

# 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: 05/21**

**Date to Members: 05/02/2021**

**Member's Deadline: 11/02/2021 (5.00pm)**

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

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

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

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

## NOTES FOR COUNCILLORS

### – formal arrangements for referral to committee

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

- a) Be made in writing using the attached form by emailing [MemberReferral@southglos.gov.uk](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 referral should include the reasons for the referral why it would not be appropriate to permit the proposal to be determined under the delegated arrangements; the issue the proposal raises in relation to the relevant policy context and the balanced consideration that has been given to the extra costs and delay to the referral You may wish to consider the guidance given in the Members' Planning Code of Good Practice in the Council's constitution, which sets out the criteria the Chair of the Committee, in consultation with the Spokes will use to consider any referral requests.

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

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

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

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

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

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

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

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

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

7) Any applications, except those 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.

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

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

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

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

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

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

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

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

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

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

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

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

**Date:**

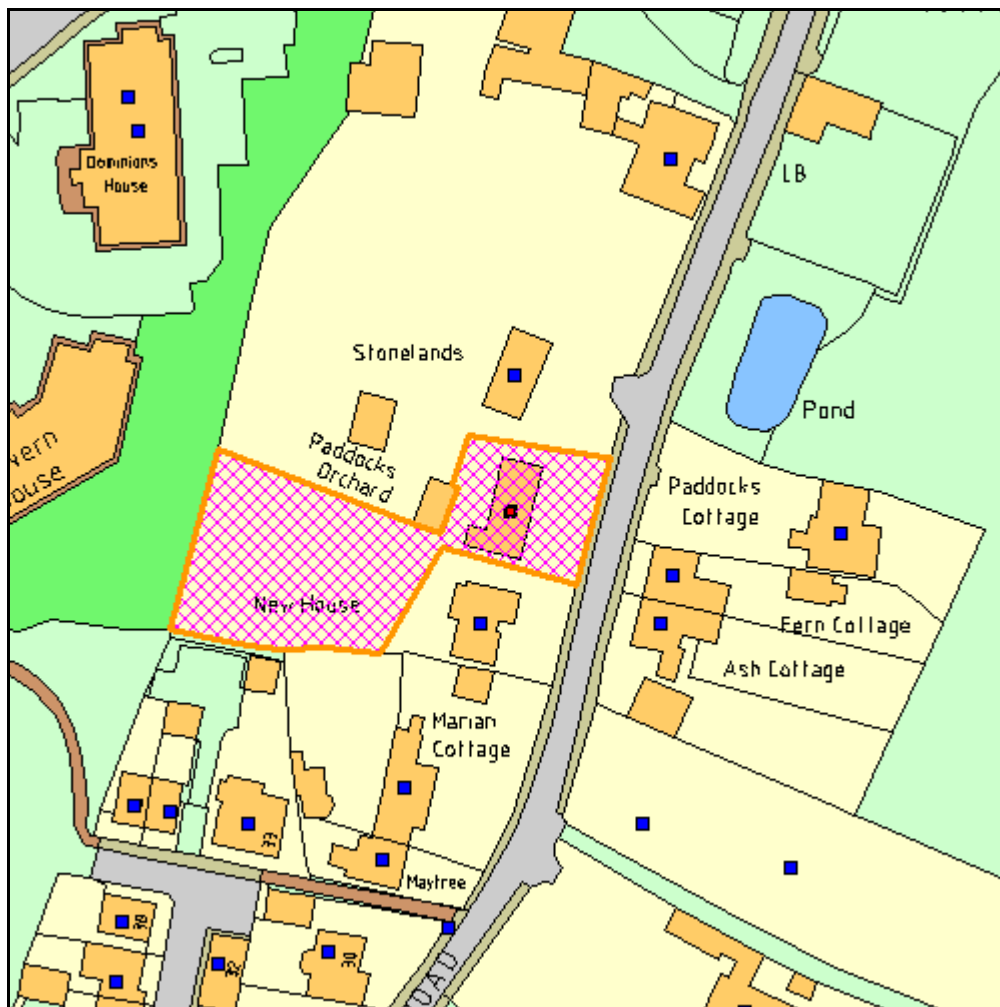
To be emailed to [MemberReferral@southglos.gov.uk](mailto:MemberReferral@southglos.gov.uk)

# CIRCULATED SCHEDULE - 05 February 2021

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	P20/19992/F	Approve with Conditions	Paddocks Orchard Harry Stoke Road Stoke Gifford South Gloucestershire BS34 8QH	Stoke Gifford	Stoke Gifford Parish Council
2	P20/20115/F	Approve with Conditions	White Lion Frenchay Common Frenchay South Gloucestershire BS16 1LZ	Frenchay And Downend	Winterbourne Parish Council
3	P20/21354/F	Split decision See D/N	Buildings At Knights View Shepperdine Road Oldbury On Severn South Gloucestershire BS35 1RN	Severn Vale	Oldbury-on-Severn Parish Council

**CIRCULATED SCHEDULE NO. 05/21 -5th February 2021**

<b>App No.:</b>	P20/19992/F	<b>Applicant:</b>	Mr Roger Willcox
<b>Site:</b>	Paddocks Orchard Harry Stoke Road Stoke Gifford South Gloucestershire BS34 8QH	<b>Date Reg:</b>	22nd October 2020
<b>Proposal:</b>	Erection of first floor extension over existing garages and single storey rear extension to form additional living accommodation. Installation of front dormers. Erection of detached granny annex ancillary to main dwelling.	<b>Parish:</b>	Stoke Gifford Parish Council
<b>Map Ref:</b>	362091 178941	<b>Ward:</b>	Stoke Gifford
<b>Application Category:</b>	Householder	<b>Target Date:</b>	15th December 2020



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100023410, 2008.

N.T.S.

P20/19992/F

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

## 1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of a first floor extension and single storey rear extension, as well as the installation of 2.no dormers and erection of detached ‘granny’ annex ancillary to the Paddocks Orchard, Stoke Gifford.
- 1.2 The application site comprises a large plot with the property forming a hipped roof detached dormer bungalow which benefits from off street parking and has a substantial garden situated towards the rear of the property, providing ample amenity space for current residents. Additionally it is noted there are no restrictive policies that cover the site.
- 1.3 *Procedural Matters* – Amended plans have been received by the applicant which has altered the scope of the application. Due to this, further public consultation has been carried out with the case officer satisfied this has not disadvantage the public interest.

## 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
CS16	Housing Density
CS17	Housing Diversity

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP38	Development within Existing Residential Curtilages
PSP43	Private Amenity Space

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

### 3. RELEVANT PLANNING HISTORY

- 3.1 Ref: PT04/2037/F. Permission Granted, 06/07/2004  
Proposal: *Erection of rear conservatory.*
- 3.2 Ref: N176/3. Permission Granted, 15/05/1980  
Proposal: *Erection of double domestic garage and W.C.*
- 3.3 N176/2. Permission Granted, 17/06/1976  
Proposal: *Erection of chalet bungalow and garage (in accordance with the revised plans received by the Council on 23rd April 1976).*

### 4. CONSULTATION RESPONSES

#### 4.1 Stoke Gifford Parish Council

The Parish Council have *objected* to the application for the reasons set out below:

##### **Granny Annex:**

- o Does not appear to be wheelchair accessible.
- o Concerns over amenity for both of the occupiers and the potential impact on neighbouring residents due to overlooking.
- o Request that vehicular access should be reviewed in light of additional vehicles.

##### **Extensions to main dwelling house:**

- o Principal elevation would be “completely changed”.
- o Significant number of dominant features that would change the style of the original dwelling.

- 4.2 *[Officer Comment]* The above concerns are addressed in section 5 of this report.

#### 4.3 Sustainable Transport Officer

Key points from the sustainable transport officer have been summarised as follows:

- Fire Tender is accessible to the proposed annex ancillary within a 45m radius of Harry Stoke road.
- *No objections.*

- 4.4 *[Officer Comment]* The above comment relates to the original sitting of the proposed annex and should not be assumed to apply to the revised plans. However, the case officer notes that Fire Tender distances are more commonly associated with building regulations and as such, fall outside the scope of this report. Notwithstanding this, it is noted that the applicant should carefully consider comments made by the Sustainable Transport Officer at the next stage (building regulations) of their proposal.



#### 4.5 Arboricultural Officer

Key points from the Arboricultural officer have been summarised as follows:

- *No objections* to development in principle.
- Applicant required to submit an Arboriculture Report in accordance with BS: 5837:2012.

#### 4.6 Local Residents

*Two letters of objection* have been received from neighbours. These are summarised below.

#### 4.7 *[Letter 1 – Original Comment]* Object to the proposed siting of the granny annex based on the following grounds:

##### **Proximity to rear fence:**

- o Annex would be placed within 1.5m boundary of garden which raises concerns the property would feel crowded.
- o Annex would disrupt view.
- o Concerns over the construction phase due to arising noise and dust that would impact enjoyment of garden.
- o Potential damage to fence.
- o Annex would disrupt view.

##### **Overlooking [from annex]:**

- o Granny annex would result in garden and house being overlooked, particularly during construction phase.

##### **Impact on light [from annex]:**

- o Granny annex likely to have a detrimental impact on the light levels reaching property and garden.

##### **Overlooking [to annex]:**

- o Concerned that the property would have direct line of sight down into Granny annex which would impact amenity standards.

##### **Fuel Oil Storage:**

- o Concerned annex would be in breach of relevant legislation between fuel tanks and dwellings.

##### **Access and Wildlife:**

- o Annex would contravene elements of planning policies used in the development plan.
- Relocating position of proposed annex elsewhere in applicant's curtilage of the application site would address concerns.

#### 4.8 *[Letter 2 – Follow up Comment]* Request for condition to be applied to the time at which works are conducted.

#### 4.9 *[Officer Comment]* The revised plans appear to have satisfied the neighbour concerns above, but for the purposes of fairness, have been taken into consideration. The case officer notes the revised plans detail a different siting of the proposed annex (which is at minimum 18 meters and 3.7 meters from both neighbouring site boundaries) and would largely address concerns of residential amenity. With regard to the fuel tank, this is a matter of concern for building regulations and does not fall within the parameters of this report. Lastly, with respect to the concern of planning policies being breached, the submitted polices relate to a superseded plan and therefore carry no planning merit.

4.10 [Letter 2] Object to the application on following grounds:

**Host Dwelling:**

- o Alterations to principal elevation too extensive.
- o Concerns raised about compliance of north facing gable window with regard to 'distance to boundary' regulations.

**Granny Annex:**

- o Plans need to specify colour of external walls.
  - o Rear elevation window should be frosted glass.
  - o Hedge to be retained in current condition.
  - o Soakaway matters have raised confusion.
  - o Concerned about proximity of annex to stone barn and effect this could have on foundations.
- Request for condition to be applied regarding hours of working.

4.11 [Officer Comment] The case officer notes the objection comment above with section 5 addressing concerns of the alterations to the host dwelling. With regard to the annex, applicants are not required to specify finishing colour in a submitted application form unless it would form a material consideration. Additionally, concerns regarding the sewer and hedgerow relate to a Party Wall matter, and as such, fall outside the scope of this application.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

Policy PSP38 permits extensions and alterations to existing dwellings within established residential curtilages subject to an assessment of design, amenity and transport; including the formation of a detached annex. Whilst the proposed alterations are acceptable in principle (and to be further examined against the analysis set out below), the proposed annex must first be assessed for its function and relationship to the main dwellinghouse prior to being accepted in principle. This is to determine if; the annex has some form of dependence on the main property, thus providing merit for it to be considered as ancillary accommodation, or, the proposal would create an annex that is tantamount to a new dwelling - each outcome requires a separate list of policies for a fair and appropriate assessment.

### **Annex Test**

5.2 By definition, an annex must be subservient to the main dwellinghouse that should have some form of physical or functional reliance upon it.

5.3 The proposed annex building would consist of a single storey self-contained detached structure with an open plan kitchen/dining/living area that includes 1.no bedroom and 1.no bathroom. It would be located approximately 24 meters from the existing dwelling. Given the sitting and description of materials, it is considered that there would be some form of physical relationship between the annex and the main dwelling. This is due a similar use of materials and styling of both external amenity spaces (paved patio area), which would create a succinct feature shared by both buildings. This is further exemplified through the mutual use of garden and parking provision, whereby occupiers of the annex would be dependent on the main dwelling for both uses. Additionally, the

annex would only be accessible through means of the existing dwelling's driveway, further evidencing that a physical relationship would exist. Therefore, the local planning authority can be satisfied the annex can function for its intended use.

- 5.4 However, the case officer notes at this juncture that the annex is self-contained and is of substantial size in relation to the host property, with the unusual garden arrangement and physical relationship between the two buildings permitting the permission in principle in this instance.

5.5 Design and Visual Amenity

Policy CS1 and policy PSP38 seek to ensure that development proposals are of the highest possible standards of design in which they respond to the context of their environment. This means that developments should demonstrate a clear understanding of both the site and local history to ensure the character, distinctiveness and amenity is well assessed and incorporated into design.

***Alterations to Host Dwelling***

- 5.6 The proposed first floor extension would be constructed above the existing garage, which seeks to have a pitched roof with gable end (matching the existing) with a ridge height extending the current built form. The proposed works to the host dwelling would also include 2no. 'shed' dormers to be installed on the roof plane facing the highway along with a centred pitched roof that would extend from the existing ridge to front building line. At the rear of the property, the proposed single storey extension would project by approximately 2.7m, have a width of 8.2m and a height of 3m. This would create an additional 18sqm floor space at the rear of the property, functioning as a larger kitchen/dinner. There would also 1no. set of sliding doors spanning half the width of the proposed rear extension. Finishing materials are set to match the existing.

***Annex***

- 5.7 The proposed annex would measure approximately 11.1m in length, 7.3m in width (at it widest) and have a height of 4m. A pitched roof with gable ends is featured in design along with 6no. roof lights. The annex is set to be finished in render.
- 5.8 Overall, it is considered that the proposed alterations would be an acceptable standard of design and would not result in unreasonable harm to the character of the site and its context. The case officers notes the comments of the parish council and neighbour with regard to changes in the principal elevation and overall aesthetic of the host dwelling. However, in consideration of the wider street scene, the adjoining neighbours of the applicant site (either side) feature dormers on the principal elevation – a design feature the proposed development would appear to emulate – forming a material consideration in the assessment. Additionally, due to the inconsistent built form of properties situated along Harry Stoke Rd, the proposed alterations to the host dwelling would not detrimentally impact the street scene. Lastly, the case officer notes Paddocks Orchard is of no architectural importance, suggesting the proposed alterations would not cause excessive harm to the existing building. Therefore,

it is judged the proposal has an acceptable standard of design and comply with policies CS1 and PSP38.

5.9 Residential Amenity

Policy PSP38 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. Further to this, Policy PSP8 states development proposals are acceptable, provided they do not create unacceptable living conditions or result in unacceptable impacts on residential amenities. These are outlined as follows (but are not restricted to): loss of privacy and overlooking; overbearing and dominant impact; loss of light; noise or disturbance; and, odours, fumes or vibrations.

***Alterations to Host Dwelling***

5.10 With regard to the proposed alterations on the existing dwelling, the main amenity issues to evaluate are the ground floor rear extension and first floor extension. Addressing the former, the case officer notes the works would largely replace existing built form, with significant distances separating the extension between adjoining neighbours. It is therefore considered the rear extension would not result in any unreasonable impacts as described above.

5.11 With regard to the proposed first floor extension, the case officer notes that whilst there is likely to be an element of overshadowing to the neighbouring property (Stonelands), the impact to their living conditions would not be significant enough to refuse permission. However, as the proposed extension seeks to include a side facing window (and taking account of neighbour comment), there is also likely to be a degree of overlooking towards the property. Notwithstanding this, it is noted there is an existing first floor window in the side elevation of Paddocks Orchard. This would essentially be replaced by the proposed and as such, it is considered the first floor extension would not exacerbate the existing overlooking.

***Annex***

5.12 Strong objections were initially raised to the annex based on amenity concerns. However, given the sitting, scale and location of the single storey annex, the development would not prejudice the amenities of neighbouring properties nor would it create unacceptable living conditions. The case officer refers to earlier comment made in section 4 of the report. However, it is noted that the revised sitting is now within close proximity to shared boundary of the Stonelands (approximately 3.7 meters), but, the distance between the annex and the property exceeds 30 meters and would be screened by a large garage.

5.13 Overall, it is considered that the amenity of both residents (New House and Stonelands) would be adequately preserved and the proposed development would comply with policies PSP8 and PSP38.

5.14 Transport (Access and Parking)

Policy PSP16 sets out the Council's criteria for parking specifications. It states that parking space provision per dwellinghouse is proportionate to bedroom number. For the purposes of clarity and in respect to the Parish's comment, the combination of annex and first floor extension would constitute a requirement of

2no. parking spaces for the site. There has been no dedicated parking plan submitted as part of the evidence for this application, but the case officer notes the 'Proposed Site Plan' (Drawing No.1745-04) reveals a hardstanding area of land forward of the existing principle elevation (within the site boundary) that measures at minimum, 8 meters by 10 meters. This exceeds well beyond the required capacities of PSP16 and as such, the proposal would have no impact on existing vehicular access and would comply with policy PSP16 and the Council's Residential Parking Standards SPD 2013.

#### 5.15 Private Amenity Standards

Policy PSP43 states that residential units, including those that are subject to development (and in this case includes the proposed annex), are expected to have access to private amenity space that is: functional and safe; of a sufficient size in relation to occupants; and, be easily accessible. As the proposal seeks to increase living accommodation for the host property and due to the scale of the annex, as well as both buildings having access to a substantial garden, the case officer is satisfied private amenity space standards would be acceptable. Therefore, the proposal would comply with PSP43.

#### 5.16 Consideration of likely impact on Equalities

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

5.17 With regards to the above, this planning application 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 conditions.

**CONDITIONS**

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

## Reason

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

2. The annex hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Paddocks Orchard, Harry Stoke Road, Stoke Gifford, South Gloucestershire, BS34 8QH.

## Reason

The development has been permitted on the particular circumstances of the case and the development would require further assessment to be used as a separate residential dwelling with regard to internal dimensions of the annex, amenity, access, and private amenity space, to accord with policies CS1 and CS8 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013; policies PSP8, PSP16, PSP38, and PSP43 of the South Gloucestershire Local Plan Policies, Sites and Places Plan (Adopted) November 2017; and the NPPF.

3. The hours of working on site during the period of construction shall be restricted to

Monday - Friday.....7:30am - 6:00pm

Saturday.....8:00am - 1:00pm

No working shall take place on Sundays or Public Holidays.

The term working shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site

## Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy (E3/E4/E6\*) of the South Gloucestershire Local Plan (Adopted) January 2006; and the provisions of the National Planning Policy Framework. (\* delete as appropriate)

4. The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below:

## Location Plan

Block Plan (1745-01:A)

Existing Plans (1745-02)

Existing Elevations and Section (1745-03)

Proposed Site Plan (1745-04:A)

Proposed Plan (1745-05:C)

Proposed Elevations (1745-06:C)

Granny Annex: Proposed Plans, Elevations and Section (1745-08:A)

## Reason

To define the terms and extent of the permission.

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

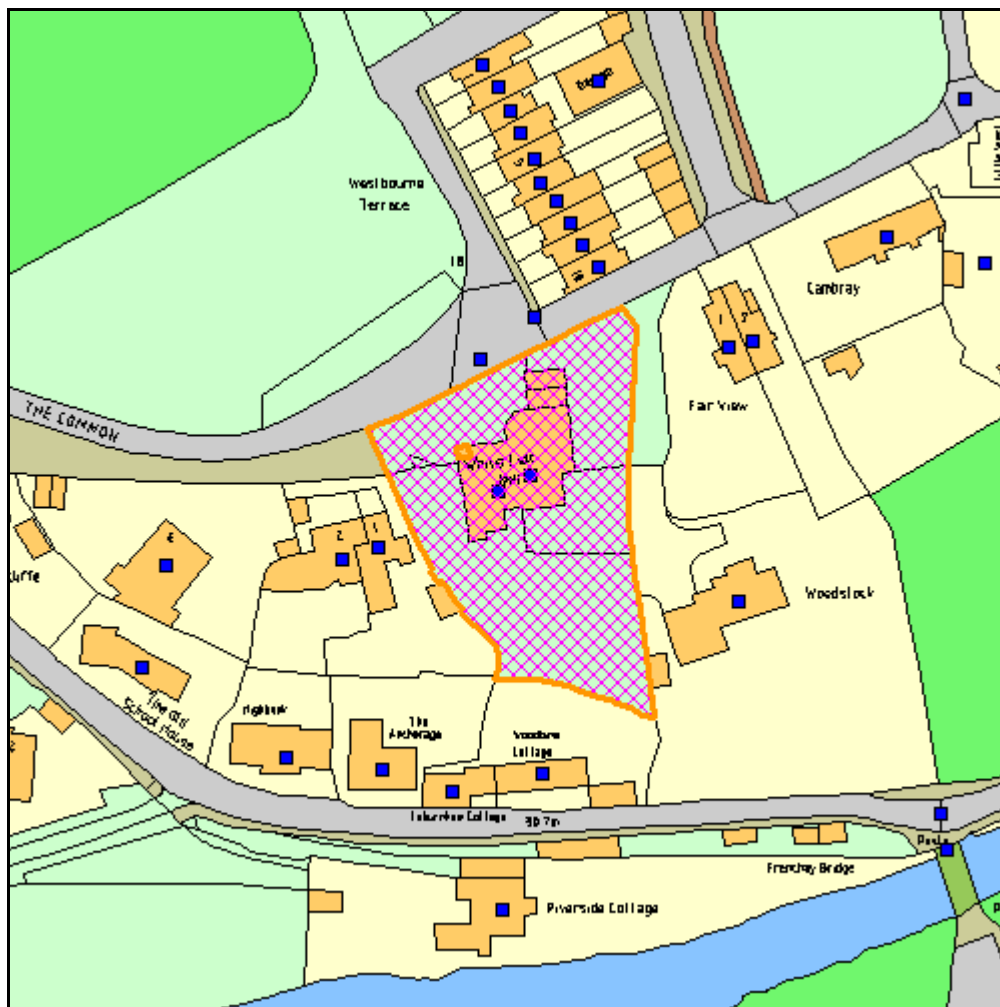
In dealing with this planning application the Local Planning Authority has worked with the applicant in a positive and proactive manner by conducting a thorough assessment with the case officer providing opportunity to amend plans.

**Case Officer: Ben France**

**Authorising Officer: David Stockdale**

**CIRCULATED SCHEDULE NO. 05/21 -5th February 2021**

<b>App No.:</b>	P20/20115/F	<b>Applicant:</b>	Mr Marcus Pope Greene King
<b>Site:</b>	White Lion Frenchay Common Frenchay South Gloucestershire BS16 1LZ	<b>Date Reg:</b>	3rd November 2020
<b>Proposal:</b>	Erection of new outside bar, installation of resin path, external lighting, timber pergola and new footpath access and associated works	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	363924 177283	<b>Ward:</b>	Frenchay And Downend
<b>Application Category:</b>	Minor	<b>Target Date:</b>	23rd December 2020



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

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

This application appears on the Council's Circulated Schedule procedure following an objection by the Parish Council and 7no letters from local residents, contrary of the officer recommendation detailed below.

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## **1. THE PROPOSAL**

- 1.1 Full planning permission is sought for the erection of new outside bar, installation of resin path, external lighting, timber pergola and new footpath access and associated works at the White Lion, Frenchay Common, Frenchay.
- 1.2 The proposed development sits within the curtilage of a Grade II listed public house which is within the Frenchay Conservation Area. The site is within the settlement boundary located and adjacent to Frenchay Common which forms a site of Nature Conservation Interest. No other restrictive designations apply.
- 1.3 The proposed development has been amended since the point of submission so to omit the high level fencing previously proposed to the rear of the site.

## **2. POLICY CONTEXT**

### **2.1 National Guidance**

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

### **2.2 Development Plans**

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

CS1	High Quality Design
CS4a	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS9	Managing the Environment and Heritage
CS23	Community Infrastructure and Cultural Activity

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

PSP1	Local Distinctiveness
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP19	Wider Biodiversity
PSP34	Public Houses

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

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

- 3.1 No relative planning history.

### 4. **CONSULTATION RESPONSES**

#### 4.1 Parish/Town Council

Winterbourne Parish Council – Objection

*“The Parish Council are uncomfortable making a decision with the limited amount of information in the application. There are concerns regarding the impact on local residents of the new lighting, pergola and large fencing. A member of the public attended the meeting to raise concerns for herself, a neighbour, and other residents. The main points of concern were the noise impact, a possible extension to licensing times, invasion of privacy with the new pergola and the unsightly large fence. It was also questioned whether a new licence was required to serve alcohol outdoors.”*

#### 4.2 Other Consultees

Highway Structures – No comment.

Lead Local Flood Authority – No objection.

Sustainable Transport – No objection.

Listed Buildings Officer – No objection subject to securing a neutral colour to the Jumbrellas.

Environmental Protection – No comment received.

Designing Out Crime Officer – No objection subject to informatives.

Ecology Officer – No objections subject to conditions.

#### **Other Representations**

##### 4.3 Local Residents

7 letters of objection have been received by the council, the comments have been summarised into the following key points:

- Increased disturbance by noise and lighting;
- Loss of privacy;
- Increased levels of litter;
- Loss of view
- Out of keeping;
- Increased traffic
- Increased trespassers; and
- Poor health and safety.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

Policy CS23 seeks to enhance the quality of existing community infrastructure, inclusive of local pubs. The proposed works to the White Lion are therefore acceptable in principle. It is important to note that the host building is Grade II listed and sits within the Frenchay Conservation Area. As such substantial weight is afforded to the preservation and conservation of these heritage assets.

### 5.2 Design and Heritage Asset

Local Plan Policies CS9 and PSP17 seek to conserve and enhance heritage assets, this is supported by Policy CS1 which seeks the highest standard of design.

5.3 It is considered that in light of the characteristics of the existing curtilage and the design, scale and siting of the proposals, the existing setting of the Grade II listed public house would not be changed sufficiently as to cause harm to its significance. It is also considered that while the 2no. "jumbrellas" to the front boundary would be the most prominent aspects of the development proposals, they would be experienced in the context of the setting of a public house. Confirmed as being back, they would not be seen as being intrusive. The proposed high level fencing at the rear of the site has now been removed after being seen as an intrusive element, which would not respect the character or context of the site. Subject to a condition to ensure the jumbrellas are black, the proposed development would not result in harm to the special interests of the designated heritage assets.

5.4 There is a duty placed on the Council under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 when planning permission for any works to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Under Section 72 of the same Act, it is the Council's duty to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. It is considered that full consideration has been given to these duties and the proposal is considered acceptable in this regard.

### Residential Amenity

5.5 Policy PSP8 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 outlines the types of issues that could result in an unacceptable impact.
- 5.6 It is noted that several comments have been received from local residents relating to increased levels of disturbance as a result of the proposed development. Whilst the proposed development would improve the outside experience for patrons, there would not be a significant increase to the outside use. In this context, the applicant has provided a breakdown of cover numbers for each area: the front garden would increase from 84 to 92, the rear side garden would increase from 69 to 76, and the rear garden would increase from 68 to 72. In total, this would increase the number of covers from 221 to 240 (8.5% increase). As such, disturbance by virtue of noise levels would not be significantly increased. Albeit, levels of noise and disturbance are controlled under separate jurisdiction away from planning policy – with government advice being not to overlap policy. Should problems arise in the future, the councils Environmental Health team could take action. With regard to a loss of privacy, the proposed plans would not create any new areas which would result in any unreasonable overlooking impacts to neighbouring residents.
- 5.7 Whilst Officers note the concerns of local residents to litter, there is no specific evidence before Officers to suggest that the disposal of waste could not be adequately dealt with by the business or that the proposed development would result in additional litter being dropped by future customers in the surrounding area. Whilst Officers appreciate the concerns of local residents, there is also little information to suggest that the proposed use would necessarily result in anti-social behaviour, trespassing, or poor health and safety should this application to succeed. The application has been reviewed by the Crime Prevention Design Officer from Avon and Somerset Police, with no objections raised.
- Transport
- 5.8 Having viewed the application and visited the site to see the parking situation, Officers are satisfied that there is no transportation objection to the proposal. Motorists who park illegally and indiscriminately would be committing offences and are at risk of being dealt with accordingly. The development would not result in any noticeable impact to increased traffic levels. No objections have been raised by transport and highways officers.
- Ecology
- 5.9 The proposed development has been reviewed by the council's ecologist, and subject to a condition to ensure outside lighting is switched off at the end of the day no objections are raised.
- 5.10 Consideration of likely impact on Equalities  
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could

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

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

## **6. CONCLUSION**

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

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

## **7. RECOMMENDATION**

7.1 GRANT PLANNING PERMISSION subject to conditions.

### **CONDITIONS**

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

Reason

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

2. The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below:

Received by the council on 19/1/2021: Festoon Detail; Festoon Elevation; Proposed Plan (Rev B). Received by the council on 15/10/2020: Existing Layout Plans; Proposed Outside Bar Plans; The Location Plan.

Reason: To define the terms and extent of the permission.

3. The 'Jumbrellas' hereby granted permission must be of a neutral colour, being a shade of either Black, White, or Off-White.

Reason: To ensure the special interests of the heritage assets are preserved in accordance with policies CS9 and PSP17 of the SG Local Plan and the provisions of the NPPF.

4. The outside lighting hereby granted permission must be fully switched-off between the hours of 23:30 and 08:00 each day. Any additional lighting is to be submitted to the local authority for review.

Reason: In the interests of wider biodiversity and protected species, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and Policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted (2017) and the National Planning Policy Framework. With further regard to the species protected under the Conservation of Habitats & Species Regulations 2017 ('European Protected Species) and Wildlife & Countryside Act 1981 (as amended).

**IN ACCORDANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) ORDER 2015.**

**POSITIVE AND PROACTIVE STATEMENT:**

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

**Case Officer: Thomas Smith**

**Authorising Officer: Marie Bath**

**CIRCULATED SCHEDULE NO. 05/21 -5th February 2021**

<b>App No.:</b>	P20/21354/F	<b>Applicant:</b>	Mr and Mrs Chris and Rachel Terrett
<b>Site:</b>	Buildings At Knights View Shepperdine Road Oldbury On Severn South Gloucestershire BS35 1RN	<b>Date Reg:</b>	3rd November 2020
<b>Proposal:</b>	Partial demolition of existing buildings. Conversion of agricultural building to single dwellinghouse (Use Class C3) Change of use of agricultural building to ancillary residential use. Change of use of an agricultural building to office use (Use Class E) with associated works	<b>Parish:</b>	Oldbury-on-Severn Parish Council
<b>Map Ref:</b>	361448 194595	<b>Ward:</b>	Severn Vale
<b>Application Category:</b>	Minor	<b>Target Date:</b>	25th December 2020



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100023410, 2008.

N.T.S.

P20/21354/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 APPEARING ON CIRCULATED SCHEDULE**

This application appears on the Council's Circulated Schedule procedure following 7 public comments in support of the application, contrary of the officer recommendation detailed below. It should be noted, however, that this application has been recommended for a SPLIT DECISION which would address a number of the concerns raised.

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## **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for partial demolition of existing buildings and the conversion of an agricultural building to a single dwellinghouse (Use Class C3). In addition, the application proposes the change of use of agricultural building to ancillary residential use, and the change of use of another agricultural building to office use (Use Class E) with associated works at Knights View, Shepperdine Road, Oldbury on Severn.
- 1.2 The application site is located outside of the settlement boundary and is therefore classed as being within an open countryside location. No other restrictive designations apply.

## **2. POLICY CONTEXT**

### **2.1 National Guidance**

National Planning Policy Framework  
National Planning Policy Guidance

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

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

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP19	Wider Biodiversity
PSP40	Residential Development in the Countryside

### **2.3 Supplementary Planning Guidance**

Design Checklist SPD (Adopted) August 2007  
Residential Parking Standard SPD (Adopted) December 2013  
Landscape Character Assessment SPD (Adopted) November 2014



CIL and S106 SPD (Adopted) March 2015  
Waste Collection SPD (Adopted) January 2015 (updated March 2017)

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

- 3.1 Ref. P20/10619/PNGR. Prior Approval Refused, 10/8/2020.  
Proposal: *Prior notification of a change of use from 1 No. agricultural building to 1 No. residential dwelling (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) to include operational development.*  
Reasons for refusal:
1. *The proposed change of use of the existing agricultural building into one dwelling would require building operations in excess of that which is considered reasonably necessary for the building to function as dwellinghouses. This is by virtue of the need for a significant amount of block work, replacement roof of the entire building, weatherproofing the exiting elevations, potential re-cladding and works required to the existing floor. As such the building is not capable of being converted and works would constitute a rebuild rather than a conversion. The proposal therefore fails to accord with paragraph Q (b) and Q.1(i) of Part 3 of the Second Schedule of the Town and Country Planning (General Permitted Development) (England) Order 2015. Therefore the proposal would not be permitted development.*
  2. *Under paragraph Q.2(1) (d), Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) (Order) 2015, the Local Planning Authority needs to consider the flooding risks on the site. The application site is subject to high risk of flooding and it is situate within Flood Zone 3 with benefiting from flood defences. Whilst a Flood Risk Assessment has been submitted, a breach in the defences has only been considered for the current day situation. This shows that flood levels would be considerable exceeding the height of the first floor of the proposed development in such an event. The risk to life would be "Danger to All" in line with Table 12.2 of FD2320 due to the proximity of the development to the defences. Evacuation would be difficult if not impossible based on the predicted flood depths, and the proposals will introduce new users into the floodplain increasing the burden on emergency services. Accordingly, the proposal would fail to demonstrate that the future residents and properties would be kept safe from flood hazards. In accordance with Schedule 2, Part 3, Paragraph W.3(b) of the Order, the proposed development should therefore be refused.*
  3. *Given the sitting of the proposed dwelling relative to the existing agricultural units, the proposed residential dwelling would be subject to a degree of unreasonable disturbance, resulting in harm to the living conditions of future occupiers. As such this makes it impractical and undesirable for the building to change from agricultural use to a use falling within Class C3.*

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

- 4.1 Oldbury-on-Severn Parish Council  
No comment received.
- 4.2 Public Rights of Way  
No objections subject to informatives.
- 4.3 Landscape Officer  
No objection subject to conditions.
- 4.4 Lead Local Flood Authority  
No objection.
- 4.5 Sustainable Transport  
No objection.
- 4.6 Archaeology  
No comments.
- 4.8 Ecology Officer  
No objection subject to conditions.
- 4.9 Environmental Protection  
No objection subject to informatives and conditions.
- 4.10 Lower Severn Drainage Board – No comment received.

#### **Other Representations**

- 4.3 Local Residents  
7 comments have been received from local residents in support of the proposed development.

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

- 5.1 Principle of Development  
The application site is located within a rural area, as defined by policy CS5 and CS34 and the proposals maps, with residential development in these areas being strictly controlled. Policy PSP40 however allows for the conversion or reuse of existing buildings for residential purposes subject to a set criteria.

- Permanent and Substantial Construction*
- 5.2 It is important to note that a Prior Approval Application (ref. P20/10619/PNGR) was recently submitted and refused by the council, forming a material consideration relative to this proposal. In summary, it was concluded that the operational development required was greater than that which could be considered a 'conversion' and the development was tantamount to a new

dwelling in the countryside, subsequently failing to comply with the very first hurdles of Class Q of the NPPF (full refusal reason(s) given above).

- 5.3 The same structural survey has been submitted, whilst limited in detail and with no detail regarding the professional qualifications held by the author, the report conclude that the blockwork, stonework and steel frame are structurally sound.
- 5.4 Nonetheless, the first test for the conversion and re-use of an existing building for residential purposes as per policy PSP40 is that the building is of a permanent and substantial construction. There is no doubt that the building is of a permanent construction having stood *in-situ* for a number of years and cannot be moved without significant engineering operations.
- 5.5 However, concern is drawn to the second element, whereby the building must be of a substantial construction. A fundamental aspect of PSP40 is that the building must be capable of conversion and re-use. Re-use does not imply operational development; it would allow for an alternative use to take place. However, conversion would allow for works necessary to facilitate the alternative use but would implies that those works should be limited in nature and would not endorse the wholesale rebuilding or substantial works to enable the alternative use. In other words, the building must be capable of conversion in more or less of its existing state.
- 5.6 Whilst the structural survey states that the building is suitable for conversion and is structurally sound, it forms a matter of planning judgement to determine whether the works proposed are beyond that considered reasonable necessary as part of a conversion and whether or not the building is of substantial construction. Whilst a building may be structurally sound, this does not imply that the building is capable of conversion or is indeed substantial. At this point an examination into recent appeal decisions can assist into what constitutes a rebuild as oppose to a conversion.
- 5.7 In the Appeal Ref. APP/F0114/W/20/3251845, the Inspector stated:

*“As development is only permitted under Class Q ‘to convert the building’ this in my view requires the building to be sufficiently substantial to be capable of accommodating the works proposed without being rebuilt”*

- 5.8 The Inspector continued to state:

*“Even if the roof does not require replacement, substantial works to at least three of the five external planes of the building (four elevations and a roof) demonstrates that more than 50% of the existing structure requires some form of substantial building operation. In addition, a completely new frontage is required in order to weather seal the building. Consequently, it appears that generally speaking more of the building needs to be subject to building operations than not.*

*“The conclusions appear to be based on assumptions about how the final proposal will interface with load bearing structure and not actual detailed assessment of the specific proposal. Notwithstanding this*

*uncertainty, even if it could be proven that the building was structurally sufficient to support additional building operations and structural elements proposed, it would not change my conclusion about the amount of rebuilding required.*

*“To be clear, works may be reasonably necessary for the building to function as a dwellinghouse, but cumulatively these works should not amount to rebuilding rather than conversion”*

- 5.9 In a separate appeal, Ref. APP/K2420/W/19/3236060, the Inspector assessed a building that is comparable to the one covered by this application:

*“[...] Building 2 is a... pitched steel framed building which the evidence suggests was for livestock. It has a lean to extension to one side. The steel frame is built on a concrete pad foundation and supports a profile sheet roof. The side walls are constructed of single skin concrete blockwork part way up, with the remainder in timber slats. There are large openings in the front and rear elevations of the building...”*

- 5.10 The inspector subsequently commented on the structural statement:

*“The appellant has provided details to demonstrate that the building are structurally sound. I have no reason to doubt them, Indeed, I would expect a relatively modern farm building erected around and supported by a rigid steel frame to be so...”*

- 5.11 Commenting on the Schedule of Works provided for building 2, the Inspector stated:

*“[...] It seems that the entirety of the roof covering of each of these buildings would be removed and it does not look like they would be re used. It appears from the evidence that the existing concrete blockwork in the case of both building 2 and 3 would be retained. The schedule of works explains that works to the walls would include some limited blockwork and the visuals I have seen do show timber cladding for the majority of the walls but given its existing weathered condition and the fact that in the case of building 2 it does not meet the blockwork in a number of places new timber work would more than likely not be used. The entire side elevation of building 3 is absent from the ground to the eaves. This would require an entirely new wall from the ground up which would be a substantial amount of new building work in itself.*

- 5.12 The Inspector continued to state:

*“In order to facilitate the change of use proposed, and based on what I have seen, buildings 2 and 3 would be stripped back to what is essentially a skeletal form. That being the metal frame with blockwork to its lower sections. Whilst this blockwork would be retained, it forms a contextually small percentage of each wall in the case of both buildings. In effect, more wall would be new than there is existing. Even more so in the case of the creation of the plots as part of building 2 and the wholly*

*new wall to building 3. There would be an entirely new roof covering in the case of building 2 and 3.”*

- 5.13 The inspector concluded that the amount and scale of new building work would take the project out of a conversion and into a rebuild.
- 5.14 It is important to note that the appeals referenced above refer to development assessed under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended. This is oppose to the provisions of the local development plan - as per this application. However, in both instances the spirit between them remains very much same, with both sets of policy requiring the building to be of a substantial construction so not to constitute a re build.
- 5.15 Significant works would be required to enable this building to function as a dwellinghouse. The proposal would require the erection of a new elements construction to the northeast elevation – as existing the barn for conversion utilises the existing wall of the neighbouring agricultural unit, for which the roofing (corrugated fibre cement board is attached). In other words, should the neighbouring barn be removed, the side of the application site would be open – thus requiring the provision of a substantial wall where currently there is none. Furthermore, the main roof would need replacing and insulating. It is also stated within the supporting statement that the existing timber spaced boarding will be replaced where necessary, with the structural survey stating they are sound and functional for an ‘agricultural building’. Whilst officers do not disagree they are sound and functional for the barn in its existing use, considerable doubts are raised as to whether they would be suitable for the conversion to a residential dwelling.
- 5.16 No information has been provided on how the insulation and weatherproofing on the upper section on of the structure would be achieved behind the existing *hit and miss* timber cladding – its considered more than likely that a substantial amount of studwork/ blockwork would be required. With further regard to the existing timber cladding, it is evident from the photos within the structural survey they are sufficiently worn with some signs of damage and decay – it is therefore not considered unreasonable to assume that considerable replacements would be needed. Further operational development would be required for the formation of the front porch and cut-in window. No detail of works to the ground floor have been provided, however the section diagram indicates that a large section of the ground floor of the primary living accommodation would be raised. Due to its current use, it is highly unlikely that sufficient underfloor insulation is present, thus increasing the required development to enable the building to function as a dwellinghouse.
- 5.17 As such, in order to facilitate the change of use proposed, the barn would be stripped back to what is essentially a skeletal form – being the steel frame and blockwork to its lower sections. Whilst some blockwork would be retained, it forms a contextually small percentage of the building. In effect, there would be more newly constructed elements than existing.

5.18 Therefore, with regard to the assessment above, it must be concluded that the operational development required to facilitate the use of this building as a residential dwelling go beyond that which can be reasonable considered necessary as part of a conversion. The existing building cannot therefore be regarded as being substantial. The proposed development therefore fails to comply with the provisions of policy PSP40 in this regard.

5.19 *Operation to Working Farm*

Regarding the current operation, the applicant' planning statement states that he unit extends to approximately 49.4 hectares, with all agricultural land on the holding is down to pasture and has been operating a beef enterprise holding for approximately 50 years. It specifics that cattle are accommodated in some of the buildings during the winter months. Furthermore, it is stated that the agricultural business is in the process of amending its business model and over-wintering store cattle can be expensive in terms of purchasing straw and feed concentrate, with summer finishing to become the primary focus of the ongoing beef enterprise and as such, buildings 1 and 2 will no longer be required.

5.20 With buildings 1 and 2 both being used for the over-wintering of cattle set for a residential use and ancillary residential outbuilding, building 3 being used for a mix of agricultural/domestic storage and set for partial demolition, building 4 being impractical, and building 5 being in poor condition set for demolition, concern is raised where cattle and agricultural equipment will be stored. It becomes apparent that the large majority of structures associated with the operations of the farm would be severely diminished. Whilst the applicant has stated that the business model is changing to focus on summer finishing, no detail has been provided as to where (and how many) cattle, fodder and machinery would be accommodated. Whilst considering the scale of the wider agricultural unit, the remaining barn located the northwest is unlikely to be sufficient. As such, should the proposed development take place, there would likely be an adverse effect on the operation of the working operation.

5.20 Parts iii and iv of subsection 4 of PSP40 are not viewed as being overly relevant to the proposal as no extensions are proposed. No objections are raised in relation to the demolition of the buildings in terms of impact to its immediate setting.

New Dwelling

5.21 As the proposal has been found not to comprise a conversion, assessment should be made as to whether a new dwelling (i.e. a replacement building) would be acceptable.

5.22 PSP40 does not allow for new residential dwellings in the countryside unless for a specific purpose; the proposal would not fall into any of the identified categories and therefore would fail to comply with this aspect of the policy.

5.23 Office

The proposed development includes the proposed change of use of a small agricultural building to an office (Use Class E). This is regarded as a town

centre use and would normally be directed to town and district centres. However, the NPPF does not expect the sequential approach to be applied to small scale rural offices to assist rural enterprises to thrive sustainably. Considering the micro scale of the proposed office, there would only be a negligible change to vehicle movements as confirmed by transport officers. As such, no objections are raised to this element.

#### 5.24 Design and Appearance

Although the design was not discussed in detail within the prior approval application, the assessment under the local development plan provides an opportunity to revisit the design proposal. The resulting dwelling is proposed to incorporate the existing structure, as such, the size, scale and mass would remain as existing, no objections are raised in this regard. However, the proposed fenestration structure, opening up of elevations and closing of voids, specifically to the northwest, southwest and southeast elevations do not respect the alignment of openings, proportions, and the existing architectural character of the host building. The resultant impact being a loss of character to a seemingly simple architectural structure, as such it cannot be viewed as being a high quality design that respects and enhances the character, distinctiveness and amenity of both the site and its context.

#### 5.25 Residential Amenity

Due to the sitting of the proposed conversion, the proposed dwelling would not result in an unacceptable overbearing or overlooking upon the neighbouring occupiers. Furthermore, the proposed outside private amenity space is above the required minimum as per policy PSP43. As such, the proposal considered to be acceptable in terms of residential and private amenity. Albeit, the adjacent barn outside of the red line plan is in close proximity to the northwest elevation, whilst no detail regarding the use of this building has been provided, it would likely remain for other agricultural purposes beyond the control of the council. As such a degree of disturbance smell, noise and disturbance at the detriment to the living conditions of future occupiers.

#### 5.26 Access and Parking

This site is located in a rural area, therefore, it would not accord with the requirements of Policy PSP11 of the adopted South Gloucestershire Local Plan: Policies, Sites and Places document in terms of juxtaposition to necessary facilities and access by all travel modes. Nevertheless, it is considered that the proposal would not create a significant amount of new traffic, nor would produce any highways or transportation issues which could be considered to be severe. In terms of parking provision, the proposal would comply with the minimum residential parking standards. Furthermore, the existing access would not be altered. Subject to conditions, no highway objections are raised.

#### 5.27 Ecology consideration

A Preliminary Ecological Appraisal Report (Smart Ecology, May 2020) and a Bat Survey Report (Smart Ecology, August 2020) were submitted with the application. Officers have reviewed the submitted documents and are satisfied with the proposed mitigation strategy and precautionary measures. Subject to conditions, there is no ecological objection.

#### 5.28 Potential contamination

This current application provides an extensive scheme of conversion and change of use relating to 5 buildings on site. Due to the past agricultural use of the site there is a potential for contamination which could give rise to unacceptable risks to the proposed development. Subject to conditions ensuring that the site is suitable for its proposed use and in accordance with the NPPF, no objections are raised.

#### 5.29 Flooding and Drainage

The application site sits within Flood Zone 3 and benefits from existing flood defences. A FRA has been submitted and deemed acceptable by officers.

### 6. CONCLUSION

6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise. The recommendation to issue a split decision 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 It is recommended that a SPLIT DECISION is issued in which:

Planning permission for the barn conversion (building no.1) to a residential dwelling; change of use of building no.2 from an agricultural building to a residential ancillary outbuilding; and partial demolition of building no.3 is REFUSED for the reason below.

Planning permission for the office conversion (building no.4), the demolition of building no.5, is APPROVED subject to the conditions listed below.

### CONDITIONS

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

Reason

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

2. The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below:

Received by the council on 30 October 2020: EXISTING ELEVATION PLANS; EXISTING GROUND FLOOR PLANS; PROPOSED BLOCK PLAN; PROPOSED ELEVATION PLANS; PROPOSED GROUND FLOOR PLANS; THE LOCATION PLAN.



Reason: To define the terms and extent of the permission.

3. Prior to first occupation or use of the proposed officer hereby granted permission, the following shall be submitted and approved by the Local Planning Authority:

A) Desk Study - Previous historic uses(s) of the site may have given rise to contamination. No development shall commence until an assessment of the risks posed by any contamination shall have been carried out and submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175 Investigation of potentially contaminated sites and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site.

B) Intrusive Investigation/Remediation Strategy - Where following the risk assessment referred to in (A), land affected by contamination is found which could pose unacceptable risks, no development shall take place until detailed site investigations of the areas affected have been carried out. The investigation shall include surveys/sampling and/or monitoring, to identify the extent, scale and nature of contamination. A report shall be submitted for the written approval of the local planning authority and include a conceptual model of the potential risks to human health; property/buildings and service pipes; adjoining land; ground waters and surface waters; and ecological systems.

Where unacceptable risks are identified, the report submitted shall include an appraisal of available remediation options; the proposed remediation objectives or criteria and identification of the preferred remediation option(s). The programme of the works to be undertaken should be described in detail and the methodology that will be applied to verify the works have been satisfactorily completed.

The approved remediation scheme shall be carried out before the development (or relevant phase of development) is occupied.

C) Verification Strategy - Prior to first occupation, where works have been required to mitigate contaminants (under condition B) a report providing details of the verification demonstrating that all necessary remediation works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.

Any contamination found during the course of construction of the development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found additional remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development (or relevant phase of development) is resumed or continued.

## Reason:

To avoid remedial action and due to the past agricultural use of the site there is a potential for contamination which could give rise to unacceptable risks to the proposed development. In order to ensure that the site is suitable for its proposed use and to comply with the provisions of the NPPF.

4. The development shall proceed in strict accordance with the Mitigation Measures provided in the Preliminary Ecological Appraisal Report (Smart Ecology, May 2020) and Bat Survey Report (Smart Ecology, August 2020) which includes a precautionary working approach for roosting bats, sensitive timing for nesting birds and reasonable avoidance measures for Great Crested Newts.

## Reason:

To ensure the works are carried out in an appropriate manner and in the interests of wider biodiversity, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and Policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted (2017) and the National Planning Policy Framework. With further regard to the species protected under the Conservation of Habitats & Species Regulations 2017 ('European Protected Species) and Wildlife & Countryside Act 1981 (as amended).

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

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

## Reason:

To ensure the works are carried out in an appropriate manner and in the interests of wider biodiversity, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and Policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted (2017) and the National Planning Policy Framework. With further regard to the species protected under the Conservation of Habitats & Species Regulations 2017 ('European Protected Species) and Wildlife & Countryside Act 1981 (as amended).

6. Prior to first occupation or use, evidence of the installation of the ecological enhancement features recommended in the Preliminary Ecological Appraisal Report (Smart Ecology, May 2020) and Bat Survey Report (Smart Ecology, August 2020) shall be submitted to the local planning authority for approval in writing. This shall include, but is not limited to bird boxes and bat boxes.

Reason:

To ensure the works are carried out in an appropriate manner and in the interests of wider biodiversity, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and Policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted (2017) and the National Planning Policy Framework. With further regard to the species protected under the Conservation of Habitats & Species Regulations 2017 ('European Protected Species) and Wildlife & Countryside Act 1981 (as amended).

1. The proposed barn conversion contained within this application cannot be considered a conversion due to the extent of operational development proposed. It is not clear that the operational development indicated on the submitted plans reflects the works necessary to convert the building to a residential use and the level of work required therefore goes beyond that which is considered to be reasonably necessary for the building to function as a dwelling. If considered as a new build, the proposal would be situated in a location which is not identified in the Development Plan as being suitable for further residential development. A new dwelling in this location is harmful and the proposed development is contrary to policy CS4A, CS5 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; policy PSP40 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and, the provisions of the National Planning Policy Framework.
2. Due to the majority of working farm buildings that would be lost as a result of the proposed barn and office conversion, and with no detail provided as to the future store of cattle, fodder and machinery, there would likely be an adverse effect to the operation of the working farm. The proposed development is therefore contrary to policy PSP40 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.
3. The proposed barn conversion, if built, by reasons of its overall design would fail to respect and enhance the character, distinctiveness and amenity of both the site and its context. The proposed development therefore fails to comply with Policy PSP1, PSP38 and PSP40 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 and Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.
4. The proposed barn conversion, if built, would likely have an unacceptable impact on the amenity of occupiers of the development by reasons of potential smell, noise and disturbance from the agricultural workings associated with the adjacent barn to the northwest of the site. The proposed development therefore fails to comply with Policy PSP8 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

**IN ACCORDANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) ORDER 2015.**

**POSITIVE AND PROACTIVE STATEMENT:**

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

**Case Officer: Thomas Smith**

**Authorising Officer: Marie Bath**