscape Officer

No landscape objection:

- The site lies within the AONB.
- The proposal will restore the dry stone walling which accords with the LCA1 Badminton Plateau strategy aims.
- Proposed access works are acceptable.

4.10 Local Residents

The application has received a number of representations. In total, 1no. general comment and 10no. objection comments, with 2no. additional objection comments which are duplicates (12no. in total)

*General Comment-*

“no objection”

*Objection comments (summarised – full copies are available on the Council’s website)*

Design/Landscape

- Old Hundred Lane is of historic interest
- The area is within the AONB (and is residential)
- The site is within a conservation area
- Large gateway would be detrimental to such a small/attractive lane
- Disputes the landscape comment as officer did not visit

- Would detract from the nature of the quiet, narrow, rural country lane used by walkers and villagers

#### Highways/PROW

- The lane is narrow (just wide enough for residents vehicles to pass and small goods vehicles)
- Weight restriction on the lane
- Concern (growing) about increased animal and traffic movement
- Concern that the lane may have to be drastically altered to accommodate applicants vehicles
- Lane lies adjacent to the Cotswold Way – concern that such works may infringe on this
- Access may pose a safety risk to users of the Cotswold Way
- Old Hundred Lane is only suitable for single traffic
- Lane not suitable for large agricultural vehicles
- The council already uses smaller refuse vehicles due to narrowness
- Lane is unsuitable for heavy good vehicles and there is a sign
- Large vehicles reversing down is dangerous
- Vehicles would struggle to navigate the bends (e.g. Little Dauncey)
- Hazard to young children
- Any increase in vehicle use would be dangerous
- Lane only wide enough for one car. Cars have to go in to private drives to pass
- Damage has been caused to boundary walls previously

#### Other

- Disruption will be caused to local residents
- Site notice put in an obscure place
- The proposed works will interfere with the enjoyment of the lane by local residents and visitors
- Can adequate access be provided elsewhere?
- Access not needed
- Impacts on Habitats
- Impacts on trees (some are protected)
- Precedent set for future development
- No visitation by relevant members of SGC
- Object to the use of industry on agricultural land
- Engineering is not suitable for here
- Owners already have an access off Acton Turville Road
- Access appears too substantial for occasional use
- Over the top for occasional use – other use planned?
- A really poor entrance to Old Hundred Lane (hole in the wall) was created in the last 5 years
- Noise and disruption would be caused by the access when in use and during construction)
- There are already 3 suitable access areas
- Possible prelude to further plans



## 5. ANALYSIS OF PROPOSAL

- 5.1 The application proposes to create an agricultural access on to Old Hundred Lane with associated engineering and other works.
- 5.2 Principle of Development  
The application stands to be assessed against the above listed policies and all other relevant material considerations. PSP29 of the Policies Sites and Places Plan (adopted November 2017) covers agricultural development. However, PSP29 is more concerned with the provision of buildings for agricultural use, provided they meet the two key tests. The proposal however is for an access and so it is not considered that the development falls under the remit of PSP29.
- 5.3 PSP11 covers Transport Impact Management and permits development providing it would not generate traffic that would create or contribute to congestion, harm the amenities of surrounding communities, have an unacceptable impact on road/highway safety and harm environmentally sensitive areas.
- 5.4 As the site is within the AONB, PSP2 is also relevant. PSP2 puts great weight upon the conservation and enhancement of the natural and scenic beauty of the landscape. The NPPF also sets out that development within such designated areas should be limited and permission refused for 'major development'.
- 5.5 The proposed access stands to be assessed primarily on highways impacts, the impacts on the landscape and matters of residential amenity.
- 5.6 Design and landscape  
The lane is a pleasant, quiet country lane typical of the rural character of parts of South Gloucestershire and forms part of LCA1, the Badminton Plateau. The proposed access will require the existing, dilapidated drystone boundary wall to be breached, with engineering operations required to re-profile the verge and the field where the access will be sited. The proposed breach and subsequent access point on to the Old Hundred Lane will be c. 7.3 metres in length.
- 5.7 The access track will take an angular path at c. 45 degrees back in to the field from the lane and will be c.7 metres in length from the point where the track will meet the lane. The new gate (a standard timber field gate) will be at the end of the access within the field and a re-placed wire and post fence will line each side of the access with appropriate drystone faced buttressing/retaining structure to the side. The immediate sections of drystone wall not breached are to be repaired.
- 5.8 By all accounts the proposed access is agrarian in nature and is in keeping with the rural character of the immediate surroundings. Indeed, in a rural setting it is common to observe access points in to fields which are necessary as part of the agricultural function of the land. Though concern is noted regarding the appearance, officers would contend that the access and track as proposed are

not of an inappropriate scale and are suitably in keeping with the rural setting. As such, the design and visual aspect is considered to be acceptable.

- 5.9 In landscape terms, the proposed access will represent a small change to the landscape which will be highly localised in nature. Indeed, the NPPF dictates that development in the AONB should be limited and PSP2 dictates that developments should not harm the natural or scenic beauty of the AONB. Officers note that a points of contention relate to the location within the AONB. In this instance, officers would contend that the development is neither 'major' nor would it have a detrimental impact on the natural or scenic beauty and as such, would be in conflict with the policies which seek to protect this designated area.
- 5.10 Furthermore, the development as proposed will include some works to repair parts of the Drystone wall, much of which has fallen victim to dilapidation. This repair can be considered to be an enhancement to the site, and is in line with the landscape strategy as set out in the landscape character assessment SPD (adopted November 2014). This is raised by the Council's landscape officer, who raises no objection to the proposed access in landscape terms.
- 5.11 Following the above consideration, Officers would contend that the proposed access and associated engineering works will be acceptable in design, visual and landscape terms.
- 5.12 Transport (inc. PROW)  
The proposal has generated a high degree of concern with regards to its impact on the lane, particularly in terms of highway safety and the safety of the adjacent Cotswold Way. This is noted, however in the first instance it is worth noting that the highways officers raise no safety concerns or indeed any objection to the proposed access. Though there is no demonstration of visibility, this is considered acceptable given the fact Old Hundred Lane is minor and unclassified.
- 5.13 In terms of usage, Old Hundred Lane is a country lane in a rural setting where it is not uncommon or uncharacteristic to encounter agricultural traffic, such as tractors or livestock vehicles. Whilst noted that the road is used by a variety of different users, officers would not consider the use by agricultural vehicles to pose a significant danger. Particularly given that such vehicles are generally slow moving and highly noticeable. Furthermore, there is nothing at present that would prevent such vehicles using the public highway, subject to compliance with any weight restrictions.
- 5.14 It is noted that the highways officers indicates the possible presence of a drainage facility within the verge. Upon visiting the site it appeared as though this might not be the case, however the verge is very overgrown and it can't be ruled out with confidence. The highways officers recommend an appropriately worded condition to ensure that should a drainage ditch or culvert be present then the applicant will be required provide suitable facilities. In this case it would be considered reasonable to apply such a condition to ensure any facilities are retained, should they be present.

- 5.15 In terms of surface, the highways officers recommend a condition to capture details of the surface which should be bound and permeable. The plans suggest that the surface will be 'Grassblock' Concrete/'Grasscrete'. These details are noted, but officers would concur that such a condition would be necessary to obtain finer details to ensure the surface material is acceptable.
- 5.16 Concern is also noted regarding the appropriateness of the lane for such vehicles. It is a matter for the users of the access to ensure that their vehicles do not exceed any weight restrictions. Whilst noted that sections of the road are particularly bendy and may well be difficult to navigate in a larger vehicle, on visiting the site it was also apparent that if the access were approached from the Northern end of Old Hundred Lane then access would be more or less straight up to the access point, with turning capable within the field.
- 5.17 It is noted that the Cotswold Way PROW runs due north in close proximity to the access. The proposal does not include any works involving this right of way. That said, suitably worded informatives should be applied to remind the applicant of the PROW and their responsibilities during construction. Similar to above, officers do not consider that the access will endanger the users of the Cotswold Way.
- 5.18 Residential Amenity  
PSP8 of the Policies Sites and Places Plan (adopted November 2017) sets out to protect the residential amenities of nearby occupiers. The site is in an isolated location and due to its nature (as an agricultural access) would not be liable to result in any impacts such as overlooking, overbearing, etc. However, due consideration is required in to potential impacts on nearby residents in terms of noise. The closest premises is Noades House, c.20 metres away.
- 5.19 Whilst undoubtedly there may be some minor increase in noise when the access is in use, generated from the machinery (e.g. tractors) using the access, this is unlikely to be unacceptable in nature given that it will be infrequent and generally during daytime hours. Concern regarding disruption is noted from the consultation, but officers would contend that any disruption will be minimal and not unacceptable in nature.
- 5.20 As set out in the relevant guidance, disruption caused during a development being implemented (i.e during construction) should not form the basis for refusal of an application as such disruption will be temporary in nature.
- 5.21 Heritage  
Noted are concerns that site is within a conservation area or relating to historic interest of the lane. For the avoidance of doubt, the site is not within a conservation area. Though there are listed buildings along the lane (in particular to the South), the access is far removed from them and is not considered to be within either their curtilage or setting. Additionally, the conservation Officer raises no objection to the proposal.
- 5.22 Trees  
There is 1no. beech tree nearby to the south of the proposed access which is indicated on the plans. The Cotswold Way nearby also benefits from numerous

trees. Contrary to matters raised during consultation, none of the nearby trees are subject to TPOs. That said, it is acknowledged that they do offer a level of amenity value and their removal should be avoided.

5.23 Works proposed however are not immediate to the nearby Ash Tree, with the closest part of the access once completed being some 10 metres away from the stem (5 metres from the canopy) and works are not proposed to alter or interfere with the tree. As such, it is not considered that the proposal will be unacceptable in terms of its impacts on nearby trees and no objection is raised in that regard.

#### 5.24 Ecology

It is noted that concern is raised that the proposal will impact on habitats. Given that the works are to take place on a dilapidated section of drystone wall and adjacent grass verge currently overgrown with a variety of weeds and ivy it is unlikely that the site possesses any significant ecological value nor will the works present a demonstrable negative impact on local habitats or indeed protected species.

### **Impact on Equalities**

5.25 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.

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

### **Other Matters**

5.27 A number of matters raised from the consultation responses have not been addressed in the main body of this report. These will be considered below.

#### 5.28 *Future development*

It is noted that residents are concerned that the access may be as a precursor to future development. In any case an application must be determined on its own merits and a suspicion of future use of the site would not form a valid or reasonable ground to refuse the application.

#### 5.29 *Alternative access*

It is noted that residents and the parish query the need for the access in the location proposed. The applicant's agent has clarified that access from The Granary is no longer possible/available and hence the new access is needed. Though access *could* be provided on to the Acton Turville Road, this road is

classified, much faster and would present challenges of its own. Notwithstanding the above, the LPA has a duty to determine applications before it on their individual merits and it would not be reasonable to refuse the application on the basis the proposed could be elsewhere.

5.30 *Land use*

It is noted that some representations refer to the use of the land, particularly in reference to 'engineering'. In this case engineering refers to the works required to implement the access. There is no proposed change of use and the access is ancillary to the extant lawful use of the land.

5.31 *Site visits*

It is noted that comments have been received stating that Officers have not visited the site. During the Covid-19 pandemic site visits have been restricted in line with relevant government guidance restricting 'non-essential' travel. Once possible, the case officer made a site visit on the 3<sup>rd</sup> July 2020.

5.32 *Damage to property*

Noted are comments regarding previous damage to property caused by other larger vehicles using the lane. Should damage be caused to property (by road vehicles destined for this access or otherwise) this would be a civil matter.

5.33 *Site notice*

It is noted that concern was raised regarding the position of the site notice. This was observed as being placed on a fencepost facing the public highway which could be read by members of the public, should they wish.

## 6. **CONCLUSION**

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

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

## 7. **RECOMMENDATION**

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

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

## **CONDITIONS**

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

Reason

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

2. Notwithstanding the submitted details and prior to the commencement of the relevant works, details shall be submitted to and approved in writing by the LPA of the proposed surface of the entry track. Development shall the proceed in strict accordance with the approved details.

For the avoidance of doubt, the surface will be required to be permeable and bound so as to avoid dust and dirt being dragged on to the highway.

Reason

In the interest of ensuring that dirt, dust and other materials are not tracked on to the highway by vehicle wheels and in accordance with Policy PSP11 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (adopted) November 2017.

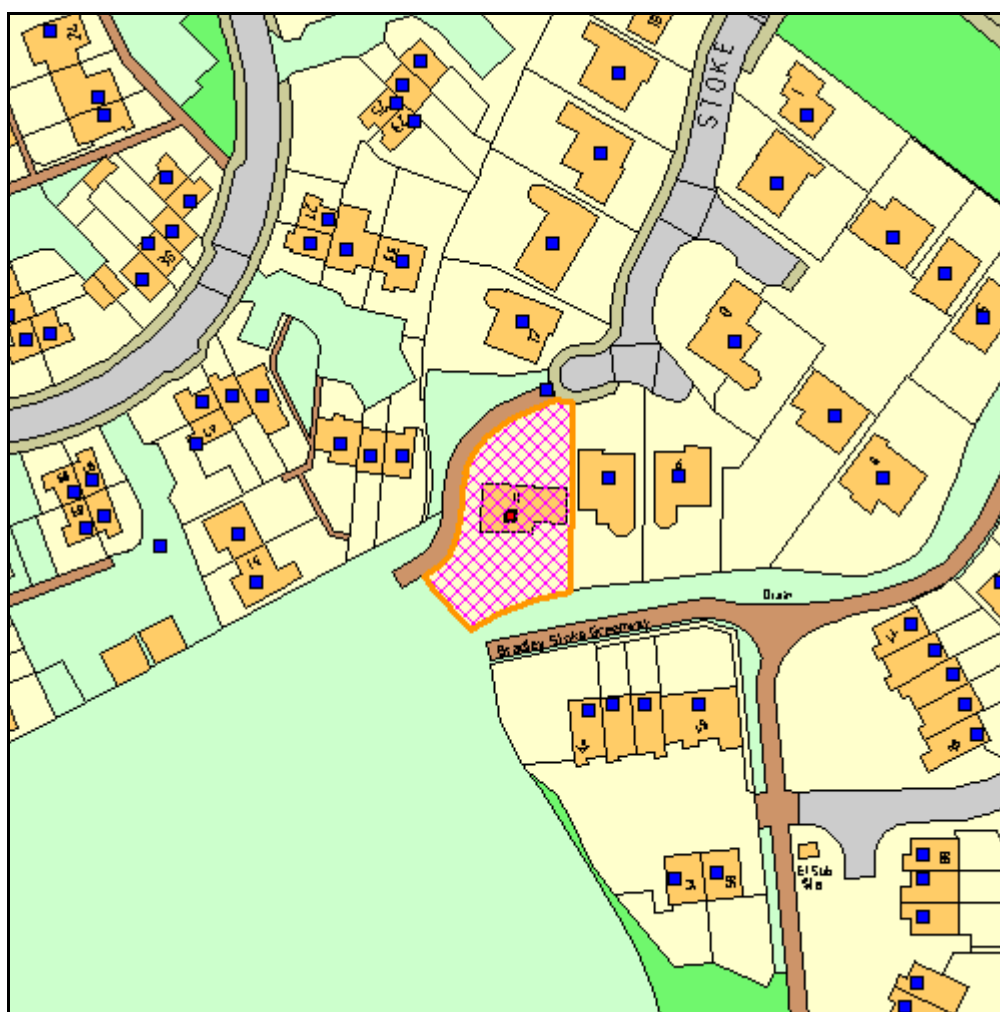
3. Should it be revealed once works are underway that there is a drainage ditch or other facility within the verge, works shall cease. Details shall then be provided to the LPA of suitable replacement facilities to be provided by the applicant to ensure that water flow is not impeded. Works shall only recommence when this has been agreed in writing and shall be carried out in strict accordance with the agreed details.

Reason

In the interest of ensuring that the proposed development does not impact on existing drainage facilities if found to be present and in accordance with PSP11 and PSP21 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (adopted) November 2017.

**CIRCULATED SCHEDULE NO. 31/20 - 31st July 2020**

<b>App No.:</b>	P20/11526/F	<b>Applicant:</b>	Mr Smee
<b>Site:</b>	11 Stoke Meadows Bradley Stoke South Gloucestershire BS32 9BG	<b>Date Reg:</b>	6th July 2020
<b>Proposal:</b>	Erection of single storey front, first floor side and single storey rear extensions to form additional living accommodation.	<b>Parish:</b>	Bradley Stoke Town Council
<b>Map Ref:</b>	361560 181984	<b>Ward:</b>	Bradley Stoke North
<b>Application Category:</b>	Householder	<b>Target Date:</b>	27th August 2020



© South Gloucestershire Council 2007.all rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2008.

N.T.S.

P20/11526/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.

This planning application will be referred to the Circulated Schedule because the proposal has received 1No objection from Bradley Stoke Town Council, which is contrary to the officer's recommendation.

## **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for the erection of a single storey front, first floor side and single storey rear extensions as detailed on the application form and illustrated on the accompanying drawings.
- 1.2 The application site can be found at 11 Stoke Meadows, is set within a good sized plot, and is an existing two storey detached property. It is located within the established built up residential area of Bradley Stoke.

## **2. POLICY CONTEXT**

### 2.1 National Guidance

National Planning Policy Framework February 2019  
National Planning Policy Guidance

### 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4a	Presumption in Favour of Sustainable Development
CS5	Location of Development

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

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

## **3. RELEVANT PLANNING HISTORY**

- 3.1 None relevant.

## **4. CONSULTATION RESPONSES**

### 4.1 Bradley Stoke Town Council

1No letter of Objection – Concerns of overdevelopment.



- 4.2 Other Consultees  
Sustainable Transport – Transportation DC  
No Objections.

Stoke Lodge and the Common  
No comments received.

The Archaeology Officer  
No comments received.

### **Other Representations**

- 4.3 Local Residents  
2No letters of objections have been received from neighbouring properties with concerns over the prospect of an inappropriate and uncharacteristic design for the extension in this particular area of Bradley Stoke; that it will cause an overbearing impact to neighbouring dwellings; and that the proposed extensions will cause a loss of natural light and sunlight to neighbouring dwellings.

## **5. ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development  
Policy PSP38 of the PSP Plan (November 2017) allows the principle of development within residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety. It states that new dwellings and extensions within existing residential curtilages are acceptable in principle but should respect the overall design and character of the street and surrounding area. They should not prejudice the amenities of neighbours, or that of highway safety and the parking provision should be of an acceptable level for any new and existing buildings. The adequate provision of private amenity space should also not be sacrificed for any new development that forms part of a settlement pattern that also contributes to local character.
- 5.2 Policy CS1 of the Core Strategy seeks that the siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the application site and its context.
- 5.3 The proposal is for planning permission to the existing dwelling to erect a single storey front, first floor side and single storey rear extensions. Consequently the main issues to deliberate are the impact on the character of the area and the principle dwelling; the impact development may have on the amenities of neighbouring occupiers and the resultant dwelling; and the proposals impact on highway safety/parking provision.
- 5.4 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.
- 5.5 The single storey front extension, will have an overall width of 4.45 metres, and be to a depth of 3.8 metres with 2No single windows to the front and 1No window to the side elevations. The main entrance door will also be repositioned. It will have a gable fronted pitched style roof and it will be set down from the existing ridge by 4.4 metres, and extend to 2.2 metres in height to the eaves from ground level.
- 5.6 The first floor side extension will have an overall width of 5.3 metres and be to a depth of 7.6 metres, with 2No windows to the front elevation, and 2No windows to the rear elevation. It will have a gable end pitched style roof (continuing the theme of the host dwelling roof) and it will extend to 4.3 metres in height to the eaves from ground level.
- 5.7 The single storey rear extension will have an overall width of 9.6 metres and be to a depth of 5.6 metres, with 1No patio doors with window side panels, and 7No windows into the garden, and 4No velux windows. It will have a gable fronted pitched style roof and it will be set down from the existing ridge by 4.5 metres, and extend to 2.2 metres in height to the eaves from ground level.
- 5.8 All the extensions have been proposed through their design to complement the existing dwelling in the choice of materials, details and components, ensuring that the aesthetical appearance of the dwelling continues to compliment neighbouring properties, matching materials and components to the existing dwelling where possible, and therefore the scale and form of the proposed extensions will respect the proportions and character of the existing dwelling.
- 5.9 The proposed design of the extensions, particularly the extension over the garage, proposes to reflect the original and existing design of the host dwelling as closely as possible, ensuring the characteristics of details of the façade are continued through onto the extension. Similarly, both the front and rear single storey extensions also propose to match and replicate the brick materials to the façade, brick details and windows accordingly.
- 5.10 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. Policy PSP8 specifically relates to impacts on residential amenity and outlines that unacceptable impacts could result from (but are not restricted to); loss of privacy and overlooking; overbearing and dominant impact; loss of light; noise or disturbance.
- 5.11 The impact on residential amenity has been assessed in terms of the surrounding neighbouring properties. The proposed single storey rear would project further than existing footprint by 7 metres along the eastern boundary. This will result in an impact on the boundary of the adjacent property. The proposed extension is single storey with an eaves height of 2.2 metres and an overall height to the ridge of 3.5 metres. The proposed first floor side extension

will exist over the existing garage and will feature no windows to the side elevation however it will result in an impact on the adjacent property of No 10. The proposed extension is single storey with an eaves height of 4.3 metres and it will measure 0.7 meters down below the existing ridge. Given position of these extensions, their scale and their orientation, officers are satisfied that the impact will be minimal. Accordingly, officers are satisfied that the proposed development would not result in a significant overbearing impact to the occupants of the neighbouring property.

- 5.12 In terms of overlooking, there are no proposed additional windows in the side of the first floor proposed extension only 3No windows in the ground floor side elevation, into the existing private amenity space. New windows are proposed to the front and rear elevations of the first floor side extension, together with new doors and windows to the single storey front and rear extensions.
- 5.13 Although cumulatively the extensions will project further than the existing footprint of the neighbouring property, No 10, there should be very little loss of light, overshadowing or overbearing impacts given the orientation and the detached nature of the host dwelling. Any loss of light and overshadowing will only occur at certain times of the day as both rear elevations face south.
- 5.14 As the site is located in a built up residential area, and given the proposed size, scale and location of the extensions, it has been concluded that the impact on the neighbouring residential amenity would be limited and therefore it should not result in an unacceptable impact.
- 5.15 Transport  
Policy PSP16 of the Policies, Sites and Places Plan sets out the Councils parking standards. The proposal includes a further bedroom, totalling 5No bedrooms but as the existing garage will maintain 2No parking spaces, with the garage and driveway spaces outside, then the existing parking standards will fulfill the South Gloucestershire parking standards. There are no transport objections.
- 5.16 Private Amenity Space  
The dwelling benefits from a good amount of existing private amenity space to both the front and rear of the property. PSP43 sets out standards which are based on the number of bedrooms at a property. The proposed extensions will create a total of 5No bedrooms and as such, should have at least 70m<sup>2</sup> of private amenity space. The existing dwelling has 4No bedrooms, and as such should have at least 70m<sup>2</sup> of private amenity space.
- 5.17 The proposal demonstrates that these standards are to be maintained, and as the dwelling still benefits from an existing large amount of private amenity space to the front and rear, the existing garden should still benefit from private amenity space of sufficient size and shape, to meet the needs of the occupants and any future occupants.
- 5.18 Consideration of likely impact on Equalities  
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is

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

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

## **6. CONCLUSION**

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

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

## **7. RECOMMENDATION**

7.1 That the application be **APPROVED**.

**Contact Officer: Helen Turner**  
**Tel. No. 01454 864148**

## **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).