

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: 06/21

Date to Members: 12/02/2021

Member's Deadline: 18/02/2021 (5.00pm)

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

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

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

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

NOTES FOR COUNCILLORS

– formal arrangements for referral to committee

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

c. All applications for non-material amendments

d. All applications to discharge planning conditions

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

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

Additional guidance for Members

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

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

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

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

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

A template for referral is set out below:

Referral from Circulated Schedule to Development Management Committee

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

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

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

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

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

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

Date:

To be emailed to MemberReferral@southglos.gov.uk

CIRCULATED SCHEDULE - 12 February 2021

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	P19/16366/F	Approve with Conditions	Barn Adjacent To Pool Farmhouse High Street Hawkesbury Upton Badminton South Gloucestershire GL9 1AY	Chipping Sodbury And Cotswold Edge	Hawkesbury Parish Council
2	P19/16367/LB	Approve with Conditions	Barn Adjacent To Pool Farmhouse High Street Hawkesbury Upton Badminton South Gloucestershire GL9 1AY	Chipping Sodbury And Cotswold Edge	Hawkesbury Parish Council
3	P20/12658/F	Approve with Conditions	Old Flower Pot Inn High Street Kingswood South Gloucestershire BS15 4AQ	Woodstock	
4	P20/13897/F	Approve with Conditions	Morrisons Station Road Yate South Gloucestershire BS37 5PW	Yate Central	Yate Town Council
5	P20/14528/F	Refusal	Land At Grove Farm Besom Lane Westerleigh South Gloucestershire BS37 8RW	Boyd Valley	Dodington Parish Council
6	P20/21323/F	Approve with Conditions	84 Station Road Yate South Gloucestershire BS37 4PH	Yate Central	Yate Town Council
7	P20/21990/F	Approve with Conditions	578 Filton Avenue Horfield South Gloucestershire BS7 0QQ	Filton	Filton Town Council
8	P20/23568/RVC	Approve with Conditions	13 Westcourt Drive Oldland Common South Gloucestershire BS30 9RU	Bitton And Oldland	Bitton Parish Council
9	P20/24205/F	Approve with Conditions	43 Bush Avenue Little Stoke South Gloucestershire BS34 8LY	Stoke Gifford	Stoke Gifford Parish Council

CIRCULATED SCHEDULE NO. 06/21 -12th February 2021

App No.:	P19/16366/F	Applicant:	Ms S Mansfield-Cox
Site:	Barn Adjacent To Pool Farmhouse High Street Hawkesbury Upton Badminton South Gloucestershire GL9 1AY	Date Reg:	11th November 2019
Proposal:	Rebuilding of derelict barn (agricultural).	Parish:	Hawkesbury Parish Council
Map Ref:	377470 187343	Ward:	Chipping Sodbury And Cotswold Edge
Application Category:	Minor	Target Date:	3rd January 2020



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 100023410, 2008. N.T.S. P19/16366/F

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

CIRCULATED SCHEDULE

This application appears on the Circulated Schedule following an objection comment from the Parish Council.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the rebuilding of a derelict barn (agricultural). This application follows pre-application planning advice for this proposed development. A summary of the response is given below in section 3.1.
- 1.2 The site is located just outside the defined settlement boundary of Hawkesbury Upton and is therefore within the open countryside. It is also curtilage listed being within the curtilage of the grade II farmhouse, within the village conservation area, the Cotswolds Area of Outstanding Natural Beauty (AONB) and within an area of archaeological interest.
- 1.3 This planning application also follows a recently refused scheme for the conversion of the barn into residential accommodation. That scheme was refused for 4 reasons (detailed in section 3 below). The main difference is this current scheme is being assessed on the basis of it being a rebuild of a derelict barn for agricultural use and not for residential accommodation.
- 1.4 The barn has substantially disappeared through demolition or neglect. The south side is mostly open whilst the north and west sides are heavily covered with vegetation. The east side is the most intact and represents the only elevation which is completely built up.
- 1.5 This application should be read in conjunction with an application for listed building consent P19/16367/LB.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework (NPPF) 2019
National Planning Policy Guidance
Planning (Listed Buildings and Conservation Areas) Act 1990
National Planning Practice Guidance – Conserving and Enhancing the Historic Environment;
Managing Significance in Decision-Taking in the Historic Environment (GPA 2)
The Setting of Heritage Assets (GPA 3)

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP18	Statutory Wildlife Sites
PSP19	Wider Biodiversity
PSP20	Flood Risk

2.3 Supplementary Planning Guidance

Design Checklist SPD (Adopted) 2007

Landscape Character Assessment SPD (Adopted) 2014

CIL and S106 SPD (Adopted) 2015

Waste Collection SPD (Adopted) updated 2017

3. **RELEVANT PLANNING HISTORY**

3.1 P19/1637/LB Works to repair a small agricultural barn
Pending consideration

3.2 PRE19/0635 Reinstatement barn to match neighbouring property.
Response 11.9.19

Summary of advice given:

*Conclusion: To be clear, the reinstatement of the barn as a storage area would be acceptable but there can be no changes to the area outside access facing out onto the pond. There must be no formally created path to the doorway, no hardstanding and no kerbs. Access would therefore be over the existing grass area only. The reasons given under the recently refused scheme very clearly explain that changes to this area would **not** be acceptable in terms of impact on listed buildings, the conservation area and the AONB and would be strongly defended.*

I would also emphasise that an ecology report would be required with any future submission.

3.3 P19/2206/F Conversion of existing barn to 1 No. attached dwelling with access, parking and associated works (resubmission of PK18/4476/F).
Refused 23.4.19
Reason 1:

If permitted, the erection of a new attached dwelling and the creation of a formalised area of permanent residential parking in such a sensitive location would fail to preserve or enhance the setting of the listed buildings or the character and appearance of the Hawkesbury Conservation Area. It is therefore contrary to Policy PSP17 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; the revised National Planning Policy Framework; and sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Reason 2:

If permitted, the creation of a formalised area of permanent residential parking would fail to conserve or enhance the special qualities of the Cotswolds Area of Outstanding Natural Beauty. It is therefore contrary to Policy PSP2 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; the Revised Landscape Character Assessment SPD (Adopted) November 2014; and the revised National Planning Policy Framework.

Reason 3:

Insufficient information has been submitted with the application to enable an assessment of the impact of the proposal on protected species and biodiversity. As a result, the Local Planning Authority cannot be assured that the development would not result in harm. Therefore, the proposal fails 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 revised National Planning Policy Framework.

Reason 4:

If permitted, the proposal would fail to provide safe and suitable access to the site or sufficient parking to meet the needs arising from the development. It is therefore contrary to Policy PSP11 and 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 revised National Planning Policy Framework.

- 3.4 P19/2208/LB Conversion of existing barn to 1no. attached dwelling with access, parking and associated works (Resubmission of PK18/4477/LB).
Refused 23.4.19

Reason:

If permitted, the erection of a new attached dwelling and the creation of a formalised area of permanent residential parking would fail to preserve or enhance the setting of the listed buildings. It is therefore contrary to Policy PSP17 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; the revised National Planning Policy Framework; and section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 3.5 PK18/4476/F Conversion of existing barn to 1no. attached dwelling with access, parking and associated works.
Withdrawn 3.12.18
- 3.6 PK18/4477/LB Conversion of existing barn to 1no. attached dwelling with access, parking and associated works.
Withdrawn 3.12.18

Applications at Pool Farmhouse

- 3.7 PK18/2894/LB
Replacement of 6 no. doors, 5 no. windows on front and rear elevation.
Replacement of outbuilding roof.
Approval
03.09.2018
- 3.8 PK13/0451/LB
Erection of single storey rear extension to form garden room
Approval
11.04.2013
- 3.9 P94/1088/L
Minor demolition work to facilitate erection of first floor extension and creation of garage
Consent
13.07.1994
- 3.10 P94/1087
Erection of first floor extension to outbuilding for use as living accommodation (ancillary to that of the main house) above, car parking facilities
Approval
13.07.1994
- 3.11 P89/1124/L
Enlargement and renovation of outbuilding for domestic use in connection with associated dwelling.
Consent
16.03.1989
- 3.12 P86/2549
Erection of two detached domestic garages.
Approval
26.11.1986
- 3.13 P86/2548/L
Demolition of outbuildings to facilitate erection of two detached domestic garages.
Consent
06.04.1987
- 3.14 P86/2074/L

Remove roof slates, felt and batten, replace stone slate on front pitches and install reconstituted stone slate on rear pitches; remove render and point stonework.

Consent

01.12.1986

3.15 P85/2822

Renovation and conversion of barn and outbuildings to form annexe to pool farm house. (In accordance with the revised plans received by the council on 22ND January 1986.)

Approval

20.04.1986

3.16 P85/2821/L

Minor works of demolition to facilitate renovation and conversion of barn to form annexe to pool farm house. (In accordance with the revised plans received by the council on 22ND January 1986.)

Consent

20.04.1986

3.17 P85/2338/L

Alterations and minor works of demolition to facilitate change of use of agricultural buildings to form five dwellings.

Refusal

17.12.1985

3.18 P85/2337

Change of use of existing agricultural buildings to form five dwellings

Refusal

17.12.1985

4. **CONSULTATION RESPONSES**

4.1 Hawkesbury Parish Council

Objection:

As previously stated under previous application:

- *Councillors are in agreement with the conservation officers report*
- *The development will have an impact on the listed buildings either side for the proposed development*
- *The Parish Council believe the proposal will impair the vista of the listed building and landscape*

4.2 Other Consultees

Highway Structures

No comment

Lead Local Flood Authority

No objection

Sustainable Transport

No objection

Conservation Officer

Whilst I am supportive in principle of the reinstatement of the barn given its contribution to the historic group setting of the two listed buildings and the character and appearance of the conservation area, I remain opposed to any proposal to adapt the structure into a dwelling.

Although the dilapidated condition of the structure has affected an appreciation of the original form of the building, this was originally a solid, unbroken elevation. For a long time it had the appearance of a simple boundary wall enclosing the farmyard, adding to the sense of enclosure on the north side of the pond and contributing to the informal, agricultural character of the area.

Many of the aspects of the previous refused residential conversion scheme have been removed which is welcomed, but there are elements of the current application which still require clarification or revision in order to avoid any ambiguity over the future use of this barn or the perceived domestication of features. If the above items can be resolved satisfactorily, then it will be necessary to condition the use of this structure to a specific non-residential use in order to avoid any implementation of minor works that could otherwise be carried out under Permitted Development. This should include the creation of any form of hardstanding to the front of the building where the informal grass verge makes an important contribution to the character of the conservation area and setting of the listed buildings.

Updated comments upon receipt of revised plans:

No objection subject to detailed conditions

Ecology Officer

Objection – No ecological information has been alongside this application.

Updated comments:

Following the submission of appropriate information there are no objection subject to conditions.

Archaeology

No comment

Other Representations

4.3 Local Residents
None received

5. ANALYSIS OF PROPOSAL

5.1 This application seeks planning permission for the rebuilding of a derelict barn (agricultural).

5.2 Principle of Development

The proposal is to be assessed against the above listed policies and all material considerations.

- 5.3 The reinstatement of this small barn is considered acceptable in principle subject to assessment of other relevant policy areas including, design, heritage, transport and residential amenity. The site is also located in the Hawkesbury Upton Conservation area, the Cotswolds AONB, an area of archaeological interest and has the potential for ecological issues. These are discussed below.
- 5.4 *Impact on the barn, Pool Farm and other heritage assets*
The structure to which this application relates comprises the remains of a simple agricultural barn which, based on tithe map evidence, was historically associated with Pool Farmhouse to the mid-late 17thC building. The structure is therefore curtilage listed and originally formed part of a run of key-key traditional barns on the north side of the village pool, a triangular pond and small green where animals on their way to market would have been watered.
- 5.5 A series of historic photos submitted by the applicant under the previous application and also held on file, show the gradual transformation of the outbuildings from the simple origins as roofed structures with minimal ground floor openings to the south, with the larger openings facing into the farmyard to the north. The structures had their roofs removed in the late 20thC and replaced with a mono-pitched covering of corrugated sheeting. In the 1990s, the buildings were part-converted to ancillary domestic use, this entailing the replacement of the roof over part of the barn and the introduction of two first floor window openings overlooking the pond. Comparison of the present barn and archive photos from 1994 highlights a degree of rebuilding of the original structure.
- 5.6 Notwithstanding the present condition of the site, the combination of the pool and the farm building to the north creates a pleasant and picturesque group that makes an important, positive contribution to the informal, rural character of the conservation area. The part of the barn that forms the application site is understood to have been in separate ownership to the eastern section that was converted in the 1990s. It retains its mono-pitch roof covering and had been deteriorating over a prolonged period of time. Following previous concerns over the structure's stability, the applicant has removed the remains of the roof and taken down sections of failed walling, the remains of which are being stored on site. The site is now untidy and detracts from the setting and significance of the adjoining historic barns and farmhouses.
- 5.7 The proposal is to rebuild the structure, replacing the walls to the north and south and reinstating a pitched roof which would be at the same ridge height as the barn to the east. Following the recent refusal, the scheme has been revised to reflect the applicants desire to use the building as a storage space and barn as opposed to introducing a domestic use in the building. The roadside elevation is simply given a door with a single slot window to the left, whilst a door and two windows are added to the north elevation, replicating in part the present arrangement. The general form and appearance of the replacement building is acceptable in principle.

- 5.8 During the course of the application revised plans were requested to clearly show that the intention is not for the building to have a domestic use as this was previously assessed as being inappropriate and not acceptable and would be strongly resisted by Officers. Revisions included the removal of all references on the plans to residential accommodation, including the removal of a central viewing pane to the front door, domestic detailing to casement windows, the need for double glazing as opposed to single glazing in a barn was queried and the removal of a parked vehicle to the front of the building was required. Other amendments to the plans to ensure the floor plans and elevations tallied were also requested.
- 5.9 Whilst the reinstatement of the barn is acceptable in principle given its contribution to the historic group setting of the two listed buildings and the character and appearance of the conservation area, the design is important and requires careful assessment. Although the dilapidated condition of the structure has affected an appreciation of the original form of the building, this was originally a solid, unbroken elevation. For a long time it had the appearance of a simple boundary wall enclosing the farmyard, adding to the sense of enclosure on the north side of the pond and contributing to the informal, agricultural character of the area. As such revised plans were requested to address Officer concerns.
- 5.10 The previously refused residential scheme was considered to introduce a domestic frontage overlooking the pond which reversed the historic relationship between the barn and the farmhouse. This revised scheme brings the dilapidated structure back into use as an agricultural building and helps to revive the original appearance as a group of barns associated with listed farmhouses in this important setting.
- 5.11 It is noted that no parking area is proposed on the grass verge overlooking the pond. The previous scheme highlighted the use of this grass verge for that purpose as being unacceptable due to the adverse impact on the character and appearance of the area and it formed part of the refusal of that scheme. Under this current proposal no parking is shown and the grass verge is shown as remaining unchanged. This is appropriate for what would be a very small agricultural building.
- 5.12 *Impact on Cotswolds AONB*
The reinstatement of this building for use as a barn is appropriate in the AONB and would not have a negative impact on this special designated area.
- 5.13 Residential Amenity
Development should not be permitted that has a prejudicial impact on residential amenity of nearby occupants.
- 5.14 It is considered that the proposal to reinstate this small barn into agricultural use would not have an adverse impact on the amenity of closest neighbours.
- 5.15 Transport and Parking
The grassed verge outside the site is noted as an important part of the area and under a previous application the use of this for parking was one of the

refusal reasons. This application proposes that the grassed area would remain unchanged. No parking is proposed for the reinstatement of this agricultural building. On the basis of its small size this situation is considered acceptable and no transport objections are raised.

5.16 Ecology

During the course of the application an ecological survey / report has been included. These details have provided Officers with the required information and subject to 3 conditions there are no ecological objections to the scheme to re-instate the use of the barn.

5.17 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.

5.18 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.

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

5.20 Planning conclusion

The scheme is for the reinstatement of the use of a dilapidated barn for agricultural use. Plans indicate that the grassed area immediately outside the barn would remain intact and subject to appropriate conditions there are no objections to the scheme.

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 of the conditions written on the decision notice.

CONDITIONS

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

Reason

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

2. Development shall proceed in accordance with the below conditions and the following approved plans:

As received by the LPA on 11.12.19:

Site location plan

As received by the LPA on 27.2.20:

Window details - 2425/13/2018 Rev A

Elevations and floor plans -2425/1/2019 -Rev A

Floor plans and sections - 2425/2 2019 Rev A

Front door - 2425/11/2018/ Rev A

Rear and slot windows - 2425/13/2018

Reason:

In order that the development serves to preserve the architectural and historic interest and setting of the listed building, in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and national guidance set out at the NPPF and 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. Ecology 1

The development shall proceed in strict accordance with the Mitigation Measures provided in the Building Assessment and Bat Emergence Survey Report (Niche Ecology, November 2020) , this includes the supervision of the demolition / dismantling of the barn, an internal inspection of the barn prior to works commencing.

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.

4. Ecology 2:

Prior to installation of any external lighting, details shall be submitted to and approved in writing by the Local Planning Authority and should include 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 approved 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 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.

5. Ecology 3:

Prior to first use of building the installation of the ecological enhancement features recommended in the Building Assessment and Bat Emergence Survey Report (Niche Ecology, November 2020) shall be carried out. This shall include, but is not limited to bat boxes, one to be installed prior to works commencing and one prior to first use of the agricultural building.

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. For the avoidance of doubt the grass verge to the front of the building shall be retained as such and shall not be used for the parking of vehicles or the storage of materials.

Reason:

In order that the development serves to preserve the architectural and historic interest and setting of the listed building, in accordance with section 66(1) of the Planning

(Listed Buildings and Conservation Areas) Act 1990 and national guidance set out at the NPPF and 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).

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

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

The proposal is considered an acceptable form of development and the application has been determined within the agreed timeframe.

Case Officer: Anne Joseph
Authorising Officer: Helen Ainsley

CIRCULATED SCHEDULE NO. 06/21 -12th February 2021

App No.:	P19/16367/LB	Applicant:	Ms S Mansfield-Cox
Site:	Barn Adjacent To Pool Farmhouse High Street Hawkesbury Upton Badminton South Gloucestershire GL9 1AY	Date Reg:	11th November 2019
Proposal:	Rebuilding of derelict barn (agricultural).	Parish:	Hawkesbury Parish Council
Map Ref:	377525 187396	Ward:	Chipping Sodbury And Cotswold Edge
Application Category:	Minor	Target Date:	3rd January 2020



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 100023410, 2008. N.T.S. P19/16367/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.

CIRCULATED SCHEDULE

This report appears on the circulated schedule following comments from the Parish Council.

1. THE PROPOSAL

- 1.1 This application seeks listed building consent for works to repair a small agricultural barn at Pool Farmhouse in Hawkesbury Upton. It is noted that the barn has substantially disappeared through demolition and / or neglect. The south side is mostly open whilst the north and west sides are heavily covered with vegetation. The east side is the most intact and represents the only elevation which is completely built up.
- 1.2 The site is located just outside the defined settlement boundary of Hawkesbury Upton and is therefore within the open countryside. It is also curtilage listed being within the curtilage of the grade II farmhouse, within the village conservation area, the Cotswolds Area of Outstanding Natural Beauty (AONB) and within an area of archaeological interest.
- 1.3 During the course of the application revised plans were received to address initial concerns regarding the parking area to the front of the building. Revised plans now show the area has been removed from the scheme.
- 1.4 This application is to be read in conjunction with planning application P19/16366/F.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework February 2019
National Planning Guidance

Planning (Listed Buildings and Conservation Areas) Act 1990
National Planning Practice Guidance – Conserving and Enhancing the Historic Environment;
Managing Significance in Decision-Taking in the Historic Environment (GPA 2)
The Setting of Heritage Assets (GPA 3)

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP17	Heritage Assets and the Historic Environment

3. RELEVANT PLANNING HISTORY

- 3.1 P19/16366/F Rebuilding of a derelict barn (agricultural).
Pending consideration
- 3.2 PRE19/0635 Reinstatement of a barn to match neighbouring property.
Response 11.9.19
Summary of advice given:
*Conclusion: To be clear, the reinstatement of the barn as a storage area would be acceptable but there can be no changes to the area outside access facing out onto the pond. There must be no formally created path to the doorway, no hardstanding and no kerbs. Access would therefore be over the existing grass area only. The reasons given under the recently refused scheme very clearly explain that changes to this area would **not** be acceptable in terms of impact on listed buildings, the conservation area and the AONB and would be strongly defended.*
- I would also emphasise that an ecology report would be required with any future submission.*
- 3.3 P19/2206/F Conversion of existing barn to 1 No. attached dwelling with access, parking and associated works (resubmission of PK18/4476/F).
Refused 23.4.19
Reason 1:
If permitted, the erection of a new attached dwelling and the creation of a formalised area of permanent residential parking in such a sensitive location would fail to preserve or enhance the setting of the listed buildings or the character and appearance of the Hawkesbury Conservation Area. It is therefore contrary to Policy PSP17 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; the revised National Planning Policy Framework; and sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- Reason 2:
If permitted, the creation of a formalised area of permanent residential parking would fail to conserve or enhance the special qualities of the Cotswolds Area of Outstanding Natural Beauty. It is therefore contrary to Policy PSP2 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; the Revised Landscape Character Assessment SPD (Adopted) November 2014; and the revised National Planning Policy Framework.

Reason 3:

Insufficient information has been submitted with the application to enable an assessment of the impact of the proposal on protected species and biodiversity. As a result, the Local Planning Authority cannot be assured that the development would not result in harm. Therefore, the proposal fails 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 revised National Planning Policy Framework.

Reason 4:

If permitted, the proposal would fail to provide safe and suitable access to the site or sufficient parking to meet the needs arising from the development. It is therefore contrary to Policy PSP11 and 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 revised National Planning Policy Framework.

- 3.4 P19/2208/LB Conversion of existing barn to 1no. attached dwelling with access, parking and associated works (Resubmission of PK18/4477/LB).
Refused 23.4.19

Reason:

If permitted, the erection of a new attached dwelling and the creation of a formalised area of permanent residential parking would fail to preserve or enhance the setting of the listed buildings. It is therefore contrary to Policy PSP17 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; the revised National Planning Policy Framework; and section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 3.5 PK18/4476/F Conversion of existing barn to 1no. attached dwelling with access, parking and associated works.
Withdrawn 3.12.18

- 3.6 PK18/4477/LB Conversion of existing barn to 1no. attached dwelling with access, parking and associated works.
Withdrawn 3.12.18

Applications at Pool Farmhouse

- 3.7 PK18/2894/LB
Replacement of 6 no. doors, 5 no. windows on front and rear elevation.
Replacement of outbuilding roof.
Approval
03.09.2018
- 3.8 PK13/0451/LB
Erection of single storey rear extension to form garden room
Approval
11.04.2013

- 3.9 P94/1088/L
Minor demolition work to facilitate erection of first floor extension and creation of garage
Consent
13.07.1994
- 3.10 P94/1087
Erection of first floor extension to outbuilding for use as living accommodation (ancillary to that of the main house) above, car parking facilities
Approval
13.07.1994
- 3.11 P89/1124/L
Enlargement and renovation of outbuilding for domestic use in connection with associated dwelling.
Consent
16.03.1989
- 3.12 P86/2549
Erection of two detached domestic garages.
Approval
26.11.1986
- 3.13 P86/2548/L
Demolition of outbuildings to facilitate erection of two detached domestic garages.
Consent
06.04.1987
- 3.14 P86/2074/L
Remove roof slates, felt and batten, replace stone slate on front pitches and install reconstituted stone slate on rear pitches; remove render and point stonework.
Consent
01.12.1986
- 3.15 P85/2822
Renovation and conversion of barn and outbuildings to form annexe to pool farm house. (In accordance with the revised plans received by the council on 22ND January 1986.)
Approval
20.04.1986
- 3.16 P85/2821/L
Minor works of demolition to facilitate renovation and conversion of barn to form annexe to pool farm house. (In accordance with the revised plans received by the council on 22ND January 1986.)
Consent
20.04.1986

- 3.17 P85/2338/L
Alterations and minor works of demolition to facilitate change of use of agricultural buildings to form five dwellings.
Refusal
17.12.1985
- 3.18 P85/2337
Change of use of existing agricultural buildings to form five dwellings
Refusal
17.12.1985

4. **CONSULTATION RESPONSES**

- 4.1 Hawkesbury Parish Council
Councillors objected to the application based on the information provided with the application.

4.2 Other Consultees

Conservation Officer

Original comments- Objection:

Supportive in principle of the reinstatement of the barn given its contribution to the historic group setting of the two listed buildings and the character and appearance of the conservation area, Officers remain opposed to any proposal to adapt the structure into a dwelling.

Following the recent refusal, the scheme has been revised to reflect the applicants desire to use the building as a storage space and barn as opposed to introducing a domestic use in the building. Items then need clarification include:

- Parking to the front – this should be removed
- Viewing pane to door central panel should be removed being too domestic for an agricultural building
- Slot windows in ground floor plan correspond to WC window in previously refused scheme and should therefore be removed
- Large scale details of windows needed to ensure scheme reflects those of adjacent building
- Should have single glazing rather than double glazing as it is a barn
- Rear casement windows have domestic detailing which would appear incongruous in a barn and the elevation does not tally with the floor plan in term of number of lights neither does the glazing seftion specification tally with the written text
- Query the need for windows to be emergency egress given space would be single open space as per the floor plans

*Updated comments following revised plans addressing concerns raised:
No objection subject to condition.*

Planning Enforcement

No comment

Council for British Archaeology

Objection: More information needed as per:

- A more detailed Design & Access Statement – the one provided is very poor and of limited use. Needs to be improved.
- No Heritage Statement has been provided. This is a necessary requirement but could be amalgamated with the D&AS above.
- A structural survey of the remains of the building, ideally undertaken by a CARE accredited structural engineer (see). It is far from clear from one photograph how much of the structure remains in-situ, what has been taken down / fallen down and what can be reused or needs to be entirely replaced. It would also be helpful to know what the floor surface it – brick, cobbles, concrete, compacted earth etc? Will this be retained / repaired / changed?
- A schedule of repairs, which should include details such as mortar mixes etc.

Other Representations

4.3 Local Residents
None received

5. **ANALYSIS OF PROPOSAL**

5.1 This application seeks listed building consent for works to facilitate the repair of a dilapidated barn.

5.2 Principle of Development

This is an application for listed building consent. As such, the only consideration is what impact the proposed development would have on the special historic or architectural features of the building.

5.3 *Impact on Heritage Asset*

The structures to which this application relates comprises the remains of a simple agricultural barn which, based on tithe map evidence, was historically associated with Pool Farmhouse to the mid-late 17thC building. The structure is therefore curtilage listed and originally formed part of a run of key-key traditional barns on the north side of the village pool, a triangular pond and small green where animals on their way to market would have been watered. A series of historic photos submitted by the applicant, and also held on file, show the gradual transformation of the outbuildings from the simple origins as roofed structures with minimal ground floor openings to the south, with the larger openings facing into the farmyard to the north. The structures had their roofs removed in the late 20thC and replaced with a mono-pitched covering of corrugated sheeting. In the 1990s, the buildings were part-converted to ancillary domestic use, this entailing the replacement of the roof over part of the barn and the introduction of two first floor window openings overlooking the pond. Comparison of the present barn and archive photos from 1994 highlights a degree of rebuilding of the original structure.

- 5.4 Notwithstanding the present condition of the site, the combination of the pool and the farm building to the north creates a pleasant and picturesque group that makes an important, positive contribution to the informal, rural character of the conservation area. The part of the barn that forms the application site is understood to have been in separate ownership to the eastern section that was converted in the 1990s. It retains its mono-pitch roof covering and had been deteriorating over a prolonged period of time. Following concerns over the structures stability, the applicant has removed the remains of the roof and has taken down sections of walling, the remains of which are being stored on site. The site is now untidy and detracts from the setting and significance of the adjoining historic barns and farmhouses.
- 5.5 The proposal is to rebuild the structure and reinstate its use as an agricultural building. Its reinstatement as a barn is acceptable in principle given its contribution to the historic group setting of the two listed buildings and the character and appearance of the conservation area. Plans show a simple and sympathetic approach that can be supported and no objections are raised subject to conditions attached to the decision notice.

6. CONCLUSION

- 6.1 The recommendation to **grant** Listed Building Consent has been taken having regard to the section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Government advice contained in the National Planning Policy Framework.

7. RECOMMENDATION

- 7.1 Listed building consent is to be **GRANTED** 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. Development shall proceed in accordance with the below conditions and the following approved plans:

As received by the LPA on 11.12.19:
Site location plan

As received by the LPA on 27.2.20:

Window details - 2425/13/2018 Rev A
Elevations and floor plans -2425/1/2019 -Rev A
Floor plans and sections - 2425/2 2019 Rev A
Front door - 2425/11/2018/ Rev A

Rear and slot windows - 2425/13/2018

Reason:

In order that the development serves to preserve the architectural and historic interest and setting of the listed building, in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and national guidance set out at the NPPF and 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. The roof tiles used in the construction of the building shall match the existing tiles used on the attached building to the north in terms of material, appearance, dimensions, profile, fixing and coursing.

Reason:

In order that the development serves to preserve the architectural and historic interest and setting of the listed building, in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and national guidance set out at the NPPF and 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. The eaves, verge, ridge and rainwater goods of the new building shall exactly match the construction, detailing, appearance and materials of the attached building to the north.

Reason:

In order that the development serves to preserve the architectural and historic interest and setting of the listed building, in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and national guidance set out at the NPPF and 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 external walls shall be built using the reclaimed stone (and additional stone to match) and pointed with a traditional lime mortar. The stonework shall match the walling of the attached barn to the north in respect of stone coursing, bedding, joint widths and mortar colour, texture and finish.

Reason:

In order that the development serves to preserve the architectural and historic interest and setting of the listed building, in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and national guidance set out at the NPPF and 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).

6. For the avoidance of doubt and notwithstanding conditioned plans the front door shall not contain any glazing and the windows shall not be casement style, should be single not double glazed and no expanding foam or mastic products shall be used to fix the windows in place.

Reason:

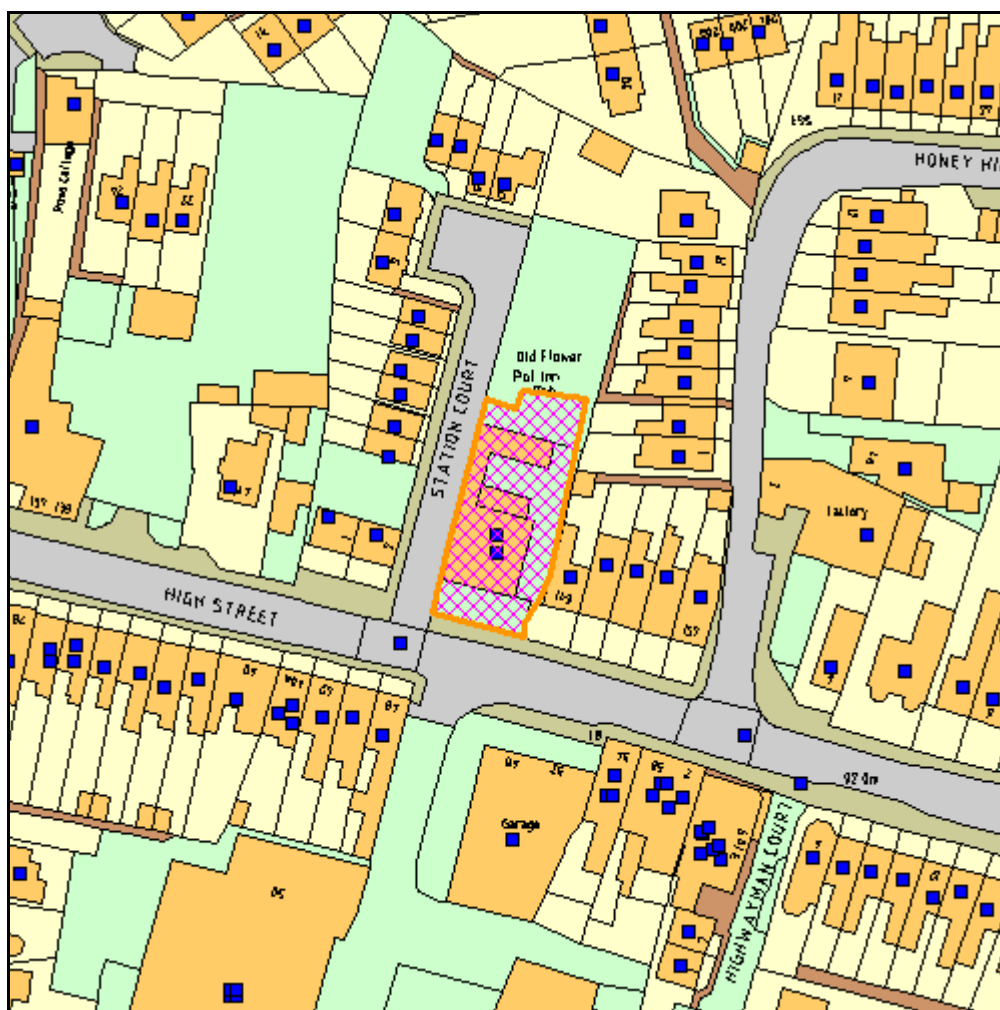
In order that the development serves to preserve the architectural and historic interest and setting of the listed building, in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and national guidance set out at the NPPF and Policy CS9 of the South Gloucestershire 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).

Case Officer: Anne Joseph

Authorising Officer: Helen Ainsley

CIRCULATED SCHEDULE NO. 06/21 -12th February 2021

App No.:	P20/12658/F	Applicant:	Flowerpot Properties Ltd
Site:	Old Flower Pot Inn High Street Kingswood South Gloucestershire BS15 4AQ	Date Reg:	30th July 2020
Proposal:	Demolition of existing extensions and erection of two storey and single storey extensions with associated works to facilitate change of use from Public House (Class A4) to Children's Day Nursery (Class D1) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).	Parish:	
Map Ref:	365633 173774	Ward:	Woodstock
Application Category:	Minor	Target Date:	22nd September 2020



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P20/12658/F

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

CIRCULATED SCHEDULE

This application appears on the Circulated List due to issues raised in consultation responses and by virtue of the proposed required s278 Legal Agreement to be entered into.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the Demolition of existing extensions and erection of two storey and single storey extensions with associated works to facilitate change of use from Public House (Class A4) to Children's Day Nursery (Class D1) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).
- 1.2 The application site relates to the Old Flower Pot Inn, High Street, Kingswood. The application site is a public house and is a locally listed building.
- 1.3 It is noted that a recent scheme for the re-development of the majority of the rear garden for 4 houses has recently been refused.
- 1.4 Following discussions revised plans were submitted to address design issues raised during the course of the application. As these did not change the principle of the scheme they were not sent out for re-consultation.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework February 2019
National Planning Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS9	Managing the Environment and Heritage
CS13	Non-Safeguarded Economic Development Sites
CS14	Town Centres and Retailing
CS23	Community Infrastructure and Cultural Activity
CS29	Communities of the East Fringe of Bristol

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

PSP1	Local Distinctiveness
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP18	Statutory Wildlife Protection

PSP20	Flood Risk, Surface Water, and Watercourse Management
PSP21	Environmental Pollution and Impacts
PSP31	Town Centre Uses
PSP34	Public Houses

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 P20/12659/F Erection of 4 no. semi-detached dwellings with associated works.
Refused 19.8.20

4. CONSULTATION RESPONSES

- 4.1 Parish/Town Council
The area is unparished

Internal Consultees

- 4.2 Highway Structures
Details of excavations and the temporary support that is to be provided during construction of the extensions are to be submitted to satisfy the highway authority that support to the highway is provided at all times.
The application includes a timber fence alongside the public highway, the responsibility for maintenance for this structure will fall to the property owner.

Statutory / External Consultees

- 4.3 The Coal Authority
No objection subject to a condition
- 4.4 Transport
No objection:
Existing on-site parking will remain. Applicant to enter into a s278 TRO or s106 legal agreement for costs to implementing waiting restrictions.
- 4.5 Drainage
No objection subject to an informative.

Other Representations

- 4.6 Local Residents
Two letters of support have been received. The points raised are summarised as follows:
- Would walk to and use this nursery

- Previously pub had loud music and caused a nuisance
- Nursery will benefit local children, generate job and ensure no anti-social behaviour on weekends or evenings

Twenty-three letters of objection have been received. The points raised are summarised as follows:

Transport:

- Very busy main route to Kingswood and a dangerous road
- Garage opposite when having cars delivered the transporter blocks the road
- Increase in traffic due to nursery numbers
- Cars park in-front of the pub and other local residences along Station Court and on paving and walkways
- Potential increased disruption and confrontation
- On waste collection days Station Court is already blocked off twice
- Dangerous for children in the area and restrict them riding bikes and scooters
- A new road should be created for the nursery along with a parent drop off/parking area
- Obstruction difficulties will result
- Where would 30 staff park?
- Where will builders park?
- Will damage to street be paid for?

Environmental:

- Noise and pollution levels would increase
- The green space should be used for a community led project

Loss of public house:

- Amazed Kingswood is to lose another pub to developers
- Very rare two bar establishment will be lost
- Under new management this will thrive again
- The building is listed and has been hub of community for many years
- More than enough nurseries in the area
- Kingswood is losing its character and the return of the Flowerpot as a pub would help reverse this sad decline
- All about lining people's pockets than maintaining history
- Other more suitable premises in Kingswood that can be converted into nursery

5. ANALYSIS OF PROPOSAL

5.1 The application is for the Demolition of existing extensions and erection of two storey and single storey extensions with associated works to facilitate change of use from Public House (Class A4) to Children's Day Nursery (Class D1) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).

5.2 Principle of Development

The application stands to be assessed against the above listed policies and all material considerations. Both local and national planning policies encourage development in urban areas; Policy PSP34 deals specifically with the change of

use of public houses and sets out 4 criteria which discuss the loss of a public house; its viability; the effect on the character of the street scene and the retention of heritage assets. In addition such a scheme must not have an adverse impact on residential amenity or on transport/parking. The criteria are considered in detail below.

- 5.3 1) Would the proposal constitute the loss of or compromise the viability of a service of particular value to the local community or 2) can it be demonstrated that the use as a public house is no longer viable?

The issue for consideration is whether the loss of this pub facility is acceptable within the context of the surrounding community and policy, whether it should be retained or whether the proposals represent an appropriate and acceptable proposal for the re-use of the site.

- 5.4 The site is an existing Public House, however, it is noted in submitted details that it has not functioned as such and has been empty since 2017. It is understood that a marketing exercise begun in 2016 has failed to secure new tenants as no leaseholders came forward. Comments from local residents wishing the retention of the public house are noted however, a business case has been put forward by the owners indicating a pub is not a viable option. Further information included in the submission states that when last open the pub suffered from a good deal of anti-social behaviour and security issues. An alternative use for this premises is therefore now sought.

- 5.5 3) The proposed alternative use will not detrimentally affect the vitality of the area and the character of the street scene

The building is in a deteriorating state of disrepair and the proposed scheme would bring back into use a building that has been left empty for quite some time. In this way its re-purposing as a nursery could be said to revitalise this part of the High Street with the added bonus of the retention of the locally listed building rather than its demolition as has frequently been the case in other instances.

- 5.6 4) Are significant external heritage assets features retained?

It is recognised that a number of public houses in the area have closed which may be regarded as unfortunate but weight is given to the business case and the proposed alternative use of the building as a nursery rather than leaving it empty.

- 5.7 Given the above the proposal is considered to be compliant with PSP34 and there are no in principle objections to the re-use of the building as a nursery.

- 5.8 Design and visual impact:

Policy CS1 of the Core Strategy and Policy PSP1 of the Policies, Sites and Places Local Plan both seek amongst other things, high quality design that respects and enhances the character and distinctiveness of a site and its context, thereby reflecting the objectives of the NPPF.

- 5.9 It is noted that the Flower Pot Inn is one of the last remaining heritage buildings in the area, it is a locally listed asset. Its treatment including any extensions was therefore subject to discussions between the applicant and Officers. As a

- result revised plans were submitted for consideration in terms of the external appearance of the building. Although it is acknowledged that alterations would result in a large addition to the rear, the changes proposed would help to visually break up the side elevation by replacing a poor quality flat roof with something that respects the rear gable of the building. The timber cladding gives a contemporary contrast to the stone.
- 5.10 It is noted that a number of heritage buildings such as the original police station which was to the left hand side of the pub have already been lost to new development. It is the aim of policy PSP17 to seek the retention of buildings on the local list and given this proposal would retain the building its re-use is welcomed and supported.
- 5.11 Overall the main body of the historic building would not be altered and the extensions would only be visibly obliquely from the main road so the contribution the building makes to the street scene and local distinctiveness will be protected. It is however noted that the replacement of timber windows and the introduction of replacement signage has the potential to detract from the character of the locally listed building if it involves the use of poor quality materials or inappropriate design. It is therefore reasonable to condition that existing windows be retained and refurbished as part of the conversion project and details of signage conditioned too. To be clear, off-the shelf upvc windows are unlikely to respect or enhance the character of the building or sit well with the natural cladding so quality alternatives should be considered.
- 5.12 Overall the proposed scheme is considered to accord with policy and subject to the conditions to be added to the decision notice, the proposal can be supported.
- 5.13 Transport
The applicant is seeking permission for re-use as a children nursery of a former public house located of the High Street - Kingswood. It is noted there is space for up to five off-street parking spaces to the front of the building all of which are to be retained.
- 5.14 Whilst there is no in-principal highway objection to the proposed change of use of the existing building, there are transportation and highway issues that need to be considered and objection comments from local residents are noted.
- 5.15 Traffic associated with the day nursery would be different to that of the extant use of the building as a public house. Short dwell times generally associated with uses such as schools and nurseries are such that it encourages drop-off and pick-up of children near the site entrances. Additionally, traffic associated with a nursery tends to include more movements during the morning peak traffic hour. It is understood that the proposal nursery will provide for a 125 space children's nursery with 30 full-time staff. Notwithstanding the fact that some off-street parking spaces are provided on site, given the nature, scale and type of traffic, Officers are concerned that on-street parking at this location on the High Street (which is part of the A420 a principal classified road) will increase unless is controlled – additional on-street parking at this location will be detrimental to safe and free movements of all the travelling public.

- 5.16 A study of the accident records on the A420 (within 100m of site either side of the site access) within the last 5 years shows that there have been 3 Injury Recorded accidents including one fatality in 2017 although, it is confirmed that none of these relate directly to the site access.
- 5.17 Notwithstanding the fact that the site is in a sustainable location, given the large scale of the proposal, it is felt necessary to take steps in order to manage parking situation at this location and in order to maintain road safety.
- 5.18 In this context therefore, the applicant would be required to make sufficient funds available to the Council to implement the necessary 'Traffic Regulation Order' (TRO) for waiting restrictions at this location. Any such financial contribution will have to be secured through an appropriate legal agreement. To meet the council's cost of implementing the TRO to include advertising, the design and legal fees etc. it is estimated costs would be around £10,000. The applicant has chosen this option rather than enter into the alternative s106 legal agreement.
- 5.19 In view of all the above there are no transportation objections to the scheme.
- 5.20 Residential amenity:
The re-development of the site by virtue of its change of use to a children's nursery would not impact any of the neighbours in terms of their amenity. Conditions would be attached to the decision notice to limit the hours of opening and in the first instance to limit delivery and construction times during the conversion/construction period.
- 5.21 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.
- 5.22 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.
- 5.23 The local planning authority is statutorily required to apply the Equality Duty to its decision taking. With regards to the Duty, the development contained within this planning application is considered to have neutral impact.
- 5.24 Other Matters
A number of matters raised from the consultation responses have not been addressed in the main body of this report. These will be considered below.

Environmental

The proposed use as a nursery would not result in any adverse environmental effects over and above its current use.

An appropriate construction working practice condition will be attached to the decision notice to protect close neighbours during alteration/building work.

Profit making

This is not a matter for consideration under a planning application.

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 set out below and the applicant first voluntarily entering into an agreement under Section 278 of the Highway Act 1980, to secure the following:
- i) A fee of £10,000 to the Council in order to implement the necessary measures to secure a 'Traffic Regulation Order' (TRO) for a waiting restriction at this location, necessary to manage the additional traffic requirements generated by the proposed use.
 - ii) Should the funds not be transferred within 6 months from the date of this decision, then the application should be refused on the basis of the requirements of the Section 278 Agreement not having being met, be made.

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 20.7.20:
Site location plan - L 003

Existing basement - PL 001
Existing ground floor - PL002
Existing first floor plan - PL003
Existing side elevations - PL005
Proposed basement - PL006
Proposed site layout - PL12

As received by the LPA on 12.11.20:
Proposed ground floor plan - PL007 A
Proposed first floor plan - PL008 A
Proposed elevations - PL009 A
Proposed side elevations - PL010 A
Existing and proposed roof plans - PL011 A

Reason

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

3. Notwithstanding the plans hereby approved in condition 2, the existing windows must be retained and refurbished as part of the consented approval and retained as such thereafter.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP1 and PSP17 of the Policies Sites and Places Plan (Adopted) 2017 and the National Planning Policy Framework.

4. Prior to the first occupation of the development hereby approved details of the proposed signage are to be sent to the Local Planning Authority (LPA) for written approval. Only such details as approved in writing by the LPA shall be implemented.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP1 and PSP17 of the Policies Sites and Places Plan (Adopted) 2017 and the National Planning Policy Framework.

5. Prior to the relevant part of the development samples of all new tiles and facing stone/brick/cladding should be submitted to the Local Planning Authority (LPA) for written approval. Only such details that have been approved in writing by the LPA shall be implemented.

In addition and prior to that part of the development a sample panel of the stone and brickwork is to be erected on site for inspection by the Local Planning Authority (LPA). Only such details that have been approved in writing by the LPA shall be implemented.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP1 and PSP17 of the Policies Sites and Places Plan (Adopted) 2017 and the National Planning Policy Framework.

6. Prior to that part of the development details of the cladding/wall junctions, eaves, verges and windows should submitted to the Local Planning Authority (LPA) for written approval. Only such details that have been approved in writing by the LPA shall be implemented.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP1 and PSP17 of the Policies Sites and Places Plan (Adopted) 2017 and the National Planning Policy Framework.

7. The nursery shall only be open to the public during the following hours:
7:30 am to 6:30pm Monday to Friday
7:30 am to 6:30pm Sundays and Bank Holidays.

Reason

In the interests of residential amenity and to safeguard highway safety, and to accord with Policy PSP8 and PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

8. The number of children attending the nursery hereby approved shall not exceed 125.

Reason

In the interests of residential amenity and to safeguard highway safety, and to accord with Policy CS8 and CS23 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy PSP8 and PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

9. The hours of working on site during the period of construction shall be restricted to
Monday - Friday.....7:30am - 6:00pm
Saturday.....8:00am - 1:00pm
No working shall take place on Sundays or Public Holidays.
The term working shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy PSP8 of the South Gloucestershire Policies Sites and Places Plan; and the provisions of the National Planning Policy Framework.

10. No development shall commence (excluding the demolition of existing structures) until intrusive investigations have been carried out on site to establish the exact situation in respect of coal mining legacy features. The findings of the intrusive site investigations

shall be submitted to the Local Planning Authority for consideration and approval in writing. The intrusive site investigations shall be carried out in accordance with authoritative UK guidance and details approved in writing by the Local Planning Authority.

Reason

To accord with policy CS9 of the South Gloucestershire Local Plan: Core Strategy (adopted) December 2013 and Policy PSP22 South Gloucestershire Local Plan: Policies, Sites and Places Plan (adopted) November 2017.

11. Where the findings of the intrusive site investigations (required by the condition 10 above) identify that coal mining legacy on the site poses a risk to surface stability, no development shall commence (excluding the demolition of existing structures) until a detailed remediation scheme to protect the development from the effects of such land instability has been submitted to the Local Planning Authority for consideration and approval in writing. Following approval, the remedial works shall be implemented on site in complete accordance with the approved details.

Reason

To accord with policy CS9 of the South Gloucestershire Local Plan: Core Strategy (adopted) December 2013 and Policy PSP22 South Gloucestershire Local Plan: Policies, Sites and Places Plan (adopted) November 2017.

12. The existing parking spaces to the front of the building are to be retained for the use of the proposed nursery.

Reason

To safeguard highway safety, and to accord with Policy PSP16 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

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

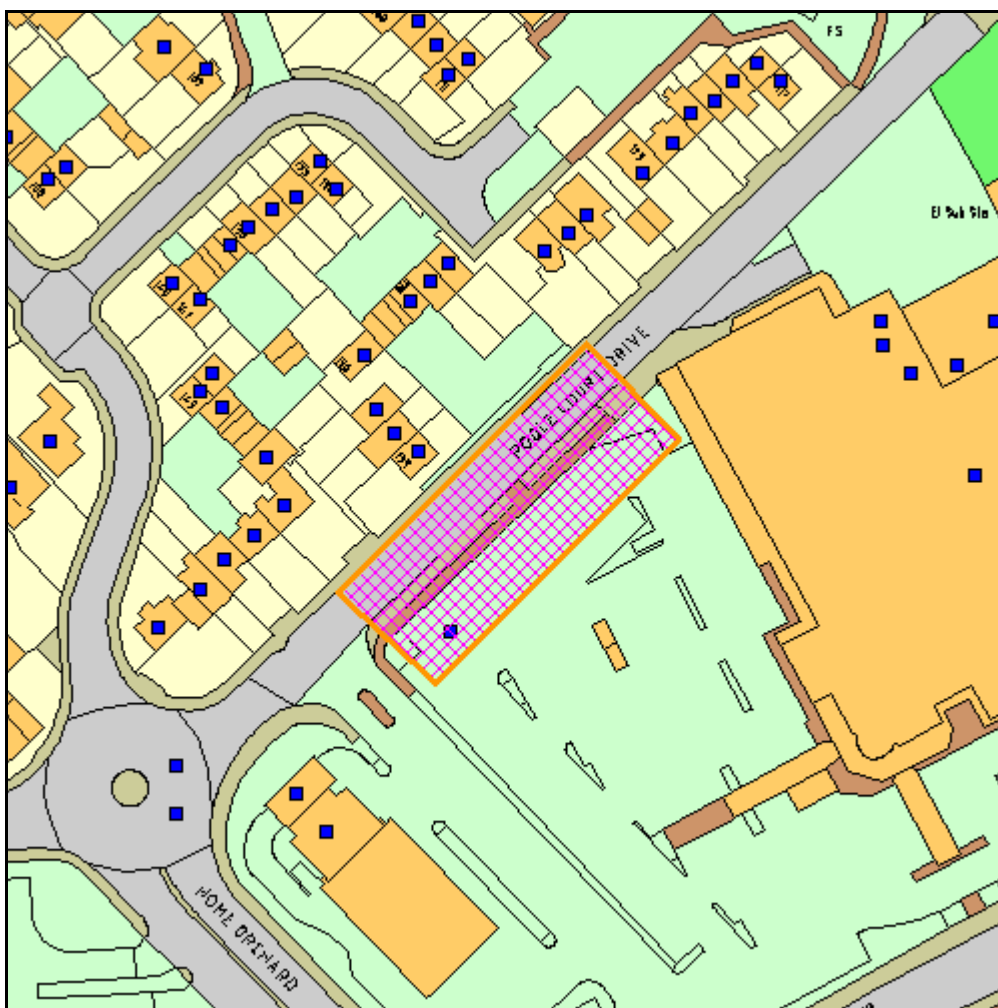
In dealing with this planning application the Local Planning Authority have worked with the applicant in a positive and proactive manner on seeking solutions to problems arising in the following ways:

The proposal is considered an acceptable form of development and can be recommended for approval subject to a s278 agreement and appropriate conditions.

Case Officer: Anne Joseph
Authorising Officer: Helen Ainsley

CIRCULATED SCHEDULE NO. 06/21 -12th February 2021

App No.:	P20/13897/F	Applicant:	Mr Marc Green WM Morrison Supermarkets PLC
Site:	Morrisons Station Road Yate South Gloucestershire BS37 5PW	Date Reg:	12th August 2020
Proposal:	Creation of new point of egress from the existing Morrisons car park onto Poole Court Drive.	Parish:	Yate Town Council
Map Ref:	371145 182653	Ward:	Yate Central
Application Category:	Minor	Target Date:	2nd October 2020



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P20/13897/F

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

CIRCULATED SCHEDULE

This application appears on the Circulated Schedule following an objection from the Town council and from local residents.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the Creation of new point of egress from the existing Morrisons car park onto Poole Court Drive.
- 1.2 The application site lies in Yate and lies within the area designated as part of the town centre primary shopping area.
- 1.3 This application follows pre-application planning advice which highlighted some changes were required to the scheme. This application has sought to address those concerns.

2. POLICY CONTEXT

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS14	Town Centres and Retailing
CS30	Yate and Chipping Sodbury

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP8	Residential Amenity
PSP9	Health Impact Assessments
PSP10	Active Travel Routes
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP20	Flood Risk, Surface Water, and Watercourse Management
PSP21	Environmental Pollution and Impacts
PSP31	Town Centre Uses
PSP32	Local Centres

- 2.3 Supplementary Planning Guidance
Trees on Development Sites SPG (Adopted) Nov. 2005.
Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide
SPD – (Adopted) March 2015

3. **RELEVANT PLANNING HISTORY**

- 3.1 Morrisons Yate has been subject to a number of planning applications which can be viewed on the Council's website.
- 3.2 PRE19/0414 Creation of an egress on to Poole Court
Response given 13.6.19

4. **CONSULTATION RESPONSES**

- 4.1 Yate Town Council
There will be impacts on residential amenity of houses facing Morrisons. Lights from vehicles approaching the exit from the car park would come directly into the bedroom windows of the houses which back onto this location and there will be additional noise from vehicles accelerating and breaking.

We are also concerned about the impact of this on parking along Poole Court Drive. This is very well used by the public for parking associated with a host of local venues including the shopping centre and Poole Court. This entrance will require a considerable section of the current on street parking to be removed to provide suitable visibility and that loss of parking will not be replaceable. Accordingly, we object to the changed entrance and exit.

The current exit is governed by a roundabout, but there is no suggestion of a roundabout here. For users of Poole Court Drive, it will mean negotiating vehicles swinging out of the car park at the new exit within yards of vehicles swinging in at the current entry point. This doubles the number of danger spots. We already have issues with vehicles entering and leaving the store and not paying any regard to vehicles already on Poole Court Drive heading westwards. It will mean all vehicles leaving Morrisons have to cross the path of all vehicles entering.

Internal Consultees

- 4.2 Highway Structures
No comment

Statutory / External Consultees

- 4.3 Transport engineer:
No objection subject to conditions.
- 4.4 Flood risk management team:
No objection

Other Representations

4.5 Local Residents

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

- Loss of parking spaces
- Headlights will shine into my front windows
- Increased pollution
- Car park needs to be redesigned

5. ANALYSIS OF PROPOSAL

5.1 The applicant seeks full planning permission for the Creation of a new point of egress from the existing Morrisons car park onto Poole Court Drive. The existing access/egress point would remain unchanged.

5.2 Principle of Development

The application stands to be assessed against the above listed policies and all material considerations. The application follows pre-application planning advice given in June 2019. The proposal is for alterations to an existing supermarket within Yate. Consideration of the scheme would include such policy areas as: impact on the town centre; impact on the character of the area; impact on residential amenity of nearby residents and impact on highway safety.

5.3 Policy PSP34 indicates the general assessment criteria for development proposals in town centre locations. The most relevant criteria for this application are considered to include among other things be in proportion to the role and function of the location, have convenient safe and attractive access, have appropriate provision of parking, not give rise to unacceptable levels of vehicular traffic to the detriment of the amenities of surrounding area and highway safety; demonstrate a positive contribution to the public realm and be well served by public transport.

5.4 The scheme is considered to accord with adopted policy and this is discussed in more detail below.

5.5 *Role and function of the location:*

The proposal is for the creation of new point of egress from an existing Morrisons supermarket car park. The application site is within the primary town centre area of Yate and therefore its role and function as a supermarket and associated use, such as a car park, is already established. The site is in close proximity to public transport services.

5.6 The applicant has stated within their submitted Transport Statement the reason for the application is that during peak times there are delays for Morrisons customers entering or exiting the store car park via the existing site access. Access to the store for customers is currently provided via a mini-roundabout where the access road from the store meets Poole Court Drive.

- 5.7 The scheme is therefore to improve the flow of customers into and out of the car park thereby assisting the wider highway network by avoiding queues.
- 5.8 *Safe access, provision of parking, traffic levels and amount of parking*
The applicant is proposing to construct a new vehicular exit from the existing car park onto Poole Court Drive from the section of the road which is not adopted highway. The proposed access [exit] if allowed, would impact on the existing car park arrangement and will result in removal of five parking space from the existing car park – no replacement spaces are proposed.
- 5.9 The loss of 5 parking spaces is noted and is regrettable in terms of the amount of parking with the supermarket car park but it must also be recognised that the site is within a very sustainable location with good public transport services close by. It is considered that a refusal reason on this basis could not be substantiated in an appeal situation. In addition the supermarket would still retain 303 parking spaces on site.
- 5.10 A new planting scheme is discussed in the section below but it is noted that there is currently on-street parking on Poole Court Drive. Given the introduction of a new access here there would be a requirement to ensure no on-street parking adjacent to the new access to ensure visibility splays. It has been confirmed that Poole Court Drive is within the applicant's ownership and therefore it would be possible for the applicant to implement / enforce waiting restrictions on this road.
- 5.11 It is furthermore noted that the proposed new access is not suitable for both entry and exit and therefore the applicant must ensure that entry cannot be achieved. The applicant has acknowledged this situation and proposes to control manoeuvring by means of 'no-entry' signs.
- 5.12 Given the above it is considered reasonable that appropriate condition be attached to the decision notice to include details of the proposed waiting restrictions, signage, road marking, kerbs, re-positioned pedestrian crossing etc.
- 5.13 *Impact on residential amenity:*
Comments have been received regarding the potential adverse impact on residential amenity for nearby residents from headlights and additional pollution. It is however noted that residential properties are separated from the site by existing trees, wall and railings and one of the closest properties is side onto Poole Court Drive. Other properties would be around 30 metres away from the new access point. It has been confirmed that the store closes at 10pm and although there would be some changes for a few residents, given the above assessment a refusal on this basis could not be substantiated in an appeal situation. With regards to additional pollution, the purpose of the scheme is to reduce the number of cars idling as they queue to enter and exit the store.
- 5.14 *Public realm*
It is noted that the existing Morrisons boundary consists of some 50 metres of planting. The applicant proposes to remove all the existing planting between

the roundabout and the pedestrian crossing point to improve visibility splays. The intention is to replace with new planting. Details within the application state this planting will be maintained by Morrisons and will not exceed on 600mm in height. As such it will not restrict visibility from the access and it is stated no costs will be borne by the Council.

- 5.15 It is noted that this proposal will remove some mature planting including trees. This is regrettable and given the importance of securing bio-diversity the reinstatement of high quality planting at this location would be conditioned in the form of a landscape scheme to be submitted for approval by the LPA. It is mentioned that this could be an opportunity for the store to introduce further planting within the site to off-set the loss.
- 5.16 Prior to commencement conditions:
The applicant has agreed to landscape and technical details being prior to commencement conditions.
- 5.17 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.
- 5.18 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.
- 5.19 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 condition.

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 7.8.20:

Site location plan

Block plan

Reason

To ensure the satisfactory external appearance of the development in the interests of visual amenity; to protect the residential amenity of the neighbouring occupiers, to safeguard highway safety and to accord with Policy CS1 and CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy PSP8 and PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017) and the NPPF.

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

Reason

To protect the character and appearance of the area and in the interests of residential amenity and to safeguard highway safety, to accord with Policies CS1, CS8 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy PSP8 and PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

4. Prior to the commencement of development technical drawing details of the proposed exit to include visibility splays, dropped kerb, pedestrian crossing, waiting restrictions, double yellow lines and signage are to be submitted to the LPA for written approval. Development shall proceed in accordance with the approved details.

Reason

To protect the character and appearance of the area and in the interests of residential amenity and to safeguard highway safety, to accord with Policies CS1, CS8 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013)

and Policy PSP8 and PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

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

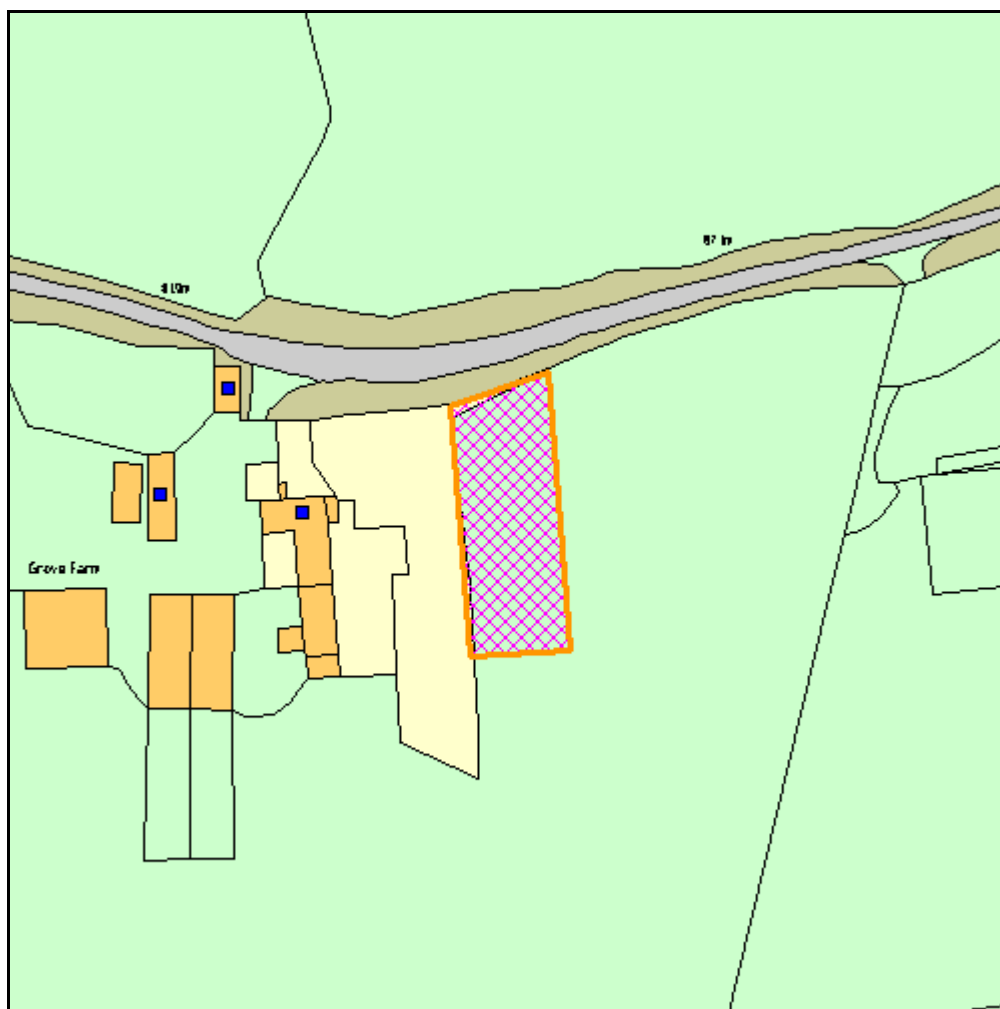
In dealing with this planning application the Local Planning Authority have worked with the applicant in a positive and proactive manner on seeking solutions to problems arising in the following ways:

The proposal is considered to represent an acceptable form of development and the application has been determined within the agreed timeframe.

Case Officer: Anne Joseph
Authorising Officer: Marie Bath

CIRCULATED SCHEDULE NO. 06/21 -12th February 2021

App No.: P20/14528/F	Applicant: Mr and Mrs Brine
Site: Land At Grove Farm Besom Lane Westerleigh South Gloucestershire BS37 8RW	Date Reg: 23rd September 2020
Proposal: Erection of 1 no. temporary dwelling with associated works.	Parish: Dodington Parish Council
Map Ref: 370492 180168	Ward: Boyd Valley
Application Category: Minor	Target Date: 16th November 2020



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P20/14528/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 the receipt of support from the Parish Council.

1. THE PROPOSAL

- 1.1 This application seeks a temporary consent for an installation of a residential chalet at Grove Farm Besom Lane Westerleigh. The site lies within the open countryside and Bristol & Bath Green Belt. It is also situated within the setting of a Grade II listed Grove Farmhouse. The site is not subject to any risk of flooding.
- 1.2 The agent also submitted a Planning Statement with 'Very Special Circumstances' to support the proposal – It is the applicant's desire to provide a caring and sensitive accommodation for Mrs Brine's mother.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework February 2019 'NPPF'
National Planning Practice Guidance 'NPPG'

2.2 Development Plans

South Gloucestershire Local Plan: Core Strategy (Adopted November 2013)
'Core Strategy'

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS34	Rural Areas

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP4	Designated Local Green Space
PSP5	Undesignated Opens within Urban Areas and Settlement
PSP7	Development in the Green Belt
PSP8	Residential Amenity
PSP11	Transport Impact Management

PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water and Watercourse Management
PSP21	Environmental Pollution and Impacts
PSP40	Residential Development in the Countryside
PSP43	Private Amenity Space Standards

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

3. **RELEVANT PLANNING HISTORY**

- 2.1 PK13/3153/F Conversion of existing barn to form residential annexe (Resubmission of PT13/0931/F). Approved 16.12.13
- 2.2 PT13/0931/F Conversion of existing barns to include link extension and associated works to form residential annexe. Withdrawn 10.05.2013

4. **CONSULTATION RESPONSES**

- 4.1 Parish Council – fully supported the application
- 4.2 Landscape Officer – no objection subject to conditions
- 4.3 Arboricultural Officer – objection due to the sub-standard arboricultural report
- 4.4 Conservation Officer – The proposal would cause a degree of harm to the setting of the Grove Farm that would neither sustain nor enhance the significance of this designated heritage asset. The proposal would result in less than substantial harm towards the lower end of the spectrum to the significance of the Grade II. Therefore, paragraph 196 of the NPPF should be engaged.
- 4.5 Archaeology Officer - no objection subject to pre-commencement condition.
- 4.6 Highway Officer – If the proposed accommodation is assessed as an independent dwelling, there are concerns regarding the sustainability of the site, the lack of site entrance or details of visibility splays.
- 4.7 Highway Structure – no comment
- 4.8 Ecology Officer – no objection subject to conditions

Other Representations

- 4.9 Local Residents
 One letter of objection was received, the resident raises the following comments:

Why is it that Mr R Brine can put in planning permission to build a temporary chalet which will be there all the time and then the next thing he will ask to build a bungalow so also there will be more cars coming up and down the lane why would anybody want live next door to a burial ground if it gets passed .Could not pass the bungalow which is the same and out of sight so why should they get permission to build a chalet.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development – Locational Strategy

The proposal is to install a chalet to provide a temporary residential accommodation for the applicant's family member to live to the proximity of the host dwelling. Given that the proposed chalet would clearly provide all essential facilities enabling the future occupiers to live independently, the proposal is therefore assessed as a separate new dwelling.

Policies CS5 and CS34 of the Core Strategy set out the general locational approach towards housing provision in the rural areas; these policies establish the retention of settlement boundaries; generally not supporting residential development outside of settlement boundaries or urban areas. Policy PSP40 of the Policies, Sites and Places Plan allows only for the following specific forms of residential development in the open countryside:

- (1) *rural housing exception initiatives*
- (2) *rural workers dwellings*
- (3) *the replacement of a single existing dwelling, where it is of a similar size and scale to the existing dwelling, within the same curtilage, and of design in keeping with the locality, and minimises visual intrusion in the countryside*
- (4) *the conversion and re-use of existing buildings for residential purpose*

Given the nature of the proposal, it is considered that the proposed chalet would not fall within any of these allowable forms of development contained within policy PSP40.

Furthermore, as stated in Policy CS5 (5e) of the adopted Core Strategy, new development will be strictly limited in the open countryside. In terms of the relationship with the nearby defined settlement, it is clear that the application site would not be read as a natural extension to the settlement boundary due to its remote location and the character of the site. As such, it is considered that the proposal does not form one of the few cases where could be supported, therefore the development should be resisted. However, the other impacts of the proposals should still be considered, this analysis is set out in the sections below.

5.2 Principle of Development - Green Belt

Policy CS34 seeks to protect the Green Belt. Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. With this

regard, the agent submitted a statement of 'Very Special Circumstances', which is summarised as follows:

- The accommodation is needed for a temporary period and the land affected will be wholly reversible to its current use
- The accommodation is to be provided for a family member is compelling and outweighs any harm caused to the openness of the Green Belt
- The applicants reside at Grove Farm, Besom Lane (which is a Grade II listed building). The accommodation that is proposed is purely for Mrs Brine's mother who is an elderly single person. This is a most difficult / challenging time for the family with the current Covid-19 situation, and the applicant's desire is to provide a caring / sensitive environment for Mrs Brine's mother (as part of an extended family situation).

5.3 Paragraph 144 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Officers have reviewed the submitted documents. Whilst the applicant claims that the proposed chalet would only be needed for a temporary period for providing accommodation to a family member, it is considered that such personal circumstances would not adequately amount to 'Very Special Circumstances' to outweigh the harm caused to the Green Belt. Furthermore, it appears that there are a number of buildings within the applicant's ownership. Insufficient information was submitted to demonstrate that other options of providing additional accommodation within the farmstead have been considered. In this instance, it is considered that the proposal have not provided sufficient justification to demonstrate why the Local Planning Authority should depart from the planning policies to support this application. Therefore, it is considered that the application should be refused.

5.4 In terms of the openness, the submitted site plan shows the proposed chalet would sit on an open field. Whilst it would be adjacent to existing hedges, the footprint of this building is not small in scale. Due to its location and scale, it is considered that the proposal would have a detrimental impact upon the openness of the green belt.

5.5 Arboricultural and Landscape consideration

The proposal is to erect a temporary single storey timber clad chalet in an open field lying adjacent to the eastern edge of the host farm property. The site comprises a narrow linear agricultural field to the east of the Grade II listed Grove Farmhouse and its associated outbuildings, off the south side of Besom Lane, in open countryside within the Green Belt. The northern (roadside) and western site boundaries are enclosed by mature hedgerows, and the east and south boundaries by post and rail fencing. The proposed block plan shows that an access would be formed through the western boundary hedgerow across the listed farmhouse curtilage. As such, some existing landscape features would be lost as a result of the proposal. Whilst the Landscape Officer suggested that a mixed native species hedge and additional trees planting would help to enhance biodiversity and integrate the new dwelling into its

surroundings, it is unclear that the quality / condition of the existing trees and hedges, and any of the landscape features would be adequately protected, as the submitted arboricultural information is not in line with British Standard BS5837:2012, Trees in Relation to Design, Demolition and Construction to Construction – Recommendations. As such, the proposal should not be supported.

5.6 Heritage consideration, Visual Amenity and Design

The existing rural setting of Grove Farm can be considered to make a positive contribution to the significance of the designated heritage asset, as it helps connect the landscape with the functional origins of the farmhouse and its farmstead building group. The pastoral setting (of which the application contributes to) of Grove Farm provides a narrative that helps illustrate the historic function of the building group with adds authenticity and subsequent interest. The proposed development is to erect a large 2no. bed self-contained chalet within the field to the west of what can be considered to be the building group that comprises of the farmstead.

5.7 Whilst the application site would appear to benefit from levels differences that would help screen certain views, in the views from the north and potentially from the PROW to the south where co-visibility between the farmhouse and the development proposal could be achieved. Officers are concerned that the proposal would create an incongruous domestic dwelling with a residential curtilage that encroaches into an open field. In particular, by reason of siting, scale and design, the proposed development would appear as an overtly domestic building that would lead to the erosion of the existing rural setting of the farmhouse and its stead. Consequently it is considered that the proposed scheme would be to the detriment of the building's authenticity and the setting of the farmstead. This would ultimately cause a degree of harm to the significance of this Grade II listed building and the proposed development would neither sustain nor enhance the significance of this designated heritage asset. In accordance with the Framework, officers consider that the proposal would result in less than substantial harm towards the lower end of the spectrum to the significance of the Grade II. The application is therefore to be considered within the context of paragraph 196 of the NPPF.

5.8 Archaeology consideration

From archaeology perspective, the impact of the chalet itself will be minimal, however the groundworks and provision of services including electricity and sewerage have the potential to disturb archaeological deposits. Should this proposal be considered favourably, a pre-commencement condition needs to be imposed to seek a programme of archaeological work (watching brief).

5.9 Residential Amenity

There would be no harm to the amenities of the existing and future occupiers' and the proposal is an adequate distance from neighbour's property. Adequate amenity space would be available to the future occupier.

5.10 Transportation Matters

The proposed building on site as a temporary building to be used by an elderly member of the family living at Grove Farm. The applicant also states that this accommodation is for short term and the land effected will be wholly reversible to its current use. From transportation point of view, the proposed building can neither be considered as annex or ancillary to the main building because the new building as proposed sits completely separate from the main house on site and the new property provides all the facilities with two bedrooms, separate kitchen, and a bathroom, required to make it as an independent dwelling house.

5.11 In this instance, officers have significant concerns about the travel sustainability of the site, in particular, the location of the proposed dwelling is considered to be distant from facilities and services and it is in a rural area lacking regular bus service and characterised by narrow lanes generally lacking footways. In terms of its access, the access road leading to the site is considered substandard by reason of restricted carriageway width unsuitable for two traffic movements and it lacks footway facilities and it is not lit. Therefore, additional vehicular using this lane unsatisfactory and the new development has potential to create increased conflicts between vehicle to vehicle and between vehicles and pedestrians. Furthermore, there are no details regarding the site entrance or details of visibility splays between the site access and the public highway. Also, there are no details of parking on site although it is acknowledged that parking can be provided with the site curtilage.

5.12 Officers noted that the proposal would be used as a temporary accommodation by the applicant's family member, and also considered if a condition could be imposed to secure its personal use. However, given the nature of the proposal, it is considered that such condition would not meet all six tests, i.e. necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects, which are stated in paragraph 55 of the NPPF. Therefore the proposal should be refused on the highway ground.

5.13 Flood Risk and Drainage

The site is not subject to any high risk of flooding and the drainage details are indicated on the submitted block plan. The Council's Drainage Officer has raised no objection.

5.14 Ecology

A preliminary Ecological Appraisal (Abricon, September 2020) was submitted. The Council Ecology Officer advised that no designated sites would be affected by the proposal. The existing trees do not possess potential bat roost features while the surrounding linear habitats would provide commuting and foraging habitats. As such, all lighting proposed would be required to be sensitively designed to not deter commuting and foraging bats using the Site. The rubble pile and the linear features would provide suitable terrestrial habitat for great crested newts. Mitigation has been recommended for the removal of the rubble pile to reduce the likelihood of disturbance or injury to GCN. Furthermore, the site provides suitable nesting habitat in hedgerows and trees, therefore works to impacted nesting habitats are to be undertaken outside bird nesting season,

if this is not practical a suitably experienced ecologist is to be consulted. There is limited sub-optimal reptile habitat in the hedgerow and tree line and longer grass areas within site 2. There is also a large rubble pile which would provide suitable hibernation habitat. The remainder of the site is poor reptile habitat. Appropriate mitigation has been recommended. No evidence of badgers were recorded during the survey though the mature tree line does have potential to support badgers and an informative is detailed below to mitigate their presence. There is suitable habitat for hedgehogs, specifically within the mature tree line and an informative is detailed below. In this instance, there are no ecological objections.

5.15 Planning Balance – Weighing Up Exercises

As discussed above, Officers have identified the magnitude of harm caused by this proposal and it is considered that the proposal would result in less than substantial harm towards the lower end of the spectrum to the significance of the Grade II. To accord with NPPF paragraph 196, the harm needs to be weighed against the public benefits of the proposal, including, however appropriate, securing its optimum viable use. The NPPP clearly set out three overarching objectives of sustainable development, economic, social and environmental. In this instance, the proposed development, due to its nature and scale, would only give very modest economic and social benefits. Taking all of these together, with regards to the magnitude of harm caused by the proposal, it is not considered that there are clear public benefits which would arise from this proposal. Accordingly, it is considered that this heritage harm would not be outweighed by public benefits.

5.16 Consideration of likely impact on Equalities

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

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

5. CONCLUSION

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

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

6. **RECOMMENDATION**

6.1 That planning permission be refused for the following reasons:

1. The site is located within the Bristol/Bath Green Belt and the proposal, due to the location of the site and the nature of the proposal, does not constitute infill development and therefore does not fall within the limited categories of development normally considered appropriate within the Green Belt. Whilst a statement of Very Special Circumstances was provided, the submitted information is insufficient to justify why the normal presumption against development in the Green Belt should be overridden. In addition, the proposed chalet would be installed on an open field. Due to its location and scale, the proposal would have an adverse impact upon the openness of the Bristol / Bath Green Belt. The proposal is therefore contrary to the provisions of Policy CS5 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, Policy PSP7 of the Policies Sites and Places Plan (Adopted) November 2017, Development in the Green Belt Supplementary Planning Document SPD June 2007 and the National Planning Policy Framework (February 2019).
2. Policy CS5 of the South Gloucestershire Local Plan: Core Strategy adopted December 2013 states that new development will be strictly limited in the open countryside. The application site is outside of any defined settlement and therefore in the open countryside. Defined settlements establish locations which the local planning authority consider suitable for sustainable development. The proposal, given its location, is not considered to represent limited infilling and the proposal does not contain any of the limited forms of residential development acceptable in the open countryside. The proposal therefore does not represent a sustainable form of development and conflicts with policy CS5 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP40 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework February 2019.
3. The proposed development, by reason of siting, scale and design, would result in an erosion of setting when the existing setting in which Grove Farm is experienced can be considered to make a positive and material contribution to its significance as a Grade II listed building. Accordingly, it is therefore considered contrary to policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; policy PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the National Planning Policy Framework.
4. The proposed development, due to its remote location, characteristics of narrow lanes, lack of footway, considered to be an unsustainable as future occupants would have to rely heavily on travel by private car. Furthermore, the access road leading to the site is considered substandard, by reason of restricted carriageway width, unsuitable for two traffic movements, lacks of footway facilities, and not being lit. As such, additional vehicular using this lane would be unsatisfactory and the proposed development would have potential to create increased conflicts between vehicle to

vehicle and between vehicles and pedestrians. Moreover, there are no details regarding the site entrance or details of visibility splays between the site access and the public highway. The development is therefore contrary to Policy PSP11 of the South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2017; Policies CS5 and CS8 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and the National Planning Policy Framework February 2019.

5. The proposed development, by virtue of lack of arboricultural information to accord with the British Standard BS5837:2012, Trees in Relation to Design, Demolition and Construction to Construction - Recommendations, would fail to demonstrate that the existing landscape features would be adequately protected. As such, the proposal is therefore contrary to Policy PSP2 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017), Policy CS1 of the South Gloucestershire Local Plan: Adopted December 2013, and the National Planning Policy Framework February 2019.

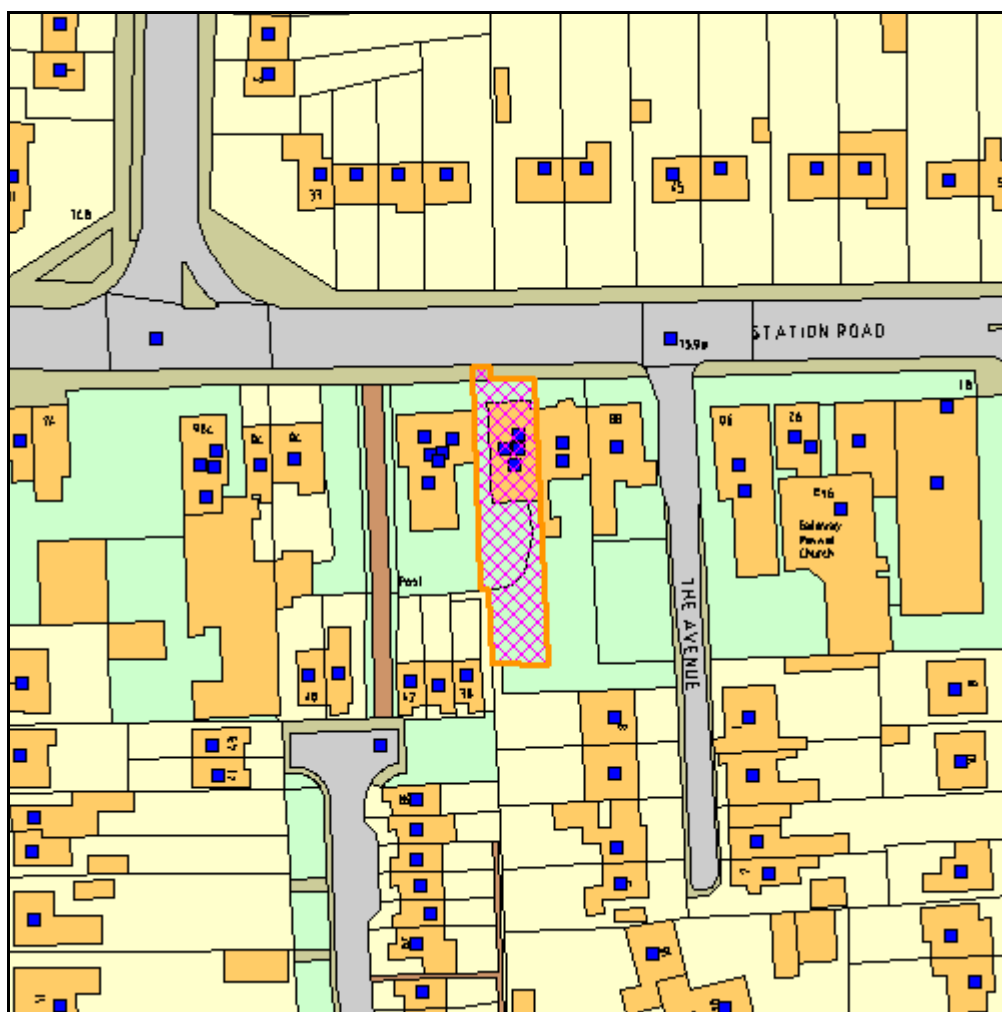
**IN ACCORDANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) ORDER 2015.
POSITIVE AND PROACTIVE STATEMENT:**

In dealing with this planning application the Local Planning Authority have worked with the applicant in a positive and proactive manner on seeking solutions to problems arising in the following ways: The application has been determined in accordance with the adopted planning policies. The applicant's circumstances have been taken into consideration and a balanced exercises have been carried out prior to the determination of this application.

Case Officer: Olivia Tresise
Authorising Officer: David Stockdale

CIRCULATED SCHEDULE NO. 06/21 -12th February 2021

<p>App No.: P20/21323/F</p> <p>Site: 84 Station Road Yate South Gloucestershire BS37 4PH</p> <p>Proposal: Part change of use of ground floor and erection of two storey rear extension to form no. 2 1 bedroom flats.</p> <p>Map Ref: 370680 182484</p> <p>Application Category: Minor</p>	<p>Applicant: Andrews & Partners</p> <p>Date Reg: 3rd December 2020</p> <p>Parish: Yate Town Council</p> <p>Ward: Yate Central</p> <p>Target Date: 28th January 2021</p>
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P20/21323/F

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

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 The application seeks permission for the part change of use of ground floor and erection of two storey rear extension to form no. 2 1 bedroom flats.
- 1.2 The site is an existing property, currently in retail use at ground floor, (estate agents), with shop frontage onto Station Road, with a small store and office area to the ground floor rear and residential accommodation above. The area itself contains various shop use premises at ground floor level, with residential accommodation above and residential accommodation opposite and behind.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March
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
CS14 Town Centres and Retail
CS15 Distribution of Housing
CS16 Housing Density
CS17 Housing Diversity

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

PSP8 Residential Amenity
PSP11 Transport Impact Management
PSP16 Parking Standards
PSP31 Town Centre Uses
PSP33 Shopping Frontages
PSP39 Residential Conversions, Subdivision, and HMOs
PSP43 Private Amenity Space Standards

3. RELEVANT PLANNING HISTORY

- 3.1 PK05/3495/F - Erection of single storey rear extension to form additional office, staff room and store for estate agents. Approved 6/2/06

- 3.2 P93/1690 - Conversion of existing office/flat to office and 4 no. bedsits
Approved 9/2/94
- 3.3 P92/1039 - Change of use of first floor premises from office to two
bedroomed flat. Approved 11/3/92

4. CONSULTATION RESPONSES

4.1 Yate Town Council

Object on the following grounds:-

The impact on the existing rear flat, which will lose its rear windows, instead relying on a roof light to illuminate the single room (described as a living room but actually living/ bedroom) plus a small window over the roof void looking into a neighbouring property. This will dramatically reduce the light and amenity of that flat. The front entry will go straight out onto a narrow access drive to parking at the rear of the site.

The plan shows 5 parking spaces at the rear, which will need to cover the three existing one room flats, the two new ones and the office premises at the front. We need a plan showing car parking to meet current South Glos standards for the site.

4.2 Highways Structures

No comment

Lead Local Flood Authority

No objection in principle, recommends information regarding location of public sewers.

Sustainable Transportation

No objections, condition recommended to secure parking

Other Representations

4.3 Local Residents

One letter has been received raising concerns:

‘Concerns as to the parking area, the plans don't clearly show the parking area, we want to make sure the existing car parking spaces are not affected and that adding the addition of two car parking spaces on the Andrews side, the 3 current cars used by Andrews do not then end up blocking the exit route out of the back of the car park.

Whilst the work is being done that vans and building sites does not block any exits. Basically we want to make sure that the building works and subsequent occupation does not block up the car park and exits.

There is minimal space in the car park as it is especially for our two spaces in front of our house as there is little turning room for us to get out and adding a

building site and new tenants could compromise the already extremely crowded car park.

There is no private parking signs on our side of the car park people use it as a 'public' car park therefore we have to park on Andrews side of the car park as our spaces are used. This will not be able to change unless there is clearly a private car park sign.

We need a clear exit and entrance and to not have to

When working from home relative quietness is required during the hours of 8 and 4:30. I am not opposed to more noise but if this will be going on for months the noise will need to be too excessive.'

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

This part of Station Road is identified in the Local Plan as a secondary shopping frontage. Notwithstanding this the proposals would not prejudice the permitted retail function to the front (currently an estate agents). The change of use element would only relate to a relatively small area to the rear, consisting of a ground floor small office and store area. The application site is located in the existing urban area of Yate. Policy CS5 sets the locational strategy for development in the district; new residential development is directed towards the existing urban areas and defined rural settlements. Therefore development in this location would comply with the strategic development locational strategy.

5.2 Residential Amenity

The existing upper levels, above the existing retail unit, are already in residential use, with three small units. The proposals under this application would essentially create two additional separate residential units, by virtue of the change of use of the small area to the rear at ground floor and through the addition of the one and two storey extension to the rear. This would create two similar one bedroom flats, one ground floor and one first floor. The proposed living area and internal spaces are considered to provide acceptable living accommodation for the proposed flats. The proposals would not affect the size of the existing accommodation to the front. The comments relating to loss of light in one of the existing units is noted. Whilst the proposed extension would come up to the rear of the existing building where two rear facing windows currently exist, a rooflight is provided in the south sloping roof. There is already a window in the west elevation and it is also proposed to add a further window to this elevation in the existing accommodation. These windows would be over a relatively small single storey flat roof. This would therefore amount to a rooflight and two windows into living area and is considered satisfactory. The access to these original flats will remain the same and the access to the proposed new flats will similarly be on to the side access of the property, further down the lane. Bin and cycle storage areas is also provided.

5.3 There currently appears to be mainly hardstanding and parking/access areas to the rear. A grassed area immediately to the rear of the flats of approximately 22m² is proposed. This would meet the current private

amenity space standards which would require a minimum of 5m² for a 1 bedroom flat. This however would be located immediately behind and be more associated with the ground floor flat. Notwithstanding this, the supporting text to PSP43 states that in certain locations and circumstances, other criteria may be reviewed in the assessment of access to amenity. In this instance, the development does demonstrate acceptable design standards in terms of living space, access to fresh air and daylight through provision of additional windows and openings and helps provide for a diversity of housing availability in an urbanised and sustainable area, with transport links, including bus stop immediately outside along the main road. The site is in a sustainable location and in close proximity to a number of publically accessible open space areas that provide alternative amenity such as the Common, approximately 270m to the south west and the playground area to the east.

5.4 The area is urban in nature and set amongst a variety of residential and retail uses with commercial/retail premises and flats above in the immediate vicinity. The proposals for residential use would not be considered to give rise to any material local amenity issues in its own right. Given the location, orientation and design of the proposals and the relationship with the surrounding area, It is not considered that the two storey extension itself would give rise to material or significant issues of overlooking or overbearing impact in this instance.

5.5 Design

The two storey extension is designed to essentially mirror the existing two storey building in form and scale. It will be located on the rear of the existing property. These alteration are considered acceptable in context with the site and surroundings and would be an acceptable addition to the existing building. Materials proposed would be acceptable and in keeping with the existing building.

5.6 Highways

The main transportation and highway issue relating to this application is provision of off-street parking. The existing building has three car parking spaces on site. As part of the proposed development, which seeks permission to construct 2no. one-bed flats on site, it is proposed to increase the number of parking spaces to five and to provide a car parking space for each of the new flats. There is no loss of existing parking as the three existing spaces are provided for, further to this an additional one space each for two proposed flats is also included. The level of parking proposed meets the Councils parking standards and as such there is no highway objection on this basis. Access to the site and to the parking area would not change and remains the same. In view of the above mentioned there is no transportation objection to this application. It is recommended that a planning condition is imposed so that prior to occupation of the new building, the applicant provides off-street parking in line with the submitted and approved plan and subsequently maintain and retain these satisfactorily thereafter.

5.7 The comments above are noted, however the granting of planning permission does not grant rights to access or use land not within the

applicants control or indeed unlawfully block existing rights of access and parking.

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

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

CONDITIONS

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

Reason

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

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

Reason:

To define the terms and extent of the permission.

3. The off-street parking facilities shown on the plan hereby approved shall be provided before the accommodation the subject of this planning permission is first occupied, and thereafter retained for that purpose.

Reason

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

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

POSITIVE AND PROACTIVE STATEMENT:

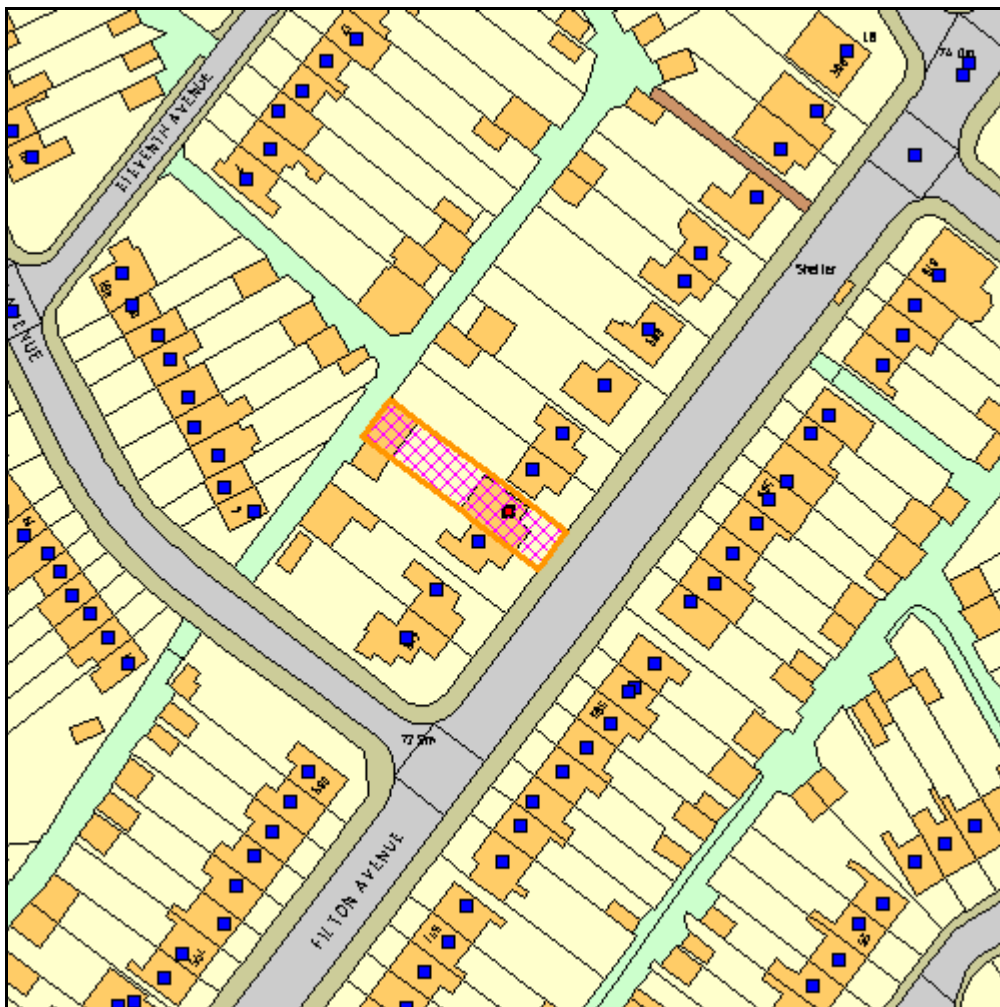
In dealing with this planning application the Local Planning Authority have worked in a positive and proactive manner in seeking a satisfactory resolution to the application, in accordance with the relevant policies.

Case Officer: Simon Ford

Authorising Officer: David Stockdale

CIRCULATED SCHEDULE NO. 06/21 -12th February 2021

App No.:	P20/21990/F	Applicant:	Mr Antonino Cocchiara
Site:	578 Filton Avenue Horfield South Gloucestershire BS7 0QQ	Date Reg:	16th November 2020
Proposal:	Demolition of existing conservatory. Erection of single storey front and rear extension to form additional living accommodation. Alteration to roofline to form loft conversion. Construction of new vehicular access onto Filton Avenue	Parish:	Filton Town Council
Map Ref:	360647 178378	Ward:	Filton
Application Category:	Householder	Target Date:	7th January 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 REFERRAL TO CIRCULATED SCHEDULE

This application appears on the schedule due to the receipt of more than three letters of objection contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the following works at 578 Filton Avenue: demolition of existing conservatory; erection of single storey front and rear extension to form additional living accommodation; alteration to roofline to form loft conversion; and, construction of new vehicular access onto Filton Avenue.
- 1.2 The application site is set within the wider settlement boundary of Filton (Bristol North Fringe) which is typically made up of housing dating from the 20th century up to the present. The property itself forms a hipped roof semi-detached bungalow which benefits from off street parking and has a garden situated at the rear of the property.
- 1.3 *Procedural Matters* – Amended plans have been received by the applicant which has altered both the scope and description of the development. Due to this, further public consultation has been carried out with the case officer satisfied this has not disadvantage the public interest.

2. POLICY CONTEXT

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

2.2 Development Plans

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

CS1	High Quality Design
CS4a	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility

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

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

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

3. **RELEVANT PLANNING HISTORY**

- 3.1 No relevant planning history.

4. **CONSULTATION RESPONSES**

- 4.1 Filton Parish Council
No comments received.

- 4.2 Sustainable Transport Officer
Key points from the Sustainable Transport Officer have been summarised as follows:
- The proposal would provide two car parking spaces for a three bedroom development, which is consistent with the Council's car parking standards.
 - No objections.

- 4.3 Tree Officer
Comments from the Tree Officer have been summarised as follows:
- There is a small tree within curtilage of property that is not subject to a tree preservation order.
 - No objections.

- 4.4 Local Residents
5 objection letters have been received by the public which are summarised below:
- Gable extension would create an overshadowing effect and reduce natural sunlight reaching property No.580 Filton Avenue.
 - Relocation of entrance to property [of the applicant dwelling] along the side elevation would have a detrimental impact to the privacy of residents at No.580 and create noise nuisance.
 - Development would appear overdeveloped and out of character of immediate area.
 - Location of development would encroach on the land of No.580.

- 4.5 *[Officer Comment]* The applicant has submitted revised plans which are seen to address the concerns raised above.

5. **ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development
Policy PSP38 permits extensions and alterations to existing dwellings within established residential curtilages subject to an assessment of design, amenity and transport. The proposal seeks to make extensions to an existing dwelling

and is therefore acceptable in principle, but will be determined against the analysis set out below.

5.2 Design and Visual Amenity

Policy CS1 states that development proposals will only be permitted where the highest possible standards of design and site planning are achieved. It states that proposals are required to demonstrate that they: enhance and respect the character, distinctiveness and amenity of both the site and its context; and, have an appropriate density with an overall layout that is well integrated with existing development. Further to this, policy PSP38 sets out that development must respect the existing form and design of the dwelling and that any development would: not prejudice the residential and visual amenity of neighbours; and, provide adequate parking provision. Both policies seek to ensure that development proposals are of the highest possible standards of design in which they respond to the context of their environment. This means that developments should demonstrate a clear understanding of both the site and local history to ensure the character, distinctiveness and amenity is well assessed and incorporated into design.

Rear Single Storey Extension

- 5.3 The proposed rear extension would project to the North-West of the dwelling by approximately 4m, have a width of 6.9m and a height of 3.3m (with an eaves height measuring 2.4m). This part of the development would create an approximate 22sqm floor space at the rear of the property, functioning to create a larger kitchen. There would also be 2no. roof lights, 2no. top-hung windows and 1no. sliding doors incorporated into the rear extension.

Front Single Storey Extension

- 5.4 The existing property's built form can be described (when looking from directly above) as a short, yet elongated "L" shape, with the proposed front extension seeking to infill the 2.9 meter by 3.1 meter space at the front of the property. This would connect the principal elevation with the North-East side elevation to create a revised rectangular structure with clean building lines. The proposed finishing materials appear to match the existing.

Loft Conversion

- 5.5 The proposed loft conversion would be a result of the works to extend the existing roof ridge, with the proposal seeking to extend this part of the roof by 3.1m. The roof development would feature a gable end – mirroring the existing – and function to create an addition bedroom (bringing the total bedroom number of the property to 3). There would also be 3no. windows incorporated into the loft conversion, one installed on the principal elevation and the remaining two onto the rear.

Dropped Kerb

- 5.6 Submitted evidence indicates that the existing raised kerb would be dropped to a total length of 10.5 meters to provide access to an area of hardstanding at the site, which would measure approximately 4 meters in width and 8 meters in length.

5.7 Overall, it is considered that the proposed alterations would be an acceptable standard of design and would not result in unreasonable harm to the character of the site and its context. The case officer notes the comments of the public with regard to design concerns and the impact this may have on the overall aesthetic of the host dwelling. However, in consideration of the wider street scene, the immediate properties to the North-East of the applicant site (No.584 Filton Avenue and in particular No.582 Filton Avenue) feature works with similar design and scale to this application, which has formed a material consideration in the officer's assessment. Additionally, due to the varied built form of properties situated along Filton Avenue, the proposed alterations to the host dwelling would not detrimentally impact the street scene. Lastly, the case officer notes No.578 is of no architectural importance, suggesting the proposed alterations would not cause excessive harm to the existing building. Therefore, it is judged the proposal has an acceptable standard of design and complies with policies CS1 and PSP38.

5.8 Residential Amenity

Policy PSP38 explains that development will be permitted provided that it would not detrimentally impact the residential amenities of nearby occupiers and would not prejudice the retention of adequate private amenity space. Further to this, policy PSP8 states development proposals are acceptable, provided they do not create unacceptable living conditions or result in unacceptable impacts on residential amenities. These are outlined as follows (but are not restricted to): loss of privacy and overlooking; overbearing and dominant impact; loss of light; noise or disturbance; and, odours, fumes or vibrations.

Rear Single Storey Extension

5.9 With regard to the proposed rear alterations, the main amenity issue to evaluate is the impact the extension may have on the neighbouring property of No.576. Here, the case officer notes the rear works would largely replace existing built form, with an additional height increase of 0.3m and length increase of 1.1m. Due to this, any associated impacts of the rear extension towards No.576 would be negligible, and as such, the rear extension would not result in any unreasonable impact as described above.

Front Single Storey Extension

5.10 Given the sitting, scale and design of the proposed ground floor front extension it is considered the development would not prejudice the amenities of neighbouring properties nor would it create unacceptable living conditions.

Loft Conversion

5.11 With regard to the proposed loft conversion and corresponding works, the case officer notes that whilst there is likely to be an element of overshadowing to the neighbouring property of No.580, the impact to their living conditions would not be significant enough to refuse permission. It is also noted that the proposed hipped extension would essentially follow built form, suggesting any overshadowing caused by the extension would not exacerbate the existing relationship between the two properties.

Dropped Kerb

- 5.12 The case officer recognises that the proposed access would be visible and works likely to have some impact on the visual amenity of the street scene. However, these would be of minimal scale and highly unlikely to have a detrimental impact to the character of the area.
- 5.13 Overall, it is considered that the amenity of neighbouring residents (namely, No. 576 and No.580 Filton Avenue) would be adequately preserved and the proposed development would comply with policies PSP8 and PSP38.
- 5.14 Transport (Access and Parking)
Policy PSP16 sets out the Council's criteria for parking specifications. It states that parking space provision per dwellinghouse is proportionate to bedroom number. The proposed works would amalgamate to the host property supporting 3no. bedrooms, with 2.no parking spaces required (as per PSP16) for the application site. Submitted evidence has indicated the site could adhere to the required provisions set out above, suggesting the proposal would comply policy PSP16 and the Council's Residential Parking Standards SPD 2013.
- 5.15 Further to this, policy PSP11 states development proposals that generate a demand for travel will be acceptable provided that access is appropriate, safe, convenient and attractive for all modes of travel arising to and from the site. It also outlines that access should not: contribute to serve congestion; impact on the amenities of communities surrounding access routes; have an unacceptable effect on highway and road safety; and, should not harm environmentally sensitive areas.
- 5.16 With regard to the above, it is considered that the proposed dropped kerb would be reflective of facilities that are located within the immediate vicinity of the site. Additionally to this, visibility from the highway (to the proposed parking area) would be of sufficient quality, with the proposal not likely to create unreasonable highway safety or contribute to serve congestion. However, as the development relates to the highway, it is recommended that any works should be carried out in accordance to the Council's standards of construction, with all details and method of construction first to be agreed by the Council's Streetcare Manager. Subject to the above, the proposal would comply with PSP11.
- 5.17 Private Amenity Standards
Policy PSP43 states that residential units, including those that are subject to development, are expected to have access to private amenity space that is: functional and safe; of a sufficient size in relation to occupants; and, be easily accessible. As the proposal seeks to increase living accommodation for the host dwellinghouse, the case officer is satisfied private amenity space standards would be acceptable. Therefore, the proposal would comply with PSP43.
- 5.18 Consideration of likely impact on Equalities
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is

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

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

6. **CONCLUSION**

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

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

7. **RECOMMENDATION**

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

CONDITIONS

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

Reason

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

2. The materials to be used in the construction of the external surfaces of works that can be seen from the highway (principal elevation) hereby permitted shall match those used in the existing building.

Reason

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

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

Reason

Block Plan (D02R02)

Floor and Roof Plans (D04R02)
Elevations (D03R02)

To define the terms and extent of the permission.

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

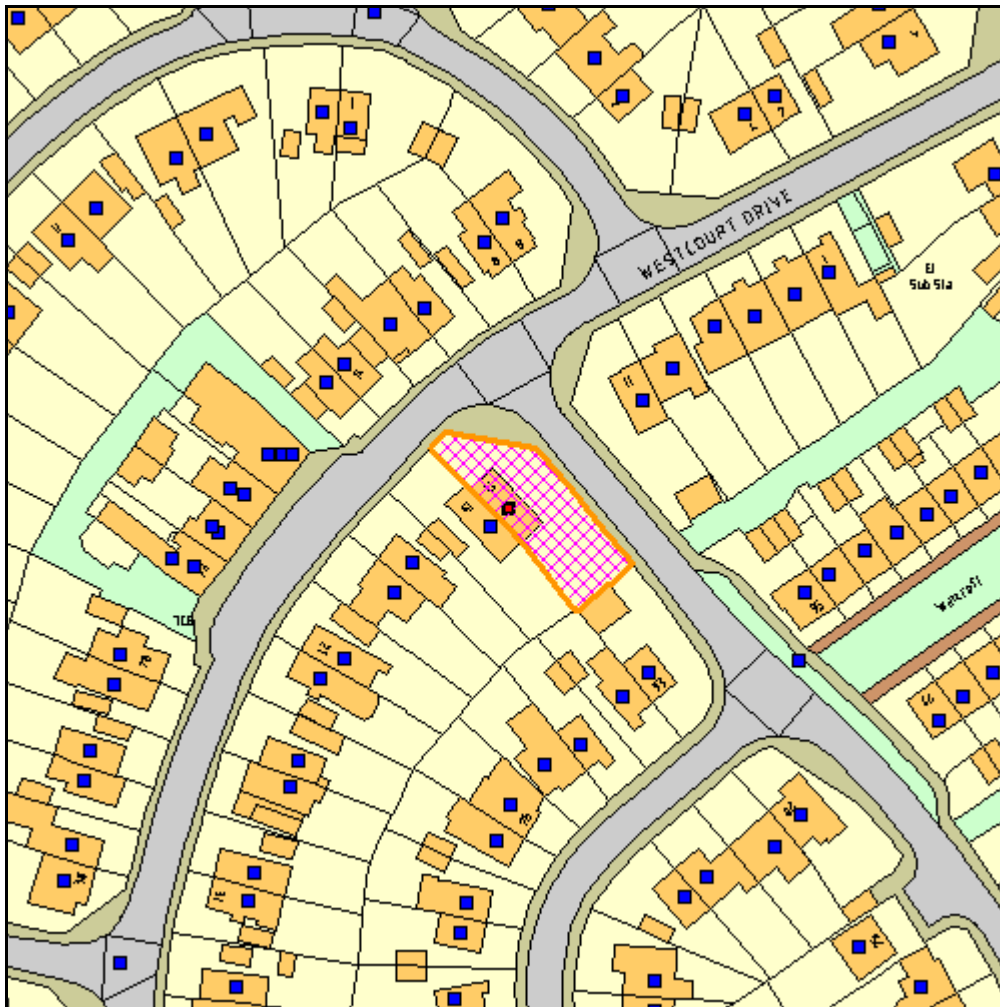
POSITIVE AND PROACTIVE STATEMENT:

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

Case Officer: Ben France
Authorising Officer: Marie Bath

CIRCULATED SCHEDULE NO. 06/21 -12th February 2021

App No.:	P20/23568/RVC	Applicant:	Mr B Dowding
Site:	13 Westcourt Drive Oldland Common South Gloucestershire BS30 9RU	Date Reg:	29th November 2020
Proposal:	Removal of condition 3 (conservatory removal) and variation of condition 5 (parking arrangements) attached to planning approval P19/5289/F - Erection of 1no semidetached dwelling and associated works.	Parish:	Bitton Parish Council
Map Ref:	367017 171720	Ward:	Bitton And Oldland Common
Application Category:	Minor	Target Date:	20th January 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 an objection by the Parish Council, contrary of the officer recommendation detailed below.

1. THE PROPOSAL

1.1 The application is for the removal of condition 3 (conservatory removal) and 5 (parking arrangements) attached to permission P19/5289/F which granted planning permission for the erection of 1no semi-detached dwelling and associated works 13 Westcourt Drive, Oldland Common.

1.2 Conditions of the permission stated:

Condition 3

The existing conservatory serving the existing dwelling proposed for removal on the Proposed Block Plan PLN-1 (received 15th May 2019) must be removed prior to first occupation of the approved dwelling.

Reason

To protect the residential amenity of future occupiers of the development and to accord with policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; policies PSP8, PSP38 and PSP43 of the Policies Sites and Places Plan (Adopted) Nov 2017 and the National Planning Policy Framework.

Condition 5

Prior to first occupation of the dwelling hereby permitted, the parking spaces shown on the Proposed Plan PLN-1 (Received 15th May 2019) for the existing and proposed dwelling shall be implemented in a bound permeable surface, and thereafter maintained for parking purposes.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; policy PSP11 and PSP16 of the Policies Sites and Places Plan (Adopted) Nov 2017 and the National Planning Policy Framework.

1.3 The application site comprises a two-storey semi-detached dwelling located within the existing urban area of east Bristol. No other statutory or non-statutory land use designations cover the site.

1.4 Amended plans have been received during the determination process, changing the proposed surface of the driveway from gravel to block paving.

2. **POLICY CONTEXT**

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

2.2 **Development Plans**

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS29	Communities of the East Fringe of Bristol

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

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

- 2.3 **Supplementary Planning Guidance**
Design Checklist SPD (Adopted) 2007
Residential Parking Standards SPD (Adopted) 2013
CIL and S106 SPD (Adopted) 2015
Waste Collection SPD (Adopted) 2015 (updated 2017)

3. **RELEVANT PLANNING HISTORY**

- 3.1 P19/5289/F Erection of 1no semi-detached dwelling and associated works. (Re submission of P19/2131/F). Permission Granted 19th July 2019
- 3.1 P19/2131/F Erection of 1no semi-detached dwelling and associated works. (Re submission of PK18/5748/F). Refused 18th April 2019
- 3.2 PK18/5748/F Erection of 1no. detached dwelling and associated Works. Refused 19th February 2019

Reason for refusal:

The proposal to introduce an additional dwelling onto the site would result in a cramped form of development. By virtue of the design, form and siting of the

proposed dwelling, it would appear as an incongruous and cramped addition to the site. The proposed amendments to the existing dwelling would further emphasise the contrived nature of the proposal. The proposed development, therefore, fails to secure a high quality standard of design contrary to Policies CS1 and CS16 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013; PSP1 and PSP38 of the South Gloucestershire Local Plan: Policies, Sites and Places (Adopted) November 2017; and the NPPF (2018).

4. CONSULTATION RESPONSES

- 4.1 Bitton Parish Council
Objection. Specifically, to the variation of condition 5 (parking arrangements) in the alteration of the surfacing.

Sustainable Transportation

No objection

Highways Structures

No objection

Lead Local Flood Authority

No objection subject to informatives

Environmental Protection

No objection

Other Representations

- 4.2 Local Residents
No comments received.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The principle of the dwelling at this location have been established. The issue for consideration is therefore whether the retention of the conservatory, and a change to the approved parking arrangements would give rise to any material planning considerations.
- 5.2 With regard to the retaining of the existing conservatory, the garden sizes have now been adjusted which allows for both the existing and proposed properties to comply with the minimum standards as per policy PSP43. As such, no objections are raised in relation to the removal of Condition 3.
- 5.3 Turning to the change of parking arrangements, vehicle parking for the proposed property would be side by side as oppose to being in tandem. Amendments to the proposed surfacing have also been received, for which block paving is now proposed instead of gravel. This arrangement has been viewed as acceptable by transport officers.

5.4 In this respect it is considered that given the nature of the changes and the context of the area the proposals would be an acceptable revision. There are not considered to be any material or significant design and amenity issues associated with the proposals such as to warrant refusal of the proposed variation of condition.

5.3 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 variation of condition is approved, subject to the conditions recommended.

CONDITIONS

1. 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 CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

2. Prior to first occupation of the dwelling hereby permitted, the parking spaces shown on the Proposed Plan PLN-1 (Received 5th February 2021) for the existing and proposed dwelling shall be implemented as demonstrated on the plans, and thereafter maintained for parking purposes.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; policy PSP11 and PSP16 of the Policies Sites and Places Plan (Adopted) Nov 2017 and the National Planning Policy Framework.

3. 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) 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 prevent overdevelopment of the site and to protect the residential amenity of future occupiers of the development and to accord with policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; policies PSP8, PSP38 and PSP43 of the Policies Sites and Places Plan (Adopted) Nov 2017 and the National Planning Policy Framework.

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

POSITIVE AND PROACTIVE STATEMENT:

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

Case Officer: Thomas Smith

Authorising Officer: Marie Bath

CIRCULATED SCHEDULE NO. 06/21 -12th February 2021

App No.:	P20/24205/F	Applicant:	Mr Christian George
Site:	43 Bush Avenue Little Stoke South Gloucestershire BS34 8LY	Date Reg:	3rd January 2021
Proposal:	Demolition of existing attached garage. Erection of two storey side extension and front porch to form additional living accommodation. Installation of 1 no. rear dormer to facilitate loft conversion.	Parish:	Stoke Gifford Parish Council
Map Ref:	361421 180467	Ward:	Stoke Gifford
Application Category:	Householder	Target Date:	16th February 2021



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P20/24205/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 a representation has been received from the Parish Council, which is contrary to the findings of this report.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of two storey side extension and front porch. Additionally, 1no. rear dormer is proposed to facilitate a loft conversion.
- 1.2 The application site is a semi-detached property within the North Fringe of Bristol Urban Area. The site is not subject to any restrictive planning constraints (such as greenbelt, AONB, etc.).
- 1.3 During the application's consideration, revised plans have been sought in response to officer concern. The nature of the changes was such that no public re-consultation was considered necessary.

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
CS25	Communities of the North Fringe of Bristol

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

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

2.3 Supplementary Planning Guidance

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

3. **RELEVANT PLANNING HISTORY**

None.

4. **CONSULTATION RESPONSES**

4.1 Stoke Gifford Parish Council

Objection, raised in relation to the loss of the hipped roof.

4.2 Sustainable Transport

Initial response: Query level of parking and parking arrangements. Recommend provision of electric vehicle charging point.

Updated response: Further information addresses concerns – no further comment.

4.3 Archaeology Officer

No comment has been received.

4.4 Local Residents

No comments have been received.

5. **ANALYSIS OF PROPOSAL**

1.1 The proposal seeks to erect a two-storey side extension, front porch and carry out a loft conversion.

1.2 Principle Of Development

PSP38 of the South Gloucestershire Council Policies, Sites and Places Plan (adopted November 2017) permits development within existing residential curtilages (including extensions) in principle where they do not unduly harm the design, visual amenity and residential amenity of the locality or prejudice highway safety or the provision of adequate private amenity space. PSP38 is achieved through CS1 of the South Gloucestershire Council Core Strategy (adopted December 2013), which requires development to demonstrate the highest standards of design and site planning by demonstrating that siting, form, scale, height, massing, detailing colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the site and its context. The development is acceptable in principle, subject to the following detailed consideration.

1.3 Design and Visual Amenity

The existing property has spar rendered elevations, double bay window to the front and a hipped roof. To the side is an attached flat roofed garage. The proposal would see the property extended to the side at two storey level by c.3.5 metres, and an additional 4.4 metres at ground floor level to the front (less

at the rear, due to the angle of the boundary). Essentially, the property would be extended to the side at two storey level then the existing garage would be replaced in the remaining space. The front porch is a simple pitched roof lean to porch with a depth of c.1.5 metres and the rear dormer would be c.2.4 metres deep, with a length of c.7.8 metres. The roof structure of the side extension would be of a cropped hip design. The cropped hip design comes following negotiation as officers shared concerns with the Parish Council regarding the loss of the hipped roof in its totality.

- 1.4 Starting with the two-storey side extension, good design practice is to set such extensions back from the principle elevation and down from the ridge line to ensure subservience. However, in the context of this site, it is clear that *most* of the two storey side extensions erected nearby (including an immediate neighbour) have not been designed and built to appear subservient. This was observed by the case officer on a site visit. As such, in this case officers would not consider a set back or down essential and a refusal on this basis would be unlikely to be sustainable.
- 1.5 Officers are also satisfied with the overall width of the two-storey extension. Whilst the roof structure is not a full hip, officers consider the cropped hip design put forward to be satisfactory and to not appear unreasonably juxtaposed to the neighbouring and indeed surrounding properties. Furthermore, consideration should be afforded to the fact hip-gable conversions have been implemented nearby and that these works are often permitted development, and therefore could happen at any time, including to the neighbouring property without the need for planning permission.
- 1.6 The garage extension is considered to be an acceptable scale and design, with the use of a parapet wall around the roof an improvement on the existing GRP flat roof situation, where the membrane is visible. The parapet has been introduced following guidance from officers. It is accepted that the cumulative side extension is quite wide, however officers do not consider the overall design or appearance to be unacceptable, nor does it give rise to overdevelopment concerns. The porch is a simple lean-to structure similar to those used nearby and is considered to an acceptable standard of design.
- 1.7 The rear dormer, despite being a box type dormer, is of a reasonable scale so as to not appear oversized, with a good distance maintained between the dormer and the eaves, and a suitable set down so as not dominate the rear of the property. The corner plot position is such that some visibility will be possible from the street, however this would be away from the frontages and as such officers are satisfied that the dormer would not have an unacceptable impact on the street scene. Officers are also mindful of the status of these dormers as permitted development, and observed on a site visit a property visible to the rear of no.43 having a (larger) box dormer installed, which would also be visible when stood on Smithcourt Drive. Therefore, officers would not consider it reasonable to resist a dormer in this instance, and as such raise no objection on design grounds to this element.
- 1.8 In conclusion, officers are satisfied that the proposed development as a whole can be considered to be acceptable in terms of design and visual amenity.

However, should permission be granted, a condition requiring matching facing materials is recommended. This is due to the visibility of the extension from the public realm, and the need to ensure a successful assimilation of the proposed development into the street scene, and with the host property.

1.9 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.

1.10 The proposed front porch is not considered to present any material amenity concerns. The side extension does not immediately abut any neighbouring property and instead abuts an access road. The relationship with the property to the North across the access road is such that officers do not consider there to be any material overbearing, overshadowing or loss of outlook concerns, should permission be granted.

1.11 The side extension and the rear dormer will invariably allow some additional overlooking as more windows would be present at the rear, and at a higher level in the case of the dormer. However, the level of overlooking would not be to an unacceptable degree, particularly when the context of the area is taken into account, where a high degree of mutual overlooking already exists, as is common in urban areas.

1.12 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.

1.13 As existing, the property has three bedrooms, which requires 2no. parking spaces, which are provided within the existing garage and on the frontage. The proposal would result in the loss of garage space, but the resultant garage would meet the SGC minimum size requirements, and so counts as one parking space. Two additional spaces would be provided on the frontage, meaning a total of 3no. parking spaces would be available.

1.14 The plans suggest that the number of bedrooms would increase to four, which also requires 2no. parking spaces. That said, the loft room plans show a large 'dressing room', which is independent from the fourth bedroom, and so this should also be counted as a bedroom for the purpose of parking requirements. In this case therefore, three spaces should in-fact be available per the PSP43 standard for a 5+ bed property. As 3no. spaces are to be provided, officers consider the proposed development to be acceptable in terms of parking. A suitably worded condition is recommended to secure parking provision, should permission be granted.

1.15 Private Amenity Space

The proposed development would not result any further loss of private amenity space, as it would take place on the site of an existing garage at the side of the property. The rear garden benefits from more than the PSP43 70sqm minimum guide for a 4+ bed property and would remain as such, should permission be granted.

Impact on Equalities

1.16 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.

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

6. CONCLUSION

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

6.2 The recommendation to **grant** permission has been taken having regard to the policies and proposals in the 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. 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 CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

3. The proposed parking indicated on plan PP1 revision A (received 09/02/2021) shall be provided prior to the substantial completion of the extension hereby approved and shall be retained thereafter free from obstruction for its intended purpose as vehicular parking.

Reason

In the interest of ensuring a satisfactory level of parking provision in accordance with PSP16 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017.

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

Site location plan

Block plan

001 - Existing elevations

002 - Existing ground floor plan

003 - Existing first floor plan

005 - Proposed ground floor plan

006 - Proposed first floor plan

008 - Proposed section A-A

Received 22/12/2020

004 A - Proposed elevations

007 A - Proposed loft room plan

PP1 A - Proposed parking

Received 09/02/2021

Reason

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

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

POSITIVE AND PROACTIVE STATEMENT:

In dealing with this planning application the Local Planning Authority have worked with the applicant in a positive and proactive manner on seeking solutions to problems arising in the following ways: revised plans have been sought in response to officer concerns.

Case Officer: Alex Hemming

Authorising Officer: Helen Ainsley