

# 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: 31/21**

**Date to Members: 06/08/2021**

**Member's Deadline: 12/08/2021 (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 listed below a-f where a representation is received within the notification period which is contrary to the officers recommendation from the Parish or Town Council within whose boundary the proposal lies wholly or in part.

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

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

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

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

c. All applications for non-material amendments

d. All applications to discharge planning conditions

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

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

### **Additional guidance for Members**

Always make your referral request by email to [MemberReferral@southglos.gov.uk](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)

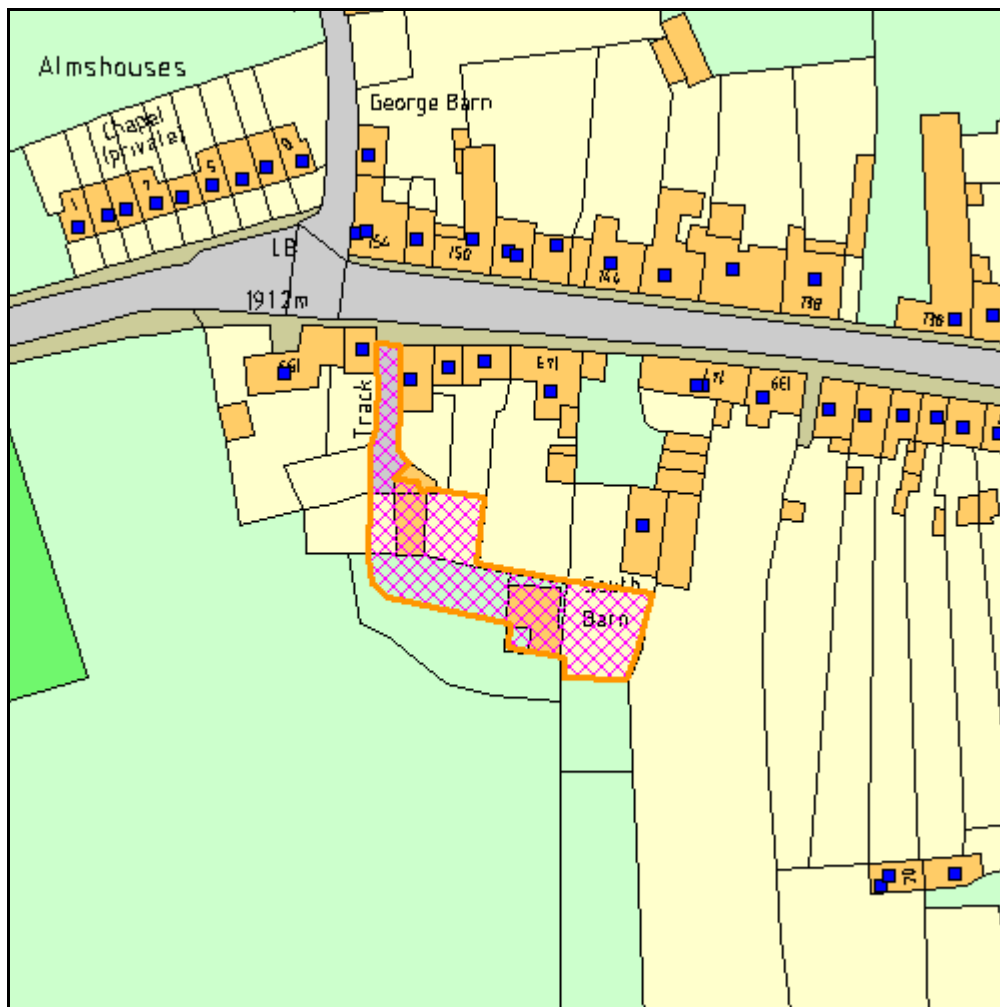
# CIRCULATED SCHEDULE -

## 06 August 2021

ITEM NO	APPLICATION N O	RECOMMENDATIO N	LOCATION	WARD	PARISH
1	<b>P20/13464/LB</b>	Approve with Conditions	Land To The Rear Of 143 High Street Marshfield South Gloucestershire SN14 8LU	Boyd Valley	Marshfield Parish Council
2	<b>P20/17297/F</b>	Approve with Conditions	Buildings And Land At Elm Farm Bristol Road Iron Acton South Gloucestershire BS37 9TF	Frampton Cotterell	Iron Acton Parish Council
3	<b>P20/19064/F</b>	Approve with Conditions	Buildings At Pool Farm Oldbury Lane Thornbury South Gloucestershire BS35 1RE	Severn Vale	Oldbury-on- Severn Parish Council
4	<b>P21/00784/F</b>	Approve with Conditions	7 Crispin Lane Thornbury South Gloucestershire BS35 2AY	Thornbury	Thornbury Town Council
5	<b>P21/02230/F</b>	Approve with Conditions	181 Church Road Frampton Cotterell South Gloucestershire BS36 2JX	Frampton Cotterell	Frampton Cotterell Parish Council
6	<b>P21/03142/F</b>	Approve with Conditions	8 Tippetts Road Kingswood South Gloucestershire BS15 8NS	Hanham	
7	<b>P21/03740/F</b>	Approve with Conditions	Land Adjacent Oaklands Court 20 Blackhorse Place Mangotsfield South Gloucestershire BS16 9AD	Emersons Green	Emersons Green Town Council
8	<b>P21/03958/F</b>	Approve with Conditions	Factory B Tower Lane Warmley South Gloucestershire BS30 8XT	Parkwall And Warmley	Siston Parish Council
9	<b>P21/04479/F</b>	Approve with Conditions	28 Grange Park Frenchay South Gloucestershire BS16 2SZ	Frenchay And Downend	Winterbourne Parish Council
10	<b>P21/04830/NMA</b>	Approve Non Material Amendment	Land Off New Passage Road, And The A403 (Severn Road) South Gloucestershire Severnside	Pilning And Severn Beach	Pilning And Severn Beach Parish Council

**CIRCULATED SCHEDULE NO. 31/21 - 6th August 2021**

<b>App No.:</b>	P20/13464/LB	<b>Applicant:</b>	Mr Bloomfield and Ms Button
<b>Site:</b>	Land To The Rear Of 143 High Street Marshfield South Gloucestershire SN14 8LU	<b>Date Reg:</b>	13th August 2020
<b>Proposal:</b>	Restoration and conversion of existing barns to form 1 no. dwelling and 1 no. annexe ancillary to main dwellinghouse and associated works (amendment to previous consent PK18/1193/LB).	<b>Parish:</b>	Marshfield Parish Council
<b>Map Ref:</b>	377456 173740	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Minor	<b>Target Date:</b>	7th October 2020



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P20/13464/LB

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

### **REASON FOR REFERRAL TO CIRCULATED SCHEDULE**

This application appears on the Circulated Schedule due to the receipt of four letters of objection from local residents.

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

1.1 The application seeks listed building consent for the conversion of the existing barns to form 1 no. dwelling and 1 no. annex ancillary to the main dwellinghouse. Planning and listed building has already been granted to establish the principle of development. This application effectively seeks consent to make some changes to the previously approved scheme. Because the application site is listed, the only way to make these changes is through the submission of a new Listed Building application.

1.2 The application site is located at the rear of 143 to 149 High Street, Marshfield and consists of an irregularly shaped site consisting of a Dutch barn (barn 2) with remains of a single storey stone barn alongside (barn 3), a further single storey stone barn (barn 1), parcels of land and an existing access drive which connects the site to the High Street. For the purposes of clarification which will be set out in the report only the Dutch barn (2) and the adjoining remains of the stone barn (3) are considered listed buildings and are therefore subject to this application.

1.3 The changes to the previously approved scheme are as follows:

Barn 1:

1. Change: Omit mullions + transoms from windows and single door. Reason: To create a more agricultural aesthetic in line with planning heritage DAS comment of the removal of domestic mullions and to improve thermal efficiency.

2. Change: Revise hardwood windows/doors to aluminium hidden frame - colour tbc Reason: To create 'hidden frame' matching windows/doors across all three barns and to improve the thermal efficiency.

3. Change: Internal room layout Reason: To facilitate an open plan layout style of living

4. Change: Extract grilles shown on west elevation Reason: Required for building regulations and there were none shown on the original planning documentation

Barn 2 & 3:

5. Change: Window mullions & transoms to South window and east door. Reason: To create a more agricultural aesthetic in line with planning heritage DAS comment of the removal of domestic mullions and to improve thermal efficiency.

6. Change: Widen proposed opening in wall between Barn 2 + Barn 3. Reason: To widen opening to facilitate an open plan arrangement to living. Reclaimed stone can then be reused elsewhere in the repair of stonework. The existing wall's character would be lost through repair and repointing.

7. Change: Reduce depth of entrance porch recess. Reason: To make a more useable internal entrance area and improve the buildability of the detail. The flush gable also creates a more authentic gable - true to the original form of the barn.

8. Change: Raise west window into shower room Reason: To lift window cill above sink height internally allowing for better detailing.

9. Change: Product change to upstand Lamilux type rooflight Reason: To improve the buildability and thermal performance

10. Change: Additional window to first floor south elevation shower room Reason: To enable natural daylight into enclosed proposed bathroom layout

11. Change: Internal room layout to Ground and First floors Reason: To facilitate an open plan layout style of living

12. Change: Extract grilles shown on west elevation Reason: Required for building regulations and there were none shown on the original planning documentation

Site:

13. Change: Reduce height of porch enclosing wall - reduced to 500mm AFFL Reason: Height is more in keeping with surrounding stone walls adjacent

14. Change: Propose an ASHP to be enclosed in the car yard adjacent to Barn 1 Reason: To improve the energy efficiency of the barns.

15. Change: All windows to be internally opening hidden frame. Reason: To increase the amount of natural ventilation available.

## **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)

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

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

CS1 High Quality Design

CS9 Managing the Environment and Heritage

### **2.3 Supplementary Planning Guidance**

PSP17 Heritage Assets and the Historic Environment



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

- 3.1 P20/23795/RVC Variation of condition 10 attached to planning permission PK17/4786/F to amend the approved plans. Conversion of existing barns to form 1 no. dwelling and 1 no. annexe ancillary to main dwellinghouse and associated works.  
Pending consideration
- 3.2 P20/13766/NMA Non Material amendments to planning permission PK17/4786/F to amend the window types, create a new opening, to amend the internal layout and amend the porch.  
Objection Sept 2020
- 3.3 PK18/1193/LB Restoration and conversion of existing barns to form 1 no. dwelling and 1 no. annexe ancillary to main dwellinghouse and associated works.  
Approved October 2018
- 3.4 PK18/2996/TRE Works to crown lift by 1 meter 1 no. Holly and 1 no. Apple tree covered by SGTPO 44/17 dated 9th May 2017  
Approved July 2018
- 2.5 PK17/4786/F Conversion of existing barns to form 1 no. dwelling and 1 no. annexe ancillary to main dwellinghouse and associated works.  
Approved October 2018

### **4. CONSULTATION RESPONSES**

- 4.1 Marshfield Parish Council – No objection
- 4.2 Conservation Officer – No objection subject to materials conditions
- 4.3 Local residents  
4 letters of objection have been received from local residents. A summary of the main points of concern raised is below. Full copies of the letters of objection are available to view on the Councils web site.
- Unclear how agricultural access to the fields beyond will be provided
  - No elevation for the north elevation of the Dutch Barn
  - Pleased to see a wider buffer zone between Barn 2 and the neighbour
  - No detail about cycle and bin stores
  - Is there sufficient space to permit parking for 3 cars?
  - Wants to clarify the noise from the Air Source Heat Pump
  - What is to happen between the red and blue line
  - What are the plans to preserve the drystone walls
  - Concerns over the accuracy of the plans
  - Condition 11 requires details of landscaping
  - Post and wire fence is not acceptable

## 5. ANALYSIS OF PROPOSAL

### Principle of development

- 5.1 As stated in Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Local Planning Authorities have special regard in the consideration as to whether or not grant listed building consent. This applies to any works associated to the desirability of preserving the listed building itself, its setting or any features of special architectural or historic interest in which it possesses. Further to this, the NPPF attaches great weight to the conservation of heritage assets to ensure their significance is maintained or enhanced. The development is acceptable in principle but will be assessed against the analysis set out below.
- 5.2 The accompanying full planning application covers the proposal in terms of its planning merits beyond the necessary heritage consideration, with this application (listed building consent) evaluating the consent required to extend or alter the listed building, as per section 8 (a) and (b) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 5.3 This is a listed building application – the remit of such an application is very different to the remit of an application submitted under the Town and Country Planning Act. The concerns of the neighbours are noted but, as this is purely a listed building application the majority are not directly relevant to this specific application.

### Impact on the listed building

- 5.4 During the course of the application the initial concerns of the listed building officer were reported to the applicant. As a direct result of this a set of revised plans were received. The listed building officer raised a number of objections including but not limited to the glazing bars, the extraction grills, the mullions and transoms, the loss of historic fabric, the position of the new window. The revised set of plans fully address all queries and concerns raised.
- 5.5 The key concerns raised previously have now been addressed and so the previous harm identified has been overcome. The proposals can be considered to now reflect the level of impact assessed and accepted as part of the approval of the 2018 scheme.
- 5.6 There are therefore no heritage objections as the setting of the relevant designated heritage asset would be preserved along with the character and appearance of the Marshfield Conservation Area.

### Consideration of likely impact on Equalities

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

people who share a protected characteristic and those who do not. This planning application it is considered to have a neutral impact on equality.

## **6. CONCLUSION**

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

## **7. RECOMMENDATION**

7.1 That the application be APPROVED subject to conditions.

## **CONDITIONS**

1. The works hereby permitted shall be begun before the expiration of three years from the date of the consent.

Reason

As required by Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) to avoid the accumulation of Listed Building Consents.

2. Prior to the relevant part of the works representative samples of the following materials shall be submitted to and approved in writing by the local planning authority. The development shall be completed strictly in accordance with the agreed samples.
  - a. timber cladding
  - b. tiles
  - c. corrugated steel roofing (barn 2)
  - d. facing/ roofing materials (barn 3)

Reason

To ensure the development serves to preserve the character and appearance of the conservation area in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out within the NPPF, Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013 and PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Development Plan Document (adopted November 2017).

3. Prior to the commencement of the relevant part of the development, the detailed design of the following items shall be submitted and approved in writing by the Local Planning Authority.
  - a. All new windows featuring glazing bars/ mullions/ transoms.
  - b. All new vents and flues

The details shall be submitted via elevation and section drawings at a scale of 1:10, and the development shall be completed strictly in accordance with the agreed details.

Reason

To ensure the development serves to preserve the character and appearance of the conservation area in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out within the NPPF, Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013 and PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Development Plan Document (adopted November 2017).

4. Prior to the commencement of the relevant works, representative sample panels of natural stonework (for buildings and boundary walls) of at least one metre square demonstrating the stone, coursing, mortar 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.

Reason

To ensure the development serves to preserve the character and appearance of the conservation area in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out within the NPPF, Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013 and PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Development Plan Document (adopted November 2017).

5. The development shall be constructed in accordance with the following plans and reports.

Received by the Council on 11th May 2021:

PL613 - West elevation  
LB601 - South Elevation  
LB602 - East elevation  
LB603 - West Elevation  
LB613 - West Elevation  
PL051 - Proposed Site Plan  
PL100 - Ground Floor Plan  
PL110 - Ground Floor Plan  
PL601 - South Elevation  
PL603 - West Elevation  
PL611 - South Elevation  
PL612 - East Elevation  
LB603 - West Elevation

Received by the Council on 12th August 2020:

PL200 - Typical Window Details  
PL201 - Typical Window Details  
PL202 - Typical Door Details  
PL203 - Typical Verge Details

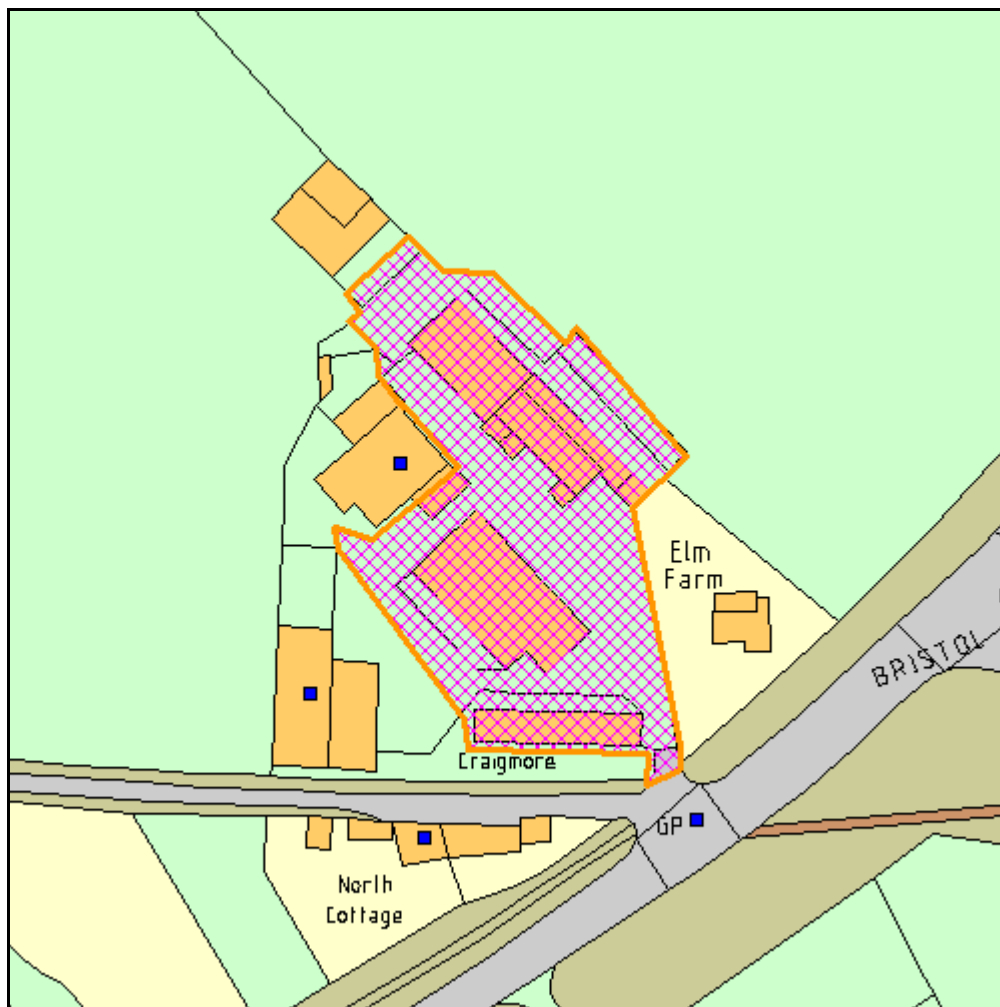
Reason

For the avoidance of doubt and to prevent the need for remedial action.

**Case Officer: Marie Bath**  
**Authorising Officer: David Stockdale**

**CIRCULATED SCHEDULE NO. 31/21 - 6th August 2021**

<b>App No.:</b>	P20/17297/F	<b>Applicant:</b>	Mr & Mrs John Shepherd
<b>Site:</b>	Buildings And Land At Elm Farm Bristol Road Iron Acton South Gloucestershire BS37 9TF	<b>Date Reg:</b>	26th October 2020
<b>Proposal:</b>	Partial demolition of 1 no. dog kennel building (building no. 4) to facilitate its conversion into 1 no. dwelling. Demolition of 1 no. garage building (building no. 6) to facilitate the conversion of 1 no. former agricultural building (building no. 3) into 1 no. dwelling. Formation of new trackway, parking areas and other associated works.	<b>Parish:</b>	Iron Acton Parish Council
<b>Map Ref:</b>	367094 183420	<b>Ward:</b>	Frampton Cotterell
<b>Application Category:</b>	Minor	<b>Target Date:</b>	16th December 2020



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P20/17297/F

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

## **INTRODUCTION**

This application has been referred to the Circulated Schedule due to the concerns raised by Councillor Tristan Clark, (full comments shown in the paragraph 4.1)

### **1. THE PROPOSAL**

- 1.1 This application seeks partial demolition of 1 no. dog kennel building (building no. 4) to facilitate its conversion into 1 no. dwelling, demolition of 1 no. garage building (building no. 6) to facilitate the conversion of 1 no. former agricultural building (building no. 3) into 1 no. dwelling, at Elm Farm Bristol Road Iron Acton. A new trackway and parking areas are proposed as part of the application.
- 1.2 The site lies in the open countryside within the Bristol / Bath Green Belt. A Right of Way (footpath LIA 36) running along the track past the entrance to the site.
- 1.3 To support this proposal, a structural report and a preliminary bat survey report were submitted.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework July 2021  
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
CS16	Housing Density
CS17	Housing Diversity
CS34	Rural Areas

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP7	Development in the Green Belt
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards

PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water and Watercourse Management
PSP39	Residential Conversions
PSP40	Residential Development in the Countryside
PSP43	Private Amenity Space Standards

### 2.3 Supplementary Planning Guidance

Development in the Green Belt Adopted 2007

Householder Design Checklist Adopted March 2021

Residential Parking Standards Adopted 2017

Traditional Rural Buildings Guidance on barn conversion Adopted March 2021

## 3. RELEVANT PLANNING HISTORY

3.1 P20/17288/PNGR - Prior notification of a change of use from 2 No. agricultural building to 2 No. residential dwelling (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) to include operational development. – Withdrawn

3.2 P20/21678/PNGR - Prior notification of a change of use from 1 no. agricultural building to 1 no. residential dwelling (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) to include operational development. – Withdrawn

3.3 P20/21679/PNGR - Prior notification of a change of use from 1 no. agricultural building to 1 no. residential dwelling (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) to include operational development. – Withdrawn

3.4 P21/02359/PNGR - Prior notification of a change of use from 1 no. agricultural building to 1 no. residential dwelling (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) to include operational development – Approved 19.05.2021

## 4. CONSULTATION RESPONSES

4.1 Iron Acton Parish Council – no comment

Councillor Tristan Clark – *Whilst I do not object to the principle of converting disused buildings, but concerned that some of the proposed conversions in this application do not appear to be in accordance with the Barn Conversions Supplementary Planning Guidance (currently being consulted on). The prospective Barn Conversions SPD itself seeks to clarify and provide further guidance on CS1, CS9 and PSP40 (amongst others). The Barn Conversion SPD states: "modern pre-fabricated agricultural buildings tend to be visually intrusive and detract from the wider rural landscape character due to their scale, form and materials. The justification for the resulting harm caused by these buildings would have been their functional need as part of supporting the operations of a working farm. Once however the agricultural use ceases, the justification for the discordant nature of any such building also ceases and so at this point, such buildings should be removed and the land restored.*



*Consequently, any application to convert such buildings for residential use would not be considered acceptable, as in the majority of cases the result would be harm caused by these functional buildings being made permanent when the justification for their construction, harm and retention is no longer there. Attempts at remodelling such buildings is also an increasing occurrence through either full planning applications or the prior notification process, but the resultant aesthetic impact is rarely successful. Overall, in the interests of the rural landscape, modern pre-fabricated buildings are not something that should be retained in perpetuity by any scheme of residential conversion" I would appreciate the planning officer clarifying whether this application is accordance with or contravenes CS1, CS9 and PSP40.*

#### 4.2 Other Consultees

Highway Officer – No objection.

Public Rights of Way – No objection – The proposal unlikely affect the right of way (footpath LIA 36) running along the track past the entrance to the site.

Arboricultural Officer – No objection. There is a boundary hedge within some trees growing in it which is beneficial to the maturity of the site which could be affected by the relocated access track in particular. A tree protection details in accordance with BS:5837:2012 are required.

Landscape Officer – No objection subject to condition seeking a detailed landscape plan.

Environmental Protection Team (Contamination) – No objection subject to condition securing appropriate mitigation strategy.

Drainage Engineer – No objection subject to condition

Highway Structure – No comment.

#### **Other Representations**

##### 4.3 Local Residents

*A letter of support was received - With view of the application further down the road, application Number: P20/05239/F, being granted, this application is of the same request to convert existing buildings into residential units. I am sure many of us will welcome the lack of barking dogs that is associated with the closure of the kennel business.*

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The NPPF (July 2021) emphasis is on sustainable growth, including boosting housing supply and building including through windfall development. The NPPF indicates a presumption in favour of sustainable development except where adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the framework indicate development should be

- restricted. Paragraph 80 of the NPPF (July 2021) suggests development of new residential units in the countryside should be resisted unless the development would re-use a redundant or disused building and would lead to an enhancement of the immediate setting.
- 5.2 PSP40 states that the residential development in the form of conversion and re-use of existing buildings, outside of settlement boundaries, will be acceptable where the building is of permanent and substantial construction, it would not adversely affect the operation of a rural business or working farm, any extension would not be disproportionate, and if the building is redundant or disused the proposal would lead to an enhancement of its immediate setting. In all of the above circumstances, development proposals including any alterations, extensions or creation of a residential unit, will be acceptable where they do not have a harmful effect on the character of the countryside, or the amenities of the surrounding area.
- 5.3 Whilst the site is located outside of any established settlement boundary, there are residential properties in relatively close proximity, including the host property. In the Design and Access Statement, the applicant stated that the buildings were historically used for the keeping of livestock and for the storage of agricultural equipment and fodder in connection with the former dairy farm. The applicants gave up the dairy farm in previous years and diversified into a dog boarding kennels with the remaining agricultural buildings becoming underused. The proposal is to convert the disused agricultural building and dog kennels into residential dwellings as the dog kennels is also due to cease with the applicant is planning to retire. The existing buildings, which are to be converted, are of permanent and substantial construction and are capable of conversion. A large part of the existing structures of Building 4 and Building 6 will be demolished as part of the scheme to provide outdoor amenity space and parking spaces respectively. In this instance, officers consider that the proposal would enhance the immediate siting given that significant part of the existing unsightly structures will be demolished. Therefore the development is acceptable in principle. The site is located within the Bristol / Bath Green Belt, therefore further assessment was made.
- 5.4 Green Belt  
Paragraph 150 of the NPPF states that certain forms of development are not inappropriate in the Green Belt, including the re-use of rural buildings, provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Given that a significant part of the existing buildings will be demolished to provide outdoor amenity space, and the remaining structures are structural sound and capable for its conversion, it is considered that the proposal would help to protect the openness of the Green Belt, as such, the proposal would be appropriate development in the Green Belt.
- 5.5 Design, Visual Amenity and Landscaping consideration  
Elm Farm comprises a large group of agricultural style buildings off the Northwest side of the B4059 Bristol Road, to the east of the main settlement of Iron Acton, in open countryside within the Green Belt. Public footpath LIA 36

passes the southern edge of the farm, heading west from the B4059. Indicative tree planting is shown to the west of Building 3 and south of Building 4 with a focal tree opposite the site entrance. The existing roofing material will be replaced with profiled aluminium sheeting, which would also incorporate the existing solar PV panels, and the blockwork elevations finished with a mix of timber cladding. The proposal would therefore result in a slight change to the appearance of the farm building group. Regarding the landscaping details, officers consider that the tree planting should comprise native species and be under-planted with a native hedgerow, as appropriate to its location. Subject to conditions seeking building materials, planting details, boundary treatments and hard surface finishes, there is no objection in this regard.

#### 5.6 Contamination

As historic use of the site or land agricultural may have caused contamination which could give rise to unacceptable risks to the proposed development. Furthermore, farm buildings may have been used for storing agricultural chemicals or be constructed from asbestos cement panels. On-site storage of fuels in underground or above ground tanks may also have occurred giving rise to the potential for historic leaks or spills of fuels into the ground. Subject to condition seeking a risk assessment and mitigation strategy, there is no objection in this regard.

#### 5.7 Residential Amenity

As both converted dwellings would be single storey structure, therefore they would not have an unreasonable adverse impact upon the host dwelling or the neighbouring properties, in terms of overbearing or overlooking. A reasonable sized garden is also allocated for each property. As such, the proposal considered to be acceptable in terms of residential and private amenity.

#### 5.8 Access and Parking

The proposal is to convert the existing disused agricultural building and a dog kennel to 2 no. 3-bed dwellings. Part of the existing buildings are to be demolished to form parking spaces and driveway. 2 no. parking spaces are proposed for each property. An access to the barn and field would move further south to where existing building 6 is currently located. Given the existing uses of the site, and the proposal would provide adequate parking spaces to conform to the adopted parking standards, it is considered that the proposal would not result in material increase in term of traffic movement, as such, there is no highway objection.

#### 5.9 Ecology

A Preliminary Bat Survey (CTM Wildlife, February 2021) has been submitted. The site is not covered by any designated sites.

Bats - All buildings subject to works were assessed for their bat roosting potential. They were all assessed as having negligible potential. Bat roosting enhancements have been recommended and this is welcomed.

Birds - Nests were recorded for house sparrows, kestrel, swallows and a possible blackbird nest. Appropriate mitigation has been recommended and enhancements detailed which are welcomed. The mitigation will

also be applicable to any vegetation that may need removing and is suitable for nesting birds. :

Hedgehog - Hedgehogs may commute through the site and consideration is required during works.

Given that sufficient survey effort has been undertaken supported by appropriate mitigation, therefore there are no ecological objection subject to conditions.

#### 5.10 Drainage Strategy

In terms of drainage strategy, it is proposed that foul drainage will be connected to an existing system of unknown type or Septic Tank or Treatment Plant, however it does not specify if this has adequate capacity for the increased population discharge and if there is a satisfactory method of overflow in order to confirm there is no illegal discharge to a ditch or watercourse. In this instance, subject to planning condition seeking details of foul drainage methods including its capacity and suitably, there is no drainage objection.

#### 5.11 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.

## **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. A) Desk Study - Previous historic uses(s) of the site (and/or land within 250m 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.

D) 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 ensure that adequate measures have been taken to mitigate against contaminated land to accord with Policy PSP21 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017), Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework. This is a pre-commencement condition to ensure that mitigation strategy is in place.

3. Tree protection fence shall be installed prior to any demolition works or construction works to protect the existing trees growing within the boundary hedges to accord with BS:5837:2012.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the tree, and to accord with Policy PSP3 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017) and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

4. Within three months following the commencement of the proposed development hereby approved, a detailed soft landscape plan specifying the location, species, stock size, planting centres and quantities of all proposed tree and structure planting, and a hard landscaping plan specifying boundary treatment and hard-standing area shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, locally indigenous native species shall be selected, and any approved planting shall be implemented in the first growing season following completion of the construction works.

Reason

To protect and enhance the landscape character of the site to accord with Policy PSP2 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017), Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

5. The development shall proceed in strict accordance with the Mitigation Measures provided in the Preliminary Bat Survey (CTM Wildlife, February 2021), this includes sensitive timing of works to avoid bird nesting season or if works need to be undertaken in this time a suitably qualified ecologist to carry out an inspection immediately prior to works commencing.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the wildlife habitats and protected species, and to accord with Policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted

November 2017), Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

6. Any addition external lighting, prior to the first occupation of the proposed development hereby approved, 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 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 the wildlife habitats and protected species, and to accord with Policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017), Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

7. Prior to the first occupation of the proposed development hereby approved, evidence of ecological enhancements shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, these include but not limited to bat and bird boxes.

#### Reason

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

8. Within 3 months following the commencement of the development hereby approved, details of foul drainage method including its capacity and suitability shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the first occupation of the approved development.

#### Reason

To ensure that a satisfactory means of drainage and pollution control and to accord with Policy PSP20 and PSP21 of the South Gloucestershire Local Plan: Policies, Sites

and Places Plan (Adopted November 2017), Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

9. Prior to the commencement of the relevant part of the development hereby approved, details of the roofing and external facing materials proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

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

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

Site location plan and Existing Block Plan, Drawing No. 50453/11/001/Rev A, received by the Council on 1st October 2020

Proposed Block Plan, Drawing No. 50453/11/101 Rev A, received by the Council on 1st October 2020, and

Building 3 - Existing Combined Plan, Drawing No. 50453/11/003

Building 3 - Proposed Combined Plan, Drawing No. 50453/11/103

Building 4 - Existing Roof and Floor Plan, Drawing No. 50453/11/004

Building 4 - Existing Floor Plan, Drawing No. No. 50453/11/005

Building 4 - Proposed Combined Plan, Drawing No. 50453/11/104

Building 5 - Existing Combined Plan, Drawing No. 50453/11/006

Building 6 - Existing Combine Plan, Drawing No. 50453/11/007, received by the Council on 14 September 2020.

Reason

To define the terms and extent of the permission.

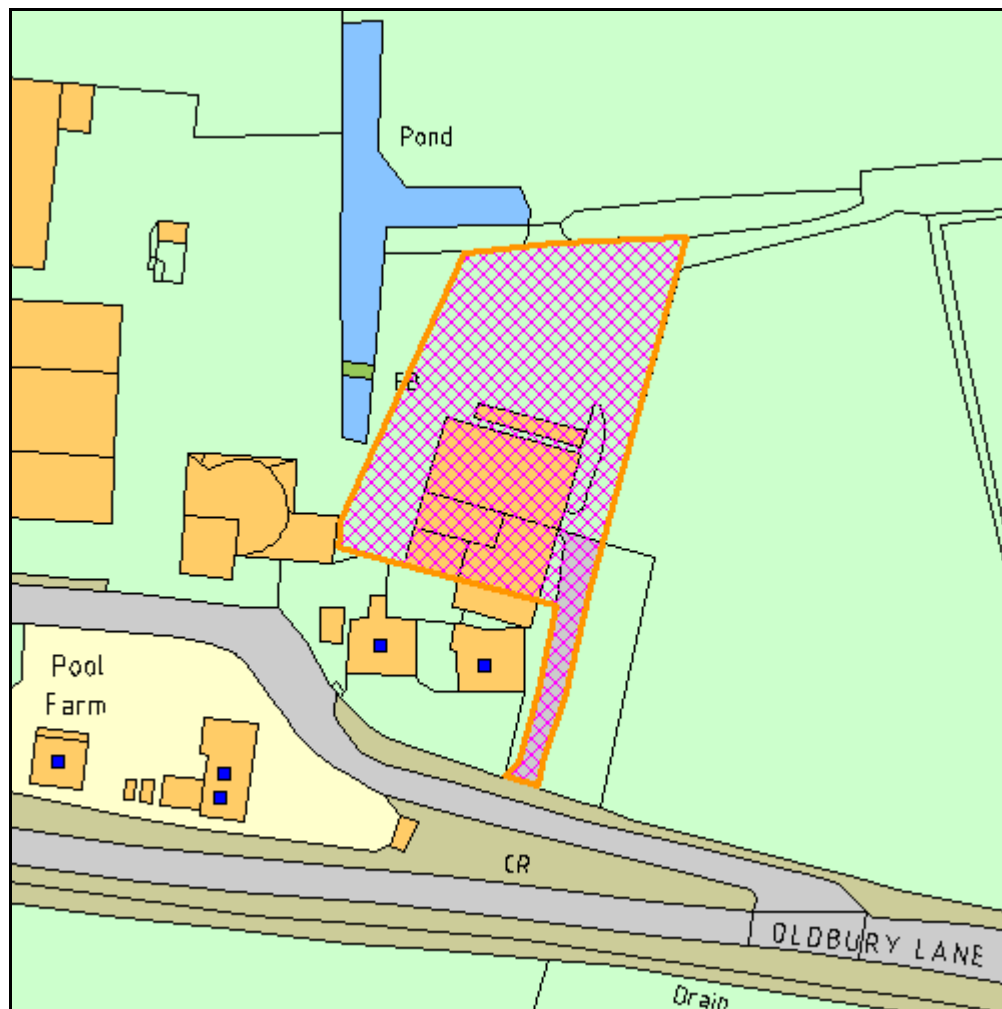
**Case Officer: Olivia Tresise**

**Authorising Officer: David Stockdale**



**CIRCULATED SCHEDULE NO. 31/21 - 6th August 2021**

<b>App No.:</b>	P20/19064/F	<b>Applicant:</b>	Mr JW Nichols
<b>Site:</b>	Buildings At Pool Farm Oldbury Lane Thornbury South Gloucestershire BS35 1RE	<b>Date Reg:</b>	12th October 2020
<b>Proposal:</b>	Change of use of agricultural buildings to (Class B8) Storage and distribution and (Class E) workshop/light industrial, as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended), with parking and associated works.	<b>Parish:</b>	Oldbury-on-Severn Parish Council
<b>Map Ref:</b>	362613 192257	<b>Ward:</b>	Severn Vale
<b>Application Category:</b>	Minor	<b>Target Date:</b>	30th November 2020



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P20/19064/F

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

## **CIRCULATED SCHEDULE**

The following report appears on the Circulated Schedule due to comments made by Thornbury Town Council.

### **1. THE PROPOSAL**

- 1.1 .The applicant seeks full planning permission for the Change of use of agricultural buildings to (Class B8) Storage and distribution and (Class E) workshop/light industrial, as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended), with parking and associated works.
- 1.2 The application site relates to agricultural Buildings at Pool Farm, Oldbury Lane, Thornbury. It is outside a settlement boundary, in the open countryside and within flood zone 3.
- 1.3 During the course of the application extensive negotiations and discussions were held between the LPA and the applicant regarding drainage. A satisfactory outcome has been reached.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework 2021  
National Planning Guidance

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

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

PSP1	Local Distinctiveness
PSP8	Residential Amenity
PSP9	Health Impact Assessments
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP18	Statutory Wildlife Protection
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water, and Watercourse Management
PSP21	Environmental Pollution and Impacts

PSP27 B8 Storage and Distribution Uses  
PSP28 Rural Economy

- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted) 2007)  
Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide  
SPD – (Adopted) March 2015  
South Gloucestershire Council Waste Collection: guidance for new  
developments SPD (Adopted) Jan 2015

### 3. RELEVANT PLANNING HISTORY

- 3.1 None for these buildings.

#### **Adjacent sites**

- 3.2 P20/08325/F Change of Use from agriculture to Storage and distribution (Class B8) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) (retrospective). Demolition of 2no. buildings, erection of 1no. building (Use Class B1) with associated parking and landscaping works.  
Approved 24.9.20
- 3.3 PT17/3789/F Change of use of open storage area (Class B8) to General Industrial (Class B2) to provide ancillary storage to adjoining Class B2 Unit, as defined in Town and Country Planning (Use Classes) Order 1987 (as amended) (Retrospective)  
Approved 3.11.17
- 3.4 PT14/4483/F Change of Use of a storage unit (Use Class B8) to mixed use fitness personal training gym /Cross fit gym and storage space (Use Class D2 and B8)  
Approved 13.3.15
- 3.5 PT15/4159/CLE Application for Certificate of Lawfulness for the existing use of building for (Class B2) for business premises, workshop and storage of materials.  
Approved 4.3.16
- 3.6 PT14/2827/F Change of use of agricultural building to workshop (Class B1) as defined in the Town and Country Planning (Use Classes) Order 1985 (as amended) (retrospective).  
Approved 12.9.14
- 3.7 PT08/0621/F Change of use of agricultural buildings to storage (Class B8) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).  
Approved 4.6.08
- 3.8 PT06/3043/F Change of use of agricultural buildings to storage (Class B8) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).  
Approved 21.11.06

- 3.9 PT06/1334/F Change of use of redundant farm buildings to storage (Class B8) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) (Resubmission of PT05/1598/F).  
Refused 6.6.06
- 3.10 PT05/1598/F Change of use of redundant farm buildings to Class B1, B2 and B8 use (As defined in the Town and Country Planning (Use Classes) Order 2005).  
Refused 10.1.06

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

- 4.1 Oldbury on Severn Parish Council  
No objection.

Thornbury Town Council

It is unclear from the application where excess agricultural items will be placed, if this will require another building then this Council objects to the application. If it does not then the Council has no objection but we request a condition is placed on permission that no further agricultural buildings are permitted on this site in the next 20 years.

#### **Internal Consultees**

- 4.2 Ecology  
No objection

#### **Statutory / External Consultees**

- 4.3 Transport  
More information needed regarding access

*Following additional details – no objection subject to conditions*

- 4.4 Drainage Risk Management Team  
Additional information requested.

Updated

Following extensive discussions the drainage proposal for this site is acceptable.

#### **Other Representations**

- 4.5 Local Residents  
One letter of objection has been received. The points raised are summarised as follows:
- Impact on residential amenity due to absence of any proposed hours of access/operation
  - Noise, disturbance and fumes
  - Building design not in-keeping with agricultural setting

- The application needs to be considered in view of all recent applications and permissions on this site.

One letter of support has been received. The points raised are summarised as follows:

- More storage units and another workshop would benefit existing businesses and help local economy

## **5. ANALYSIS OF PROPOSAL**

5.1 This application is for the Change of use of agricultural buildings to (Class B8) Storage and distribution and (Class E) workshop/light industrial, as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended), with parking and associated works.

### 5.2 Principle of Development

The application stands to be assessed against the above listed policies and all material considerations. Guidance contained in the National Planning Policy Framework (NPPF) is that planning policies should support the economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development...to promote a strong rural economy, local and neighbourhood plans should support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through the conversion of existing buildings and well-designed new buildings and the diversification of agricultural businesses. This guidance is broadly reflected in policy PSP28 (Rural Economy) , which provides scope for the conversion or re-use of existing rural buildings outside of existing urban areas and new buildings on applicable and acceptable sites and locations. This is discussed in more detail below.

### 5.3 Change of use

Details included with the application state these buildings are the only ones left in agricultural use on Pool Farm, the others having been changed to various mixed commercial uses and workshop use through planning permissions or certificate of lawful development between 2006 and 2020 – see planning history for details.

5.4 Acknowledging comments from Thornbury Parish of no objection subject to clarification, it is understood the landowner no longer operates a livestock business and it has been confirmed that there is an alternative hay barn/storage facilities within the agricultural holding that can be used if required. As such the loss of these buildings will not compromise the holding or require an additional agricultural buildings to be erected. The Parish also requests a condition requiring that no agricultural buildings are erected within 20 years. Conditions must pass certain tests such as being reasonable, related to the development and necessary. Such a condition is not considered to pass these tests and will not be included in the decision notice.

5.5 Policy PSP28 states sustainable new development which promotes a strong rural economy will be acceptable in rural areas :

*2) In the case of the conversion or re-use of existing buildings, where:*

*(a) the building is of permanent construction; and*

*(b) the buildings are in keeping with their surroundings in terms of character, form, bulk and overall design; and*

*(c) the proposal(s) is of a scale which is consistent with its function, use and rural location.*

- 5.6 Taking each point in turn – conversion or re- use of existing buildings. The existing main agricultural buildings are described as connected steel portal framed structures, separated internally by supporting stanchions and cattle feed barriers plus a smaller building, formerly a cow cubicle shed to the north.
- 5.7 The existing structures are of permanent construction and capable of conversion to the proposed use although it is noted that infilling of the open side(s) would be required for some parts.
- 5.8 Currently the buildings are of a typical agricultural design which includes a Dutch barn. Conversion would retain the footprint, height and roof shape and in this way the structures would remain in keeping with their surroundings.
- 5.9 Moving on to scale, details included with the application state these buildings are the only one left in agricultural use on Pool Farm, the others having been changed to various mixed commercial uses and workshop use through planning permissions or certificate of lawful development between 2006 and 2020 – see planning history for details. It is understood the landowner no longer operates a livestock business.
- 5.10 The buildings would be converted into 7 units of varying sizes made up of around 490 sq m of B8 storage and distribution in units 1-5 and unit 7 and a workshop/light industrial of around 87 sq m in unit 6. This is it stated, would provide modest storage and workshop facilities and interested parties seeking such space have already approached the applicant due to, for example, the proximity of business uses on adjoining land.
- 5.11 The scale is therefore consistent with its function, use and rural location.
- 5.12 Given the above the change of use of these buildings is considered to accord with Policy PSP28 but other matters such as impact on residential amenity, transport, its flood zone 3 location and ecology are matters to be discussed below.
- 5.13 Flooding/drainage  
The application site is located within Flood Zone 3 but is protected by flood defences. EA standing advice indicates that the site will remain in the 'less vulnerable' category and the change of use will not result in a material increase in risk of flooding. A Flood Risk Assessment has been provided by the applicant which is accepted. Further details and negotiations have also resulted in an acceptable drainage scheme for the site.

5.14 Residential Amenity

A residential property is noted opposite the application site. Discussions with the applicant have resulted in agreed operating hours which would reduce negative amenity issues for this property. In this way the amenity of the closest residential neighbour would be protected.

5.15 Transport

During the course of the application additional information was requested of the applicant in the form of details regarding the access arrangement given the width of the service road. It is noted there is a rough concrete and stone apron constructed into the grass verge opposite the access, but this is on land outside of the application site and not within the public highway. There is also evidence of vehicles driving over this rough area to gain access to the farm track.

5.16 Additional information supplied demonstrates that the size of vehicle associated with this proposal can access the site safely. The large vehicle can also pass a box van at the site access and within the site where there is also space for larger vehicles to pass one another. As there will be less than 10 car parking spaces there will not be any requirement for electric vehicle charging points. There are no Highway objections subject to the condition relating to highway works.

5.17 Ecology

It is understood that the barns are not typical of the type that support protected species, however, the applicant would be in agreement with biodiversity enhancement measures and a suitably worded condition will be attached to the decision notice. Given the rural location of the buildings this is considered an acceptable approach.

5.18 Impact on Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. As a result of that Act the public sector Equality Duty came into force. Among other things, the Equality Duty requires that public bodies to have due regard to the need to: eliminate discrimination; advance equality of opportunity; and, foster good relations between different groups when carrying out their activities.

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

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

**6. CONCLUSION**

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

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

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

## **7. RECOMMENDATION**

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

### **CONDITIONS**

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

Reason

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

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

As received by the LPA on 4.10.20:

Existing block and location plan

Existing floor plans and elevations

Proposed block plan

Proposed plans and elevations

As received by the LPA on 28.1.21:

Swept path analysis

Reason

In the interests of visual amenity, character of the area and of neighbouring occupiers and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013; Policy PSP1 of the Policies Sites and Places Plan (Adopted) 2017 and the NPPF.

3. The uses of the building hereby permitted shall not operate outside of the following times:

Mon - Fri 07:00 - 19:00

Sat - 08:00 - 18:00

Sun / Bank Holidays - 10:00 - 16:00

Reason

In the interests of the residential amenity of neighbouring occupiers and to accord with policies CS1 and CS9 of the South Gloucestershire Local Plan (adopted) December 2013.



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

Reason

In the interests of visual amenity, character of the area and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013; Policy PSP1 of the Policies Sites and Places Plan (Adopted) 2017 and the NPPF.

5. Prior to the first use of the buildings details of ecological enhancement measures to support biodiversity shall be submitted to the LPA for written approval. Development shall proceed in accordance with the approved details.

Reason

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

6. The development shall not be brought into use until the following highway works have been completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

The vehicle crossover in front of the gate, the part stone part concrete area within the land edged blue opposite the access indicated with a dashed line and the first 10m of the site access all constructed to a suitable standard for HGV use and surfaced with a tarmac or concrete material.

Reason

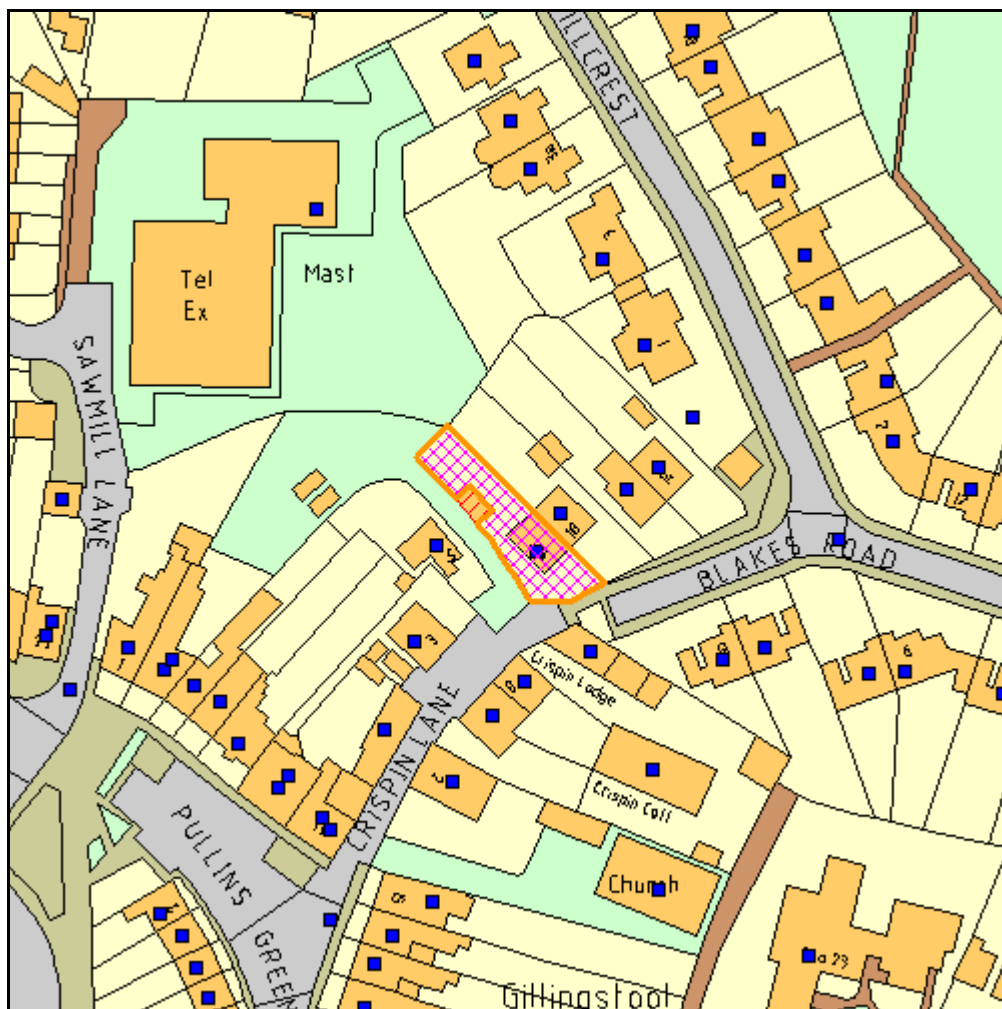
In the interests of highway safety, and to accord with Policies PSP 11 and PSP16 of the Policies Sites and Places Plan (Adopted) 2017 and the National Planning Policy Framework.

**Case Officer: Anne Joseph**

**Authorising Officer: David Stockdale**

**CIRCULATED SCHEDULE NO. 31/21 -6th August 2021**

<b>App No.:</b>	P21/00784/F	<b>Applicant:</b>	Mrs Nicole Harding
<b>Site:</b>	7 Crispin Lane Thornbury South Gloucestershire BS35 2AY	<b>Date Reg:</b>	16th February 2021
<b>Proposal:</b>	Erection of a two storey side extension and a single storey rear extension to form garage and additional living accommodation. Erection of front porch, with access and associated works.	<b>Parish:</b>	Thornbury Town Council
<b>Map Ref:</b>	363918 190133	<b>Ward:</b>	Thornbury
<b>Application Category:</b>	Householder	<b>Target Date:</b>	12th April 2021



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P21/00784/F

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

## **INTRODUCTION**

This application has been referred to the Circulated Schedule due to the concerns raised by Thornbury Town Council and the residents.

### **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for the erection of a two-storey side extension and a single storey rear extension to form garage and additional living accommodation, and the erection of a front porch at No. 7 Crispin Lane, Thornbury. During the course of the application, a revised drawings were submitted to clarify the proximity of the existing wall.
- 1.2 The application site comprises a two storey detached dwelling locating within a residential area to the proximity of Thornbury Town Centre. Its southern west boundary of the site adjoins the boundary of the Thornbury Conservation Area and the Conservation Officer has previously confirmed the existing wall is not Medieval or historic.

### **2. POLICY CONTEXT**

2.1 National Guidance

National Planning Policy Framework July 2021  
National Planning Practice Guidance

2.2 South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

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

PSP1	Local Distinctiveness
PSP8	Residential Development
PSP11	Transport
PSP16	Parking Standards
PSP38	Development within Existing Residential Curtilages
PSP34	Private Amenity Standards

2.3 Supplementary Planning Guidance

South Gloucestershire Householders Design Guidance (Adopted) March 2021  
Residential Parking Standards SPD (Adopted) 2013

### **3. Planning History**

- 3.1 PT14/4534/F Erection of two storey side extension to form garage and additional living accommodation (resubmission of PT14/2510/F. Approved 17.02.2015
- 3.2 PT14/2510/F Erection of two storey side extension to form additional living accommodation. Refused 18.09.2014 due to inadequate parking

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

- 4.1 Thornbury Town Council - No objection subject to highways officers being satisfied that it does not limit access to the lane to the vets. Also the stone wall is protected as part of the character of the area.

Highway Officer: No objection

Environmental Protection Team: No objection

Archaeology Officer: No comment.

- 4.2 4 no. letters of objection were received and the residents' comments are summarised as follows:

- The demolition of the wall between our driveway and No. 7 - this is entirely unacceptable and probably illegal.
- The larger part of the wall nearest to the surgery was rebuilt by the Vet surgery
- The part of the wall nearest to Crispin Lane is in characterful old stonework. There is some damage to the part of this wall from the lane which the Vet surgery can have repaired.
- The driveway is at substantially higher level than the ground level of No. 7, so the wall is essential for safety
- The occupier of No. 7 assures that there is no intention of removing the wall, so I am asking that the plans are amended to show this
- I am concerned that during the building of the extension that the access (to the Vet surgery) maybe blocked and the boundary walls damaged
- Very little parking would be available if the extension was built
- Very limited parking in Crispin Lane and the Veterinary premises requires 24hr access
- Our walls beside our drive are now shown as not being demolished which is good. However part of the extension, the corner of the utility room is showing as overlapping the wall hatched in red. This corner needs to be modified.

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

##### **5.1 Principle of Development**

The site is situated within a residential area of Thornbury and the proposal is to erect extensions to the host dwelling to provide additional living accommodation. Policy PSP38 of supports development proposals within

existing residential curtilages, including extensions. Therefore there is no objection in principle to the proposed developments.

#### 5.2 Impact on Conservation Area

The application is not located within the Thornbury Conservation Area, although it lies directly adjacent to it and other traditional buildings. Crispin Lane comprises a mix of traditional 18<sup>th</sup> and 19<sup>th</sup> century cottages, former workshops and outbuildings. The application site is bound on the south-western side by stone walling, parts of which were re-built with different materials with fence panels attached to the top. During the course of the application, a revised proposal was submitted to show that the existing stone wall and brickwork along the side boundary will be retained and repaired. Regarding the wall to the west-south west (towards the front of the property) has little historic material. The Archaeology Officer previously confirmed that the section of the wall to the north / north-west (at the very rear of the property / curtilage) appears to be part of the surviving medieval wall and this section of wall is not unaffected by the proposal. As such, the proposal would not affect the remains of the medieval town wall and the removal of the front section of the wall is not considered to be harmful or unacceptable to the historic integrity of the surviving medieval wall. Therefore no objection is raised in this regard.

#### 5.3 Design and Visual Amenity

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

5.4 The proposal is to erect a two-storey side extension, a single storey rear extension and a front porch. The proposed side extension is very similar to the previously approved scheme of PT14/4434/F. In terms of the scale, the proposed extensions are subservient to the scale of the host dwelling. The proposed front porch is modest in size. The two storey extension have a 'set-down' and 'set-back' architectural features, and would be finished with coursed reconstructed stone and render, and tiles to match those on the host dwelling. The proposed rear extension would have a flat roof with a rooflight, and it would also be finished with render. Although a flat roof would not normally be encouraged by the Council, in this instance, given that the rear extension would be single storey in scale and it would be set back from the side elevation of the host dwelling, it is considered that this new extension would not result in any harm to the character of the host dwelling and the locality. Therefore no objection is raised in this regard.

#### 5.5 Residential Amenity

Policy PSP38 of the Policies, Sites and Places Plan explains that development will be permitted provided that it would not detrimentally impact the residential amenities of nearby occupiers and would not prejudice the retention of adequate private amenity space. Policy PSP8 outlines the types of issues that could result in an unacceptable impact. The proposal comprises a two-storey side extension and a single storey rear extension. Given that the proposed extensions would be adjacent to a vehicular access and there would be a

reasonable separation between the site and the surrounding properties, the potential overbearing impact would not be significant. In terms of fenestration design, a toilet window is proposed on the first floor side elevation looking over the access, and other windows would be looking over its rear garden and Crispin Lane. It is considered that the proposed fenestration is acceptable and would not cause an unreasonable impact upon the neighbouring properties.

#### 5.6 Transport

The concerns relating highway issues are noted. Policy PSP38 of the Policies, Sites and Places Plan sets out the Council's parking standards. The proposal would increase the number of bedrooms with the dwelling from 3 to 5. The South Gloucestershire Council's minimise parking standards state that a 5-bed dwelling requires 3 off-street parking spaces. Currently, there is a driveway to the side of the house with a single garage at the end. The proposed plans show 2 off-street parking spaces and 1 garage. Whilst the proposed garage is slightly substandard in size due to the shape of the garage, the proposed off-street parking spaces would meet the size requirement of the adopted parking standards. Officers are also mindful that a very similar parking arrangement was approved under PT14/4534/F, as such it would not be substantiate a refusal on highway grounds. The concerns relating the potential disturbance during the construction phase is noted. Given that it is a householder development, the potential construction traffic would only be modest in scale, therefore it would not be necessary to seek further information or impose any condition. In summary, there is no highway objection to the proposal.

#### 5.7 Other matters

With regard to the ownership of the application site, the applicant has confirmed that the applicant wholly owns the application site. In addition, the dispute of the ownership is a private civil matter between the applicant and the adjoining owners, therefore it is not planning material consideration to warrant a refusal of this application.

#### 5.8 Consideration of likely impact on Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. This planning application it is considered to have a neutral impact on equality.

## 6. CONCLUSION

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

## 7. **RECOMMENDATION**

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

### **CONDITIONS**

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

Reason

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

2. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Reason

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

3. The development shall not be occupied until the 3 no off-street parking spaces have been provided in accordance with drawing no. 3059-010 revision F, and thereafter retained for that purpose. For the avoidance of doubt, the off-street parking provision includes the integral garage.

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 PSP16 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017), Policy CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; and the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013.

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

Revised proposed elevations, drawing no. 3059-011 Revision E,  
Revised proposed floor plans and roof plan, drawing no. 3059-010 Revision F, both received by the Local Planning Authority on 8th July 2021,

Site location plan, drawing no. 3059-001

Block plan, drawing no. 3038-003

Existing elevation drawing no. 3059-005

Existing floor plans and roof plan, drawing no. 3059-004, received by the Local Planning Authority on 10 February 2021.

Reason:

For the avoidance of doubt and to define the exact terms of the permission.

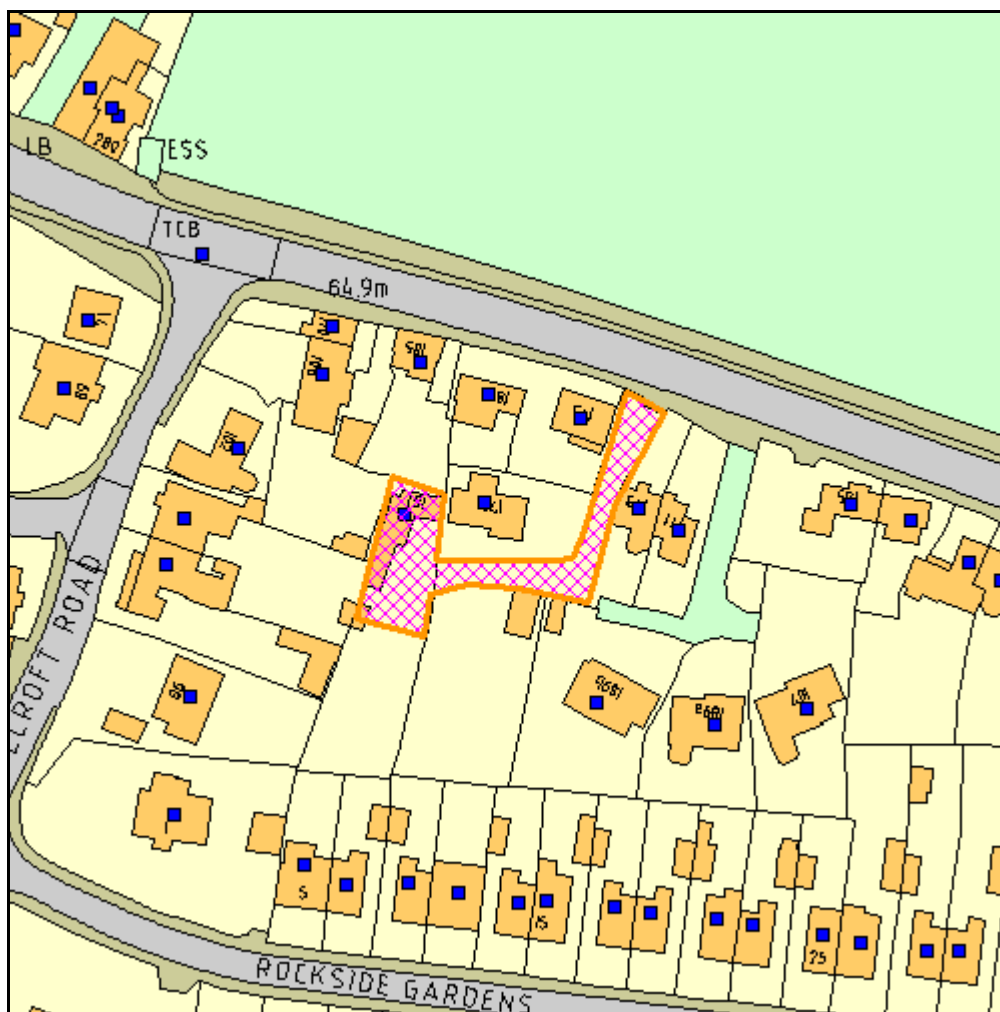
**Case Officer: Olivia Tresise**

**Authorising Officer: Marie Bath**



**CIRCULATED SCHEDULE NO. 31/21 -6th August 2021**

<b>App No.:</b>	P21/02230/F	<b>Applicant:</b>	Estate of Mrs M Davis
<b>Site:</b>	181 Church Road Frampton Cotterell South Gloucestershire BS36 2JX	<b>Date Reg:</b>	9th April 2021
<b>Proposal:</b>	Demolition of existing dwelling. Erection of 1 no. dwelling with associated works.	<b>Parish:</b>	Frampton Cotterell Parish Council
<b>Map Ref:</b>	367159 181683	<b>Ward:</b>	Frampton Cotterell
<b>Application Category:</b>	Minor	<b>Target Date:</b>	2nd June 2021



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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 3no separate local resident objections, contrary of the officer recommendation detailed below.

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## **1. THE PROPOSAL**

- 1.1 Full planning permission is sought for the demolition and rebuild of the existing dwelling with associated works at 181 Church Road, Frampton Cotterell.
- 1.2 The site is located within the settlement boundary, no other restrictive designations apply. Vehicular access is gained between 175 and 173 Church Road. A new detached dwelling was recently approved within the rear garden of the application site under application ref. P20/23506/F.
- 1.3 The proposed rear box dormer has been amended since the point of submission, to form a double bonnet/ traditional type dormer.

## **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
CS2	Green infrastructure
CS4a	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS15	Distribution of housing
CS16	Housing Density
CS17	Housing Diversity
CS18	Affordable Housing

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP6	Onsite Renewable and Low Carbon Energy
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP19	Wider Biodiversity

- PSP20 Flood Risk, Surface Water and Watercourse Management  
PSP38 Development within Existing Residential Curtilages,  
Including Extensions and New Dwellings.  
PSP43 Private Amenity Space Standards

2.3 Supplementary Planning Guidance

The South Gloucestershire Design Checklist SPD (adopted)  
South Gloucestershire Householder Design Guide SPD (adopted)  
The South Gloucestershire Residential Parking Standards SPD (adopted)  
Waste Collection: Guidance for New Developers SPD (adopted March 2020)  
CIL Charging Schedule and the CIL and S106 (March 2015)  
The South Gloucestershire Technical Note – Assessing Residential Amenity

**3. RELEVANT PLANNING HISTORY**

*The garden area of the application site*

- 3.1 Ref. P20/23506/F. Permission Granted, 24/2/2021  
Proposal: *Erection of 1 no. detached dwelling with associated works.*
- 3.2 P21/01777/RVC. Permission Granted, 6/5/2021  
Proposal: *Variation of condition 2 attached to P20/23506/F to replace plan numbers 4055/P1A and 4055/P2A with 4055/P1B and 4055/P2B. Erection of 1 no. detached dwelling with associated works.*

**4. CONSULTATION RESPONSES**

- 4.1 Frampton Cotterell Parish Council  
No comment received.

- 4.2 Ecology Officer  
No objection. Further detail relating ecological enhancements is acceptable.

- 4.3 Lead Local Flood Authority  
No objection.

- 4.4 Sustainable Transport  
No objection

Highway Structures  
No comment.

- 4.5 Local Residents  
Two round of public consultations have been undertaken. 4 objection comments, with 2 comments made from the same neighbour were submitted within the first round to the council. In addition, 4 objection comments, with 2 comments made from the same neighbour were submitted within the second round of consultation to the council. The key points have been summarised as:

- Over dominating impact;
- Increased overshadowing;
- Loss of light;

- Poor appearance;
- Disturbance from construction;
- Additional maintenance of wall and gutters required by neighbours;
- Inappropriate finish.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

Planning permission is sought for the demolition and rebuild of the existing dwelling within the settlement boundary of Frampton Cotterell. Policy CS5 of the Core Strategy outlines the locations at which development is considered appropriate. CS5 dictates that most new development in South Gloucestershire will take place within the communities of the north and east fringes of the Bristol urban area, and within defined settlement boundaries. As such, based solely on the location of the site, the principle of the development is acceptable.

5.2 The development is acceptable in principle under the provisions of Policy CS5. However the impacts of the development proposal must be further assessed against the relevant policy to identify any potential harm. For this type of development at this location, the other areas of assessment are impacts on visual amenity, residential amenity, transport network, and ecology.

### 5.3 Design and Visual Amenity

Policy CS1 of the Core Strategy and Policy PSP1 and 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 have appropriate: siting, form, scale, height, massing, detailing, colour and materials which are informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context.

5.4 The proposed replacement dwelling would sit within the existing footprint of the host property and retain a similar scale that is not considered disproportionate. The principle element of the building would be extended to a ridge height of 5.74m, with an eaves level of 2.85m. The southern elevation would incorporate 2no. Traditional dormers retain subservience within the roof face and integrate well with the overall design. Concerning the form of the secondary structure, the previous lean-to roof would be replaced with a pitched roof; this is considered to be of neutral impact. The proposed materials would include a mix of painted render and pennant stone, with coin detailing. The proposed windows and roof lights appear to well fit within the structure. These finished are appropriate and respectful of the character of the area. In conclusion, the overall design is well thought through and would be respectful to the character of the site and its context.

### 5.5 Residential Amenity

Policy PSP8 of the Policies, Sites and Places Plan outlines that development proposals will be acceptable provided that they do not create unacceptable living conditions or have an unacceptable impact on the residential amenity of the occupiers of the development or of nearby properties. Unacceptable impacts could result from (but are not restricted to): loss of privacy and

- overlooking; overbearing and dominant impact; loss of light; noise or disturbance; and odours, fumes or vibration.
- 5.6 With regard to the impact of the living conditions of the neighbours, objection letters have been received regarding loss of light, overshadowing, over-dominance, disturbance from construction, and an additional maintenance burden on the neighbours. Following these objections, officers have visited the application site for inspection.
- 5.7 Regarding loss of light and overshadowing, the main impacts would concern the residential properties located north comprising no. 185. Church Road. Consideration is taken with regard to the rise in eaves height from 2.5m to 2.8m and a rise in ridge height from 4.5m to 5.57m. Regarding the elevational change, with respect to the ground floor level of no.185, the eaves of the proposed dwelling would measure at ~6.1m and the ridge at ~9m. In response, the applicant has provided a shadow analysis that demonstrates no change would occur over the summer months, and there would be a slight change during the winter. Further attention is drawn to the separation between no 185 and the host property, for which there is a ~19.5m gap measured from eave to eave. It is also noted no.185 is not situated directly in line with the proposed dwelling but is overlapped with its western elevation. Considering the above, this level of separation distance, when taken into consideration with the proposed ridge height, the proposed development would not result in any unreasonable impacts through overshadowing, loss of light, or privacy.
- 5.8 Turning to the properties located west on Ryecroft Road, these are situated between ~17m to 23~ away (west) from the development site. Whilst there would be a slight impact from the increased gable wall of the principal building, the separation distance provides mitigation against unreasonable harm. Regarding loss of light and overshadowing, there would only be a very slight impact in the early morning hours, which is not unreasonable.
- 5.9 Concerning disturbance from construction, this would only be temporary and is not unreasonable due to the scale of development. Regarding the additional maintenance burden on the neighbours, this does not form a material planning consideration and is a civil matter. With regard to access for construction, foundations, and party wall matters, this again is a civil matter.
- 5.10 In terms amenity for future residents of the proposed property, ample internal space, access to natural light and outlook would be provided. Regarding external amenity space, 109m<sup>2</sup> would be provided to the front of the property, of which would be partly screened and be of a similar arrangement to the existing. As such, no objections are raised.
- 5.11 On the basis of the assessment set out above, it is not considered that the development proposal would result in any unacceptable impacts on the amenity of neighbours.
- 5.12 Transport  
Vehicular access to the replacement dwelling would be provided via a shared access drive from Church Road. As the proposal is broadly a like-to-like

replacement in terms of bedrooms and parking spaces, no objections are raised. Albeit, to comply with policy CS8 and the council's emergency climate change declaration, a condition should be attached requiring the provision of a 32amp/7Kw electric vehicle charging so to promote sustainable forms of transport.

#### 5.13 Ecology

The submitted ecology assessment and protective species survey confirmed that the existing building to be demolished was found to be of a negligible value for roosting bats and birds. A plan showing the location and specification of the ecological enhancements has been submitted and approved by the council's ecologist. Subsequent to accordance conditions, no objections are raised.

#### 5.14 Consideration of likely impact on Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. This planning application it is considered to have a neutral impact on equality.

### 6. CONCLUSION

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

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 It is recommended that planning permission is GRANTED.

#### **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 25 March 2021: Site Location Plan, Existing Elevations (Rev A), Existing Ground Floor And Block Plan (Rev A). Received by the Council on 2 June 2021: Proposed Site Block Plan (Rev A). Received by the Council on 27 June 2021: Proposed Elevations (Rev C).

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

3. Prior to first occupation, evidence of one installed electric vehicle charging point within the parking area shall be submitted to and approved by the local planning authority. The charging point must remain fully operational and must not be removed unless approved by the local authority.

Reason

To accord with policy CS8 of the SG Core Strategy which encourages sustainable means of transport, and the council's emergency climate change declaration.

4. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, D, E, F) and no development as specified in Part 2 (Classes A and B) other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason

To ensure a satisfactory standard of external appearance and private amenity space, to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policies PSP1, PSP2 and PSP38 and PSP43 of the Policies, Sites and Places Plan (Adopted) 2017; and the National Planning Policy Framework.

5. The development shall proceed in strict accordance with the Mitigation Measures and ecological enhancements provided in the Protected Species Survey (AD Ecology, April 2021), Ecological Assessment (AD Ecology December 2020 and February 2021), and the Ecological Enhancements Note (Jonathan Adey July 2021).

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. No building operations or deliveries of any kind shall take place outside the hours of:

Monday - Friday.....7.30 - 18.00

Saturday.....8.00 - 13.00.

No noisy activities on Sundays or Bank Holidays.

All plant and equipment shall be suitably chosen, sited, operated and serviced so as to minimise noise, vibration, fumes and dust. Best practical means shall be employed to minimise potential nuisance to neighbouring properties. All plant should be turned off when not in use.

Pneumatic tools shall be fitted with an integral silencer and/or purpose made muffler, which is maintained in good repair.

In periods of dry weather, dust control measures shall be employed including wheel washing and damping down. Any stockpiles of materials which are likely to give rise to windblown dust, shall be sheeted, wetted or so located as to minimise any potential nuisance. Lorries carrying waste material from the site shall be covered or sheeted at all times.

Reason:

To protect the amenities of the nearby neighbouring occupiers and to comply with policy PSP8 of the SG Policy, Sites and Places Plan (2017).

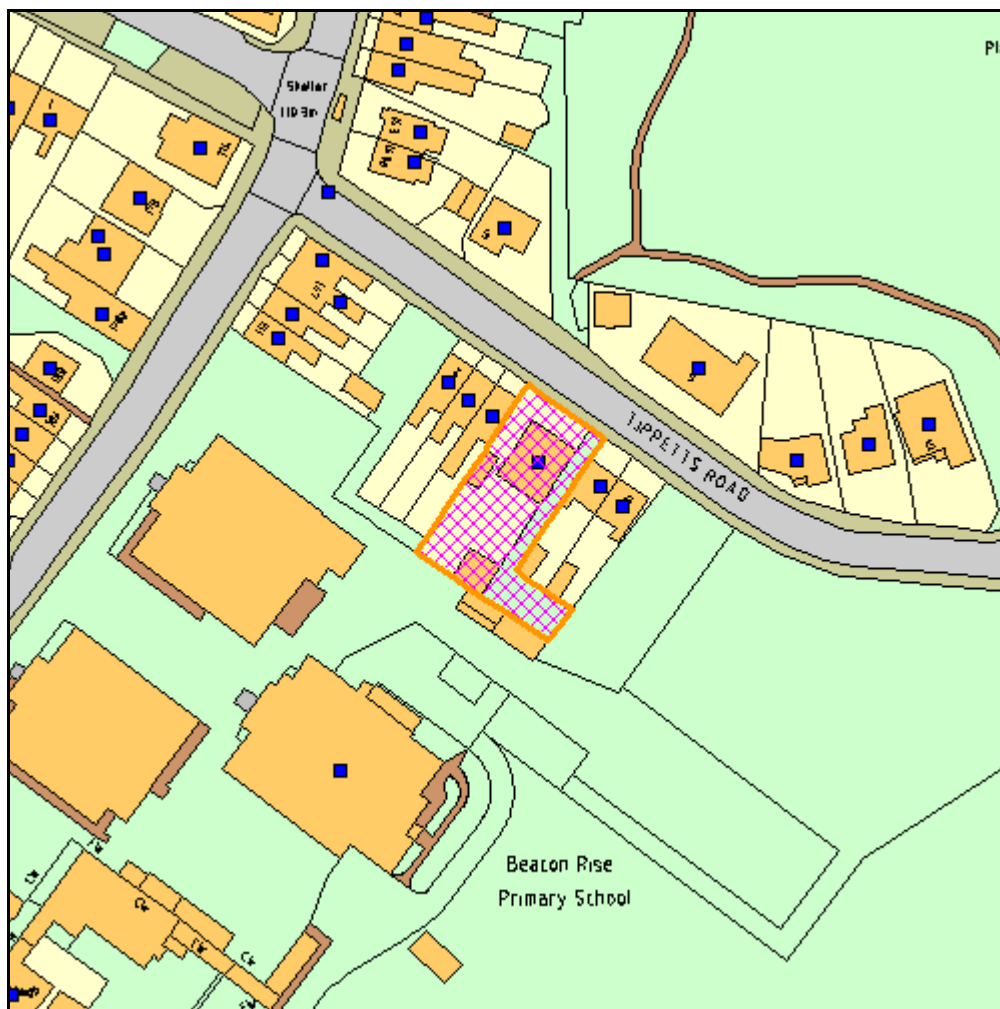
**Case Officer: Thomas Smith**

**Authorising Officer: Marie Bath**



**CIRCULATED SCHEDULE NO. 31/21 -6th August 2021**

<b>App No.:</b>	P21/03142/F	<b>Applicant:</b>	Mrs ELIZABETH GRAY
<b>Site:</b>	8 Tippetts Road Kingswood South Gloucestershire BS15 8NS	<b>Date Reg:</b>	13th May 2021
<b>Proposal:</b>	Demolition of existing detached garage and erection of single storey detached annex ancillary to main dwelling (resubmission of P21/00859/F) (part retrospective)	<b>Parish:</b>	
<b>Map Ref:</b>	364768 172968	<b>Ward:</b>	Hanham
<b>Application Category:</b>	Householder	<b>Target Date:</b>	5th July 2021



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P21/03142/F

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

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

This application appears on the Circulated Schedule because 3no. representations have been received from residents that are contrary to the officer recommendation and the findings of this report.

At the time of writing, officers are awaiting further comments from Environmental Protection (EP) team with respect to whether or not a condition is required to deal with landfill and ground gas, due to the site being around 50 metres from a landfill. Initially, the EP team requested a pre-commencement condition, however this was amended to a 'prior to works continuing' condition, when officers noticed that the works had already begun and that the building is at a late stage of completion.

Officers have received further information from the applicant on the ground/landfill gas matter and have forwarded it to the EP team for comment, in case this negates the need for a condition. Officers have circulated the application before receiving a response from the EP team in the interest of efficiency. However, members are advised that should the application not be called in, the final decision notice may not contain condition 5 as recommended at the end of this report. All other conditions as recommended would remain.

### **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for the demolition of an existing garage and the erection of a single storey detached annexe. The application is a re-submission of P21/00859/F, which was for a two-storey annex and was refused (details below). No appeal was made against the refusal.
- 1.2 The host property is a two-storey dwelling (formerly a bungalow) that fronts on to Tippets Road, within the East Fringe of Bristol Urban Area.
- 1.3 Officers note that the host dwelling itself is in the process of being extended under an existing consent granted recently. The garage subject of this application has already been demolished, and the annex has in-fact been erected up to and including the roof, however at present it is essentially an empty shell and does not windows in, albeit openings are present. The application is therefore partially retrospective.

### **2. POLICY CONTEXT**

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

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

PSP1	Local Distinctiveness
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP21	Environmental Pollution and Impacts
PSP38	Development within Existing Residential Curtilages
PSP43	Private Amenity Space Standards

- 2.3 Supplementary Planning Guidance  
 Design Checklist SPD (Adopted) August 2007  
 Householder Design Guide SPD (Adopted) March 2021  
 Residential Parking Standard SPD (Adopted) December 2013

### 3. RELEVANT PLANNING HISTORY

- 3.1 P21/00859/F (refused 06/05/2021):  
 Erection of detached ancillary annex.

Refusal reason

*The proposed development by reason of its position, mass, height and fenestration would have an overbearing effect on the occupiers of the adjoining properties which would be to the detriment of residential amenity and would also be contrary to Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, Policy PSP8 of the South Gloucestershire Local Plan Policies Sites and Places Plan Adopted November 2017, South Gloucestershire Residential Design Guide adopted April 2021 and the National Planning Policy Framework.*

- 3.2 P21/00857/F (approved 19/05/2021):  
 Erection of first floor to form additional living accommodation.

### 4. CONSULTATION RESPONSES

- 4.1 Hanham Parish Council  
 No comments have been received

*Officers note that the site is not within the Hanham Parish area.*

- 4.2 Sustainable Transport  
 No objection. Conditions recommended to be carried over as recommended on P21/00859/F.

*Comments on P21/00859/F for reference:*  
No objection subject to cycle parking condition

#### 4.3 Environmental Protection

##### *Contaminated land*

Contamination condition recommended (pre-commencement).

*Officers have further consulted with the EP team as works have already commenced. The condition is therefore now recommended as being 'prior to works continuing'.*

##### *Noise*

Informative suggested (construction sites)

#### 4.4 Local Residents

1no. general and 3no. objection comments have been received.

##### *General comments summarised as follows:*

- Have been shown example of fence that would improve privacy
- Wall/fence should be written into application to ensure privacy not compromised in future
- Without wall or fence would object as would be overlooked

##### *Objection comment summarised as follows:*

- Not much has changed
- Intrusive
- Impact on privacy
- Doesn't look big on plans but looks bigger from garden as ground slopes away
- Garden not big enough to support an annex/bungalow of this size
- Works already taken place
- Previous garage less obtrusive
- Would not have objected if previous garage converted
- Ground has been raised
- Feels oppressive
- Smaller lower annexe would be appropriate
- Looks like a bungalow
- Fence installed differs from drawings and does not fulfil its purpose
- Fence offers less privacy
- Did not object initially as window to be removed but now object as window retained

Officers also note receipt of a 'letter of support' from Beacon Rise Primary School, although this has been provided by the applicant and has not been received formally from the school itself.

## 5. ANALYSIS OF PROPOSAL

- 5.1 The proposal seeks to erect a single storey detached annex in place of an existing garage.
- 5.2 Principle Of Development  
PSP38 of the South Gloucestershire Council Policies, Sites and Places Plan (adopted November 2017) permits development within existing residential curtilages (including extensions) in principle where they do not unduly harm the design, visual amenity and residential amenity of the locality or prejudice highway safety or the provision of adequate private amenity space. PSP38 is achieved through CS1 of the South Gloucestershire Council Core Strategy (adopted December 2013), which requires development to demonstrate the highest standards of design and site planning by demonstrating that siting, form, scale, height, massing, detailing colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the site and its context. Additional guidance on achieving good design for householder developments is set out in the Household Design Guide supplementary planning document (SPD), which was formally adopted in March 2021. The development is acceptable in principle, subject to the following detailed consideration.
- 5.3 Annexe Test  
An annex should be ancillary to the main dwelling, which means that the accommodation should be 'in addition to' the accommodation within the main dwelling and not independent of it. To be considered to be an annexe, it needs to have a sufficient physical and functional reliance upon the main dwelling. To put it another way, what is proposed should not be tantamount to a new, wholly independent dwelling. Generally, an annex should be subservient from the main dwelling of which it serves.
- 5.4 The annex as partially built is located within the rear garden of the host property and is 8.5 by 8.5 metres in terms of width and depth and has a hipped roof with a height to the ridge of c.4 metres, and height to the eaves of c.2.7 metres. The internal living accommodation comprises a living area with kitchenette, accessible bedroom, and an accessible bathroom. The internal living area would be c.47sqm.
- 5.5 The annex would, officers accept, have all elements required for the annexe to be operated independently of the main dwelling, given that there is bathroom, living, sleeping and kitchen facilities proposed. However, the annexe would also be located close to the host dwelling within its back garden, and would share amenity space, parking, and access with the host dwelling. Moreover, the previous annexe was considered to be acceptable in annexe terms and was larger than the annex proposed in this instance as it had first floor accommodation. Accordingly, as the annex is now single storey only and the host dwelling is now a two-storey property, officers find no reason to reach a different conclusion in this instance.
- 5.6 Overall, the close relationship and subordinate scale to the host property mean officers are satisfied that the proposal can be considered to be an annexe. That

being said, an appropriately worded condition should be applied, should permission be granted, to ensure that the annexe is only used as such and not as an independent dwelling at any point.

5.7 Design and Visual Amenity

The host dwelling was formerly a modest bungalow that is now undergoing conversion in to a larger two storey dwelling by way of a first floor extension, which is faced using Cotswold stone. The annex has been constructed using Cotswold stone also, and the Eastern boundary wall between the garden and the private access is also in the process of being built up using the same Cotswold stone. The partially constructed annexe's roof is hipped, and once completed would comprise slate tiles and the fenestration would be Upvc.

5.8 Officers would echo the comments of the previous case officer report, which noted that the materials are less in keeping than render, red brick or Kingswood Grey Stone would be. However, there is Bathstone detailing on some of the older Victorian properties nearby and areas of bradstone on the bungalows on the other side of the road. Moreover, as the stone has also been used on the main dwelling too and on the boundary treatments, officers would consider it difficult to resist the materials given that they now make up part of the material palette in the immediate area. The same applies to the tiles. Both materials form part of the approved plans for the bungalow extension, which means their use has essentially been established as appropriate in this location and officers therefore have no objection to their use on the annexe.

5.9 The reduced scale in comparison to the previously refused plans offers significant improvement, with an outbuilding that appears now appropriately subordinate to the main dwelling, which is further emphasised given the increase in size of the main dwelling.

5.10 Whilst the site context has not changed in that the neighbouring gardens to the west effectively fall away from the site because of the hill, officers are less concerned now about the design, notwithstanding the artificially raised level on which the annex is sited. That being said, consideration is still needed with respect of the windows and residential amenity, which will be addressed in the next part of this assessment.

5.11 The design and scale however can in officers view be considered acceptable, and broadly in accordance with the requirements of CS1, PSP38 and PSP1.

5.12 Residential Amenity

PSP8 permits development where it does not prejudice the residential amenity of both occupiers of the development and of neighbouring dwellings through the creation of unacceptable impacts. Such unacceptable impacts include loss of privacy, overlooking, loss of light, loss of outlook and overbearing/dominant impacts. The previous scheme was refused because officers felt that the position, mass, height and fenestration would have an overbearing effect on the occupiers of adjoining properties.

- 5.13 Officers welcome the reduction to a single storey. This means there is less concern that the building would be overbearing, despite the raised level of the ground and the fact the gardens of the properties to the East fall away from the site. The Western side of the annexe would be just shy of 6 metres away from the boundary with the neighbouring property and the properties beyond, all of which have smaller linear gardens. In terms of overbearing, officers are satisfied that there would be unacceptable level of overbearing or overshadowing caused. This being said, officers acknowledge that the building does have an increased presence over the existing garage would have, which has been demolished.
- 5.14 The windows on the annexe are positioned so that one window (and a door) faces the rear of the host dwelling, and two windows plus a door face West. There is also a door on the elevation that faces the host property. The gardens of neighbouring properties and the site are close knit, and there is already a high degree of mutual overlooking. For example, anyone looking out of the first-floor rear windows of either the host property or the small terrace to the west (no's 2 to 6) would easily be able to see directly in to neighbouring back gardens. The gardens are also such that when standing in the rear gardens themselves, it is possible to see directly into the neighbouring gardens and in some cases, windows. This situation is perhaps typical of a dense urban area, where a high degree of mutual overlooking is normally possible.
- 5.15 The above being said, the annexe is in a raised position, and more windows would be introduced facing in particular the properties to the West. As the windows on the side of the annexe would not directly face most of the rear windows on the neighbouring properties, there is limited concern about intervisibility. It is however an unescapable reality that the new windows on the Western side would allow an increase in overlooking (both material and perceived) of the smaller gardens to the West.
- 5.16 Officers note however that there are attempts to mitigate this. A fence has been erected on a dwarf wall to the West of the Annexe, which helps prevent a large amount of overlooking. Whilst officers note concerns about the trellis effect at the top, this still prevents a good degree of overlooking and any overlooking that is possible would be much more diffused. Whilst officers note this on site, it is not shown on the plans. This could be addressed by a condition, should permission be granted, to secure details of a permanent privacy screen. This is considered necessary in this instance.
- 5.17 Moreover, the side windows of the annexe would serve a bathroom and would be an additional window for the living area. Therefore, these should be conditioned to be obscured glazed on non-opening below 1.7 metres above floor level, which would further mitigate overlooking. Whilst there would still be a clear glazed door, the reduction to one clear glazed opening and the introduction of a privacy screen would in officers view sufficiently address concerns of overlooking, so as to make the development acceptable.
- 5.18 The window facing the back of no.8 (the host) is not considered to present any significant or unacceptable level of overlooking beyond what is already possible

from within the garden. The window and door would also be mostly obscured from no.10 to the East by the boundary wall, once finished.

5.19 Having regard to the above and subject to the conditions to secure details of a privacy screen and to require the West elevation windows to be obscure glazed, officers are satisfied that there would be no unacceptable impacts on the amenity of adjoining occupiers, should permission be granted.

5.20 Parking Standards

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

5.21 The host property once completed would have 4 bedrooms, and the annex would provide another. This means the PSP16 standard for a 5+ bed dwelling of 3no. spaces would need to be applied. With the driveway to the side and front, and the access/parking area to the East, officers are satisfied that there is parking to meet this requirement. Officers note a conditions requested by the highways officers to secure details of cycle parking, however this is not considered necessary in this instance given that the site is an established residential dwelling and associated curtilage, which officers note benefits from a garden shed which as is common in residential settings, would provide storage for cycles.

5.22 Private Amenity Space Standards

PSP43 sets out requirements for private amenity space provision based on the number of bedrooms. A 4+ bedroom dwelling should provide at least 70 Sq metres of private amenity space. In excess of this minimum is still available, and accordingly officers consider the proposal to be acceptable in this regard.

5.23 Environmental Matters

PSP21 submits that proposals on land which may be affected by contamination will be acceptable where adequate remedial measures are taken to ensure that the site is suitable for the proposed use and will remain so. Officers note comments from environmental protection, which state that the site is around 50 metres from a landfill. If present, landfill and ground gas could be a potential hazard to health. A pre-commencement condition is therefore recommended by EP to secure details of an assessment of the risks posed by landfill and ground gas and to secure any potential mitigation where required.

However, a pre-commencement condition would not be appropriate as works have already commenced. Upon further consultation with EP, they have requested that the condition be worded so that the trigger is 'prior to works continuing'. Upon making the applicant aware of the condition, further information has been received which aims to address the comments of EP and potentially avoid the requirement for any condition. The further information is in the form of building control details for the already under construction annex and an environmental report, understood to be undertaken when the property was purchased, which officers understand was recently.



At the time of writing, officers are awaiting further comments from the EP team as to whether this further information addresses the issue suitably. If the EP team are satisfied with the contents, a gas risk assessment condition may not be needed. However, in the event the detail is not sufficient, then the recommended condition will need to be applied, in the event permission is granted.

Officers have taken the decision to circulate the application in advance of these comments being received in the interest of a timely decision. However, officers would draw members attention to the fact that the 5<sup>th</sup> condition as recommended in this report may not appear on the final decision notice, dependent on the further comments from the EP team.

### **Impact on Equalities**

5.24 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.

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

## **6. CONCLUSION**

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

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

## **7. RECOMMENDATION**

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

### **CONDITIONS**

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

Reason

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

2. Notwithstanding the approved plans and the fence erected on site already, prior to first occupation a site plan and elevations showing a permanent privacy screen between the approved annexe and the properties to the West (no's 2-6 Tippetts Road) shall be submitted to the local planning authority for approval in writing. The approved privacy screen shall be installed prior to occupation and is to be retained and maintained as such thereafter in perpetuity.

Reason

In the interest of protecting the amenities of adjoining occupiers from unreasonable levels of overlooking, in accordance with PSP8 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017.

3. The windows on the West side elevation shall at all times be obscured glass to a level 3 standard or above and with any opening part of the window being above 1.7m above the floor of the room in which it is installed.

For the avoidance of doubt, this condition does not apply to the door.

Reason

In the interest of protecting the amenities of adjoining occupiers from unreasonable levels of overlooking, in accordance with PSP8 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017

4. Development shall be implemented in accordance with the following plans:

B-200 - Existing elevations

B-100 - Existing plans

B-001 - site location plan and block plan

Received 10th May 2021

B-201 - Proposed elevations

B-101 - Proposed floor and roof plan

As received 7th July 2021

Reason

For the avoidance of doubt and to define the exact terms of the permission.

5. No development shall continue until an assessment of the risks posed by any potential landfill and ground gas, are carried out and submitted for approval by the LPA. An assessment shall include the adequacy of the building constructed so far to protect against potential risks from ground gas and if required a remediation report shall be submitted to and be approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner in accordance with appropriate guidance.

Prior to occupation, where mitigation is required a verification report must be submitted demonstrating that all necessary mitigation measures works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.

**Reason**

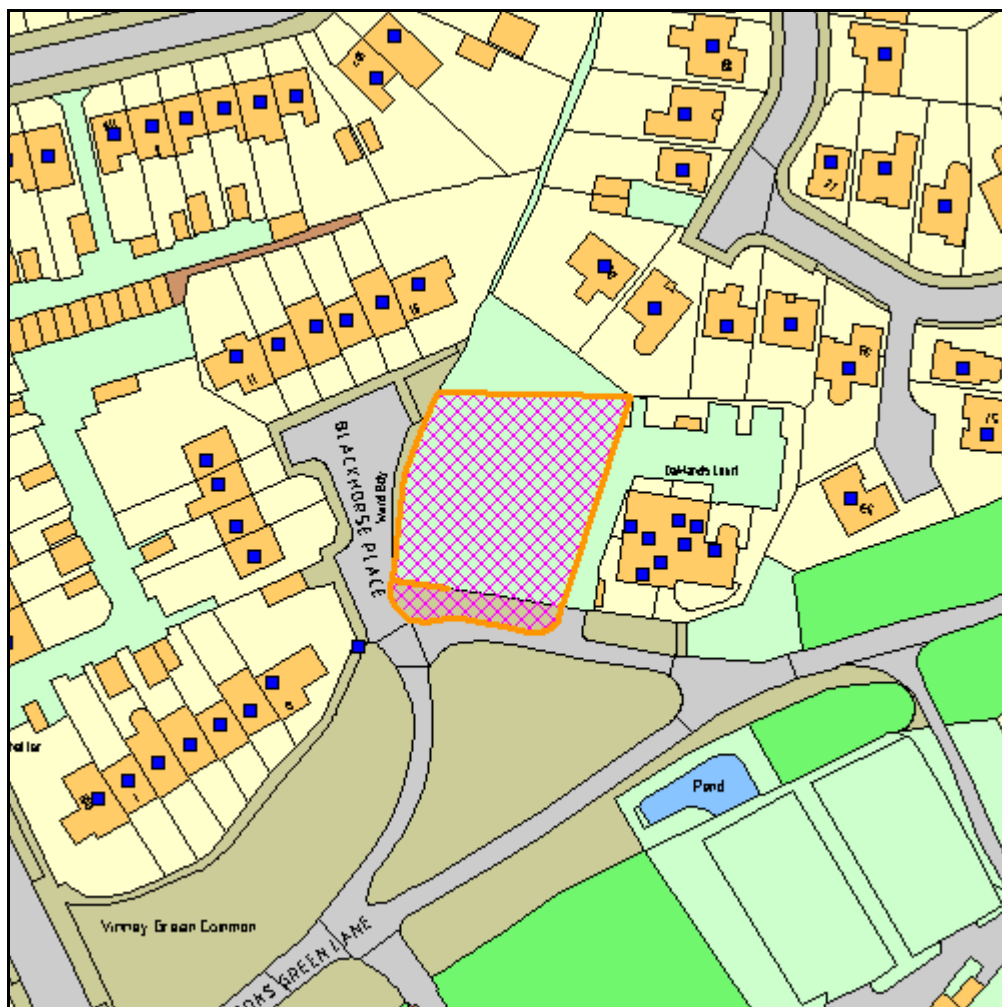
In the interest of ensuring that appropriate remedial measures are taken to address any potential impacts caused by ground or landfill gas which may be present and to ensure that the site is suitable for the proposed development and will remain so in accordance with PSP21 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017.

**Case Officer: Alex Hemming**

**Authorising Officer: David Stockdale**

**CIRCULATED SCHEDULE NO. 31/21 - 6th August 2021**

<b>App No.:</b>	P21/03740/F	<b>Applicant:</b>	Richard Denoon Blackhorse Place Ltd
<b>Site:</b>	Land Adjacent Oaklands Court 20 Blackhorse Place Mangotsfield South Gloucestershire BS16 9AD	<b>Date Reg:</b>	28th May 2021
<b>Proposal:</b>	Erection of 3 no. detached dwellinghouses with associated works (resubmission of P20/24179/F).	<b>Parish:</b>	Emersons Green Town Council
<b>Map Ref:</b>	366535 176707	<b>Ward:</b>	Emersons Green
<b>Application Category:</b>	Minor	<b>Target Date:</b>	14th July 2021



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N.T.S.

P21/03740/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 the receipt of three objection comments contrary to the officer recommendation made below.

### **1. THE PROPOSAL**

- 1.1 This application seeks permission for the erection of 3no. detached dwellings with associated works.
- 1.2 The application site is an area of land adjacent to Oaklands Court, Blackhorse Place, Emersons Green, within an established settlement boundary. The site was formerly a paddock. Vinney Green Common lies to the south of the site and a tree preservation order exists for a tree just outside the site boundary.
- 1.3 This application follows application P20/24179/F, which was refused for failing to represent the highest form of site planning and design, impacts on residential amenity and parking, and overdevelopment. The application was also refused for providing insufficient information in regards to protected species.
- 1.4 This application has been amended since originally submitted, with design changes to the rear property, alterations to the sites access arrangements, and additional ecology information.

### **2. POLICY CONTEXT**

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

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

CS1	High Quality Design
CS2	Green Infrastructure
CS3	Renewable and Low Carbon Energy Generation
CS4	Renewable or Low Carbon District Heat Networks
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS18	Affordable Housing
CS29	Communities of the East Fringe of Bristol

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP5	Undesignated Open Spaces
PSP6	Onsite Renewable and Low Carbon Energy
PSP8	Residential Amenity
PSP10	Active Travel Routes
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP18	Statutory Wildlife Protection
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water, and Watercourse Management
PSP21	Environmental Pollution and Impacts
PSP22	Unstable Land
PSP43	Private Amenity Space Standards

2.3 Supplementary Planning Guidance

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

South Gloucestershire Design Checklist (Adopted) 2007)

South Gloucestershire SPD: Residential Parking Standards (Adopted) 2013

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

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

**3. RELEVANT PLANNING HISTORY**

- 3.1 P20/24179/F - Erection of 3 no. detached dwellings with associated works. –  
Refused 09.02.2021

**4. CONSULTATION RESPONSES**

- 4.1 Emersons Green Town Council - *No Objection, however, Members feel that the site layout is of poor design, in particular the siting of the tandem parking for Plot One and Visitor parking*
- 4.2 Transport – No objection subject to conditions requiring a site specific Construction Environmental Management Plan and electric vehicle charging points.
- 4.3 Highways Structures – Details of excavations required
- 4.4 Ecology – No objection subject to conditions
- 4.5 Drainage – No objection subject to submission of detailed drainage plans
- 4.6 Arboriculture – No objection subject to conditions requiring an arboricultural report and tree protection plan.

## **Other Representations**

### 4.7 Local Residents

8no. objection comments have been received, summarised as:

- Inhibit outlook of adjacent properties
- Works will be noisy and disruptive
- Concern for wildlife on site
- A tree with TPO has been cut down
- Disruption from builders parking
- Parking not adequate
- Overdevelopment of plot
- Property values will be impacted
- Outlook over wooden fences
- Proposal will block morning sun
- Some elements of site not owned by developer
- Site is not within Emersons Green
- Cycle parking will not prevent additional cars
- Ecology report insufficient
- Council pre-application advice ignored

1no. support comment has been received, summarised as:

- Application has been with the Council since May 2020

## **5. ANALYSIS OF PROPOSAL**

### Principle of Development

- 5.1 Policy CS5 of the Core Strategy outlines the locations at which development is considered appropriate. CS5 dictates that most new development in South Gloucestershire will take place within the communities of the north and east fringes of the Bristol urban area, and within defined settlement boundaries. The application site is located within the area defined as Emersons Green. As such, based solely on the location of the site within the context of the Council's locational strategy for development, the proposed development is acceptable in principle.
- 5.2 It is acknowledged that the provision of three new dwellings towards housing supply would have a modest socio-economic benefit. However, the impacts of the development proposal must be further assessed against relevant policy in order to identify any potential harm and to reach a balanced decision. For this type of development at this location, the additional areas of assessment include; impacts on visual amenity and the character of the area, impacts on residential amenity, and impacts on the surrounding transport network, impact on ecology and on trees/landscape. The Council is able to demonstrate a five year land supply of housing.
- 5.3 Policy CS1 of the Core Strategy seeks to ensure that development proposals are of the highest possible standards and design. This means that developments should have appropriate: siting, form, scale, height, massing, detailing, colour and materials which are informed by, respect, and enhance the

character, distinctiveness and amenity of both the site and its context. Policy CS1 is fully compliant with design guidance in the NPPF.

- 5.4 Policy PSP1 of the Policies, Sites and Places Plan requires development proposals to demonstrate an understanding of the character of an area. Development proposals should make a positive contribution to the distinctiveness of a locality and innovative architectural responses to design issues are encouraged.

#### Design and visual amenity

- 5.5 The site is an undeveloped area of land situated alongside Blackhorse Place in a highly visible position. It is thought to have been a paddock associated with the house that was replaced by Oaklands Court. Blackhorse Place is a narrow lane forming two sides of a triangle with open space (part of Vinney Green Common, maintained by South Gloucestershire Council) on either side of the western access lane. At its apex the lane leads to a small residential cul-de-sac. Here two sets of terraces and an associated turning area can be found. The terraces are perpendicular to one another with a block of 4 having an east west orientation, facing the application site and the other block of 6 having a north-south orientation with some dwellings also directly facing the application site.
- 5.6 These properties were constructed in around the 1970s and have a simple, unfussy appearance with clean lines of design. More recent development to the east in the large development of Emersons Green built in the 1990s visually complement these terraces in terms of their uncomplicated lines.
- 5.7 To the east of the application site is a large building, Oaklands Court. This is a purpose built building housing 8 flats but has the appearance more akin to that of a large house or even a large farmhouse.
- 5.8 The proposed three detached dwellings would sit between the terraces of Blackhorse Place and Oaklands Court.
- 5.9 This part of Blackhorse Place is characterised by modest two-storey terraced dwellings to the west and north west, a large detached building to the east and common land to the south. To the north east is Emet Grove, which is formed of detached dwelling houses.
- 5.10 The proposed properties are two storey, and have been reduced in size since the previous application. Under this application, the property to the rear of the site has also changed the proposed roof to a hip, reducing the impact of the property overall.
- 5.11 Given the overall reduction in scale of the proposals, it is considered that they would complement surrounding properties in terms of scale, height and massing.



- 5.12 Previous pre-application advice is noted, which stated that 2 dwellings or possibly a small terrace of 3 would be the preferred option. Nevertheless, the authority must consider the proposals in front of them.
- 5.13 The amount of development within the site has also been reduced, with two garages removed and larger areas of amenity space provided to all three properties. The entrance road has also been widened to 4.7m. Overall, whilst the site still appears a little cramped, it is far more open than the previous application, and provides all aspects of development that would be expected.
- 5.14 The proposed dwellings are to be two storey with hipped roofs, reducing the third storey element which was presented in previous proposals.
- 5.15 Material details have not been specified within the application, however the design and access statement indicates that these will be informed by surrounding development. Materials will be required by condition prior to construction of the external walls is started. A mixture of red brick and render is advised, to tie the development within its surroundings.
- 5.16 A full hard and soft landscaping scheme will also be required, to ensure the proposed boundary treatments and planting are acceptable.
- 5.17 Overall, although the site is somewhat constrained, this is not to the point of overdevelopment. The proposal is considered to complement its surroundings, and would not cause harm to the character of the area. The application is therefore considered to comply with policies CS1 and PSP1.

#### Residential amenity

- 5.18 Policy PSP43 indicates the minimum amount of usable and functional amenity space that is required of all new development, with footpaths and parking areas not counted within that area. Four bed properties require a minimum of 70m<sup>2</sup>, with Plot 1 having 96m<sup>2</sup> available and plot 2 having 78m<sup>2</sup>. Three bed properties require 60m<sup>2</sup>, with plot 3 having 74m<sup>2</sup>. All three properties are therefore above the minimum requirement.
- 5.19 Plots 1 and 2 have their gardens to the rear, facing north, which can mean that sunlight is blocked from the garden area. A Solar Study has been submitted with this application, taken during the Spring Equinox, showing that gardens would have more than 2 hours of spring sunshine, in exceed of good guidance.
- 5.20 The previous application had concerns regarding residential amenity, particularly with meeting the 25 degree rule from plot 2 to plot 3. Plot 3 has been reduced by approximately 30% in massing, with the third storey removed, and the garage to the rear of Plot 2 has also been removed. With the distance between the rear of Plot 2 to the side of Plot 3 being around 12m, the proposal is not considered to create an overbearing impact upon future residents.
- 5.21 With regards to existing neighbours, although there would be changes the new dwellings would be located at a sufficient distance away that an objection on these grounds could not be substantiated in an appeal situation.

- 5.22 Some overlooking will be possible between the proposed dwellings, however this is not considered to be at a level that would cause significant harm to residential amenity, and it not outside that which would be expected within a residential area. The location of the site, and siting of the houses within it, result in minimal overlooking to existing properties surrounding the site.
- 5.23 Overall, the proposals are considered to comply with PSP8 and PSP43.

#### Transport

- 5.24 As originally submitted, the application did not adjoin the public highway, as the road fronting the development is privately owned. The red line plan was altered so that the proposed now adjoins the public highway. The applicable notice is considered to have been served and correct Certificate of Ownership completed.
- 5.25 The internal road layout is considered to serve the proposed dwellings adequately.
- 5.26 It is noted that concerns have been raised regarding parking provision, and the potential for overspill to impact on nearby roads. The proposal provides 8no spaces in total, which complies with the Councils minimum parking standards within PSP16, and thus is considered able to accommodate the proposed parking demand.
- 5.27 To ensure that parking is controlled during construction, a Construction and Environment Management Plan will be required to be submitted by condition. Charging points will also be required.

#### Ecology

- 5.28 A preliminary ecological appraisal (Abricon, December 2020) and Reptile Survey and Enhancement Plan (Abricon, May 2021) has been submitted. No designated sites will be impacted by the proposal. The site consists of poor semi-improved grassland, scattered trees, and a species poor defunct hedgerow. The report recommends that the tree removed is to be replaced and ecological buffer zones are to be implemented.
- 5.29 None of the trees supported potential roost features, however the habitats on site will provide some foraging and commuting habitat. Where possible these habitats are to be retained and enhanced for bats. Sensitive lighting is required as part of the design of the proposed site.
- 5.30 There are several records within close proximity to the site with a pond located 35m from the site, this is separated by sub-optimal habitats which could deter GCN. Reasonable avoidance measures are to be proposed, which can be conditioned.

- 5.31 A peak count of 4 slow worms were recorded. As mitigation cannot be supplied on site, a receptor site has been identified approximately 850m away known as the Earth Sculpture. The translocation method has also been detailed.
- 5.32 Mammal paths were recorded on site, however no other signs were found for badgers though they are known in the local area. An ecological buffer zone has been recommended in order to not deter commuting badgers using the site and this is welcomed.
- 5.33 There are suitable habitats for hedgehogs on site. Hedgehog holes are recommended and are welcomed, these will form part of a condition if planning permission is granted.

### Trees

- 5.34 Just outside the site boundary to the front and opposite Vinney Green Common, a Willow tree benefits from a Tree Preservation Order (TPO). Objection comments state that this tree has been removed, however this is not the case. The Council's Arboriculturalist visited the site in December 2020 following reports from residents. It was found that the tree has been re-pollarded, which is a management technique that involves the removal of all regrowth, generally carried out on a 5 to 7 year frequency.
- 5.35 Although the owner of the tree should have gained permission prior to carrying out the works, pollarding is normally given consent as it ultimately maintains the trees longevity. A site visit carried out in July 2021 confirmed that the tree is now showing vigorous regrowth as would be expected. In this case, there would be no benefit to pursuing a prosecution for unauthorised works.
- 5.36 An Arboricultural Report and Tree Protection Plan will be required prior to the commencement of development to ensure no harm comes to the protected tree.
- 5.37 A Sycamore tree has also been removed from within the site, however this was not protected and therefore can be removed without any approval.

### Other matters

- 5.38 Effect on property value: This is not a planning matter and falls outside the remit of a planning assessment.
- 5.39 Impact on views: It is acknowledged that building on this plot would result in changes to the outlook for closest neighbours but the distance between the site and neighbours has been assessed as being within acceptable limits given the location
- 5.40 Noise and disruption: A CEMP will be conditioned to control excessive impact during the construction phase. Normal residential use in this area would not result in excessive noise or disturbance to nearby existing dwellings.

## Consideration of likely impact on Equalities

- 5.41 The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. As a result of that Act the public sector Equality Duty came into force. Among other things, the Equality Duty requires that public bodies to have due regard to the need to: eliminate discrimination; advance equality of opportunity; and, foster good relations between different groups when carrying out their activities. Under the Equality Duty, public organisations must consider how they could positively contribute to the advancement of equality and good relations. This should be reflected in the policies of that organisation and the services it delivers. The local planning authority is statutorily required to apply the Equality Duty to its decision taking. With regards to the Duty, the development contained within this planning application is considered to have neutral impact.

## **6. CONCLUSION**

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

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

The CEMP shall address the following matters:

- (i) Measures to prevent the tracking of mud off-site from vehicles including the provision of a jet wash facility if required by the Council.
- (ii) Measures to ensure Blackhorse Place is not obstructed and neighbouring residents can access their homes at all times.
- (ii) Measures to control dust from the construction works approved.

- (iii) Adequate provision of fuel oil storage if required, landing, delivery and use, and how any spillage can be dealt with and contained.
- (iv) Adequate provision for the delivery and storage of materials.
- (5) Adequate provision for contractor parking.
- (6) A lorry routing schedule.
- (7) Use of a banksman for any construction of delivery vehicle reversing manoeuvres.
- (8) Contact details for the Site Manager.
- (9) Procedures for informing neighbouring residents of the progress of the works and any major deliveries.
- (10) Procedures for dealing with complaints.
- (11) A photographic survey of the Emersons Green Lane and Plackhorse Place leading to the site access taken pre -commencement to identify the existing condition of the roads.

Reason

In the interests highway safety and to accord with Policies PSP11 of the adopted South Gloucestershire Policies, Sites and Places DPD.

3. Within one month of the completion of construction, a second photographic survey of the roads shall be submitted to the Local Planning Authority to identify any damage caused by the construction works. Such damage and subsequent repairs to be agreed in writing with a South Gloucestershire Council Highways Engineer.

Reason

In the interests highway safety and to accord with Policies PSP11 of the adopted South Gloucestershire Policies, Sites and Places DPD.

4. The dwellings shall not be occupied until the access and car / cycle parking arrangements have been completed in accordance with the submitted details.

Reason

In the interest of highway safety, to promote sustainable travel and to accord with Policies PSP11 and 16.

5. The dwellings shall not be occupied until 7Kw 32 Amp Electric Vehicle Charging Points have been provided for plots 2 and 3 and ducting for a future connection for plot 1, all in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason

To promote sustainable travel and to accord with Policy CS8 and South Gloucestershire Council Residential Car Parking SPD.

6. The development shall proceed in strict accordance with the Mitigation Measures provided in the Preliminary Ecological Appraisal (Abricon, December 2020) and Reptile Survey and Enhancement Plan (Abricon, May 2021), this includes timings for site clearance to avoid bird nesting season and sensitive lighting design with a dark corridor bordering the western boundary. If ecological enhancements differ from those proposed within the ecological reports, a plan detailing the location and specification is required.

Reason

To protect against harm to protected species and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP19 of the Policies Sites and Places DPD (Adopted) November 2017; and the National Planning Policy Framework.

7. A pre-commencement check is required for badgers immediately prior to works starting to ensure a sett has not been constructed since the last site visit.

Reason

To protect against harm to protected species and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP19 of the Policies Sites and Places DPD (Adopted) November 2017; and the National Planning Policy Framework.

8. Prior to the commencement of development a precautionary method of working for great crested newts is to be submitted to and approved in writing by the Local Planning Authority. Any development shall proceed in strict accordance with the method of working.

Reason

To protect against harm to protected species and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP19 of the Policies Sites and Places DPD (Adopted) November 2017; and the National Planning Policy Framework. This is a condition precedent because the works comprising the development have the potential to harm reptiles on site. Therefore these details need to be agreed before work commences.

9. No development shall commence until 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 have been submitted and approved by the Local Planning Authority. A detailed development layout showing the location of surface water proposals is required along with results of percolation tests and infiltration calculations to demonstrate that the proposal is suitable for this site. No public surface water sewer is available

Reason

To comply with South Gloucestershire Local Plan: Policies, Sites and Plans Plan (Adopted) November 2017 Policy PSP20; South Gloucestershire Local Plan: South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 Policy CS1 and Policy CS9; and National Planning Policy Framework 2012. This is a condition precedent as the drainage scheme requires to be considered prior to the commencement of development.

10. No development shall commence until a Detailed Arboricultural Method Statement with Tree and vegetation Protection Plan following the recommendations contained within BS 5837:2012 has been submitted to and approved in writing by the Local Planning Authority. The statement should include the control of potentially harmful operations such as site preparation (including demolition, clearance and level changes); the storage, handling and mixing of materials on site, burning, location of site office, service run locations including soakaway locations and movement of

people and machinery. No development or other operations shall thereafter take place except in complete accordance with the approved details.

Reason

To ensure that trees and vegetation to be retained are not adversely affected by the development proposals in accordance with PSP3 and PSP19. This is a condition precedent because the works comprising the development have the potential to harm retained trees. Therefore these details need to be agreed before work commences.

11. Prior to the commencement of construction of the external walls, details of the roofing and external facing materials proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

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

12. No occupation shall commence until a hard and soft landscape scheme has been submitted to and approved in writing by the Local Planning Authority showing details of all trees, hedgerows and other planting to be retained; a planting specification to include numbers, size, species and positions of all new trees and shrubs, details of existing and proposed walls, fences, other boundary treatment and surface treatment of the open parts of the site, and a programme of implementation.

Reason

To ensure the provision of an appropriate landscape setting to the development in accordance with PSP2.

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

19 May 2021			EXISTING SITE PLAN
19 May 2021			PLOT 1 ELEVATIONS
19 May 2021			PLOT 1 FIRST FLOOR PLAN
19 May 2021			PLOT 1 GROUND FLOOR PLAN
19 May 2021			PLOT 1 SECTIONS
19 May 2021			PLOT 2 ELEVATIONS
19 May 2021			PLOT 2 FIRST FLOOR PLAN
19 May 2021			PLOT 2 GROUND FLOOR PLAN
19 May 2021			PLOT 2 SECTIONS
19 May 2021			PLOT 3 FIRST FLOOR PLAN
19 May 2021			PLOT 3 FIRST FLOOR PLAN
19 May 2021			PLOT 3 GARAGE PLAN
09 Jul 2021	20029/03	I	SITE PLAN - EXISTING AND PROPOSED
09 Jul 2021	20029/05	G	PROPOSED STREET SCENE
27 Jul 2021	20029/33	F	PLOT 3 ELEVATIONS
27 Jul 2021	20029/34	E	PLOT 3 SECTIONS

Reason

To define the terms and extent of the permission.

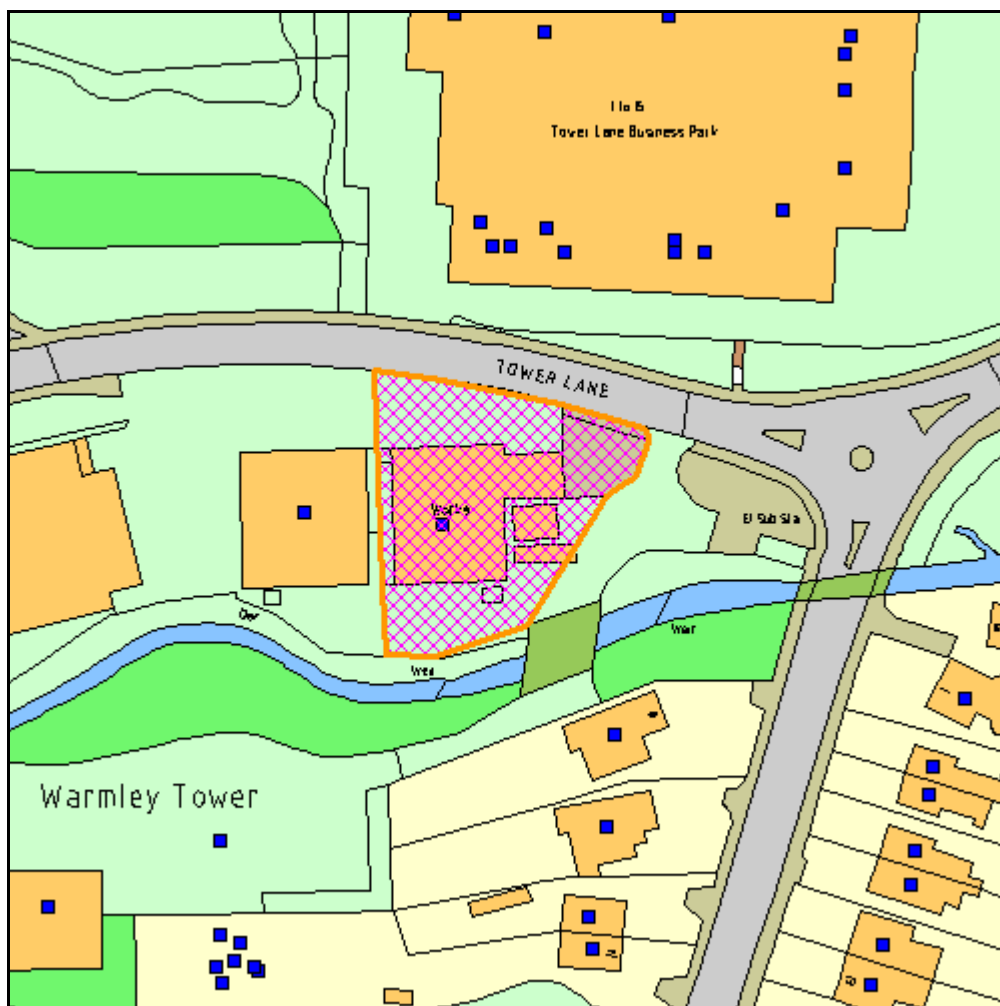
**Case Officer: Rae Mepham**

**Authorising Officer: Marie Bath**



**CIRCULATED SCHEDULE NO. 31/21 -6th August 2021**

<b>App No.:</b>	P21/03958/F	<b>Applicant:</b>	Leonard F Jollye (Brookmans Park) Ltd
<b>Site:</b>	Factory B Tower Lane Warmley South Gloucestershire BS30 8XT	<b>Date Reg:</b>	2nd June 2021
<b>Proposal:</b>	External alterations to building and change of use from Class E(g)/B2/B8 to: (1) use for storage and distribution purposes together with associated display and/or for the sui generis use for the storage, display and sale of wall and floor tiles and associated products (Class E(g), B2, B8 and Sui Generis); or (2) use for the display and sale of pet products and pet food (Class E(a)) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).	<b>Parish:</b>	Siston Parish Council
<b>Map Ref:</b>	366890 172712	<b>Ward:</b>	Parkwall And Warmley
<b>Application Category:</b>	Minor	<b>Target Date:</b>	22nd July 2021



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

## **INTRODUCTION**

This application has been referred to the Circulated Schedule due to the Parish Council's concerns.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for external alterations to building and change of use from Class E(g) / B2/B8 to (1) use for storage and distribution purposes together with associated display and/or the sui-generis use for the storage, display and sale of wall and floor tiles and associated products (Class E(g), B2, B8 and Sui-generis); or (2) use for the display and sale of pet products and pet food (Class E(a)) at Factory B, Tower Lane, Warmley. A ramp is proposed to the east elevation of the existing building. During the course of the application, an arboricultural report and a Transport Addendum Letter were submitted to address the officers' concerns.
- 1.2 The application relates to land on the south side of Tower Lane Warmley, and the site is located in the safeguarded employment site defined by Policy CS12 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013. It is also situated within the Warmley Conservation Area and is adjacent Kingswood History Museum, which is a statutory listed building. It is also noted that a protected tree near the site entrance.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework July 2021  
National Planning Practice Guidance

- 2.2 Development Plans

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
PSP17	Heritage Assets and the Historic Environment
PSP20	Flood Risk, Surface Water and Watercourse Management
PSP21	Environmental Pollution and Impacts
PSP27	B8 Storage and Distribution Uses
PSP31	Town Centre Uses

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4a	Presumption in favour of sustainable development
CS5	Location of development (inc. Green Belt)
CS9	Managing the environment and heritage
CS13	Non-safeguarded economic development sites
CS34	Rural Areas

- 2.3 Supplementary Planning Guidance  
 Development in the Green Belt (Adopted)  
 South Gloucestershire Design Checklist (Adopted)

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

- 3.1 PK17/5524/F Change of use from storage of goods and display units (Unit B1 & B2) to mixed use for storage, display and sale of wall and floor tiles (Class B1, B2, B8 and Sui Generis). Approved 14.09.2018
- 3.2 PK16/6446/F Removal of existing asbestos roof. Installation of raised roof. Approved 11.01.2017
- 3.3 PK10/0749/F Erection of 1 no. portakabin. Approved 26.05.10
- 3.4 K2349/4 Construction of car parking area. Alteration to existing bridge. Approved 22.05.92
- 3.5 K2349/3 Retention of relocatable office building (Renewal). Approved 05.06.87
- 3.6 K2349/2 Erection of relocatable office building. (Renewal). Approved 30.01.84
- 3.7 K2349/1 Erection of garage / store for company vehicles and construction of additional car parking spaces. Approved 13.08.80
- 3.8 K2349 Erection of relocatable building. Approved 07.08.78

### 4. **CONSULTATION RESPONSES**

- 4.1 Siston Parish Council: While generally welcoming this planning application as an asset to Warmley, the Parish Council is concerned that there is insufficient parking for this retail outlet. The Council requests that the application is revised so that provision for parking is increased and provision made for bicycle racks.

#### 4.2 Other Consultees

Arboricultural Officer: an arboricultural report is required.  
 Listed Building and Conservation Officer: no objection  
 Drainage Engineer: no objection  
 Highway Officer: no objection  
 Economic Development: no comments received  
 Environmental Protection Team: no comments received.

4.3 Local Resident: - no comments received.

**5. Principle of Development**

5.1 The site comprises industrial and storage buildings situating within the urban area of Warmley. Planning permission PT17/5524/F was granted for a mix use of B1, B2, B8 and Sui-Generis in 2018. This application seeks planning permission to either the authorised mixed use of PK17/5524/F, which expires in September, or a retail use restricted to the sale of pet produces and pet food.

5.2 The site is subject to planning history in the past and the previous application was referred to the Circulated Schedule. Planning permission was granted for a mixed use including the display and sale of wall and floor tiles and associated products, given its wholesale element of the previous scheme. Since the grant of the planning permission, there is no material change to the site itself or the policy relevant to the particular site, the existing building still appears to be vacant, therefore, no objection is raised to allow the authorised use to continue for next 3 years.

**5.3 Retail assessment**

To support the proposal for retail use, the applicant submitted a retail statement with the application. The submitted statement states that Jollyes have recently been given notice to vacate their Longwell Green store by the owner, and they need to vacate their existing store premises by September 2021 to allow the neighbouring occupier Wick to expand into the unit. Therefore, Jollyes need to relocate the existing business in order to continue to serve their existing customers and for existing staff to retain their jobs. The applicant also confirm that there will not be any pet grooming facilities and will not sell live animals. As this proposal would introduce retail uses to this designated employment site, Policy PSP31 would be particularly relevant.

5.4 NPPF was published in July 2021, paragraph 90 states that when assessing applications for retail development outside town centres, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floor space threshold. In this instance, the applicant's retail statement shows the primary catchment area including the town centre of Hanham, Kingswood and Staple Hill. It also explained the site selection criteria, such as sale floor space, parking facilities and servicing arrangement, for the proposed use, and identified a number of alternative sites, which have been considered and discounted for different reasons. Also, given that the applicant needs to leave their existing premises by September 2021, the availability of the premises meeting this time frame is also key consideration. The following table shows the sites and discounted reasons:

Location and Premises	Discounted reasons
Kleeneze Factory, Hanham	Required clearance and significant works to provide a retail unit. Such works would not be economically

	<p>viable and would take beyond 6 months to bring forward. Also, the site is potential for redeveloping for housings and small business units are being progressed on site.</p>
<p>13 High Street, 41 High Street and 76 High Street, Hanham</p>	<p>Limited size and are not physically capable of accommodating the proposed development</p>
<p>Kings Chase Shopping Centre, its car park and service yard</p>	<p>PK17/2550/F for the demolition of existing multi-storey car parking and a three storey extension to the shopping centre was expired. It is indicated that the owners of the shopping centre has no intention to extend or re-develop. <i>(Officers also noted that a master plan for the redevelopment of Kings Chase Shopping Centres is being consulted at this stage, therefore, it would not be immediately available for the proposed development)</i></p>
<p>351 Two Miles Hill Road, 11 Regent Street, 29 Regent Street, 48 Regent Street, 47 Regent Street, Unit 2b, Unit 6 and Unit 17 Kings Chase Shopping Centre</p>	<p>These units are too small</p>
<p>26-32 Regent Street Kings Chase Shopping Centre</p>	<p>The unit is too large and there are a number of columns throughout the ground floor and a low ceiling height which results in the unit being unsuitable for proposed development. Also, it is contaminated with asbestos, which has spread through the unit following a water leak. There is no undertaking from the current long leaseholder as to if and when they are going to undertake any works to remove this</p>
<p>7 The Square, 29 Broad Street, 124 and 126 High Street, Staple Hill</p>	<p>They are significantly smaller than the proposed development</p>

5.5 Officers have reviewed the submitted details, including the site locations and the discounted reasons, it is considered that the submitted retail information would be adequate to satisfy with sequential assessment. As such, it is considered that the proposal would not adversely affect the vitality and viability of these town centres. In addition, officers are mindful that the application site has been vacant for a while and the existing planning permission, which was granted in 2018, has still not been implemented. The prolonged vacancy of this particular premises in this location would not be beneficial to this local employment site and this should also be taken into consideration and can be given modest weight. Given the proposed use would continue to support local employment and help to the economic recovery in the locality, officers consider that the proposed use can be supported.

5.6 Residential Amenity

The premises is located to the junction of Tower Lane and Tower Road South. To the south, there is a vehicular access to Brook Business Park. Tower Lane Business Park lies opposite to the application site. To the west is a similar scale business premises, which was formerly used as an indoor play area. There are some minor alterations to the existing fenestration and there would be a ramp to the new entrance door. Given the changes are modest in scale, there is no adverse impact upon the neighbouring occupiers in terms of overlooking or overbearing impact.

5.7 Given the nature of the business and the location of the property, it is considered that the proposed either use would not cause significant adverse impact upon the neighbouring properties, provided a planning condition is imposed to restrict the opening hours and delivering hours. The applicant suggested that their opening hours would be 9am – 7pm Monday to Friday, 8 am – 6pm Saturday and 10-4 pm Sunday. Officers consider that such opening hours for the retail use are reasonable, and the original opening hours of the existing approved use should remain unchanged. Subject to appropriate condition, the proposal would not cause material adverse impact upon the amenity of neighbouring occupiers.

5.8 Highway and Parking

In terms of the access, the site retains access rights over the vehicular access to the side and rear of the site. The applicant submitted further Transport Addendum to confirm that access rights over the existing access will be retained. Also, it is clear from the site photographs, GIS mapping and the submitted vehicle swept paths that the existing vehicle crossovers to the front parking spaces need to be extended across the site frontage and this can be secured by a suitable condition. As such, no issues are raised in this regard.

5.9 In terms of parking arrangement, the Parish Council's concerns are noted. The existing Jollyes Pet Store at Alderman Way which is 557m sq. floor area benefits from a much larger car park with about 50 spaces located to the front of the store. The proposed relocated store would have a floor area of 478m sq. About 86% of the existing store. A total of 12 car spaces are available at the new site. A Transport Statement was submitted and it contains a parking accumulation assessment for the new store based on till receipts from the existing store. The receipts show that between 12: 00 and 13:00 on Saturday

the 17th April, 54 people visited the store. The predicted number of visitors to the relocated store during the same time-period is shown as 23. This is attributed to the new store not providing a dog grooming service or live animals for sale and represents a significant reduction in customer footfall. To demonstrate that the 7 customer spaces are sufficient for the parking demand for the new store, the applicant submitted further explanation to clarify the parking provision. Regarding the cycle parking provision, the proposed single Sheffield cycle stand falls somewhat below the Council's minimum standard for a retail store which is 2 spaces per 100m sq GFA plus 1 space per 8 staff. Noting the restricted retail use, a reasonable provision would be 1 stand for staff plus 2 stands for customers providing a total of 6 spaces. The stands should be set 1m apart to allow parking both sides. In this instance, subject to conditions securing three Sheffield type cycle stands to be provided, there is no highway objection to the proposal.

5.10 Design and Visual Impact

The proposal would not materially change the appearance of the existing buildings while the proposed ramp would be very modest in scale. The existing buildings are structurally sound and are also capable for the proposed change of use. Therefore it is considered that the proposal would not cause any unacceptable adverse impact upon the character and appearance of the locality, the Warmley Conservation Area, and the setting of the listed buildings.

5.11 Arboricultural matter

A protected tree is growing to the proximity of the proposed ramp. Whilst the incursion is not excessive, given that there will be some excavation, in order to prepare for the construction, an arboricultural watching brief will be required to street accordance with the submitted arboricultural report. Subject to condition to secure this, no arboricultural objection.

5.12 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.

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

## **7. RECOMMENDATION**

- 7.1 That the application be granted subject to the following conditions.

### **CONDITIONS**

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

Reason

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

2. Restricted use

The premises shall be strictly used for either (1) storage and distribution purposes together with associated display and/or for the sui generis use for the storage, display and sale of wall and floor tiles and associated products (Class E(g), B2, B8 and Sui Generis); or (2) use for the display and sale of pet products and pet food (Class E(a)) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended), and the premises shall not be used for any other purposes.

Reason

To prevent changes to unrestricted use in this out of centre location, and to accord with Policy PSP31 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017, Policy CS14 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, the National Planning Policy Framework July 2021.

3. Provision of parking and access

Prior to the first occupation of the proposed development hereby approved, the parking spaces shall be provided in accordance with Drawing No. 2951.31 received by the Local Planning Authority on 28 May 2021. The area to be used for car parking in connection with the development hereby permitted shall not be used for any purpose other than for the parking of and the standing of vehicles while servicing the premises.

Within one month following the first occupation of the proposed development hereby approved, a dropped kerb vehicle crossover across the entire building frontage shall be fully constructed.

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 PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 and Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

4. Cycle Parking Facilities

Prior to the first occupation of the proposed development hereby approved, details of 3 no. Sheffield type cycle stands shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details before the premises is occupied.

Reason:

To promote sustainable travel and to accord with Policy PSP16 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017), and Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

5. Arboricultural Work

The proposed development hereby approved shall be strictly carried out in accordance with the Arboricultural Report dated July 2021. For the avoidance of doubt, an Arboricultural Consultant shall be employed to oversee operations relating to works close to or within the Root Protection Areas of the protected tree to accord with the submitted report.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the tree, and to accord with Policy PSP3 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017), Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

6. No outside storage

There shall be no outside storage of materials/goods/waste or plant on the land within the red line of the application site.

Reason:

To protect the amenity of the area and to accord with National Planning Policy Framework and Policy PSP1 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

7. Delivery Hours

No deliveries shall be taken at or despatched from the site outside the hours of 07.00 and 19.00; nor at any time on Sundays, Bank or Public Holidays.

Reason:

To protect the amenity of the neighbouring occupiers and to accord with Policy PSP21 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

8. Opening Hours

The proposed use for the storage, display and sale of wall and floor tiles and associated products (Class E(g), B2, B8 and Sui-generis)t hereby permitted shall not be open to customers outside the following times Mondays to Saturdays 08.00 to 17.30 and Sundays 10.00 to 16.00.

The proposed use for the display and sale of pet products and pet food (Class E(a)) shall not be open to customers outside the following times: Monday to Friday 09.00 - 19.00, Saturday 08.00-18.00, and Sunday 10.00-16.00.

Reason:

To protect the amenity of the neighbouring residents, and to accord with Policy PSP21 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

9. The development hereby approved shall be carried out in accordance with the following details:

Site location plan and block plan

Existing and Proposed Block plan, Drawing No. 2951. 31

Existing Elevations and Floor Plan, Drawing No. 2951.23.

Proposed Elevations and Floor Plan, Drawing No. 2951.24, all received by the Council on 28 May 2021.

Reason:

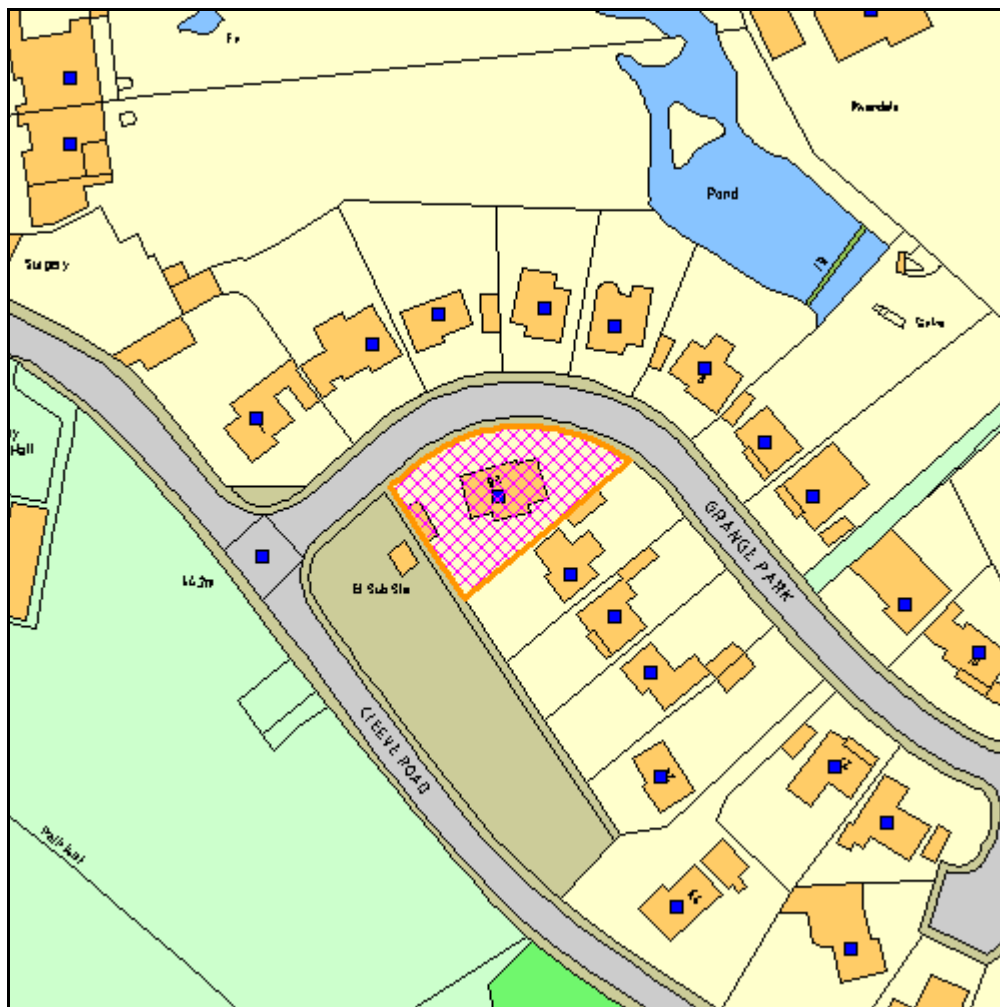
For the avoidance of doubt and to define the exact terms of the permission.

**Case Officer: Olivia Tresise**

**Authorising Officer: David Stockdale**

**CIRCULATED SCHEDULE NO. 31/21 - 6th August 2021**

<b>App No.:</b>	P21/04479/F	<b>Applicant:</b>	Dr Mather
<b>Site:</b>	28 Grange Park Frenchay South Gloucestershire BS16 2SZ	<b>Date Reg:</b>	23rd June 2021
<b>Proposal:</b>	Demolition of existing garage and erection of one and a half storey garage/ home office.	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	364271 177898	<b>Ward:</b>	Frenchay And Downend
<b>Application Category:</b>	Householder	<b>Target Date:</b>	13th August 2021



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100023410, 2008. **N.T.S.** **P21/04479/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 added to the Circulated Schedule because the proposal has received in excess of 3No letters of objection from local residents, which are contrary to the officer's recommendation.

## **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for the erection of one and a half storey garage/ home office, as detailed on the application form and illustrated on the accompanying drawings. This application also includes a proposal for the demolition of existing garage. The siting of the proposed one and a half storey garage/ home office is set back from the existing footprint so as to provide adequate off-street parking that is clear of the public highway. This application follows on from a Pre-Application (PRE21/0151) that was received and assessed in March 2021.
- 1.2 The application site can be found at 28 Grange Park, is set within a good sized plot, and the host dwelling is an existing two storey detached property. It is located within the established built up residential area of Frenchay, and is located just outside Frenchay Conservation Area; is just outside the settlement boundary and there are 2No mature trees immediately to the rear of the existing single garage.
- 1.3 Although the application site is not within the Frenchay Conservation Area, all the neighbouring houses in the area have considerable characteristics for consideration. The application site is located circa 5.0 meters from the locally listed Dovecote Tower (as described by the Historic England Register) / ornate bird house / electricity sub-station, which was formally within the garden of Fromeshaw House. Furthermore, the application site also benefits from the Frome Valley Walkway passing through this area, along Cleeve Hill before turning into and passing through Grange Park, before continuing up towards Hambrook.
- 1.4 As part of the assessment of this full planning application, and following on from the initial comments received, the original proposed design has been revised, improving the scheme reflecting upon the comments made and a re-consultation has then taken place. The main changes are; the proposed ridge height has been lowered; the rear dormer omitted and replaced with 3No rooflights; and the single front dormer has been replaced by 2No front dormers.
- 1.5 As a result of the re-consultation, comments of support and objection have again been received from local residents but Winterbourne Parish Council have re-considered the revised application and retracted their original objection of 6<sup>th</sup> July 2021.

## **2. POLICY CONTEXT**

### 2.1 National Guidance

National Planning Policy Framework July 2021  
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
CS9	Managing the Environment and Heritage

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
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)  
Household Design Guide SPD (Adopted 2021)  
Frenchay Conservation Area SPD (Adopted 2007)

## **3. RELEVANT PLANNING HISTORY**

- 3.1 PRE21/0151. Demolition of existing garage and erection of replacement double garage with workspace/consulting room above.
- 3.2 PT11/3553/F. Erection of two storey side extension to provide additional living accommodation. Approved. 06.12.2011.
- 3.3 PT01/3004/F. Erection of two storey side extension. (Amendment to previous approval to include 4.0m wide doors in side elevation). Approved. 21.01.2002.
- 3.4 PT01/0102/F. Erection of two storey side and rear extension. Approved. 02.04.2001.
- 3.5 PT00/0260/F. Erection of two storey side extension. Refused. 07.03.2000

## **4. CONSULTATION RESPONSES**

### 4.1 Winterbourne Parish Council

No Objection as of 03/08/21 – (original letter of Objection of 06/07/21 retracted on 03/08/21)

#### 4.2 Other Consultees

Arboricultural officer  
No Objections.

#### Other Representations

#### 4.3 Local Residents

10No letters of Objection received (in total, in response to the original **and** the revised scheme) –

- *Concerns of visual impacts and of an overbearing nature;*
- *Concerns of over development to existing private amenity space;*
- *Concerns over the potential loss of privacy to adjacent and surrounding neighbouring properties, particularly Nos 2 and 27 Grange Park;*
- *Concerns over a potential increase in traffic and car parking associated proposal;*
- *Concerns over proposed scale and mass of building, particularly given the distinct change in ground levels to the area;*
- *Proposal currently demonstrates non-subservient features to the existing host dwellinghouse;*
- *Proximity of proposal upon the existing electricity sub-station (Dovecote), which is within the adjacent Frenchay Conservation Area;*
- *Concerns over potential impacts on the adjacent 'Dovecote' – a locally listed building and locally listed heritage site;*
- *Concerns over inward looking visible impacts towards proposal site from local surrounding area;*
- *Concerns over impacts against existing pattern of development within the immediate area of Grange Park;*
- *Concerns raised with regards to the proposed fenestration and dormers;*
- *Concerns with the inappropriate development to entrance of Grange Park*
- *Concerns over potential adverse impacts to residential amenity of surrounding neighbouring properties;*
- *Concerns over the potential visual impacts upon the adjacent Frenchay Conservation Area;*
- *Concerns that the Dovecote may be a potential bat roost site;*
- *Concerns over the potential future conversion to a separate dwelling or business accommodation or self-contained annexe;*
- *Concerns over why proposed larger builder is proposed as current parking arrangements appear adequate; and*
- *Concerns raised over location of additional proposed W/C and utility in the garage/ home office in relation to host dwellinghouse.*

15No letters of support received (in total, in response to the original **and** the revised scheme).

## 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 for the erection of a one and a half storey garage/home office. 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 Annexe 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. Ultimately, the resultant development should be one planning unit i.e. one household rather than two separate dwellings. In this instance, the proposal has very few of the elements of principal living accommodation that would enable it to be used as an independent unit of residential accommodation.

5.5 Officers note that the one and a half storey garage/home office would continue to share principal living accommodation, amenity space and the main driveway access of the host dwelling. Parking is proposed within and to the front of the one and a half storey garage/home office and therefore it does show physical reliance upon the main dwellinghouse. As such, officers are satisfied that that the one and a half storey garage/home office would be used ancillary to the main house. A condition would be attached to the decision notice to ensure that the annex can never be a unit separate of the host property and will remain ancillary to it.

### 5.6 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.
- 5.7 The one and a half storey garage/home office, will have a total width of 6.8 meters and be to a total depth of 5.7 metres. It will have a gable end pitched style roof, extending to 2.4 metres in height to the eaves and 5.7 meters in height to the now reduced in height ridge. The proposed one and a half storey garage/home office will also now feature 2No front dormers and 3No rooflights to the rear elevations. Other proposed openings will feature 1No garage door to the front elevation, with 1No personnel door and 2No windows to the rear, overlooking the private amenity space. As part of the re-design of the proposed one and a half storey garage/home office, 2No dormer windows are now proposed to the front façade, which officers conclude is more sympathetic and congruous with the host dwellinghouse.
- 5.8 As part of the assessment of this application, comments were originally made in response to the original design in respect of its scale and mass in terms of its proposed height and its siting. The proposal has now been revised, and the scale reduced in terms of the overall height proposed, and a re-consultation has been undertaken. Officers note that although the proposed use of the one and a half storey garage/home office is only proposed as exactly that, that its revised scale and height proposed is now considered that it would not create any unnecessary impacts on the existing street scene, and given the existing properties on Grange Park, that it will not create any significant impacts to the streetscene, pattern of development or the adjacent Conservation Area or Commons, Open Spaces and Valley character area.
- 5.9 The one and a half storey garage/home office does reflect the existing envelope of materials of the host dwellinghouse and its neighbouring properties, and overall it has been proposed through its 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. Officers have concluded that the scale and form of the proposal does now respect the proportions and character of the host dwellinghouse, and therefore the proposal is found to be in compliance with policies Policy CS1 of the Core Strategy and policy PSP38 of the Policies, Sites and Places Plan.
- 5.10 Furthermore, officer's note that the proposed one and a half storey garage/home office, although sited within the existing footprint of the existing single garage that it will continue to be located adjacent to the locally listed Dovecote Tower. The proposed garage/home office is to be sited circa 5.0 meters away from the Dovecote Tower, and would be slightly set away from the existing Cotswold stone boundary wall, and subsequently the conservation area boundary. Furthermore, the proposed garage/home office is also proposed to be set back by just over 0.5 meter to permit vehicles to park in front of the building with sufficient driveway length to avoid overhanging onto the highway. Again, given the significant mature surrounding specimen and important group of trees that are located just beyond the existing stone



boundary wall within the conservation area, such trees and vegetation will continue to provide some natural screening to the proposal.

5.11 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; and odours, fumes or vibration.

5.12 The proposed one and a half storey garage/ home office will be approximately 14 meters away from the front gardens of Nos 1, 2, and 3, Grange Park, and approximately 20 meters away from the potential habitable room windows of the front façade of these properties. In accordance with the South Gloucestershire Household Design Guide SPD, sufficient distance is therefore provided between these neighbouring properties and the application site, and therefore does not create any harmful or significant overbearing impacts upon those properties.

5.13 In terms of loss of light, it is not considered that a one and a half storey garage/ home office of this size and scale would significantly exacerbate the current situation and lead to an unacceptable loss of light. The proposal is also considered to be a sufficient distance away from and have an acceptable relationship with No 27 Grange Park in terms of any overbearing impacts or loss of light to the property.

5.14 As previously mentioned, the proposed one and a half storey garage/ home office would be approximately 20 meters away from the front windows of Nos 1, 2 and 3 Grange Park. The proposed one and a half storey garage/ home office introduces 2no. dormer windows on the front elevation, and officers therefore have considered that a sufficient distance is available for there to be no undue loss of privacy.

5.15 The impact on residential amenity has been assessed in terms of the surrounding neighbouring properties. The proposed one and a half storey garage/home office will not project into the rear amenity space any further than the existing host dwelling, and given the scale, location and built form of the proposal, officers have concluded that the proposal should not create any overbearing or dominant impacts.

5.16 Concerns have been raised in terms of this proposal and its impact upon the adjacent Frenchay Conservation Area, particularly given its proposed siting. Officers note that some occasional and glimpsed views will be possible from Beckspool and Cleeve Road towards the application site, but despite the nature of the character area of this part of the conservation area '*Commons, Open Spaces & Valley*' as described on Plan 1 (1a Character Areas (inset plan)) of the Frenchay Conservation Area SPD, officers have concluded that any visual

impacts would be negligible in this location due to the proposed set back and existing vegetation to the boundary.

- 5.17 During the re-consultation process of the revised and re-submitted proposal, and following on from some the received comments, the applicants have sought initial independent advice from a Heritage Consultant in response to any potential impacts upon the Dovecote / ornamental bird house. Although it has been considered that some harm may be caused by the location of the new build, due to encroaching development towards the conservation area and heritage asset, and that there may also be a cumulative impact due to increased massing within 1950s / 1960s development to the east, it has been summarised that although the new build will replace an existing garage, the increased footprint is not expected or considered to be significantly harmful to the Dovecote / ornamental bird house.
- 5.18 Therefore as the proposed development is contained within the boundary of the modern housing development to the east and will be in keeping with the vernacular, it is therefore considered that the visual impact on the heritage asset is considered low at this stage. Also, as there a dense green screen between the Dovecote and No 28, it is believed that this will further deflect the impact of the new garage. In general, it has been initially concluded that the proposed new development will not significantly impact on the character or setting of the conservation area or the adjacent heritage asset and that any potential harm is considered to be less than substantial.
- 5.19 Transport  
Policy PSP16 of the Policies, Sites and Places Plan sets out the Councils parking standards. The existing garage will be demolished and replaced by the proposed one and a half storey garage/home office. Having viewed the revised plans, adequate off street parking will be provided to the front of the garage with sufficient driveway length to avoid overhanging onto the highway. The existing access would be widened and as such the applicant will need to contact South Gloucestershire Council Streetcare department in order to obtain specifications for extending the drop the kerb. Therefore, there are no transportation objections.
- 5.20 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. No concern is raised on the level of amenity space being proposed.
- 5.21 Arboricultural Officer  
Provided that the works are under taken in strict accordance with the submitted 'Hillside Arboricultural report' and a watching brief/supervision is maintained by the project Arboricultural consultant for the installation of the foundations, there are no objections to this proposal. The applicant is to note that an Arboricultural Officer will need to be contacted prior to commencement in order to check compliance of the works.

## 5.22 Other Matters

Overall, 8No letters of objection in total have been received in relation to this proposal, both in response to the original design and the revised scheme. Some concerns have been raised in relation to the following:

- *Concerns over the potential future conversion of this building to a separate dwelling or business accommodation or self-contained annexe;*
- *Concerns over why a proposed larger garage is proposed as the current parking arrangements are adequate; and*
- *Concerns have been raised over the additional proposed W/C and utility are located in the garage/ home office.*

Although officers note these additional concerns raised, they are not material considerations in respect of this planning application.

## 5.23 Consideration of likely impact on Equalities

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

5.24 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**.

## 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 one and a half storey garage/home office hereby permitted shall not be occupied at any other time other than for ancillary purposes as part of the main residential use of the dwelling known as 28 Grange Park, Frenchay, BS16 2SZ.

Reason

To protect the residential amenity of the host dwelling to accord with policy PSP8 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017.

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

001 Location and Block Plan (Date received 21/06/21)

002 Rev A Existing Site Plan (Date received 21/06/21)

003 Rev A Existing Elevations (Date received 21/06/21)

004 Existing Rear Elevations (Date received 21/06/21)

005 Rev A Existing Floor Plan (Date received 21/06/21)

100 Rev E Proposed Site Plan (Date received 15/07/21)

101 Rev F Proposed Floor Plans, Elevations and Section (Date received 15/07/21)

102 Rev D Proposed Streetscene (Front) (Date received 15/07/21)

103 Rev D Proposed Streetscene (Rear) (Date received 15/07/21)

Arboricultural Report (Date received 21/06/21)

Design Statement (Date received 21/06/21)

Reason

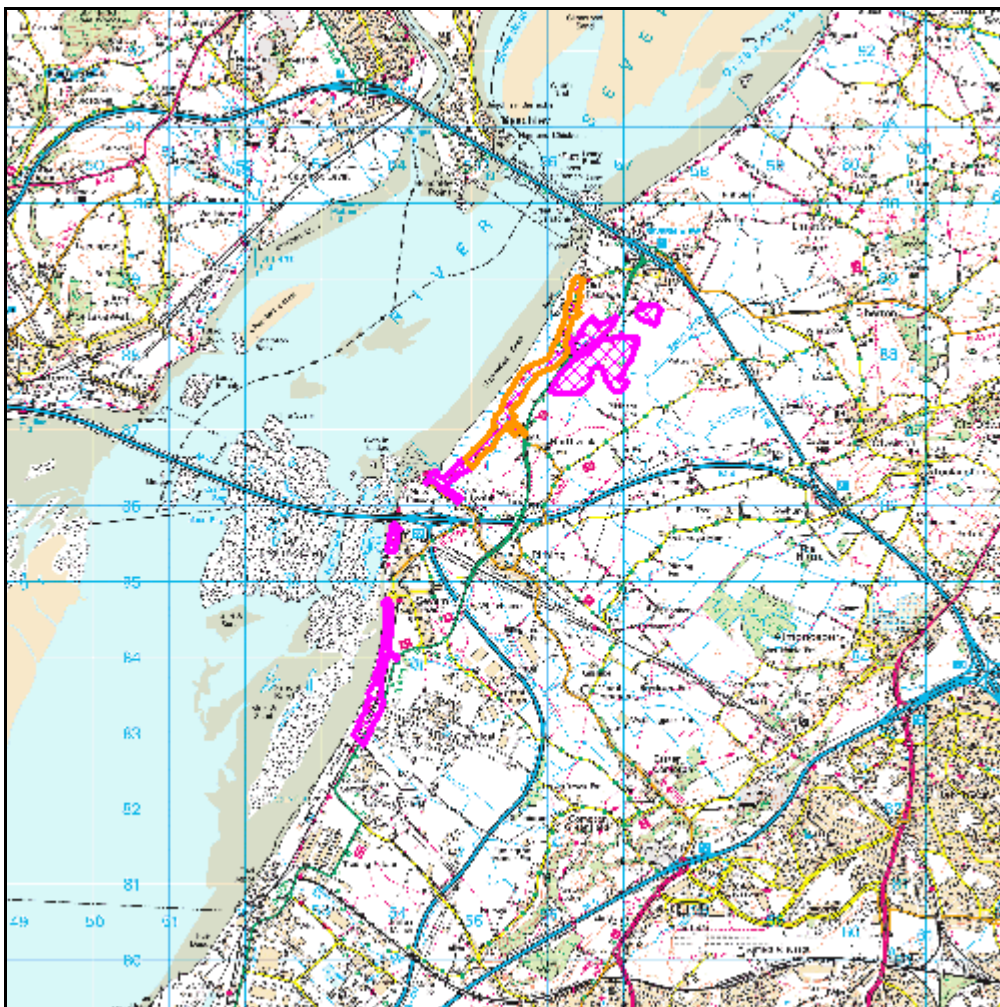
To define the terms and extent of the permission

**Case Officer: Helen Turner**

**Authorising Officer: David Stockdale**

**CIRCULATED SCHEDULE NO. 31/21 -6th August 2021**

<b>App No.:</b>	P21/04830/NMA	<b>Applicant:</b>	South Gloucestershire Council, Bristol City Council
<b>Site:</b>	Land Off New Passage Road, And The A403 (Severn Road) South Gloucestershire Severnside	<b>Date Reg:</b>	9th July 2021
<b>Proposal:</b>	Non material amendment to planning permission PT18/2505/R3F to replace the and Cotteralls Pill Outfall Proposed Sections and Details plans.	<b>Parish:</b>	Pilning And Severn Beach Parish Council
<b>Map Ref:</b>	354599 186117	<b>Ward:</b>	Pilning And Severn Beach
<b>Application Category:</b>		<b>Target Date:</b>	5th August 2021



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P21/04830/NMA

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

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

This application is referred to the Circulated Schedule because South Gloucestershire Council are one of the joint applicants.

## **1. PROPOSED CHANGES TO ORIGINAL PERMISSION**

- 1.1 The planning permission to which this non-material amendment application relates is PT18/2505/R3F. This permission forms one of two planning permissions granted for the construction of the Avonmouth Severnside Enterprise Area (ASEA) Ecological Mitigation and Flood Defence Scheme approved on 26th April 2019. The other planning permission has been granted by Bristol City Council (Reference: 18/02847/FB) on 31st May 2019.
- 1.2 The Scheme is split into six distinct areas;
  - Area 1 (South Gloucestershire Council) – Aust to Severn Beach – Severnside (flood defence area)
  - Area 3A (South Gloucestershire Council) – Severn Beach Railway (North) (flood defence area)
  - Area 5 (South Gloucestershire Council) – Northwick (ecology mitigation area)
  - Area 2 (Bristol City Council) – Avonmouth Docks (flood defence area)
  - Area 3B (Bristol City Council) – Severn Beach Railway (South) (flood defence area)
  - Area 4 (Bristol City Council) – Hallen Marsh (ecology mitigation area)
- 1.3 In cases where it is necessary to make non-material changes to the design of a scheme following the grant of planning permission an application for a non-material amendment can be made to the Local Planning Authority.
- 1.4 There is no statutory definition of 'non-material' as it is dependent on the context of the overall scheme. An amendment that is non-material in one context may be material in another. The local planning authority must be satisfied in making a decision that the amendment sought is non-material in order to grant the planning application under Section 96A.
- 1.5 This non-material amendment application seeks approval for some changes to the design of the ASEA scheme pursuant to planning permission PT18/2505/R3F.
- 1.6 The following design changes are being sought by this application, which have been made possible through detailed design and design refinement:
  - Front 4no. piles removed from design
  - Piles changed from bored concrete to driven tubular steel
  - Straight flood defence across the existing outfall headfall, to replace a stepped back design
  - Metallic access platform to go full width to allow for maintenance access

## 2. **PLANNING HISTORY**

### 2.1 PT17/023/SCO Proposed Ecological Mitigation and Flood Defence Scheme

The scope of the environmental statement submitted with this application was agreed in principle.

### 2.2 Bristol City Council application - 18/02847/FB Flood defence works in the proposed Avonmouth and Severnside Enterprise Area Ecological Mitigation and Flood Defence Scheme - The scheme includes three sites within the ASEA: Area 2 - land within Bristol Port (Avonmouth Docks); Area 3B - land along Severn Road and the Severn Beach Railway; and Area 4 - Land off Washingpool Lane, between Chitting Road to the west, Severn Road to the north, the M49 to the east, and a railway line to the south. – Approved with conditions 31 May 2019

### 2.3 PT18/2505/R3F - The Avonmouth Severnside Enterprise Area (ASEA) ecological mitigation and flood defence scheme includes works at three sites within South Gloucestershire, as follows:

- Area 1 Scheme (Aust to Severn Beach - Severnside) - Construction of new flood defence walls, embankments and flood gates, raising of existing flood defence walls and embankments, and improvements to the Cake Pill Outfall, Chestle Pill Outfall, and Cotteralls Pill Outfall.

- Area 3A Scheme (Severn Beach Railway - North) - Construction of new flood defence walls and embankments, raising of existing flood defence walls, and improvements to the New Pill Outfall.

- Area 5 Scheme (Northwick) - Creation of an ecological mitigation area comprising 41.9ha freshwater seasonally (winter months) wet grassland habitat and 14.49ha of permanent open water in the form of ponds.

Deemed Consent 26th April 2019

### 2.4 P20/08969/NMA - `Non-material amendment to planning approval `PT18/2505/R3F for realignment of the Wessex Water Access Track at New Passage Road, Redwick. No objection 17th July 2020

### 2.5 P21/02141/NMA - Non-material amendment to planning permission `PT18/2505/R3F to seek approval for minor changes to the design of the ASEA scheme as detailed in the attached covering letter. No objection 30th April 2021

### 2.6 P21/02950/NMA - Non material amendment to permission PT18/2505/R3F to realignment the flood defence wall north of New Pill Outfall and change it to pre-cast concrete; reconfiguration of maintenance vehicle raised platform and raising of access track by 0.22m No objection 4<sup>th</sup> June 2021

### **3. CONSULTATION RESPONSES (previously received to the original application PT18/2505/R3F)**

#### **3.1 Aust Parish Council (APC)**

APC confirm that it has considered the application relating to the flood prevention works in and close to their parish, particularly around Cake Pill.

Aust Parish Council support the proposal to raise the height of the existing bank beside the Northwick land fill site. APC note that this will result in the removal existing poplar trees and acknowledge that they are nearing the end of their lives. However APC are concerned that there is a satisfactory planting scheme to replace them with native hard wood trees on the new bank.

APC also note that it is proposed to remove a number of hedgerows in area 5 parts of which are in Aust parish and parts in the adjoining parish. APC considers that these hedges form an important part of the traditional field pattern and are important in the landscape.

APC acknowledge that while it is appropriate for the hedgerows to be laid in traditional local style to control their size (to meet the requirement not to give cover to predators), it would be very deleterious for any of them to be removed. It should be a condition of any consent that they be required to be retained and properly maintained.

#### **3.2 Pilning and Severn Beach Parish Council (P&SBPC)**

P&SBPC confirm that it support the improvements to the sea defences in principle. However the following concerns are raised (in summary);

The proposed defences between New Passage and Aust are higher than necessary resulting in more harm than necessary. It is suggested that amendments to this part of the proposal are sought.

It is suggested that the proposed sea wall at Severn Beach/Riverside Park is changed to glass panels.

It is suggested that the use of the former ICI tip as a site compound is unsuitable as the land is unstable and would require the use of residential roads for access. It is suggested that an alternative is available between the railway line and the A403.

New Passage road is unsuitable as an access road and Old Passage should be used instead.

Shaft Road is unsuitable and passing spaces should be required

P&SBPC highlight the potential presence of a section of sea wall near Shaft Road that was constructed by Napoleonic Prisoners. This section of wall should be preserved.

Construction should be limited to daytime and weekdays only.

Officers note that additional information was also provided following the committee site visit on 14th December 2018.



P&SBPC are concerned that public money is spent wisely.

P&SBPC suggest that the decision is made by a joint committee from Bristol City Council and South Gloucestershire Council.

P&SBPC have written to the SoS to suggest that the application is 'called in' for consideration so as to allow for an impartial and objective body to determine the application.

Concern is raised that the engineering works proposed at Severn Beach Promenade do not include height increases.

Concern is raised that the tidal protection data being used as a basis of these proposals are out of date (2009) and more up to date data is available (2018)

### 3.3 Thornbury Town Council

Note that they are not directly affected by the proposed development, but indicate that they support any comments made by directly affected parishes.

### 3.4 Bristol City Council

No objection

### 3.5 Conservation Officer

The Conservation Officer has confirmed that further information submitted in respect of the proposed Ecological Mitigation (Area 5) has provided an accurate recording of ridge and furrow features present in the site. The Conservation Officer also considered that the revisions to the layout of the mitigation now adequately addresses previous objections and preserves the majority of sensitive and important medieval ridge and furrow features.

The Conservation Officer raises concern about the loss of hedges so creating an open landscape in conflict with the general characteristic of field division seen in the locality. It is suggested that further consideration is given to methods to mitigate this, such as the laying and managing hedgerows to a low level or retaining some sections. However, from a heritage perspective the Conservation Officer has confirmed that previous objections in heritage terms are now withdrawn subject to details of localised earth works and flow control structures being secure by condition of any consent of this proposal.

### 3.6 Archaeology Officer

Concurs with the views of the Conservation Officer. Conditions are suggested to secure appropriate archaeological investigation is carried out to protect the potential for unknown archaeological remains.

### 3.7 Landscape Officer

The Landscape Officer notes that the proposed development has been design to achieve flood defence improvements and ecological mitigation whilst aiming to minimise the impact upon the character and amenity of the landscape. The landscape officer notes that the development would provide improvements and appropriate planting schedules generally throughout the proposal including the restoration of the Aust Ferry Causeway, new fencing and interpretation boards However concern is raised as to the impact of the development in the following areas (refer to section 1 of this report);

Area 1 – Concern about the potential loss of category A Oak Tree and category B woodland and the row of Black Poplar Trees. This loss should be compensated with replacement tree planting (equating to that lost) nearby. Details should be provided prior to determination.

Concern is also raised about the materials to be used as to the materials to be used to construct the new flood wall at Aust and in particular that stone faced elevations should be included to ensure appropriate integration with the character of the area.

Area 3a – no specific concerns raised

Area 5 – Considerable improvements relating to existing ridge and furrow are noted. However, concern is raised as to the loss of hedgerow in this area which enclose historic field patterns. Translocation and laying hedges to a low height is suggested as a method of mitigation of that loss.

Details of the proposed solar powered pumping stations and appropriate screen planting is requested by condition if the proposed development is approved.

The Forgotten Landscape Project – the landscape officer notes that the development will potentially affect installations provided in the locality relating to the project and highlights that the development should ensure that there is no conflict with those installations.

### 3.8 Arboricultural Officer

There is general concern regarding the loss of trees as a result of the proposed development. The Arboricultural Officer sets out that where trees are lost, then appropriate mitigation (in the form of compensatory planting) is required.

Particular concern is raised as to the loss of a Category A Oak Tree and the group of Black Poplar Trees within area 1. The Arboricultural Officer notes that the Black Poplar Trees have a limited life span and that the proposal to mitigate loss would have the potential to provide greater benefits in the longer term.

In the event that the area of land adjacent to the Poplar Trees is used to provide new woodland mitigation, then the appropriate standard of ground conditioning will be required to account for known landfill in that area.

### 3.9 Ecology Officer

No objection subject to conditions for the following requirements;

- i) Construction Environmental Management Plan;
- ii) Control of Barn Owl nesting locations;
- iii) Provision of agreed ecological mitigation and habitats;
- iv) Carrying out of pre-construction surveys for otter, water vole and badger;
- v) Provision of a long term biodiversity monitoring strategy

The Ecology Officer has confirmed that the proposed development can provide the required habitat provisions for birds associated with the Severn Estuary Special Protection Area as set out by the Cresswell Report (2011); and that the ecological impacts of the implementation of the flood defence have been assessed and adequately mitigated and ultimately the scheme will result in the ecological enhancement for a wide range of species and habitats.

### 3.10 Lead Local Flood Authority

Clarification of the method for maintaining drainage areas not in the control of the Environment Agency is requested.

### 3.11 Environmental Protection

No objection in principle subject to conditions controlling mitigation and remediation of potential site contamination.

### 3.12 Public Rights of Way

Comments are made in relation to the development areas and as follows;

#### Area 1

The flood gates proposed at Aust Cliff should still allow access for fossil hunting.

There is potential to realign the Severn Way on the proposed embankment to protect the route from obstruction during times of flooding.

The new path along the top of the embankment should be capable of multi-user access and should not be grazed.

The diversion of the footpath at Cake Pill will be of benefit, however the existing link back to Lords Rhine crossing should be retained.

Concern is raised as to the proposal to bring the footpath lower than the proposed embankment as this would adversely affect the amenity of the public right of way.

The embankment should be a multi-user from New Passage Road to bridleway ORN3/10 (due South).

Where the path is to be lower than the crest of the embankment, viewing platforms should be provided.

Concern is raised that there is potential for inconvenient long diversions.

Easy access to the Severn Way/Coast Path should be provided for wheel chair, buggies and push chair users.

Bridleway ORN3/10 should be reinstated as a grass surface following its use as a construction access

Dense shrub planting shown near and around ORN7/10 should retain sufficient width for maintenance purposes.

The proposed glass wall should be maintained so as to preserve views. Viewing platforms should also be installed to allow wheel chair users to continue to access the view.

#### Area 3a

Concern is raised that the sea wall could adversely affect the Severn Way/Coast path as a result of its height and sense of enclosure, and loss of views.

There is also potential maintenance issues resulting from vandalism and graffiti.

#### Area 5

Causeways should be the maintenance responsibility of the Environment Agency.

It is suggest that Common Lane and PROW OAU 31 become a multi-user active travel route with a connection to the A403

Stopping up of footpaths should be mitigated with appropriate connecting routes and should be multi-user.

Footbridges should be multi-user compatible and agreed by the Street Care. Suggest that causeways are hedge on one side rather than both sides.

#### Diversions

Concern is raised as to the diversion of the Severn Way/Coastal Path to a position lower than the crest of the embankment. Appropriate mitigation, such as viewing platforms should be provided and the embankment lowered where possible.

The diversion north of Redwick should be made permanent.

Temporary diversion onto the A403 should be kept to a minimum timescale.

### 3.13 Highway Authority

No objection in principle subject to appropriate detailed construction management plan and construction access layout.

### 3.14 Economic Development Officer

Support the proposal.

### 3.15 Natural England

No objection in principle. Natural England have indicated that the development adequately avoids adverse impact either by design or by the provision of appropriate mitigation; and raises no objection in relation to the impact of the development on internationally and nationally designated (habitat) sites. The agency has indicated that it should be involved in the preparation of 'Construction and Environmental Management Plans (CEMP)' through appropriate consultation.

### 3.16 Historic England

Historic England have not specifically raised objection to the development but have raised initial concerns to the application. It was considered that the information submitted did not adequately address the archaeological potential for the area; in particular relating to areas of historic 'ridge and furrow'.

Following the submission of further information, Historic England have confirmed that sufficient detail is now provided to fully understand the impact of the development upon heritage features. The organisation considers that there are areas of poor ridge and furrow (or no ridge and furrow) that would be more suitable for proposed scrapes and ditches.

Historic England suggests that their representations should be taken into account in the consideration of this application.

### 3.17 Environment Agency

No Objection in principle, subject to conditions and informatives. The agency provides broad comment in relation to the following matters;

Hedgerows – Where hedgerows lost to development cannot be replaced within the site, alternative locations should be considered on a 2:1 basis.

Pollinators – Pollinating plants should be provided

Water Vole – opportunity to improve potential habitat for water vole should be considered.

Trees – Local value of trees should be considered.

Water Supply to the Wetland Area – passive supply should be used as much as possible and where pumping is required this should be provided by 'green' measures.

Local Ecology Designations – mitigation and enhancement of these areas is encouraged.

Environmental Mitigation Strategies and Management Plans – these are requested for matters including potential contamination and in relation to ecological aspects and are requested to be provided as part of any approval and secured by condition.

It should be noted that these comments have been provided by Environment Agency engineers who work outside of this Environment Agency Region (in this instance Dorset and South Somerset and as such have not been involved in the preparation of the ASEA project. This is to ensure impartiality within the Environment Agency.

3.18 Coal Authority

No objection.

3.19 Ministry of Defence

No objection.

3.20 Highways England

No objection in principle. A condition is recommended to secure a construction management plan.

3.21 Fischer German on behalf of Esso Petroleum Co

No objection in principle.

3.22 Local residents

A total of 54 comments have been received from local residents/landowners. 5 comments have been made raising support and 45 comments have been made raising objection for the proposed development. Officers note that whilst objections are raised, some of those comments express an 'in principle' support for the flood defences proposal. Similarly, where support is lodged, this is caveated against the need to mitigate impacts. 2 comments have also been received that take a neutral stance. The comments are summarised as follows;

*Support*

The flood defence works represent a positive investment in the area and recognition of the impact of rising sea levels.

The proposal is in the interest of the wider Severnside community

The existing poplar trees have limited value due to their age and it won't be long before they fall.

*Objection*

The proposed development would have a detrimental impact upon The Pilning Wetland and ecology through the disturbance to birds that visit the wetland. Concern is raised that there is no mitigation or alternative proposals submitted for

consideration. Limited contact has been made with the Pilning Wetland Managers prior to the application being made.

The proposed development result in an excessive loss of wetland habitat particularly to the North and Aust.

The proposed development would result in the loss of mature poplar trees to the detriment of the character of the landscape and the wild life/ecosystem that the trees support. It would be possible to save these trees by constructing a wall instead of a raised bank.

The new bank could be constructed closer to the seaward side to avoid vegetation.

The proposed development would result in the unacceptable loss of hedgerows.

The loss of trees and hedgerows could result in more flooding hazard in the area through loss of roots that lower the water table.

The proposed development would result in a detrimental impact on valuable wildlife habitat and species.

The proposed habitat creation does not provide adequate mitigation against the impact of the development.

The proposed development would result in a detrimental visual impact on the landscape and the amenity of the local area as a recreational area.

The new habitats do not include facilities for birdwatching or public access.

No working is suggested during nesting periods.

The proposed development would introduce new access roads with potential negative impact on pedestrians and other road/footpath users.

The creation of new access roads and compounds off the A403 could make existing highway safety issues worse. The impact on the junction of Aust Road and the A403 is raised as being a dangerous junction where matters could be made worse as a result of the creation of new accesses. Safety measures such as speed limit reduction is suggested.

Working hour's restrictions are suggested to protect pedestrians in the peak hours.

Objection to the potential disturbance and safety impact of the movement of lorries during construction. This would compound the already unacceptable levels of lorry movements resulting from the recent construction of warehouses in the area.

Objection to the creation of a new maintenance access through Salthouse Farm Park due to safety and amenity concerns for the residents.

The security of the residents of Salthouse Farm Park should not be compromised.

The use of Shaft Road would be preferable to gaining access through Salthouse Farm Park.

The proposed development would result in a detrimental impact upon the Severn Way requiring a diversion order.

Concern is raised as to the impact of the works on water management affecting Severn Beach.

Concern is raised that the level of increase of the flood defences is not necessary and that the defences could be lowered based upon DEFRA guidelines.

Concern is raised that the proposed development is a means of disposing of waste generated from other projects.

Concern is raised as to where the fill to be used to construct the flood defences will come from.

The proposed development is based purely on commercial venture.

Concerns raised about potential encroachment on third party ownership and removal of ponds from that land.

Concern is raised about the consultation process carried out ahead of the application be submitted.

- 3.23 Officers were also aware of an 'online' campaign against the proposal. However, the petition was not formally presented to the LPA for consideration. Nonetheless, the general thrust of the campaign raised matters that were raised as part of the consultation responses received directly by the LPA; such as the loss of the Black Poplar Trees, hedges, the impact of the development on the ecology of the area and the landscape value and amenity of the area.

#### **4. ASSESSMENT**

- 4.1 The proposals seek minor alterations to the approved scheme, as listed in para. 1.6 above.
- 4.2 The changes would not exceed the limitations of the development site. Officers are satisfied that the modifications proposed would not be discernible in the context of the whole development; and in the immediate locality. In addition it is not considered that they relate to issues raised by consultees. Essentially, the scope and layout of the development will remain materially the same.
- 4.3 In the context of a development of this scale the proposed amendments are considered to be non-material and as such no objection is raised.

#### **5. RECOMMENDATION**

That the following approved plans:

ENVIMSW002194-CH2-Z00-A10-DR-C-1225



ENVIMSW002194-CH2-SEV-A10-DR-C-1241  
ENVIMSW002194-CH2-SEV-A10-DR-C-1248  
ENVIMSW002194-CH2-SEV-A10-DR-C-1249

Be replaced with:

ENVIMSW002194-BMM-XX-A10-DR-C-0202598 – C02

## **CONDITIONS**

1. That the following approved plans:

ENVIMSW002194-CH2-Z00-A10-DR-C-1225  
ENVIMSW002194-CH2-SEV-A10-DR-C-1241  
ENVIMSW002194-CH2-SEV-A10-DR-C-1248  
ENVIMSW002194-CH2-SEV-A10-DR-C-1249

Be replaced with:

ENVIMSW002194-BMM-XX-A10-DR-C-0202598 - C02

**Case Officer: Rae Mepham**  
**Authorising Officer: David Stockdale**