

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: 32/21

Date to Members: 13/08/2021

Member's Deadline: 19/08/2021 (5.00pm)

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

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

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

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

NOTES FOR COUNCILLORS

– formal arrangements for referral to committee

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

- a) Be made in writing using the attached form by emailing MemberReferral@southglos.gov.uk 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 13 August 2021

-

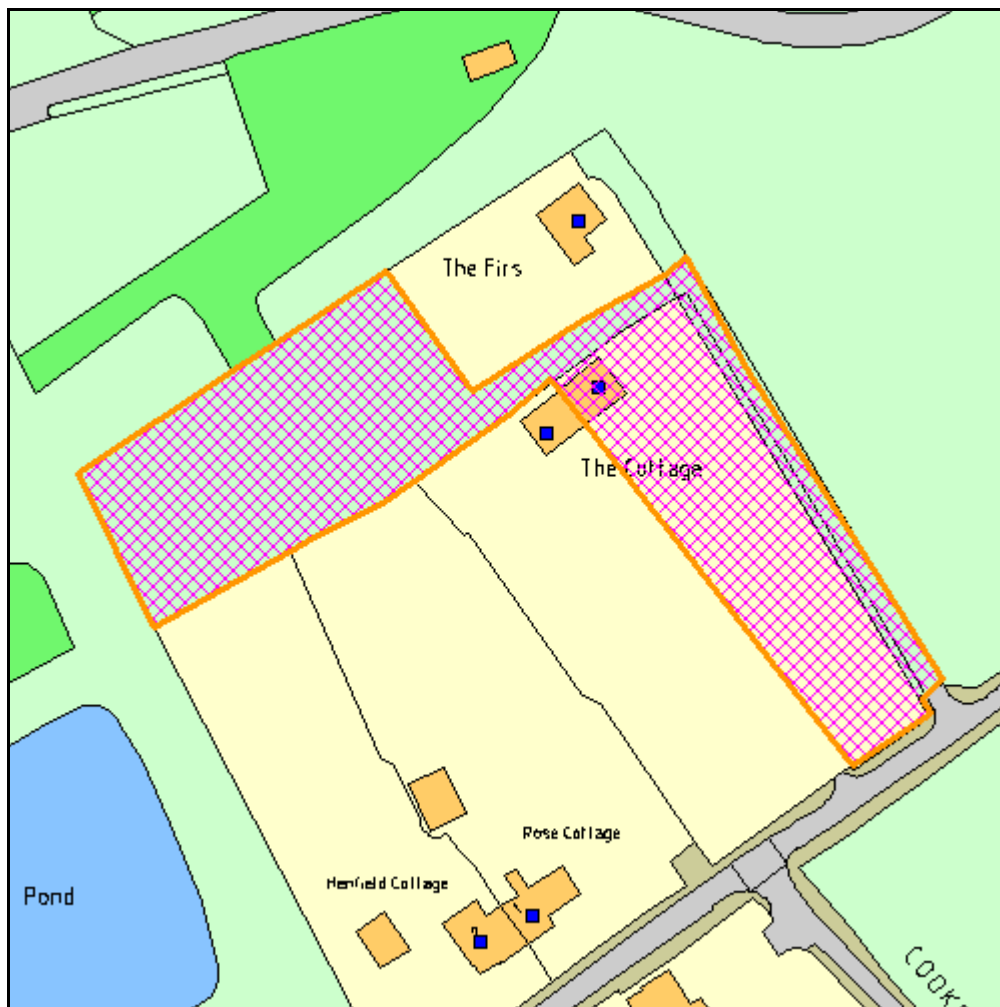
ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	P20/11910/F	Approve with Conditions	The Cottage The Hollows Coalpit Heath South Gloucestershire BS36 2US	Frampton Cotterell	Westerleigh Parish Council
2	P21/00815/F	Approve with Conditions	Elm Barn London Road Warmley South Gloucestershire BS30 5NA	Boyd Valley	Siston Parish Council
3	P21/02766/F	Refusal	Tockington House Upper Tockington Road Tockington South Gloucestershire BS32 4LQ	Severn Vale	Olveston Parish Council
4	P21/02788/F	Approve with Conditions	25 Victoria Road Hanham South Gloucestershire BS15 3QJ	Hanham	Hanham Parish Council
5	P21/02993/F	Approve with Conditions	87 Bath Road Longwell Green South Gloucestershire BS30 9DF	Longwell Green	Oldland Parish Council
6	P21/03141/F	Approve with Conditions	Land At Church Lane The Downs Wickwar South Gloucestershire GL12 8JZ	Chipping Sodbury And Cotswold Edge	Wickwar Parish Council

Schedule Number	Officers Deadline reports to support	Date to Members	Members deadline	Decisions issued from
34	5pm 25 th August 2021	9am 26 th August 2021	5pm 2 nd September 2021	3 rd September 2021

Dates and officer deadlines for Circulated Schedule August Bank Holidays 2021

CIRCULATED SCHEDULE NO. 32/21 -13th August 2021

App No.:	P20/11910/F	Applicant:	Mr and Mrs M. Taynton
Site:	The Cottage The Hollows Coalpit Heath South Gloucestershire BS36 2US	Date Reg:	14th July 2020
Proposal:	Demolition of existing log store. Conversion of existing garage building to form 1 no. dwelling with associated works.	Parish:	Westerleigh Parish Council
Map Ref:	367668 179228	Ward:	Frampton Cotterell
Application Category:	Minor	Target Date:	2nd September 2020



© South Gloucestershire Council 2007.all rights reserved.
This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
100023410, 2008. **N.T.S.** **P20/11910/F**

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

INTRODUCTION

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

1 THE PROPOSAL

- 1.1 The application seeks planning permission for the demolition of existing log store and conversion of existing garage building to form 1 no. dwelling with associated works at The Cottage, The Hollows, Coalpit Heath. During the course of the application, a set of revised drawings was submitted to address the amenity and highway issues, and clarify the curtilage of the proposed dwelling.
- 1.2 The site is situated within the Bristol / Bath Green Belt in the open countryside. This detached building is situated within the residential curtilage of The Cottage, and is used as a combination of garage and store for the host dwelling. A public footpath runs along the boundary of the site.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework July 2021
National Planning Practice Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity

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

PSP7	Development in the Green Belt
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP37	Internal Space and Accessibility Standards for Dwellings
PSP38	Development within Existing Residential Curtilages
PSP43	Private Amenity Space Standards

- 2.3 Supplementary Planning Guidance
Residential Parking Standards SPD (Adopted) December 2013
Householders Design Guide (Adopted) March 2021

3. RELEVANT PLANNING HISTORY

- 3.1 PT06/2583/F Side extension to garage to form workshop with alteration to pitch of roof (Amendments the previously approved scheme PT06/0568/F). Refused 04.10.2006
- 3.2 PT06/3315/F Erection of extension to existing double garage to form store. Approved 21.12.2006
- 3.3 PT06/0568/F Erection of two storey side extension to form living room with bedrooms above and erection of single storey rear extension to form dining room, kitchen and utility room. Erection of detached double garage. Approved 16.03.2006
- 3.4 PT05/3510/F Erection of single storey rear extension to form dining room, kitchen and utility room and two storey side extension to form living room with two bedrooms and ensuite facilities over. Erection of detached triple garage. (Resubmission of PT05/1683/F). Refused 04.01.2006
- 3.5 PT05/1683/F Erection of single storey rear extension to form dining room, kitchen and utility room and two storey side extension to form living room with two bedrooms and ensuite facilities over. Erection of side conservatory and detached triple garage. Refused 07.07.2005

4. CONSULTATION RESPONSES

- 4.1 Westerleigh Parish Council – no objection in principle to convert a garage to a dwelling, however the Parish Council would like the SGC to consider the following two points:
1. There is a concern over the access arrangements in a shared lane and the Parish Council supports the view of the resident who has commented on this. Access arrangements should be investigated by the Planning Officer.
 2. There is a concern that using Permitted Development Rights of the property. The Cottage making this application could, in the future, apply for another garage, which in due course could lead to an application to convert that new garage to a dwelling also. Can permitted development rights be constrained on The Cottage?
- 4.2 Highway Officer – no objection
Public Rights of Way Officer - queries the use of the public footpath
Drainage Engineer – no objection
Highway Structure – no comment
Ecology Officer – no objection subject to conditions

Arboricultural Officer – advised the applicant to get some advice from an arboricultural consultant in order to protect the existing trees

Other Representations

4.3 Local Residents

3 letters of objection were received from the same residents, the concerns are summarised as follows:

- Poor access to the new dwelling
- The access track which is also the only route to my own property
- It is a narrow single track that pinches in to only 3-3.5m wide to the area where this proposed development (include the vehicle parking gate) is (including where the proposed vehicle parking gate is).
- This track is also a public footpath.
- Manoeuvring is very difficult, lack of turning circle
- Making it hard to see any traffic or walkers as vehicles reverse out completely unsighted.
- A vehicle would have to park on the track while the gates are opened.
- These (electric gate) would open out and could strike vehicles or walkers.
- A very small size of the garden area
- Visitors could park on the lane and cause a nuisance by blocking me in or out of my property.
- Larger vehicles would be even more difficult to manage and would likely result in vans trying to turn in my driveway and blocking the track while making deliveries.
- Various constraints exist including telegraph poles and trees further restricting its access.
- It could quite easily be 2/3 beds given the existing un-used/designated volume at ground and first floor level.
- The site is situated within designated agricultural / paddock land (South Glos own mapping also distinguishes this land as paddock land).
- This garaging being "surplus" due to the perceived unlawful building of substitute buildings within paddock/agricultural land without consent. This building is also on top of a further building constructed at the far end of the paddock behind the hedgerows within recent 2 years demonstrating an encroachment of residential garden/amenity into protected agricultural/paddock land.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

- 5.2 The site is located in the open countryside within the Bristol / Bath Green Belt. Planning permission was granted for the erection of this double garage with a store in 2006. It is noted that the lean-to structure at the rear and the covered log store were not part of the approved plans, however the available aerial information showing that they have been on site since 2017. The proposal is to convert the existing garage building to form 1 no. dwelling.
- 5.3 Location of Development
Policy PSP40 states that the conversion and re-use of existing buildings for residential purposes will be acceptable where the building is of permanent and substantial construction, it would not adversely affect the operation of a rural business / working farm, any extension as part of the conversion is not disproportionate to the original building, and it would also lead to an enhancement of its immediate setting.
- 5.4 The existing building comprises a double garage with an integral store, a lean-to store and kennel area at the rear. The existing building is situated within the residential curtilage of the Cottage, and is not part of a rural business or working farm. In terms of the structural condition of the building, whilst no structural report was submitted, a number of photographs are available in the supporting documents showing the internal and external condition of the building. In addition, the recent inspection also reveals that the existing garage/store is a permanent and substantial construction. In terms of conversion works, no changes are proposed to the ridges or eaves height of this building. The existing doors to the west elevations and rooflights remain unchanged. Internally, the garage area would simply be converted to a sitting and dining area, while a bathroom would be installed in the store area. The proposed lean-to extension will provide a small kitchen and a bedroom. New doors are proposed to allow access to the garden areas and parking area. Officers are satisfied that the existing building would be capable to accommodate the proposed conversion works. As such, there is no objection subject to further assessment including green belt policy.
- 5.5 Location of development
The site is located within a predominately rural area, therefore the proposal would not necessarily comply with the requirement of Policy PSP11 of the adopted PSPP in terms of its location. However, the site would only be approximately 7 mins from a bus stop, and it is in fact close to a number of other residential properties. Therefore, it will be able to benefit from the existing local deliveries, (e.g. the postman) and refuse collection arrangement. Therefore, officers consider that the proposal can be form one of the few cases where could be supported.
- 5.6 Green Belt
The site is situated within the Bristol / Bath Green Belt. Policy PSP7 states that any additions and alterations to buildings in the Green Belt will be acceptable provided they do not result in disproportionate additions over and above the size of the original building. Paragraph 150 of the NPPF July 2021 states that certain forms of development, such as, the re-use of buildings provided that the buildings are of permanent and substantial construction, are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with

the purposes of including within it. Paragraph 149 also states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt and one of the exceptions is that the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

5.7 The existing garage / store building is permanent and substantial construction, and the proposed works would not involve any significant reconstruction or rebuild. The building itself is approximately 164 cubic metres, and the proposed single storey lean-to to replace the existing store and kennel area is approximately 44.7 cubic metres, which is amount to approximately 27% to the size of the host building. Given the location and the size of the proposed lean-to, Officers consider that the new extension would be subservient to its host building, and would not result in a disproportionate addition. Regarding the curtilage of the new dwelling, it would be naturally bounded by the existing hedges, the public footpath and the hardstanding area, and the submitted plans also showed small garden area will be provided. As such, the proposal would present a quite compact development where any potential domestic paraphernalia would not be substantial. In this instance, it is considered that the proposal would not adversely affect the openness of the Green Belt, therefore, it can be considered an appropriate development in the Green Belt.

5.8 Other main consideration

Policy PSP38 states that new dwellings within residential curtilages are acceptable in principle subject to detailed development control considerations in respect of local amenity, design and transportation; as set out in policy PSP38. The issues for consideration in this respect therefore are whether the proposals have an adverse impact on the amenities of nearby occupiers, provide suitable residential accommodation for occupiers, sufficient parking and whether the design of the proposal is sufficiently in keeping with the site and surroundings.

5.9 Residential Amenity

The proposal is for a small, one bedroomed dwelling, which has a living, kitchen / dinner, and a bathroom. In terms of the size of the property, this 1-person dwelling would provide approximately 46 square metres gross internal area and its bedroom would be approximately 7.55 square metres, which would both meet the Technical Housing Standards – Nationally described space standard. Whilst the proposed floor plans has not shown a store within the property, this new dwelling would be able to provide a small storage area without compromising the size of living area. All primary rooms, such as kitchen, living room, bedroom, have traditional windows looking over the existing access lane or drive/garden area. A primary enclosed patio area is also proposed to the northwest of the building, while there is a secondary garden and drive area to the other side of the dwelling. The combination of the two gardens would meet the size requirement suggested in Policy PSP43. In terms of the functionality, the enclosed patio area would be a primary garden space. Although this garden space would be smaller than the size requirement, given that this dwelling would only provide a living accommodation for 1 person and there would be secondary garden within the site, it is considered that the proposal would not be so harmful to the detrimental to the living accommodation of the future occupiers to warrant a refusal of this application.

- 5.10 The proposed new dwelling is located within the residential curtilage of the Cottage, there is a considerable separation between the application site and the surrounding buildings. The nearest neighbouring property would be the Holly Cottage. The new dwelling would be approximately 12 metres and 17 metres from the host dwelling and Holly Cottage respectively. All new doors would be looking over its garden / drive area. The proposed window on the east elevation would look over the public footpath. As such, it is not considered that it would give rise to significant or material issues of overlooking or overbearing impact. Therefore, there is no objection in this regard.
- 5.11 Design
This is an existing building and the nature of the conversion would not involve such changes that would give rise to any material visual amenity concerns. The main differences would be the proposed lean-to single storey extension replacing the existing store and kennel area. The proposed extension is subservient to the scale of the host building, and it would be finished with render and double roman tiles to match those on its host building. The proposal is therefore considered acceptable within the context of the existing site and surroundings.
- 5.12 Highways
Residents' concerns are noted. To answer the residents' query regarding the ultimate use of the proposed conversion, the Highway Officer has reviewed the proposal and confirmed that the proposed permanent use as a dwelling would not materially change the highway comments.
- 5.13 In terms of parking arrangement, the Councils minimum domestic car parking requirements was set out in the adopted Residential Parking Standards Supplementary Planning Document. Given that this dwelling will only have one bedroom and a single space is provided within the curtilage of new dwelling. As such, it would conform to the parking requirement. Regarding the parking facilities for the host dwelling, the Cottage, there is large hardstanding area to accommodate 3 no. parking spaces, therefore there is no highway issue in this regard.
- 5.14 In terms of access arrangements, a vehicular access is proposed onto a private lane instead of the public highway. Whilst the access does not possess adequate visibility at its junction with the public highway, the proposed development would not constitute this, as the proposal would not create any significant highway or transportation issues.
- 5.15 Public Rights of Way
A public footpath LWE73 runs along the eastern boundary of the site and this is a relative well used footpath. There was a query regarding the ownership of this lane, the applicant has confirmed that they own all the land including the lane, which has shown edged in red on the location plan. Officers also looked into the highway safety issues regarding the proposed vehicular access onto this footpath. Whilst the proposal would result in more traffic movement, the amount of traffic would not be excessive given that this is an existing access to serve one or more properties. Furthermore, the proposed sliding gates would

help to minimise the potential disturbance to other users of this lane while a vehicle entering or leaving the drive. Therefore, given that this section of the PROW already experience vehicle traffic, it is considered that it would be difficult to substantiate a highway objection in this respect.

5.16 Ecology

A Preliminary Ecological Appraisal and Bat Roost Survey has been submitted during the course of the application. The Council's Ecology Officer confirmed that no designated sites would be adversely affected by the proposal.

Bats - Internally the building did not demonstrate any roosting potential, however roosting potential was found on the external roof. One emergence survey was undertaken and recorded no roosting bats, therefore no further surveys are required

Great crested newt (GCN) - There is minimal ground clearance work proposed, however the site is situated close to a pond with suitable habitat and there are other waterbodies in the local area which could provide suitable breeding habitat for GCN. Mitigation has been recommended, it is likely that a method statement will be required stating reasonable avoidance measures (RAMs) prior to commencement of works.

Birds - No evidence of nesting birds was found within the building. As there is some disturbance to bird nesting habitat sensitive timings are required. Any clearance works should be undertaken outside of bird nesting season (March to August inclusive), if this is not practical a check is to be undertaken prior to commencement of works by a suitably qualified ecologist.

Badgers and hedgehogs – they may occasionally use the site and appropriate mitigation has been recommended.

The proposal has the opportunity to enhance the site ecologically by installation of one bat box and one open fronted bird box. Given that no further surveys are required, there is no further objections to the proposal, subject to appropriate conditions.

5.17 Landscape and arboricultural matters

The site lies off the north side of The Hollows to the west of Henfield and South East of the Kendleshire Golf Course, in open countryside in the Green Belt. The route of public footpath LWE73 passes the eastern site boundary, and is characterised by a belt of tree planting along its eastern edge, which screens the site from the Community Forrest Path that lies further North and Northeast of the site. The existing garage lies within the east part of the site adjacent to the public footpath, overlooked by this route. The proposal would be visible in public views from the adjacent section of the public footpath, however, it would have a negligible visual impact on the openness of the Green Belt. It is noted that a tree is growing to the proximity of the existing garage, subject to condition securing appropriate protective measures in place in accordance BS5837:2012 and a detailed landscape plan including details of all proposed

boundary and hard landscape surface treatments, there is no objection in this regard.

5.18 Other matters

Parish Council's concerns regarding permitted development rights have been considered. Paragraph 017 of the NPPG states conditions restricting the future use of permitted development rights may not pass the test of reasonableness or necessarily. However, given the planning history of the site and its sensitive location, officers considered that there are clear justification to remove permitted development rights from the existing dwelling as further extension or garage to the main dwelling needs to be carefully assessed in order to protect the openness of the Green Belt.

5.19 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 South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2017 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 That 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. 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 and E, 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 protect the openness of the Bristol / Bath Green Belt, and to accord with Policy PSP7 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017), and Policy CS5 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013), and the National Planning Policy Framework.

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

Reason

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

4. Prior to the commencement of the development hereby approved, the existing tree growing adjacent to the existing garage to be converted shall be fully protected in accordance with BS5837:2012, until all approved works have been completed.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the tree, and to accord with Policy PSP2 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017) and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

5. Within 3 months following the commencement of the development hereby approved, a detailed landscape plan specifying the location, species, stock size, planting centres and quantities of all proposed tree and structure planting, and time of planting, together with details of all proposed boundary treatment and any hard surface including proposed levels and any soil retention / retaining walls shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the first occupation of the approved dwelling.

Reason

To protect the character and appearance of the area to accord with Policy PSP2 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted

November 2017) and Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

6. The development shall proceed in strict accordance with the Mitigation Measures provided in the Preliminary Ecological Appraisal and Bat Roost Survey (Phil Quinn, November 2020) and A Bat Detector Survey Report (Simecology, May 2021).

Reason

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

7. Prior to the commencement of the proposed development hereby approved, Reasonable Avoidance Measures (RAMs) shall be submitted to and approved in writing by the local planning authority to safeguard Great Crested Newts if present due to the proximity of the works to a pond.

Reason

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

8. Within three months following the commencement of the work hereby approved, details of ecological enhancements shall be submitted to and approved in writing by the local planning authority, and these include but are not limited to bat and bird boxes. All such details shall be implemented prior to the first occupation of the dwelling hereby approved.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the wildlife habitats, 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.

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

Site location plan, 732/20/01 C,
Revised proposed block plan, 732/20/12 D,
Revised proposed floor plan, 732/20/10 D
Revised proposed elevations, 732/20/11D, all received on 12 August 2021

Existing Block Plan, 732/20/02 B,
Existing Elevations and Floor Plan, 732/20/03 B, received on 10 August 2021.

Reason

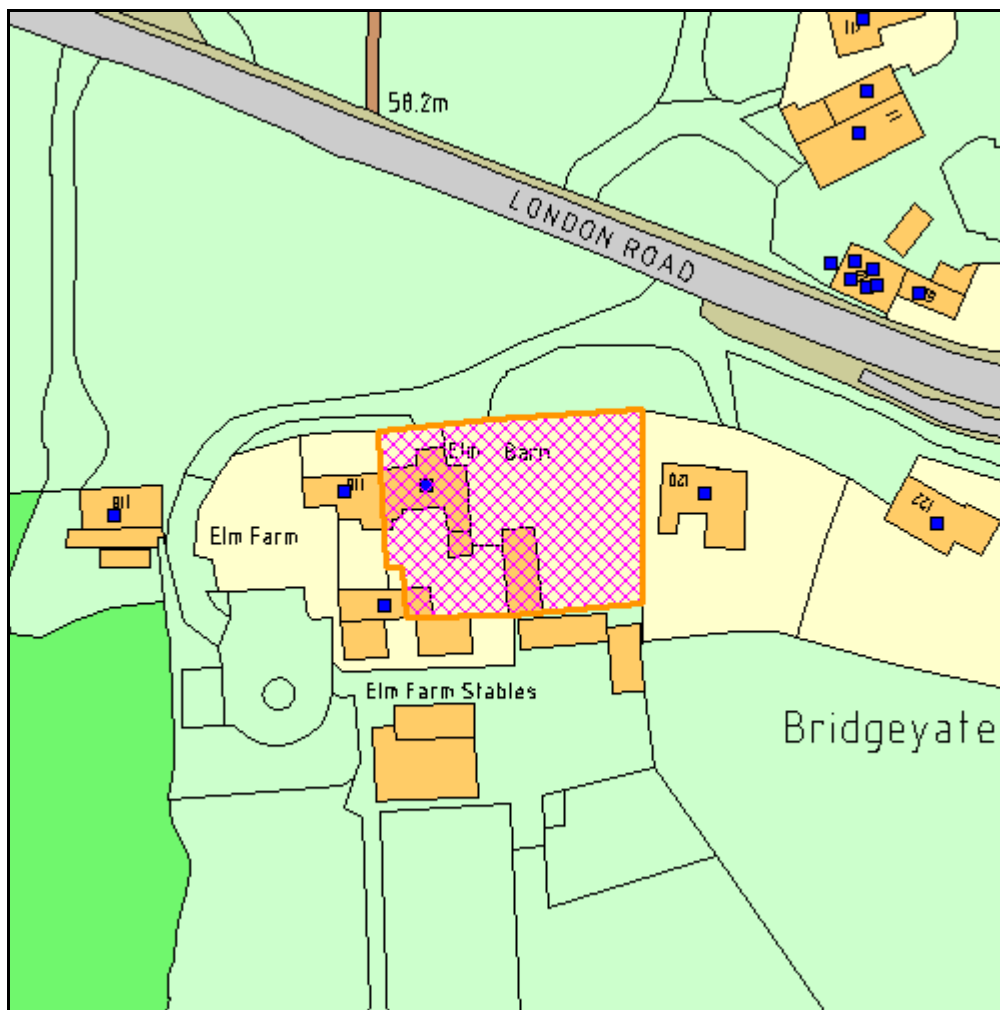
For the avoidance of doubt and to define the exact terms of the permission.

Case Officer: Olivia Tresise

Authorising Officer: David Stockdale

CIRCULATED SCHEDULE NO. 32/21 -13th August 2021

App No.:	P21/00815/F	Applicant:	David Burke
Site:	Elm Barn London Road Warmley South Gloucestershire BS30 5NA	Date Reg:	15th February 2021
Proposal:	Conversion of existing garage and extension to form annexe ancillary to main dwelling house.	Parish:	Siston Parish Council
Map Ref:	368168 173179	Ward:	Boyd Valley
Application Category:	Householder	Target Date:	8th April 2021



© South Gloucestershire Council 2007. all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008. N.T.S. P21/00815/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 a consultation response received, from the Parish Council, contrary to Officer recommendation.

1. THE PROPOSAL

- 1.1 The application is for the conversion of existing garage and extension to form annexe ancillary to main dwelling house.
- 1.2 The building is an existing garage/outbuilding within the curtilage of Elm Barn. The principal farmhouse and attached barn are grade II listed. Of note permission has been granted to allow the garage building to be used as additional ancillary accommodation for Elm Barn. The site is located within the Green Belt.

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
CS5	Location of Development (Inc. Green Belt)
CS8	Access/Transport
CS9	Managing the Environment and Heritage

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

PSP1	Parking Standards
PSP7	Green Belt
PSP8	Residential Amenity
PSP17	Heritage Assets
PSP38	Development within Existing Residential Curtilages

- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007.
South Gloucestershire Parking Standards SPD
South Gloucestershire Householder Design Guidance SPD (Adopted 2021)

3. RELEVANT PLANNING HISTORY

P20/11696/RVC - Variation of condition no. 6 attached to PK13/1189/F to vary the condition to allow the garage building to be used as additional ancillary accommodation for Elm Barn. Approved 11/9/20

P20/19988/LB - Extension of single storey side extension with link to existing dwelling and conversion of existing Cow Byre to form annex ancillary to existing dwelling. Withdrawn 18/1/21

P20/19989/F, Extension of single storey side extension with link to existing dwelling and conversion of existing Cow Byre to form annex ancillary to existing dwelling, Withdrawn 18/1/21

PK13/1308/LB - Erection of single storey glass link between dwelling and outbuilding. Approved 25/6/13

PK13/1189/F -

P19/15798/CLP - Conversion of existing garage to form self contained annex ancillary to main dwelling, Refused 14/1/20

P20/09150/F, - Date of Decision: 24-JUL-20, Proposal: Conversion of existing garage into annex ancillary to main dwelling with associated works. Approve 24/7/20

P97/4344/L - Part demolition and conversion of barn to 1 No. dwelling, 2/9/97

P98/4139/L - Conversion of barn to 1 No. dwelling, including partial demolition, extension and alterations. Approved 6/5/98

P98/4138 - Conversion of barn to 1 No. dwelling. Erection of extension., Approved 6/5/98

P98/4828/L - Retention of rooflight in approved extension. Approved 14/12/98

4. **CONSULTATION RESPONSES**

4.1 Siston Parish Council

Siston Parish Council object to this planning application on the grounds the site is "washed over by green belt" i.e. it is within the Green Belt and constitutes over development of the site.

Listed Building and Conservation

Concern and objection to the proposals as originally submitted, however final revised plans submitted address the advice given and are considered acceptable. No objections on this basis.

Sustainable Transportation

No objections

Other Representations

4.2 Local Residents

One letter has been received as follows:

'My objection to this planning application is the extension to front elevation

north it is two high it would block my view from the bedroom window it would be just like looking at roof tiles it would also block the sunlight and my light in the kitchen as the 3.7 meters would bring the extension right up to my kitchen I don't mind it being changed from a garage to an annexe but the extension needs to be a single story like the wood store'

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Extensions to dwellings within residential curtilages are acceptable in principle subject to detailed development control considerations in respect of local amenity, design and transportation; as set out in policy PSP38. The issues for consideration in this respect therefore are whether the proposals have an adverse impact on the amenities of nearby occupiers and whether the design of the proposal is sufficiently in keeping with the site and surroundings. The site is also in the Green Belt, and within the setting of a grade II listed building and special consideration will also need to be given in these respects.

5.2 Green Belt

The revised plans materially reduce the amount of extension/addition proposed to the existing building. There will now be no extension into/towards the courtyard. The two storey extension is also removed and the proposals are essentially a replacement of the existing wood store area. There nominal difference in volume between the wood store and the new extension. The building is existing and additions to it under the revised proposals would be minimal. The proposals would not be considered disproportionate to the building or site. Sufficient parking and amenity space exist and it is considered that the proposals can be adequately incorporated in the plot. The proposals are considered acceptable and appropriate development in the Green Belt in accordance with Policy PSP7 and the NPPF.

5.3 Design/Conservation and Listed Building Considerations

The application relates to the setting of a grade II listed building. The proposals should therefore be assessed in accordance with the relevant policies and guidance which seek to protect the significance of designated heritage assets and their settings.

5.4 The earliest historic map of the site identified is the Tithe map, dating from the mid nineteenth century. This shows the principal farmhouse and attached barn (which are grade II listed), as well as the building identified as cow byre (curtilage listed), to the south east, and another long linear farm building directly to the south known as the stable. By the 1st edition OS map (end of the nineteenth century), a cart shed attached to the stable had been built. The main threshing barn, cattle byre, stable and cart shed form the extent of the farm yard by this date and together with boundary walls would have formed a series of enclosed pens or yards, with orchard or pasture extending beyond. The stable and cart shed are identified as locally listed (it is not possible to identify whether they are curtilage listed without further information about their recent use and ownership). The original farm buildings and their arrangement are important to understanding and appreciating the origins of the site. They have evidential and aesthetic value.

- 5.5 The cattle byre has been linked in the past to the barn via a modern lightweight link. This provided a legible, honest and modest method of linking two historic buildings, in order to provide an enlarged dwelling. The recent garage structure, while of a traditional form and palette was clearly designed to appear as a separate garage. A recently submitted application sought to enlarge and convert the garage and link it to the cow byre. This was refused due to concern over the adverse impact these cumulative additions and changes would have on the legibility of the original farm layout and development. (See also relevant planning history above).
- 5.6 The historic animal byres and stables on the site are long, low, linear buildings. This simple and typical form is an important aspect of their architectural and evidential value.
- 5.7 The cattle byre and barn have already been adapted and altered in order to facilitate their long term use as a dwelling. The most recent proposal to use the garage as ancillary accommodation has also been allowed. The application supporting statement explains the justification for further enlargement of the garage building in order to allow for inter-generational housing and future proofing for future needs. What is not entirely clear is why the building was required to be enlarged by the amount proposed in order to facilitate that use.
- 5.8 The garage roof is taller than the byre roof, and to extend it as originally proposed, in combination with the more domestic appearance resulting from other alterations, was considered to result in a much more dominating building.
- 5.9 Revised plans have been subsequently received which seek to follow the advice given. The changes are that there is no extension into the courtyard. The garage doors are replaced with a sliding glass doors. The extension (that is now essentially a replacement of the wood store) is now 0.6m narrower because this allows the top of roof to start higher than the eaves to the garage by approx. 300mm. This is to achieve the minimum pitch of roof required for the roof tiles. It still means the eaves [to this roof] will be low, at 1.5m above ground level; and, the floor level [to the living room] will be below ground level. In short, there is very little difference in volume between the wood store and the new extension. In this respect the forms of extension that would be appropriate would be to limit any extension to the south only, via the rebuilding/conversion of the lower lean-to roofed addition, thereby retaining the space between the byre and garage buildings, reflecting the tradition of linear plan form, and restricting the amount of additional built form.
- 5.10 Of key consideration is the approved variation of condition application allows the building to be used as an annexe. It is accepted therefore that there will inevitably be some changes required to facilitate this. For example, the use of glazed doors as opposed to timber boarded doors and 2no. additional rooflights are proposed. These elements do create a more domestic appearance however they are relatively minor and difficult to resist considering the approved use. A line of hedge planting is indicated on the drawing extending from the northern end of the lean to and southern end of the parking bays. This will provide an element of screening of the glazed doors in views from Elm

- Barn. Other than a slight increase in the height and depth of the lean-to (couple width a reduced width) the revisions remove the additions and so the overall size and form of the building are not altered.
- 5.11 The revisions remove the elements of the proposal which were considered to cause harm to the setting of heritage assets and the Council's Listed officer recommends approval.
- 5.12 The proposals are considered to be of an acceptable standard in design and would be an acceptable addition, taking into account the main dwelling house and surrounding area. Materials would be acceptable.
- 5.13 Residential Amenity
The comments above are noted. Revised plans have subsequently been received, materially reducing the extent of the proposals to mainly single storey alterations. Sufficient parking and amenity space exist and it is considered that the proposals can be adequately incorporated in the plot. The length, size, location and orientation of the proposals and the relationship with other properties in the area, are not considered to give rise to any additional significant or material overbearing or overlooking impacts on adjacent properties in this instance.
- 5.14 Transportation.
The applicant seeks to convert and extend the existing garage to form an annexe ancillary to the main dwelling. Elm Barn sits within a generous plot and is accessed from London Road, Warmley. The existing garage would no longer provide parking, however, four off street parking spaces are proposed within the site boundary which is in line with SGC minimum parking standards. No change to the existing vehicular access is proposed. There are no transportation objections to the proposed two bed annex subject to it remaining ancillary to the main dwelling.
- 5.15 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 There is a duty placed on the Council under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 when planning permission for any works to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Under Section 72 of the same Act, it is the Council's duty to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. It is considered that full consideration has been given to these duties and the proposal is considered acceptable in this regard.
- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals 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:
Location Plan and Existing Plans and Elevations (Refs 03 and 04), and Proposed Plans and Elevations (Refs 1316/P/06B 1316/P/05B and 1316/P/06B), dated 19/07/21.

Reason:

To define the terms and extent of the permission.

3. 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.

4. Prior to the commencement of the development hereby approved 1:5 scale details of all new doors and windows and details of all new vents and flues shall be submitted to the Council for written approval. The details shall thereafter be implemented as approved.

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.

5. The development hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Elm Barn.

Reason:

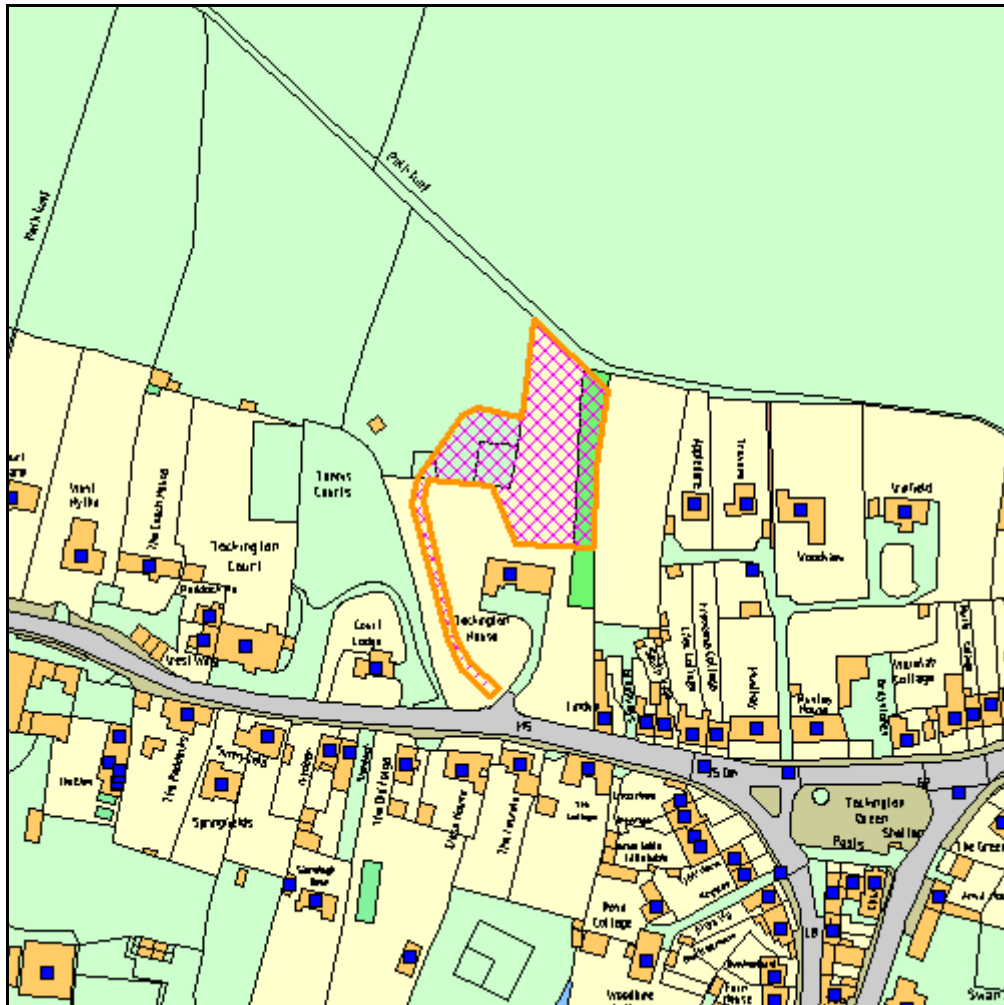
The development has been permitted on the particular circumstances of the case and the development would require further assessment to be used as a separate residential dwelling with regard to internal dimensions of the annex, amenity, access, and private amenity space, to accord with policies CS1 and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

Case Officer: Simon Ford

Authorising Officer: Helen Ainsley

CIRCULATED SCHEDULE NO. 32/21 -13th August 2021

App No.:	P21/02766/F	Applicant:	Mr And Mrs Winson
Site:	Tockington House Upper Tockington Road Tockington South Gloucestershire BS32 4LQ	Date Reg:	21st April 2021
Proposal:	Demolition of existing outbuilding and erection of 1no detached dwelling with associated works (resubmission of PT18/6001/F).	Parish:	Olveston Parish Council
Map Ref:	360757 186627	Ward:	Severn Vale
Application Category:	Minor	Target Date:	15th June 2021



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008. N.T.S. P21/02766/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

The application appears on the circulated schedule because a representation has been received from a member of South Gloucestershire Council, which is contrary to the findings of this report and the officer recommendation.

1. THE PROPOSAL

- 1.1 Full planning permission is sought for the demolition of an existing outbuilding and the erection of 1no. Detached dwelling with associated works. The application is a re-submission of application PT18/6001/F, which was previously refused and appealed, which was subsequently dismissed.
- 1.2 The application site is part of the garden of Tockington House, a large, detached property within the Tockington designated settlement boundary, although the site of the proposed dwelling falls outside but adjacent to the settlement boundary which cuts through the back garden of Tockington House. The site is also within the Bristol/Bath greenbelt and is adjacent to the Tockington Conservation Area.
- 1.3 The host dwelling, Tockington House, is situated off Upper Tockington Road and comprises render elevations with stone detailing with timber windows. It is set within a large plot with front, rear and side gardens. It has an existing access that leads on to Upper Tockington Road which serves both the host dwelling and the paddock to the rear. The site is adjacent to open fields to the North and West, and a footpath runs to the rear of the site. To the East is an open area of land, of which the use is unclear.

2. POLICY CONTEXT

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP7	Development in the Green Belt
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP20	Flood Risk, Surface Water, and Watercourse Management
PSP38	Development within Existing Residential Curtilages
PSP43	Private Amenity Space Standards

- 2.3 Supplementary Planning Guidance
 Development in the Green Belt SPD (Adopted) June 2007
 Design Checklist SPD (Adopted) August 2007
 Householder Design Guide SPD (Adopted) March 2021
 Residential Parking Standard SPD (Adopted) December 2013

3. RELEVANT PLANNING HISTORY

- 3.1 P19/12340/CLP (approved 07/10/2019):
 Erection of a single storey rear outbuilding to form pool enclosure.
- 3.2 PT18/6001/F (refused 19/02/2019 / appeal dismissed 29/06/2020)
 Demolition of existing outbuildings. Erection of 1 no. detached dwelling with associated works (Resubmission of PT18/0881/F)
- 3.3 PT18/0881/F (withdrawn 18/04/2018):
 Demolition of existing outbuildings. Erection of 1 no. detached dwelling with detached garage and associated works.
- 3.3 PT12/2945/F (approved 23/10/2012):
 Erection of detached garage and store
- 3.4 PT05/0984/F (approved 31/05/2005):
 Amendments to previously approved scheme under planning permission PT00/0045/F.
- 3.5 PT00/0045/F (approved 07/03/2000):
 Extension to front entrance hall with first floor extension over existing single storey to main house to include dormer windows to front elevations and balcony to rear and erection of side conservatory.

Other history is available that is neither recent nor relevant.

4. CONSULTATION RESPONSES

4.1 Olveston Parish Council

No comments have been received

4.2 DC Transport

No objection, conditions recommended

4.3 Highway Structures

Do not wish to comment

4.4 Drainage (LLFA)

No objection

4.5 Tree Officer

Does not foresee any issues but the submitted arboricultural report does not have the new dwelling on the protection plan and will need to be updated. No objection subject to the proposed dwelling not conflicting with RPAs.

Officers have liaised with the Tree Officer who would be content in dealing with this matter with appropriately worded planning conditions.

4.6 Conservation Officer

No objection subject to conditions.

4.7 Landscape Officer

No objection but notes that proposals will have a spatial impact on the openness of the greenbelt. Conditions recommended.

4.8 Archaeology Officer

No comments have been received

It is noted that on the previous application a HC11 condition was required. Officers have confirmed with the archaeology officer that this would still be the case in this instance.

4.9 PROW

No objection

4.10 Local Member

Councillor Matthew Riddle has made a representation in support of the application. Key points summarised as follows:

- Applicants have reduced the scale, height and size to ensure scheme is different to refused scheme
- Proposal would continue existing 'back building line'
- Plot is within the curtilage of a domestic dwelling

4.11 Local Residents

No comments have been received within the 21 day consultation period. However, 4no. comments were received outside of the consultation period at the time of writing this report, summarised as follows:

- Within existing curtilage and not the middle of a green field
- Follows existing building line
- Trees have already been planted and any impact on footpath will be minimal
- Proposed materials are in line with existing materials
- Application is by local residents not a developer
- Will make another family home available
- Not visible from the road
- Well designed

5. ANALYSIS OF PROPOSAL

- 5.1 The proposal seeks to demolish an existing outbuilding and erect 1no. detached dwelling with associated works.

Principle of Development

- 5.2 The proposal is for a new dwelling outside the settlement boundary of Tockington (therefore in the open countryside) and within the Bristol/Bath greenbelt. Accordingly, the main issues to consider in terms of principle are residential development in the countryside (location of development) and whether the proposal represents appropriate development in the greenbelt.
- 5.3 A material consideration in this case is also application PT18/6001/F, for the demolition of existing outbuildings and the erection of 1no. detached dwelling on the same site. Members may recall that the Development Management Committee resolved to approve this application on the 18th April 2019, and that the application would be referred to the Spatial Planning Committee for final determination, as was the procedure at the time. The Spatial Planning Committee then made a resolution (1st July 2019) to refuse the application for two reasons. The refusal reasons for this application as set out on the resultant decision notice are:

Refusal reason 1

The site is located within the Bristol/Bath Green Belt and the proposal does not fall within the limited categories of development normally considered appropriate within the Green Belt. The applicant has not demonstrated that very special circumstances apply, such that the normal presumption against development in the Green Belt should be overridden. Furthermore, the development would result in significant harm to the openness of the Green Belt and would represent encroachment into the countryside. The proposal is therefore contrary to the provisions of Policies CS4A, CS5 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP7 of the South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2017; the Development in the Green Belt SPD (Adopted) 2007; and the provisions of the National Planning Policy Framework (July 2018).

Refusal Reason 2

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, in the spatial strategy, for sustainable development. The proposal conflicts with the locational strategy, the site is not considered to relate well to any defined settlements, and the proposal does not contain any of the limited forms of residential development acceptable in the open countryside. The proposal is therefore not a sustainable form of development and conflicts with Policies 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, July 2018.

- 5.4 The applicant then exercised their right of appeal against the decision issued by the Council (APP/P0119/W/19/3242714), hereafter referred to as 'the previous appeal'. This appeal was subsequently dismissed. In effect, the inspector upheld the first refusal reason, however, did not fully uphold the second refusal reason. A full copy of the inspector's decision is appended to this report for reference (*appendix A*).

Greenbelt

- 5.5 The application site is located in the Bristol/Bath greenbelt. The greenbelt is a part of the district in which development is strictly controlled. The purpose of greenbelt policy as set out in the NPPF is to prevent urban sprawl by keeping land permanently open. Openness and permanence are the two fundamental characteristics of the greenbelt. Inappropriate development is, by definition, harmful to the greenbelt and should not be approved unless very special circumstances can be demonstrated to outweigh the harm caused by inappropriate development.
- 5.6 When considering any planning application, the local planning authority should ensure that *substantial weight* is given to any harm to the greenbelt. Very special circumstances will not exist unless the potential harm to the greenbelt by reason of inappropriateness, and any other harm resulting from the proposal, is *clearly* outweighed by other considerations.
- 5.7 Where the local plan is concerned insofar as it is relevant to the greenbelt, CS5 sets out that development within the greenbelt will need to comply with the provisions of the NPPF or relevant local plan policies. CS34 sets out the vision for rural areas and aims to protect designated greenbelt areas from inappropriate development.
- 5.8 As set out in the NPPF (para.149), a LPA should regard the construction of new buildings as inappropriate in the greenbelt, unless they meet a limited number of exceptions. The limited exceptions include limited infilling *in villages*.
- 5.9 The contention in the application is that the proposal does constitute limited infilling in villages and is therefore appropriate in the greenbelt. Officers however do not find this to be the case.

- 5.10 The NPPF does not define limited infilling, but it is generally accepted that limited infilling is 'a relatively small gap between existing buildings within a built-up area'. In determining the previous appeal, the inspector noted that this is consistent with one of the greenbelt purposes as set out in the NPPF of safeguarding the countryside from encroachment.
- 5.11 The application site is land to the rear of Tockington House which is outside, but adjacent to the settlement boundary. To the East of the site is a parcel of land that is broadly not built on and the closest dwelling to the East of the site is Appledore, but this is well separated from the application site. To the North beyond the garden of Tockington House is footpath OOL/57/20 and open fields beyond. To the West, is also broadly open land, save for what appears to be a smaller agricultural building/field shelter.
- 5.12 Irrespective of the presence of this structure and what could be described as a 'back building line' to the East, the site cannot by any stretch be considered to be *a relatively small gap between existing buildings within a built-up area*. In reaching their conclusion in the previous appeal, the inspector noted:

The proposed dwelling would represent backland development, sited as it would be behind the host property, Tockington House, a large, detached dwelling set back from Upper Tockington Road. Whilst there are similar backland dwellings to the east, between the appeal site and these dwellings is an open parcel of land, the use of which is unclear. To the north, apart from the greenhouse within the appeal site, lies open undeveloped countryside with a dwelling visible on the horizon, and to the west lies agricultural land, save for a single storey agricultural building and beyond, tennis courts or single storey outbuildings located at the northern end of the gardens of properties fronting Upper Tockington Road. These ancillary structures, like the boundary treatment to the appeal site, are read as low-level buildings/development and are not comparable to the impact of a new independent dwelling visually and in the context of the established pattern of development. Furthermore, the gap between them is not relatively small. Consequently, I do not consider that development as proposed represents infilling as envisaged by the Framework or the CS.

- 5.13 Whilst officers note that the dwelling proposed has been reduced in scale, this does not overcome the spatial issue of the proposal not constituting limited infilling. Moreover, CS5 submits that in the greenbelt, small scale infill development will be allowed within settlement boundaries of villages shown on the policies map.
- 5.14 Accordingly, and notwithstanding the site being adjacent to the settlement boundary, CS5 is abundantly clear that for greenbelt purposes, development needs to be within settlement boundaries. As the site is outside the settlement boundary, not only does the proposal not constitute limited infilling, but is also not within a village. The inspector when considering the location of development in the previous appeal agreed with this conclusion, stating:

CS Policy CS5 establishes the type of development that is considered acceptable to deliver the Council's Strategy for Development. Part 6 of that Policy outlines where development should be located within the Green Belt. The proposed house does not comply, being inappropriate development

outside the settlement boundary and, as I have already found, would not be development within the Green Belt which complies with the Framework or other CS policy.

- 5.15 Whilst there have been some changes to the proposal, the key question is whether the site is capable of facilitating limited infilling, which is a spatial issue and not one of design or necessarily the massing of a dwelling. Officers do not consider there to be any material change in circumstances since the last application and appeal that should change the conclusion on whether the proposed development would constitute limited infilling in villages. As the proposal would constitute neither limited infilling, nor would it be within the village for CS5 greenbelt purposes, officers must conclude that the proposed development would not be appropriate development within the greenbelt.
- 5.16 No very special circumstances are presented, and it is unlikely that there would be in a case such this. Officers note that there is an extant certificate of lawfulness (P19/12340/CLP) for the erection of an outbuilding for purposes incidental to the enjoyment of the dwellinghouse on the same area of the site that it is proposed to erect the dwelling. This is for a smaller outbuilding that would need to be used for purposes incidental to the enjoyment of the dwellinghouse, and is much different to a new, larger independent dwelling with its own associated curtilage, residential paraphernalia, etc. As such, this is not considered to compare to a new dwelling and is neither accepted as a fallback position for a new dwelling or very special circumstances that would override the presumption against granting permission to the proposed development.

Location of development – Spatial Strategy

- 5.17 A core principle of the planning system is the presumption in favour of sustainable development. For decision making, this means approving development proposals that accord with an up-to-date development plan without delay. At present, the local planning authority can demonstrate a 5-year housing land supply, which means that the development plan can be considered up to date and policies can be given full weight, including those which have the effect of restricting the supply of housing. Pertinent to this application is CS5 of the Core Strategy.
- 5.18 CS5 directs new residential development to within the urban fringes of Bristol, and then to within smaller settlement boundaries as defined on the policies map. Development outside these settlement boundaries is strictly controlled and is generally only permitted in exceptional circumstances. PSP40 sets out the limited forms of development that are acceptable in the open countryside. The proposal does not meet any of the exceptions set out in PSP40. There are however limited circumstances in which development is permitted outside settlement boundaries. This is normally where a site can be considered to relate well to an existing settlement and would read as a natural extension to it.
- 5.19 The previously refused scheme was refused not only for being inappropriate development in the greenbelt, but also because it was outside the settlement boundary and in their refusal reason, the LPA noted: *defined settlements establish locations which the local planning authority consider suitable, in the spatial strategy, for sustainable development. The proposal conflicts with the*

locational strategy, the site is not considered to relate well to any defined settlements, and the proposal does not contain any of the limited forms of residential development acceptable in the open countryside.

5.20 The previous appeal appears to have concluded that this conclusion was not well-founded. The site forms part of the residential garden of Tockington House and lies adjacent to the settlement boundary which runs along the Eastern and Southern border of the application site, and essentially through the garden of Tockington House. As noted by the inspector, the site is located in close proximity to but outside the settlement boundary of Tockington.

5.21 The inspector noted that the dwelling would be in easy reach of the village's services and facilities, including a bus stop. The inspector went on to note that the intended future occupants would be likely to support local services within the village and further afield, which could be accessed by modes of transport other than private car. The inspector also noted:

The council suggests that the appeal site contributes to the rural setting of Tockington, which is likely to be the reason it was not included within the settlement boundary in the first instance. However, in my view the appeal site forms part of a well contained garden, clearly distinguishable from the surrounding open countryside. Therefore, although the appeal site is open in character, the proposed house would not materially harm the countryside setting of Tockington.

5.22 It is clear from the inspectors reasoning in the previous appeal that they did not support the LPAs second reason for refusal. The site is not isolated and would therefore not result in an isolated dwelling in the countryside (per para. 80 of the NPPF). Upon reflection and considering the inspectors previous decision, it is not considered appropriate to persist in the refusal reason of the site being outside the settlement boundary (the 2nd refusal reason on the previous scheme).

5.23 That being said, it is clear that the inspector previously did not find the proposal to accord with CS5, noting:

While acceptable in these respects [sustainability of location and impacts on the rural setting of Tockington], CS Policy CS5 establishes the type of development that is considered acceptable to deliver the Council's Strategy for Development. Part 6 of that Policy outlines where development should be located within the Green Belt. The proposed house does not comply, being inappropriate development outside the settlement boundary and, as I have already found, would not be development within the Green Belt which complies with the Framework or other CS policy.

Principle of development conclusion

5.24 It is the view of officers that the proposed development, as previously found, is not considered to constitute limited infilling, and therefore does not amount to appropriate development in the greenbelt. No very special circumstances have been demonstrated to override the presumption against granting permission for inappropriate development in the greenbelt.

- 5.25 The proposed development is not considered to be contrary to the spatial strategy (CS5) insofar as sustainability of the location is concerned. It does however remain contrary to CS5 where greenbelt is concerned. Accordingly, there is an 'in principle' objection to the proposed development.
- 5.26 Design and Visual Amenity
Policy CS1 is the Council's principal design policy. CS1 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.
- 5.27 The proposed dwelling would be a 3-bed bungalow and would have a ridge height of c.5.9 metres and height to the eaves of c.2.8 metres. The overall length would be c.18.8 metres and depth (including front and rear wings) c.14.2 metres). Materials proposed would be Cotswold stone roof tiles and natural stone walls, with black slim profile aluminium conservation type black rooflights.
- 5.28 The dwelling is oriented similar to the previous scheme and would be accessed from the West. Officers note that there is some increase in footprint which is perhaps to be expected given that the accommodation is now proposed to be all on the ground floor, as opposed to some being in the roof as with the previously proposed 1.5 storey dwelling.
- 5.29 The previous scheme was found to be acceptable in terms of design and whilst there are changes to the form and scale, officers would not consider there to any material reasons to resist the dwelling on design grounds, notwithstanding there being some concern about the considered degradation in the overall design of the proposed dwelling.
- 5.30 In light of the lack of landscaping detail it would be considered appropriate to apply a suitably worded condition to require a landscaping plan, in order to ensure that the new dwelling assimilates sufficiently into its rural setting. Conditions would also be required to secure finer details of materials, which is discussed in more detail in the following heritage section of this report.
- 5.31 Heritage
The application site lies adjacent to Tockington Conservation Area. CS9 submits the heritage assets should be conserved, respected and enhanced in a manner appropriate to their significance, and PSP17 submits that development proposals should serve to protect, and where appropriate, enhance or better reveal the significance of heritage assets, and their settings. The NPPF also attaches great weight to the conservation of heritage assets.
- 5.32 No heritage objections were raised to the PT18 scheme that was refused. As noted by the conservation officer, the reduced height has created a building with a longer footprint and a generally weaker design. As previously, there would be an increase in the urban feeling of the existing curtilage as a result of the creation of an independent detached dwelling, but as noted by the conservation officer, it would be difficult to sustain an objection on the grounds of harm to the setting of the adjacent conservation area

- 5.33 Whilst officers would not consider the proposal harmful to the setting of the conservation area, matters of detail would need to be agreed by condition relating to materials. This should include samples of external facing materials and sample panels of stonework. Rooflights would need to be conservation style rooflights to sit flush with the roof covering, which could also be secured by condition.
- 5.34 In terms of archaeology, the site lies in close proximity to areas designated as the core of the historic settlement which may include Saxon occupation. There are also a number of listed buildings near to the site. An archaeological desk-based assessment has been submitted and is noted to be the same as that submitted with PT18/6001/F, which concluded that there is a medium to high archaeological potential for Anglo-Saxon, medieval and post-medieval remains to survive. At the time of writing this report, no formal comments have been received from the Council's archaeologist. However, the PT18 scheme was found to be acceptable in archaeological terms subject to a condition for a programme of archaeological work being undertaken. Having contacted the Council's Archaeologist, it is the case that a HC11 condition to secure an archaeological watching brief would also be appropriate in this instance and should be applied in the event members are minded to depart from the Officer recommendation.
- 5.35 Residential Amenity
PSP8 permits development where it does not prejudice the residential amenity of both occupiers of the development and of neighbouring dwellings through the creation of unacceptable impacts. Such unacceptable impacts include loss of privacy, overlooking, loss of light, loss of outlook and overbearing/dominant impacts.
- 5.36 The previous scheme was considered to be acceptable in terms of residential amenity. The proposed dwelling in this instance is sited in broadly the same position and is now single-storey as opposed to two-storey. As such, similarly to before, officers do not consider there to be any material residential amenity issues with respect to neighbouring occupiers, including those of Tockington House.
- 5.37 Living conditions of future occupiers would also, as previously, be considered to be acceptable. All habitable accommodation would benefit from a good level of light and outlook, and the plot size is such that a level of private amenity space would be available well in excess of the PSP43 standard for a 3-bed dwelling.
- 5.38 Transportation
The site is, as noted by the highway authority, in a relatively rural area and as such, does not conform fully to the locational requirements to PSP11 in terms of sustainability of location. The case officer would however note that the inspector in the previous appeal decision accepted that the dwelling would be located within 'easy reach' of the village's services and facilities, including a bus stop. Nevertheless, irrespective of whether the proposal accords with PSP11 or not, the introduction of 1no. dwelling would not create any highways or transportation issues that could be considered severe.

- 5.39 Access would be provided the same as in the previously refuse scheme by extending an existing paddock access into the site where it would terminate at an area for parking. Having reviewed the arrangement, the highways officers do not consider there to be any issues with this and come to the same conclusion as previously (no objection). As before, there would be no alteration to the existing parking provision for Tockington House. The new dwelling would have 3 bedrooms, which would require 2no. spaces per PSP16. It is clear from the site plan and plot size that the required level of parking can be provided (as was the case previously), however an appropriately worded would be needed to ensure that 2no. parking spaces are provided.
- 5.40 In the event members are minded taking a differing view from officers, a condition requiring the provision of electric vehicle charging facilities in accordance with emerging policy should be applied. A condition requiring the access to be surfaced in a bound material is also requested by the highway's officers. Given the length of the access, officers would not consider this to be necessary for the whole access. In that respect, and condition should only cover the first 5 metres of the access.
- 5.41 Trees
There are a number of trees on site. Accordingly, a tree survey with constraints plan, protection plan and method statement has been provided with the application (Silverback Arboricultural Consultancy, January 2019). It is however noted that this report is the same report as provided with the previous application.
- 5.42 Having reviewed the proposal and submitted report, the Tree Officer does not foresee any issues from an arboricultural perspective. However, the layout has changed slightly which means the submitted report is not entirely accurate. Having discussed the proposal with the tree officer, an updated tree report and method statement could be captured by an appropriately worded condition. The applicant's agent has agreed to this as opposed to submitting an updated report pre-determination. Subject to the above discussed condition, officers do not consider there to be any arboricultural grounds on which to resist the proposed development.

Impact on Equalities

- 5.43 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.
- 5.44 With regards to the above this planning application is considered to have a neutral impact on equality.

Planning Balance

- 5.45 The proposed development does not represent limited infilling in towns and villages in the greenbelt, nor does it represent complete or partial development of previous developed land. It is therefore considered that the proposal would represent a new dwelling in the greenbelt, which would be inappropriate development. Substantial weight is given to the harm caused by inappropriate development, and there are not considered to be any very special circumstances demonstrated to outweigh that harm.
- 5.46 The proposal would result in 1no. additional dwelling towards South Gloucestershire's housing supply, which would have a very limited benefit. This socio-economic benefit is even more limited given that SGC can at present demonstrate a 5-year housing land supply.
- 5.47 The proposal is considered acceptable in terms of design, heritage, residential amenity, trees and transportation. These elements however attract a neutral weight as they are expected of any development.
- 5.48 Having regard to the above consideration, it is clear that the minor benefits of the proposal do not outweigh the harm caused by inappropriate development in the greenbelt. Accordingly, planning permission should be refused.

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 **refuse** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 set out above, and to all the relevant material considerations set out in the report.
- 6.3 There is a duty placed on the Council under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 when planning permission is sought for any works to have special regard to the desirability of preserving the listed building or its setting, or any features of special architectural or historic interest in which it possesses. Under Section 72 of the same Act, it is the Council's duty to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. It is considered that full consideration has been given to these duties and the proposal is considered acceptable in this regard.

7. RECOMMENDATION

- 7.1 It is recommended that permission is **REFUSED**



Appeal Decision

Site visit made on 8 June 2020 by Ben Phillips Bsc Msc

Decision by Zoe Raygen Dip URP MRTPI

An Inspector appointed by the Secretary of State

Decision date: 29 June 2020

Appeal Ref: APP/P0119/W/19/3242714

Tockington House, Upper Tockington Road, Tockington BS32 4LQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Winson against the decision of South Gloucestershire Council.
 - The application Ref PT18/6001/F, dated 6 December 2018, was refused by notice dated 3 July 2019.
 - The development proposed is described as the Demolition of existing outbuilding and the erection of 1no. detached dwelling with associated works (resubmission of app: PT18/0881/F)
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The appeal site is located within an area of Green Belt. Accordingly, the main issues are:
 - Whether the proposed development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the 'Framework') and relevant development plan policies;
 - The effect of the proposal on the openness of the Green Belt;
 - Whether the appeal site is suitably located for a new dwelling having regard to local and national planning policy; and
 - If the development would be inappropriate, whether the harm to the Green Belt by way of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons for Recommendation

Whether Inappropriate Development

4. Policy CS34 of the South Gloucestershire Local Plan: Core Strategy adopted 2013 (CS) and Policy PSP7 of the South Gloucestershire Local Plan – Policies, Sites and Places Plan adopted 2017 (LP) require the Green Belt to be protected from inappropriate development. CS Policy CS5, requires that proposals for development in the Green Belt comply with the provisions in the Framework, or relevant local plan policies in the CS.
5. Paragraph 145 of the Framework establishes that the construction of new buildings should be regarded as inappropriate in the Green Belt unless they fall within the list of exceptions set out in this paragraph. Part e) of this paragraph lists limited infilling in villages, as one such exception. There is no definition of limited infilling within the Framework, however the Council point to their CS as setting out and defining the term as 'a relatively small gap between existing buildings, normally within a built-up area'. This is consistent with one of the Green Belt purposes as set out in the Framework of safeguarding the countryside from encroachment.
6. The parties agree that the appeal site is located outside (but adjacent to) the defined settlement boundary of Tockington. This is a useful guide to the consideration of village boundaries but not exhaustive. In this case, I saw on my site visit that the proposed dwelling would be located within the well-defined garden area of Tockington House and would clearly be within easy reach of the village's services and facilities. As such the proposed dwelling would not necessarily appear disconnected from the settlement.
7. However, the proposed dwelling would represent backland development, sited as it would be behind the host property, Tockington House, a large detached dwelling set back from Upper Tockington Road. Whilst there are similar backland dwellings to the east, between the appeal site and these dwellings is an open parcel of land, the use of which is unclear. To the north, apart from the greenhouse within the appeal site, lies open undeveloped countryside with a dwelling visible on the horizon, and to the west lies agricultural land, save for a single storey agricultural building and beyond, tennis courts or single storey outbuildings located at the northern end of the gardens of properties fronting Upper Tockington Road. These ancillary structures, like the boundary treatment to the appeal site, are read as low-level buildings/development and are not comparable to the impact of a new independent dwelling visually and in the context of the established pattern of development. Furthermore, the gap between them is not relatively small. Consequently, I do not consider that development as proposed represents infilling as envisaged by the Framework or the CS.
8. The appellant has provided a number of appeal decisions to support the position of limited infilling. Whilst I have concurred that it is necessary to assess 'on the ground' the position of a site in relation to the extent of a village, these examples are materially different to that in front of me (from what I can see from the images provided or in reading the appeal decision), as these either were small gaps in otherwise built up existing frontage¹,

¹ Appeal reference APP/P0119/W/16/3151719

surrounded on 3 sides by dwellings² or clearly and visually between two existing dwellings³. Notwithstanding this, the granting of planning permission elsewhere in the District for a similar type of development does not justify harmful development. Each planning application and appeal is determined on its individual merits.

9. In light of the above I consider that the proposal would comprise inappropriate development in the Green Belt and would be contrary to CS Policies CS5, CS34 and LP Policy PSP7, in addition to Paragraph 143 of the Framework which states that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances.

Effect on openness of the Green Belt

10. The Framework (paragraph 133) states that the essential characteristics of Green Belt are their openness and their permanence. The construction of a 1.5 storey dwelling on the site would result in built development where there is presently some single storey outbuilding/greenhouse and small swimming pool. I note that there is also a certificate of lawfulness for a single storey outbuilding to form an enclosure to the pool⁴. These structures do not compare in scale and visual impact with a dwelling set over two floors and there would inevitably be a loss of openness.
11. The proposed dwelling would be visible from the public footpaths to the north, and whilst the dwelling would be viewed in the context of the existing property behind it, it would present prominent development encroaching on open space when viewed from the north west. While the loss would be small in the context of the Bristol/Bath Green Belt as a whole, the Framework is clear that substantial weight should be given to any harm to the Green Belt.
12. The Council also reference CS Policy CS4A in this reason for refusal. However, this is a general policy advocating the principle of sustainable development as contained in the Framework. It has not therefore been determinative here.

Location

13. The appeal site is located in close proximity to, but outside of the settlement boundary for Tockington. Therefore, for planning policy purposes, it is located within the open countryside. The proposed dwelling does not accord with the type of residential development listed within LP Policy PSP40 that would be acceptable in order to provide development in accessible locations and protect the character and appearance of the countryside.
14. Nevertheless, as stated above, the proposed dwelling would be located within easy reach of the village's services and facilities, including a bus stop. The intended future occupiers of the new dwelling therefore would be likely to support local services within the village and further afield, which could be accessed by transport modes other than the private car.
15. In this regard there would be no conflict with the general objectives of CS Policy CS8 or the Framework. Furthermore, there would be no conflict with paragraph 78 of the Framework which requires that housing in rural areas is

² Appeal reference APP/P0119/W/16/3165039

³ Appeal reference APP/P0119/W/18/3214856

⁴ P/19/12340/CLP

located where it will enhance or maintain the vitality of rural communities. The appeal site is therefore in an accessible location in this regard.

16. The council suggests that the appeal site contributes to the rural setting of Tockington, which is likely to be the reason it was not included within the settlement boundary in the first instance. However, in my view the appeal site forms part of a well contained garden, clearly distinguishable from the surrounding open countryside. Therefore, although the appeal site is open in character, the proposed house would not materially harm the countryside setting of Tockington.
17. While acceptable in these respects, CS Policy CS5 establishes the type of development that is considered acceptable to deliver the Council's Strategy for Development. Part 6 of that Policy outlines where development should be located within the Green Belt. The proposed house does not comply, being inappropriate development outside the settlement boundary and, as I have already found, would not be development within the Green Belt which complies with the Framework or other CS policy.
18. The appellant asserts that full weight cannot be given to any conflict with restrictive housing policies due to the Council's overall flexible approach to settlement boundaries. Even if I were to accept that is the case, the policy seeks to resist inappropriate development within the Green Belt whether in the settlement boundary or not. Therefore, I conclude that the location of the appeal site is not suitable for a new dwelling as proposed due to its location contrary to CS Policies CS5.

Other Considerations

19. The Framework advises that inappropriate development in the Green Belt should not be approved except in very special circumstances. 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.
20. The Council state that they currently have a five-year supply of housing land and no evidence has been provided to the contrary. Nevertheless, the dwelling as proposed would contribute towards local housing provision on a relatively accessible site.
21. It is further stated by the appellant that a planning application has been submitted⁵ and is currently being considered by the Council for the '*erection of 1 No alpaca barn with associated works*'. This development has not been determined by the Council and as such I can give it little weight in terms of a fallback position.

Other matters

22. It is noted that the appeal site is located close to the Tockington Conservation Area (CA), with its boundary running along the rear boundary of Overwater. No detail is provided regarding this designation; however, it is evident that its significance lies with its special architectural and historic interest. Given the limited scale of the proposed dwelling and simple design, subject to conditions securing appropriate materials, the development would preserve the setting of

⁵ Planning application reference P19/11853/F

the CA, in accordance with paragraph 194 of the National Planning Policy Framework (the Framework).

23. I note that the appellants comments on the council's determination of the application, in addition to the previous issues raised by the council and addressed. However, this is not a matter for consideration under this appeal.

Conclusion

24. The appeal proposal would constitute inappropriate development in the Green Belt. Further harm would be caused as a result of loss of openness. These matters attract substantial weight. The conflict with the development plan indicates that the location of the appeal site is also not suitable for the proposed dwelling.
25. An additional dwelling would be located in an accessible position. However, even if I were to consider it would be on previously developed land, this at most carries moderate weight. The fallback position as outlined above also carries limited weight. Therefore, I conclude that the other considerations do not clearly outweigh the harm the proposed development would cause to the Green Belt and the other harm identified. Consequently, the very special circumstances necessary to justify the proposal do not exist.

Recommendation

25. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

B Phillips

APPEAL PLANNING OFFICER

Inspector's Decision

26. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Zoe Raygen

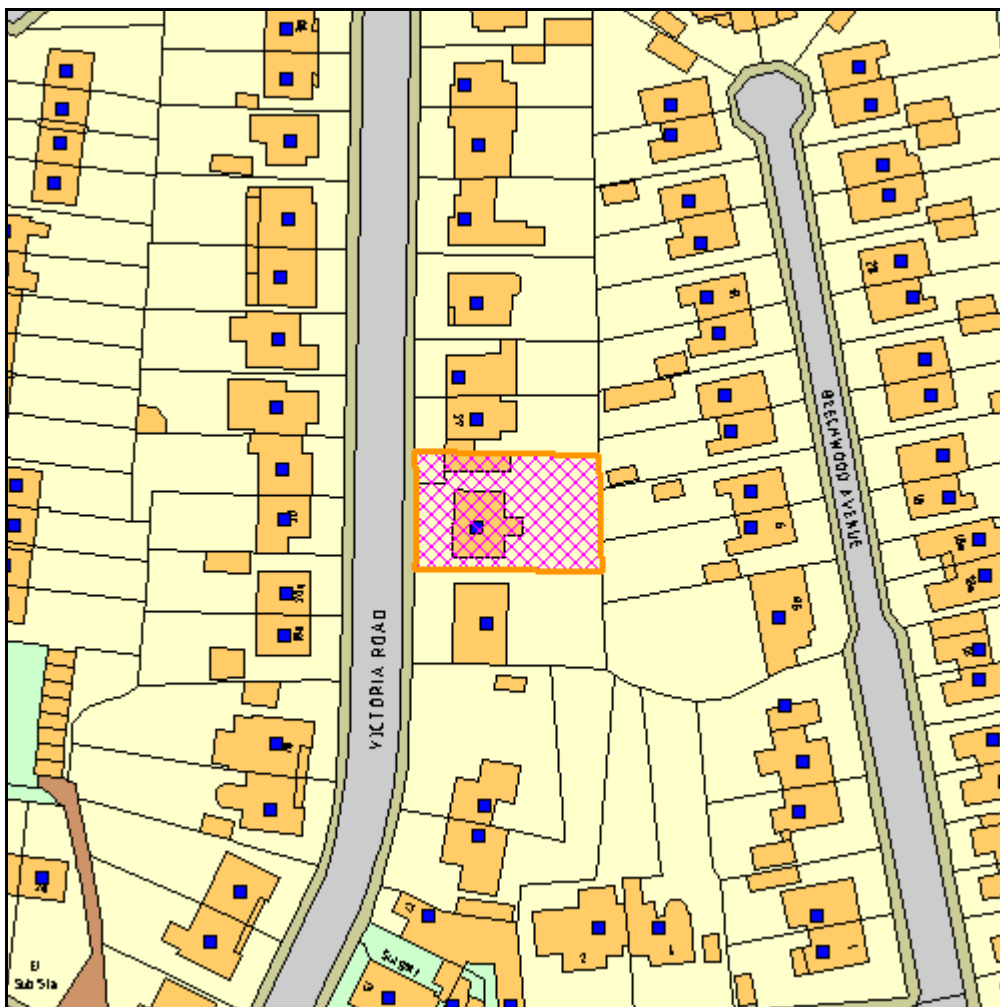
INSPECTOR

1. The site is located within the Bristol/Bath Green Belt and the proposal for a new dwelling does not fall within the limited categories of development normally considered appropriate within the Green Belt and would instead present material harm to the openness of the greenbelt by reason of being inappropriate development. In addition, the applicant has not demonstrated that very special circumstances apply, such that the normal presumption against development in the Green Belt should be overridden. The proposal is therefore contrary to the provisions of Policy CS5 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

Case Officer: Alex Hemming
Authorising Officer: David Stockdale

CIRCULATED SCHEDULE NO. 32/21 -13th August 2021

App No.:	P21/02788/F	Applicant:	Mr Jordan Godwin
Site:	25 Victoria Road Hanham South Gloucestershire BS15 3QJ	Date Reg:	22nd April 2021
Proposal:	Demolition of existing garage. Erection of single storey side and rear extension, 2no. first floor rear extensions, 2no. front dormers and front porch to form additional living accommodation.	Parish:	Hanham Parish Council
Map Ref:	364501 172405	Ward:	Hanham
Application Category:	Householder	Target Date:	11th June 2021



© South Gloucestershire Council 2007.all rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
100023410, 2008.

N.T.S.

P21/02788/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 more than 3no. representations have been received from interested parties, which are contrary to the findings of this report and officer recommendation.

1. THE PROPOSAL

- 1.1 Full planning permission is sought for the demolition of an existing garage and the erection of a single storey side and rear extension, 2no. first floor rear extensions, 2no. front dormers and a front porch.
- 1.2 The application site is a detached bungalow on the Eastern side of Victoria Road in Hanham, which is within the East Fringe of Bristol Urban Area.
- 1.3 During the application's consideration, the proposals have been revised in response to officer concerns following a site visit, which related to impacts on residential amenity. The description of development has also been amended to reflect the changes. In light of the foregoing, a round of public re-consultation has taken place.

2. POLICY CONTEXT

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

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

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

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

3. **RELEVANT PLANNING HISTORY**

None

4. **CONSULTATION RESPONSES**

4.1 **Hanham Parish Council**

First consultation

No objection.

Re-consultation on amended plans

No revised comments have been received.

4.2 **Sustainable Transport**

First consultation

Initial comments: Parking plan required

Updated comments: No objection

Re-consultation on amended plans

No revised comments have been received.

4.3 **Local Residents**

First consultation

6no. objection comments were received, summarised as follows:

- Noise and disruption
- Impact on parking on street
- Insufficient parking
- Loss of on street parking
- Impact on highway safety
- No correspondence received regarding the application
- Application is misleading
- Contrary to PSP38 (scale and design)
- Overbearing
- Impact on outlook
- Overlooking
- Loss of privacy

- Increase in noise from garden
- Loss of a bungalow
- Overdevelopment
- Impact on mental health
- Impact on property value
- No correspondence from applicant
- Not in keeping
- Contrary to existing covenants
- Potential damage to property
- Heritage impacts (tennis pavilion dates from 1900s)
- Impact on wildlife

Re-consultation on amended plans

No additional representations were received during the re-consultation.

5. ANALYSIS OF PROPOSAL

- 5.1 The proposal seeks to erect a single storey rear and side extension, 2no, first floor rear extensions, 2no. front dormers and a front porch.
- 5.2 The following assessment is made based on the revised plans, which have been accepted in response to officer concerns which predominantly related to impacts on the amenity of the Northern neighbour, as it was noted on a site visit that there was a side elevation first floor window which would have directly faced the side elevation of the originally proposed two storey side extension. The revised plans omitted the two-storey side extension, and opted instead for a single storey side and rear extension, and that the first floor elements would not move beyond the existing side elevations.
- 5.3 Principle Of Development
 PSP38 of the South Gloucestershire Council Policies, Sites and Places Plan (adopted November 2017) permits development within existing residential curtilages (including extensions) in principle where they do not unduly harm the design, visual amenity and residential amenity of the locality or prejudice highway safety or the provision of adequate private amenity space. PSP38 is achieved through CS1 of the South Gloucestershire Council Core Strategy (adopted December 2013), which requires development to demonstrate the highest standards of design and site planning by demonstrating that siting, form, scale, height, massing, detailing colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the site and its context. Additional guidance on achieving good design for householder developments is set out in the Household Design Guide supplementary planning document (SPD), which was formally adopted in March 2021. The development is acceptable in principle, subject to the following detailed consideration.
- 5.4 Design and Visual Amenity
 The host property is a brick faced bungalow which has accommodation in the roof. The roof is pitched with side facing gables clad with clay interlocking roof tiles. It is clear that no.25 was built at the same time as no.23 immediately

South, as they both appear to be of the same design and finish. The street scene is made up of a variety of designs of property, with a predominance of larger two storey semi-detached and detached properties. There is a mixture of hipped and gabled roof forms and a mixture of materials, including render and face brickwork.

Side and rear extensions

- 5.5 The proposal would see a 5-meter-wide single storey side extension on the Northern side that would be set back from the front elevation by c. 600mm. The extension would wrap around the rear where it would have a depth of 5 metres. To the rear at first floor would then be 2no. 4 metre deep, 5.1 metre wide first floor gable extensions which would be flush with both side elevations. The roof structure to the ground floor would be a flat lantern type roof with a coped parapet surrounding. Materials would be render to the elevations, and Marley anthracite Edgemere roof tiles (or similar) to the roof.
- 5.6 The side extension to the front appears in proportion by reason of being less than half width of the existing dwelling and subservient by being set back from the principal elevation. The depth of the rear ground floor extension at 5 metres and first floor extensions are 4 metres in depth are both in accordance with the maximum depth requirements set out in the householder design SPD for extensions on or near the boundary.
- 5.7 The rear first floor extensions reflect the roof form of the host property. The flat roof is perhaps a less desirable element which came about as a result of the changes to the overall layout to address the initial amenity concerns. Flat roofs at ground floor are however not entirely alien to the area and in any event, the use of a parapet flat roof with lantern is not considered to be detrimental to the character and visual amenity of the area.

Front extensions

- 5.8 To the front, 2no. traditional pitched roof dormers are proposed, which would be aligned above the main ground floor front windows. The dormers would be c.2.9 metres wide and c.2.9 metres to the ridge. The porch would be c.1.55 metres deep, c.3 metres wide and 4 metres to the ridge. The materials for the dormers would be zinc cladding, and to the porch would be natural stone. The roof for both dormers would match the rest of the roof in terms of material.
- 5.9 Dormers are not alien to the area, with the host and neighbouring property already having flat roofed front dormers and the properties opposite and elsewhere having small flat roofed dormers. Front gable projections are also not uncommon within the locality. The proposed dormers are considered to be of an appropriate scale so as to not be overly dominant, and their siting, form, scale and proportions broadly conform to the design guidance set out in the household design SPD. The proposed porch is a modest addition that does not present officers any material concerns in terms of its design, siting, form or scale.
- 5.10 Overall, it is acknowledged that the works are substantial in nature and would significantly alter the appearance of the host property. The question however is whether this presents any harm. As noted above, the extensions broadly

conform to the guidance contained in the design guide SPD. There would be some change to the materiality, however render is a common material in the area and plain slate tiles which the new tiles would closer resemble are also present on neighbouring properties. The use of zinc on the front dormers would not be considered materially harmful and would introduce a more modern material into the street scene. Natural stone as proposed for the porch is not common in the area, however this would be on a smaller part of the development and would not detract from the more widely used materials such as render and brick.

- 5.11 Following the above assessment, officers consider the proposed development to be acceptable in terms of design and visual amenity when considered against the relevant policies of the development plan and the household design guide SPD. Whilst the proposed design is perhaps less cohesive than the original following amendments, officers do not consider there to be any material reason to resist the development on design grounds. Accordingly, the proposed development is considered acceptable in terms of design and visual amenity.
- 5.12 Officers note comments regarding the loss of part of the area's history in terms of the previous tennis pavilion building. A 1946 aerial image indicates that the site was once what appeared to be open space with a linear building along the Northern boundary. A 1947-1965 OS map indicates that the site was once tennis courts. The tennis courts and associated pavilion are however not present on a 1898-1939 OS map, which suggests they were built sometime after 1939.
- 5.13 Whilst true that the garage is old, it is clear from visiting the site that it has been heavily altered to be used as a domestic garage. The building does not appear on the local list, nor does it appear on the statutory list. Accordingly, there is nothing to prevent it from being removed outside this planning application. Moreover, aside from being old (if it is the original pavilion), it is considered that there is no particular heritage value to the building that would justify considering it as a non-designated heritage asset. This has been confirmed with the Council's Conservation Officer.
- 5.14 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.
- Overbearing, light, and outlook*
- 5.15 The depths of the rear extensions are such that officers do not consider there to be any material overbearing issues. Moreover, this is further mitigated by the fact the extensions would not abut either side boundaries and the first-floor elements would be contained within the existing rear elevation of the host property. Similarly, the siting and layout of the extension is such that officers are satisfied that there would not be any unacceptable impacts on light or outlook, should permission be granted.

Overlooking/privacy

- 5.16 New windows would be introduced to the front in the form of 2no. dormers. These would overlook the highway to the front and would not present any amenity concerns. The bulk of the new windows would be to the rear, including 2no. glazed gable sections on the first-floor rear extensions.
- 5.17 The householder design guide SPD sets out guidance to be used when considering overlooking. Generally, where windows serving primary living accommodation in the rear of a dwelling face another, minimum separation distances should be maintained. Where two storey dwellings face each other back-to-back, at least 20 metres should be between the windows. The 7-metre garden boundary test also sets out that any first-floor windows should be at least 7 metres from the rear garden boundary.
- 5.18 No's 9, 11 and 13 Beechwood Avenue to the East are the three properties whose rear garden boundaries abut the rear garden boundary of the site. There would be well in excess of 20 metres between their rear windows and the new rear windows of the proposal. Moreover, there would over 7 metres from the rear first floor windows of the proposal and the rear garden boundary of no.25. Accordingly, officers do not consider the proposal to present any overlooking issues with respect to the properties to the East of the site.
- 5.19 It is not considered that there would be any unacceptable levels of overlooking with respect to the Northern and Southern neighbours (no's 27 and 23 respectively). This is because the rear first floor windows of the proposal would not result in any intervisibility, and any garden overlooking would not beyond what would be normally expected or indeed possible in a built-up urban area.

Noise and disturbance

- 5.20 The proposed development is for a residential extension in a residential area. It is therefore highly unlikely that the resultant development would lead to any unacceptable impacts on the amenity of neighbouring occupiers with respect to noise and disturbance.
- 5.21 It is widely accepted that disruption caused by a development being implemented is not a reasonable ground to withhold planning permission. This is because some noise and disruption is inevitable, but will be temporary in nature. Moreover, refusals on the basis of noise and disturbance should only be made when the resultant use of the land would lead to such impacts. In this case, as noted above, the use would remain residential and would not lead to any such impacts.
- 5.22 It would however be prudent to apply a working hours condition, in order to ensure that any impacts caused by the construction phase are minimised and are kept to within reasonable hours. This is by reason of the site being surrounded by residential properties.
- 5.23 Parking Standards
PSP16 requires developments to provide levels of parking based upon the number of bedrooms at a dwelling. Where an increase is proposed, proposals

- should demonstrate that adequate off street parking can be provided to accommodate increase in demand.
- 5.24 As existing, the property has 2no. bedrooms. Per PSP16, this requires 1no. parking space. As proposed, the property would benefit from 5no. bedrooms, which would require 3no. parking spaces to comply with PSP16.
- 5.25 This would be accommodated by providing 1no. parking space to the North of the site utilising an existing dropped kerb. 2no. additional parking spaces would be provided to the South of the site, which would necessitate a new dropped kerb (which does not require planning permission, as Victoria Road is not a classified highway).
- 5.26 The level of parking proposed accords with the requirements of PSP16. Officers therefore consider the proposal to be acceptable in terms of parking, subject to an appropriately worded condition, should permission be granted, to ensure the provision of the proposed parking.
- 5.27 Comments are noted regarding the loss of on street parking, however as the development meets its own parking need, this would not form reasonable grounds to resist the development.
- 5.28 Private Amenity Space
The resultant level of amenity space notwithstanding the area of garden lost to the development would be well in excess of the PSP43 70sqm guideline for a 4+ bed dwelling.

Impact on Equalities

- 5.29 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.
- 5.30 With regards to the above this planning application is considered to have a neutral impact on equality.
- 5.31 Other Matters
A number of matters raised from the consultation responses have not been addressed in the main body of this report. These will be considered below.
- 5.32 Conflict with existing covenants are not material planning considerations
- 5.33 Impacts on property values are not material planning considerations.

- 5.34 Damage to neighbouring property, impacts on foundations and party wall matters are not material planning considerations and instead are civil issues.
- 5.35 Comments regarding the application being misleading are noted. During the applications consideration, this has been investigated and when the application was revised officers have ensured that the description of development is appropriate and reflects the works proposed accurately.
- 5.36 Comments regarding lack of consultation and/or communication are noted. There is no obligation for the applicant to consult neighbours themselves. When processing the application, everyone who should have been formally consulted has been, in accordance with the SGC statement of community involvement.

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**

CONDITIONS

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

Reason

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

2. The off-street parking and associated dropped kerb as indicated on plan PL07 rev.C (proposed site plan, as received 17th July 2021) shall be provided prior to the extension hereby approved being brought in to beneficial use and shall be retained as such thereafter.

Reason

In the interest of highway safety and ensuring that a satisfactory level of parking is provided in accordance with PSP16 of the South Gloucestershire Local Plan: policies Sites and Places Plan (Adopted) November 2017.

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

PL01 - Existing floor plan
PL02 - Existing elevations plan
PL05 - Site location plan
PL06 - Existing site plan
As received 16th April 2021

PL03 C - Proposed floor plans
PL04 C - Proposed elevations
PL07 C - Proposed site plan
As received 17th July 2021

Reason

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

4. 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

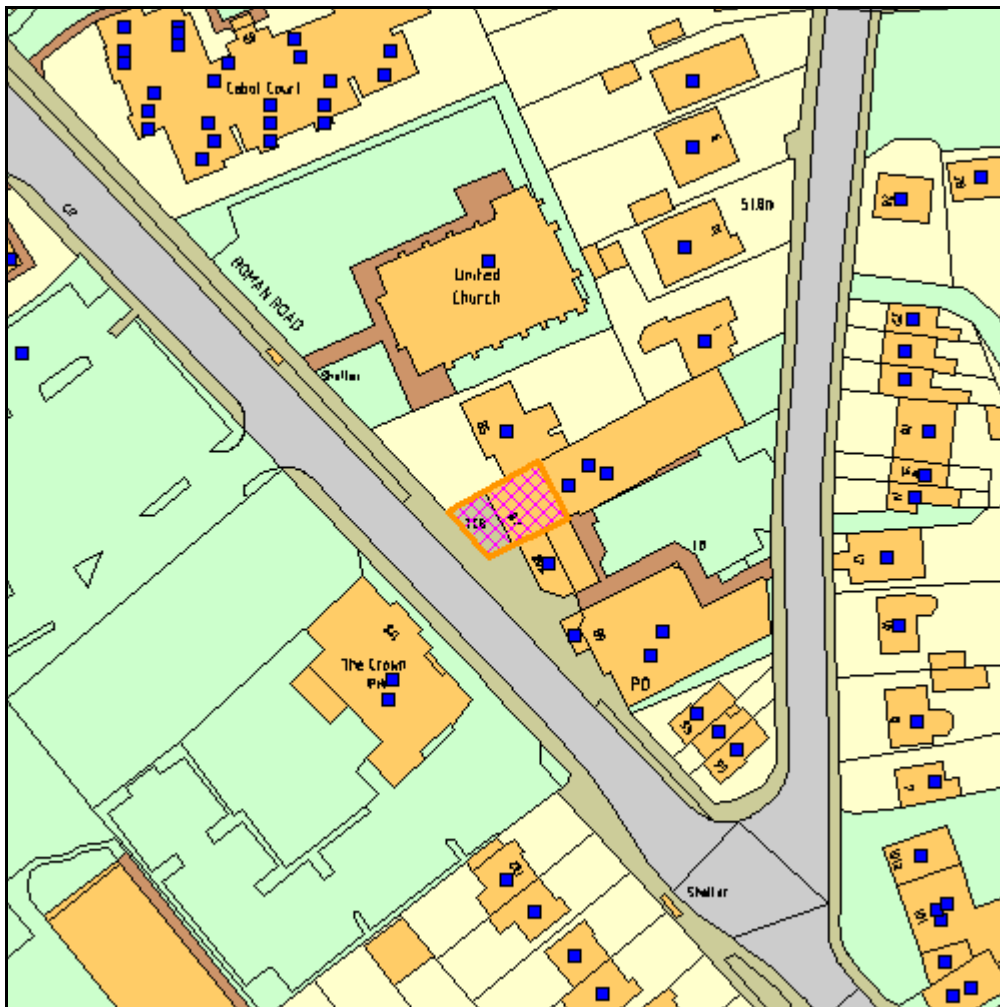
To protect the amenities of adjoining occupiers and to accord with PSP8 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017.

Case Officer: Alex Hemming

Authorising Officer: David Stockdale

CIRCULATED SCHEDULE NO. 32/21 -13th August 2021

App No.:	P21/02993/F	Applicant:	Andrews Property Group
Site:	87 Bath Road Longwell Green South Gloucestershire BS30 9DF	Date Reg:	7th May 2021
Proposal:	Change of use of first floor office space to 1 no flat, with no external alterations (Use Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).	Parish:	Oldland Parish Council
Map Ref:	365791 171136	Ward:	Longwell Green
Application Category:	Minor	Target Date:	30th June 2021



© South Gloucestershire Council 2007.all rights reserved.

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

100023410, 2008.

N.T.S.

P21/02993/F

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

REASON FOR APPEARING ON CIRCULATED SCHEDULE

This application appears on the Council's Circulated Schedule procedure following an objection by the Parish Council, contrary of the officer recommendation detailed below.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for a change of use of first floor office space to 1no flat, with no external alterations (Use Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) at 87 Bath Road, Longwell Green.
- 1.2 The application site forms the first floor of an estate agents office and falls within the settlement boundary for Longwell Green. No restrictive designations apply. The application proposal has been amended since the point of submission to omit the proposed cycle storage facility located to the front of the dwelling.

2. POLICY CONTEXT

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

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS14	Town Centres and Retailing
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity

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

PSP1	Local Distinctiveness
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP31	Town Centre Uses
PSP33	Shopping Frontages
PSP43	Private Amenity Space Standards

- 2.3 Supplementary Planning Guidance
Design Checklist SPD (Adopted) 2007

3. RELEVANT PLANNING HISTORY

3.2 No relevant history.

4. CONSULTATION RESPONSES

4.1 Oldland Parish Council

Objection – *“The Parish Council objects to this application on grounds of inadequate provision for off-street car parking. Furthermore the proposed placement of bike store and refuse bins on the open pavement in front of the property is poor design quality.”*

4.2 Sustainable Transport

No objection – Comments incorporated below.

Other Representations

4.3 Local Residents

No comments received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The site is on a secondary shopping frontage, which means PSP33 of relevance. PSP33 seeks to retain active ground floor uses, which specifically precludes offices or *residential* uses. However, due to the application site being at first floor level it does not contribute to active ground floor uses through its extant lawful use, nor does it offer an ‘active frontage’ at street level. A change of use from office to residential in this location would not have a material impact on the appearance of the building from the high street and it is not considered that the change would impact the viability and vitality of the high street and shopping frontage. Therefore, the change of use would not present a conflict with PSP33 and no objections are raised in principle.

5.2 Whilst policy CS13 of the adopted Core Strategy seeks to protect the non-safeguard economic development sites, Class O of the General Permitted Development Order allows the change of use from the office use (Class B1a) use to a dwellinghouse (Class C3). In this instance, officers consider that the proposal would comply with the required provisions of the GPDO, as such this forms a material planning consideration in favour of the development. This office space is now surplus to the owner’s requirements and only forms a small area in context to the remaining at ground floor level, for which the active frontage would be retained. As such, the proposed change of use would not result in an unreasonable impact the viability and vitality of the high street.

5.3 Design and Visual Amenity

The proposed external changes would include the provision of a front door at ground floor level and changes to the rear to facilitate an external private amenity space. As discussed above, the front door at street level would form a

contextually small part of the active frontage and due to its scale would not result in a material change to the character or appearance of the building. As such, the overall design is viewed to respect the character and appearance of the host property and its context.

5.4 Residential Amenity

Policy PSP38 of the Policies, Sites and Places Plan explains that development will be permitted provided that it would not detrimentally impact the residential amenities of nearby occupiers and would not prejudice the retention of adequate private amenity space. Policy PSP8 outlines the types of issues that could result in an unacceptable impact. The proposal has been carefully assessed and has found to be in compliance with these policies. With regards to the provision of external private external amenity space, PSP43 recommends 5m², as well as an area of private shared communal space as a guide. Whilst this space has not been provided, Longwell Green Park is located c170m to the east which provides a significant area of public open space, and it has been taken into account that this is a conversion rather than a new build.

Further regard is again provided to the Class O fall-back position, for which relies on the nationally described internal space standards. In this instance the proposed flat would provide 2no bedrooms for 4 persons, over an area of c80sq m. This exceeds the minimum requirement of 70sq m. On balance, the proposed levels of amenity is considered acceptable

5.5 Transport

The site is located within a highly sustainable location, close to amenities and public transport provisions. Furthermore, transport officers consider that the proposed change of use would have a beneficial impact on the overall travel demand for the site, as the number of trips by the residential use would be reduced in comparison to an office use. Therefore, having regard to the objection by the Parish Council to lack of off- street parking, the sustainable location has been taken into account, as well as the likelihood of the proposal reducing the demand for car parking demand compared to the current use as an office.

- 5.6 Since the point of submission, the proposed cycle storage to the front of the property has been removed at the officer's request, and having regard to the comments of the Parish Council, to reduce residential clutter and to remove a structure that would have appeared alien within its surroundings, and would not have been a secure location for cycle parking. Whilst this has subsequently led to the loss of cycle parking, given the scale of development, and the location, officers do not consider it unreasonable for bicycles to be stored internally The proposed development is therefore considered to comply with policies PSP11 and PSP16.

5.7 Consideration of likely impact on Equalities

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

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

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

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 It is recommended that planning permission is GRANTED.

CONDITIONS

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

Reason

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

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

Received by the council on 30th April 2021: EXISTING GROUND FLOOR PLAN, EXISTING FIRST FLOOR PLAN, EXISTING SOUTH WEST ELEVATION, EXISTING NORTH WEST ELEVATION, PROPOSED FIRST FLOOR PLAN. Received by the council on 6th May 2021: SITE LOCATION PLAN. Received by the council on 9th August 2021: BLOCK PLAN (REV A), BLOCK PLAN (REV A).

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

3. Prior to the first occupation of the flat hereby approved, details of external bin storage shall have been approved in writing by the Local Planning Authority. The bin storage as approved shall be erected prior to first occupation of the development hereby approved, and retained as such thereafter.

Reason:

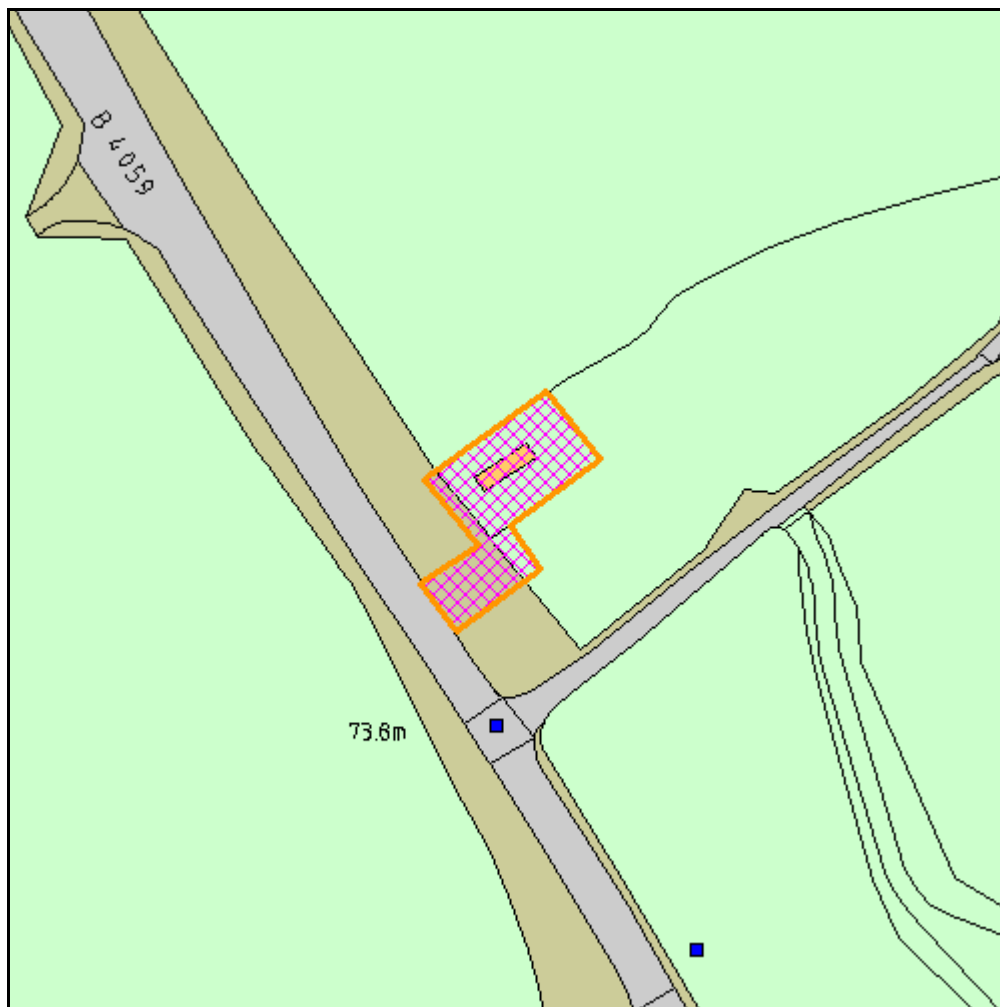
In the interests of the visual amenity of the area, and to accord with Policy CS1 of the adopted South Gloucestershire Local Plan Core Strategy.

Case Officer: Thomas Smith

Authorising Officer: Helen Ainsley

CIRCULATED SCHEDULE NO. 32/21 -13th August 2021

App No.:	P21/03141/F	Applicant:	Mr A Herbert
Site:	Land At Church Lane The Downs Wickwar South Gloucestershire GL12 8JZ	Date Reg:	14th May 2021
Proposal:	Demolition and rebuild of 1 no. agricultural building with associated works.	Parish:	Wickwar Parish Council
Map Ref:	372298 188668	Ward:	Chipping Sodbury And Cotswold Edge
Application Category:	Minor	Target Date:	5th July 2021



© South Gloucestershire Council 2007.all rights reserved.
This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
100023410, 2008. **N.T.S.** **P21/03141/F**

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

REASON FOR APPEARING ON CIRCULATED SCHEDULE

This application appears on the Council's Circulated Schedule procedure following an objection by the Parish Council, contrary of the officer recommendation detailed below.

1. THE PROPOSAL

- 1.1 Full planning permission is sought for the demolition and rebuild 1 no. agricultural building with associated works at Land at Church Lane, The Downs, Wickwar.
- 1.2 The application site relates to a small parcel of land to the east of The Downs and north of Church Lane, which forms the boundary of the Wickwar Conservation Area. The site is located outside of any settlement boundary and is not covered by any restrictive designations.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS5 Location of Development
CS34 Rural Areas

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

PSP1 Local Distinctiveness
PSP2 Landscape
PSP3 Trees
PSP8 Residential Amenity
PSP19 Wider Biodiversity
PSP29 Agricultural Development

- 2.3 Supplementary Planning Guidance
Design Checklist SPD (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 Ref. P19/0981/O. Permission Refused, 18/3/2019.
Proposal: *Demolition of the existing building and erection of 1 No. detached dwelling (Outline) with all matters reserved.*

4. CONSULTATION RESPONSES

- 4.1 Wickwar Parish Council – No comment.
- 4.2 Ecology – No objection, conditions and informatives recommended.
- 4.3 Lead Local Flood Authority – No objection.
- 4.4 Transport – No objection.
- 4.5 Highways – No comment.

Other Representations

4.6 Local Residents

Three objection comments have been received from local residents. Furthermore, one anonymous comment has been received, however this has not been taken into consideration as it cannot be verified. The three valid comments have been summarised into the following key points:

- There is no barn to rebuild;
- Existing barn was erected without permission;
- Outside of settlement boundary;
- Barn is too big;
- Is a strategy to get residential use on the site;
- Runs up council costs;
- Speculative, rather than a genuine application;
- Detrimental to the environment;
- There is a new shed for sheep at the other end of the field;
- Harm to visual amenity; and
- New access not required.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy PSP29 of the Policies, Sites and Places Plan outlines that development proposal(s) for agricultural development outside the defined urban areas and settlement boundaries will be acceptable providing that in the case of new buildings, there are no existing underused buildings reasonably available and the proposal is reasonably necessary for the purposes of its use. In this instance as the proposal is for a replacement building in the same use, the principle of development exists.

5.2 Design, Landscape and Visual Impact

Policy CS1 of the Core Strategy seeks to ensure that development proposals are of the highest possible standards and design. This means that developments should have appropriate: siting, form, scale, height, massing, detailing, colour and materials which are informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context. Policy CS34 and PSP2 seek to protect rural areas.

- 5.3 The existing barn appears to be somewhat dilapidated and unsightly state, hence the submission of this application. As such, improvements to the visual appearance are welcomed. The existing structure measures 10.3m x 3.3m and 3.2m in height with a lean-to roof, finished in painted black corrugated steel sheeting. The proposed replacement barn would measure 12.2m x 5.25m and 3.5m in height with a duo-pitched roof. The finish would be of beech timber cladding with a green steel roof. In terms of scale and massing, the proposed building would not appear dissimilar from the existing one. However, the overall finish would be an improvement to the character of the site and its context.
- 5.4 Concerning the proposed area of hardstanding to the existing gate access, whilst there would be a small element of soft landscaping lost at the detriment to existing character, the level of harm is not viewed as being significant or unreasonable within its context. In conclusion to the above, the proposed development complies with policy CS1, CS34 and PSP2.
- 5.5 Residential Amenity
The proposed development is not located near to any residential properties. No objections are therefore raised in relation to policy PSP8
- 5.6 Transport
The proposed development has been reviewed by transport officers who do not consider that the proposal would result in additional travel demand, so it would unlikely result in any severe or unacceptable highway safety impacts. Furthermore, the existing site access is to be improved by installing a bound surface over the last 4m, which would help prevent mud being dragged onto the highway. Consequently, no objections are raised in relation to PSP11.
- 5.7 Ecological Impacts
After reviewing the submitted information, the council's ecology team has not objected to the proposed development and compliance is met with PSP19. Albeit, conditions have been recommended to ensure the protection of habitats in the future.
- 5.8 Other Matters
The proposed development is for the rebuild of an agricultural building, for which the justification of development is for agricultural purposes only. As such, it is not unreasonable to attach a condition for the removal of the building should its agricultural purposes cease, thus ensuring the character of the countryside is preserved in line with policy CS34.
- 5.9 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.

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

6. **CONCLUSION**

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

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

7. **RECOMMENDATION**

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

CONDITIONS

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

Reason

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

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

Received by the council on 10th May 2021: Combined Existing Plans, Combined Proposed Plans, Existing and Proposed Block Plans, and Site Location Plan.

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

3. If any protected species are recorded during any part of the proposal, works are to cease immediately and a suitably qualified ecologist is to be consulted.

Reason

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

4. If nesting birds are present at time of demolition, works are only to commence once all young have fledged. If a nest check is required this must be performed by a suitably experienced ecologist.

Reason

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

5. No external lighting is to be erected, unless details including location and specification, are submitted to and approved by the local authority prior to commencement.

Reason

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

6. Should the requirement or use of the approved barn for agricultural purposes cease, the building must be removed from the land, and the ground must, so far as practicable, be restored to its natural condition before the development took place unless otherwise approved by the local authority.

Reason

To protect the character and appearance of the area to accord with Policies CS1, CS5, CS34, PSP1 and PSP2 of the Adopted South Gloucestershire Local Development Plan Documents and the National Planning Policy Framework.

Case Officer: Thomas Smith
Authorising Officer: David Stockdale