

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: 42/21

Date to Members: 22/10/2021

Member's Deadline: 28/10/2021 (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

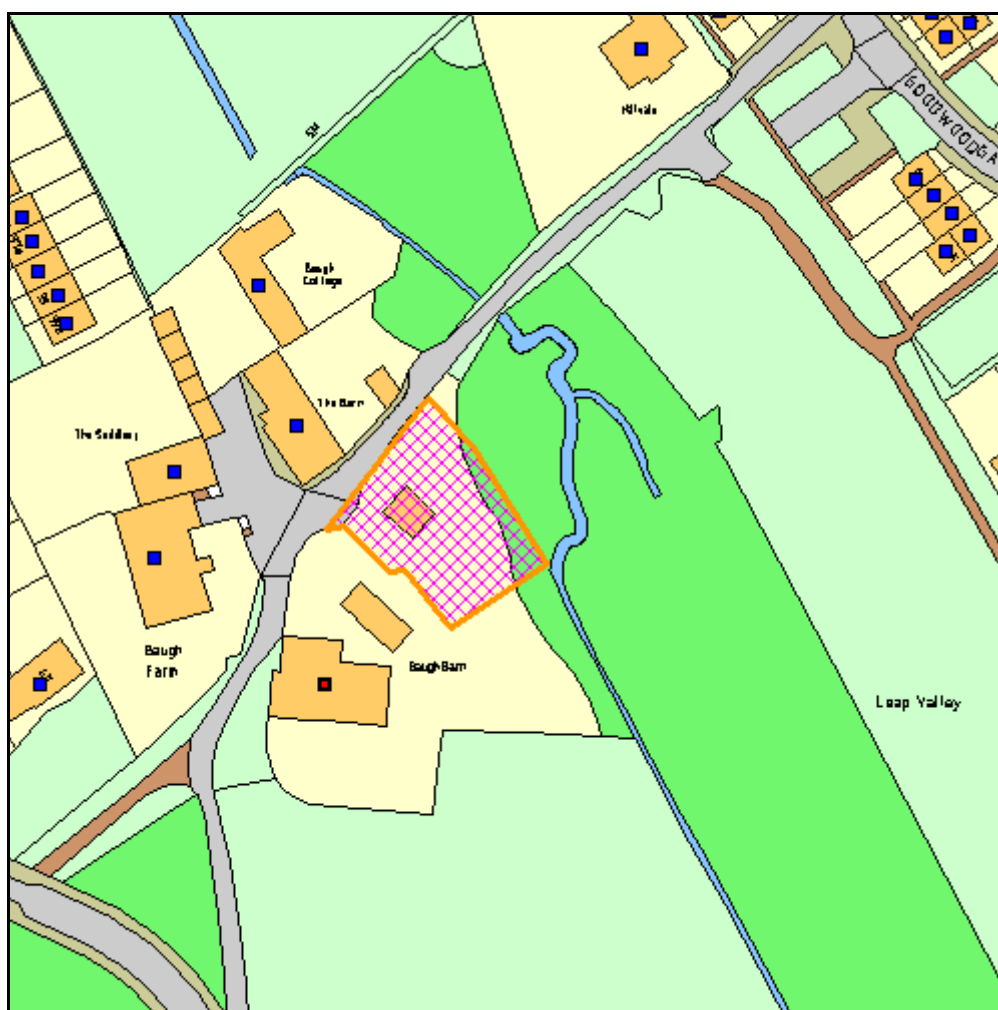
CIRCULATED SCHEDULE 22 October 2021

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ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	P20/20494/F	Approve with Conditions	Baugh Barn Fouracre Crescent Downend South Gloucestershire BS16 6PX	Frenchay And Downend	Downend And Bromley Heath Parish Council
2	P21/01143/F	Approve with Conditions	The Croft Hawkesbury Common Badminton South Gloucestershire GL9 1BW	Chipping Sodbury And Cotswold Edge	Hawkesbury Parish Council
3	P21/01144/LB	Approve with Conditions	The Croft Hawkesbury Common Badminton South Gloucestershire GL9 1BW	Chipping Sodbury And Cotswold Edge	Hawkesbury Parish Council
4	P21/02688/F	Approve with Conditions	46 High Street Warmley South Gloucestershire BS15 4NF	Parkwall And Warmley	Siston Parish Council
5	P21/03825/FDI	No Objection	Land At Tanhouse Lane Yate South Gloucestershire	Chipping Sodbury And Cotswold Edge	Yate Town Council
6	P21/04004/F	Approve with Conditions	12 Elgin Avenue Filton South Gloucestershire BS7 0TG	Filton	Filton Town Council
7	P21/04215/F	Refusal	Park Hotel And Resort Bath Road Wick South Gloucestershire BS30 5RN	Boyd Valley	Doynton Parish Council
8	P21/04216/LB	Refusal	Park Hotel And Resort Bath Road Wick South Gloucestershire BS30 5RN	Boyd Valley	Doynton Parish Council
9	P21/05656/F	Approve with Conditions	Land Adjacent To Lower Woodhouse Farm Fernhill Almondsbury South Gloucestershire BS32 4LU	Severn Vale	Olveston Parish Council

CIRCULATED SCHEDULE NO. 42/21 -22nd October 2021

App No.:	P20/20494/F	Applicant:	Mr & Mrs Davey
Site:	Baugh Barn Fouracre Crescent Downend South Gloucestershire BS16 6PX	Date Reg:	27th October 2020
Proposal:	Erection of 1no. detached dwelling with associated works.	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	365434 178326	Ward:	Frenchay And Downend
Application Category:	Minor	Target Date:	11th January 2021



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100023410, 2008.

N.T.S.

P20/20494/F

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

CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant seeks consent for the Erection of 1no. detached dwelling with associated works.
- 1.2 The application site relates to an area of land within the settlement boundary of Downend. It is currently occupied by a garage structure. The site is surrounded by trees covered under TPO no.0926 made in August 2016. Adjacent to the site is Baugh Farm, a grade II listed former farmhouse.
- 1.3 This application follows a reserved matters application refused on grounds of impact on heritage and its design being out of keeping with the character of the area. The full reasons can be found below.
- 1.4 The current application has sought to address issues raised and extensive negotiations have reduced the overall scale and massing of the proposed dwelling back to the approved plans of 2007. These plans have not been sent out for general re-consultation as the application will appear on the Circulated Schedule and as such no parties are considered to be disadvantaged. The word 'eco' has been removed from the description of development.

2. POLICY CONTEXT

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS2	Green Infrastructure
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility

CS9	Managing the Environment and Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS29	Communities of the East Fringe of Bristol

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP8	Residential Amenity
PSP9	Health Impact Assessments
PSP10	Active Travel Routes
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP18	Statutory Wildlife Protection
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water, and Watercourse Management
PSP21	Environmental Pollution and Impacts
PSP43	Private Amenity Space Standards

2.3 Supplementary Planning Guidance

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

South Gloucestershire Design Checklist (Adopted) 2007)

South Gloucestershire SPD: Residential Parking Standards (Adopted) 2013

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

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

3. RELEVANT PLANNING HISTORY

- 3.1 P19/8661/RM Erection of 1no. dwelling with appearance, landscaping, layout and scale to be determined (Approval of Reserved Matters to be read in conjunction with outline permission PK16/3679/O).
Refused 20.5.20

Reasons:

Heritage

If permitted, the proposal would have a negative impact on the setting of the Grade II* listed Baugh Barn. This is contrary to Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013; Policy PSP17 of the Policies Sites and Places Plan (Adopted) 2017 and specific paragraphs in the NPPF.

Design:

The proposal would be out of keeping with the character of the area and would fail to respect its immediate surroundings. It would therefore fail to achieve the highest standards of design expected in national guidance and local adopted

planning policy and be contrary to Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013, Policy PSP1 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) 2017, and the National Planning Policy Framework.

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|------|--|----------|
| 3.2 | PK16/3679/O
Erection of 1no dwelling (outline) with access to be determined. All other matters reserved.
Approved | 19.8.16 |
| 3.3 | PK13/1654/EXT
Erection of 1 no. dwelling (outline) with means of access to be determined. All other matters are reserved. (Consent to extend time limit implementation for PK10/0921/EXT)
Approved | 2.7.13 |
| 3.4 | PK10/0921/EXT
Erection of 1 no. dwelling (outline) with means of access to be determined. All other matters are reserved.
Approved | 14.6.10 |
| 3.5 | PK07/0458/RM
Erection of 1no. detached dwelling. (Approval of reserved matters to be read in conjunction with outline planning permission PK05/1167/O).
Approved | 15.3.07 |
| 3.6 | PK05/1167/O
Erection of 1 no. dwelling (Outline) with means of access to be determined. All other matters are reserved (Resubmission of PK04/0731/O).
Approved | 22.8.05 |
| 3.7 | PK04/1689/F
Erection of 1no.dwelling
Approved | 10.11.04 |
| 3.8 | PK00/1075/F
Alterations and extension to existing outbuilding and erection of a detached garage.
Refused | 5.7.00 |
| 3.9 | PK00/1072/LB
Alteration and extension to existing outbuilding, and erection of a detached garage.
Refused | 5.7.00 |
| 3.10 | K4989/8
Renewal of limited period permission in respect of residential caravan for period of 1 year
Approved | 11.1.88 |
| 3.11 | K4989/3
Conversion to form dwelling and siting of a caravan for a limited period
Approved | 11.12.86 |

4. CONSULTATION RESPONSES

- 4.1 Downend and Bromley Heath Parish Council
Objection:

Not in keeping with the original concept (as detailed in the Conservation Officer's statement).

Concern re the new sewage treatment plant detailed at para 3 of the Foul Drainage Strategy on Proposed Site Plan Drawing.

Internal Consultees

4.2 Conservation officer

Original comments:

- Visually intrusive and discordant composition - poor design in terms of appearance and scale.
- Clear co-visibility between the proposed new dwelling and the listed farmhouse. In these tandem views it is considered that by virtue of design and scale, the proposed development would be harmful to the setting and in turn significance of this designated heritage asset.
- It is also considered that through the visual intrusion and erosion of character to what remains of the former farmstead, the proposed development would also be harmful to the significance of this designated heritage asset.
- The proposed scheme by reason of its scale and design would be harmful to the setting of the listed building. In respect of magnitude of harm, it is considered that the proposal would result in less than substantial harm in the middle of the spectrum to the significance of the Grade II Baugh Farm.

Updated comments following first iteration of revised plans:

Objection:

- if one looks at the 2007 scheme (PK07/0458/RM) it is materially different in design and more importantly scale and massing to what is now being proposed.

Following the receipt of revised plans that seek to mimic the 2007 scheme, no further comments from the Council's Conservation Officer were received.

4.3 Tree Officer:

No objection subject to a watching brief.

4.4 Landscape Officer:

It is considered that the proposals do not take the opportunity to provide an enhance landscape frontage and boundary treatment, which would further integrate them into their surroundings.

Condition to be attached to any planning consent.

4.5 Public Rights of Way Officer

Concerns:

Proposal seeks vehicular access from Bridleway MA20, which is described as 'road used mainly by dog walkers' in the development submission. The bridleway must be recognised in the plans and the text of the supporting documents.

Previous problems of drainage along the bridleway were resolved by surfacing but there are concerns that the extra traffic generated by this scheme will

adversely affect the amenity of the bridleway contrary to Policies Sites and Places PSP 10.

The extent of development already experienced in this area has greatly added to the traffic generated; this will exacerbate it - problems reported of through traffic using the unsealed stone surface route through to Aintree Drive. For this reason there must be a condition on this property that limits their vehicular access from the west side/Fouracre Crescent only and not through vehicular access to Aintree Drive.

- 4.6 Highway Structures
No comment

Statutory / External Consultees

- 4.7 Transport
No objection subject to conditions relating to parking

- 4.8 Drainage
No objection in principle – subject to condition and the inclusion of an informative to consult the Environment Agency.

- 4.9 Natural England
No objection.

Other Representations

- 4.10 Local Residents
One letter of objection has been received. The points raised are summarised as:
- Principle of development
 - Heritage impact
 - Flood risk
 - Why is this an eco-dwelling
 - Query regarding locally sourced materials and state of the art building technologies

5. ANALYSIS OF PROPOSAL

- 5.1 The applicant seeks permission for the erection of 1 dwelling.

- 5.2 Principle of Development
The site lies within the established settlement of Downend where both local and national policies support development. Weight is given to the previous approved planning applications and the principle of development on for the erection of one new dwelling on this site.

- 5.3 This is a full planning application and as such it must be assessed on its own merits and against all relevant planning policies.

- 5.4 Relevant policies include general design principles and those that recognise the proximity of the listed building, the character of this particular area, the impact on the natural environment such as landscape, protected trees, ecology and flooding; impact on the highway and on amenity.
- 5.5 Undesignated open space land
Comment has been received that this application is within an area of undesignated open space. Policy PSP5 states that development in such areas will be acceptable provided it does not adversely affect the quality, character, bio-diversity, sustainable water management, recreation opportunities, heritage value, amenity or distinctiveness of the locality.
- 5.6 The development area comprises an area of tenced grass/garden land which currently houses a domestic garage. Screening in the form of mature shrubs and trees run along the roadside.
- 5.7 Proposed development would be in between Baugh Barn and the existing garage structure on the highest part of the site, leaving the rest of the land which slopes down to the north open.
- 5.8 In these terms the proportional of developed and undeveloped land on the undesignated open space would be acceptable.
- 5.9 Heritage and impact on listed building:
The application site was once part of a group of buildings associated with Baugh Farm, a grade II listed building. It is noted that while most of the buildings appear to survive, the farmstead has been subdivided into separate ownership. Baugh Barn is to the south east of the farmhouse on the opposite side of this single track lane. The application site is therefore within the curtilage of Baugh Barn.
- 5.10 Baugh Farm can be considered to represent an important survival that reflects the agricultural origins of Downend. Farms that once dominated the landscape became engulfed by the new suburbs. In this case, presumably due to the topography of the site, the suburban expansion stopped either side of Leap Valley leaving Baugh Farm (to the east of the site) within an area of undeveloped open space. The significance of the setting of Baugh Farm is in views to and from these undeveloped areas, Baugh Farm helps retain the memory of the function of the land prior to the expansion of the suburbs. The contribution to the setting to Baugh Farm is therefore considered to be of historic interest due its illustrative and associative value.
- 5.11 During the course of the application the scale and design of the proposed new dwelling was assessed and revised plans were requested in order to address the matters of design and scale. The latest plans which revert back to those approved in 2007, comprise a reduced massing and are considered to have a measure of respect for the listed building and the surrounding area that was lacking in the ones submitted earlier in the application.
- 5.12 The NPPF states under Paragraph 196 that: *Where a development proposal will lead to less than substantial harm to the significance of a designated*

heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The balance is assessed at the end of this report.

5.13 Design and visual amenity:

The character of the area can be described as being one of traditional rural buildings and the site is close to the Grade II listed Baugh Farm. This part of Downend has a rural feel and is characterised by buildings of some heritage and stone walls. Although the new dwelling would be set back off the rural lane to the north of the site, it would still be visible and be read as being part of the current built form make-up.

5.14 The proposal is for a single dwelling and this amount of development is acceptable for this particular plot and is in accordance with previous planning permissions.

5.15 During the course of the application, the main issue has been the size of the proposed new dwelling and in particular when compared with former development schemes for this site. Previous planning permissions began with a modest dwelling with a footprint of around 12.5 m by 10m and a ridge of not more than 8 metres. The first set of plans submitted with the current application showed a considerable increase in the overall size of the dwelling which had knock-on implications in terms of the setting and impact on character. .

5.16 Revised plans have now reverted to the approved 2007 scheme. Weight is given to this previous decision. It would therefore be unreasonable to regard those previously approved plans as unacceptable now given that the scheme was deemed not to have a negative impact on the nearby heritage assets or the character of the area and the amount of development was appropriate for the site itself. These all count in favour of the scheme.

5.17 The use of sympathetic materials is noted and the design is considered appropriate. The use of good quality materials in the construction would be secured by condition. The proposed dwelling is considered to accord with design policy and can be supported.

5.18 Residential amenity:

The dwelling would sit within a good size plot with sufficient amenity space to serve either a 3 or 4 bed dwelling and would accord with the standards set down in adopted policy PSP43. In addition, given the topography of the site there would be no adverse impact on the amenity of closest neighbouring dwellings.

5.19 Landscape and trees:

The site is an established area of land with a number of mature trees within it. Given the proposal would increase the amount of built form, a landscape plan to show how the development can be more successfully integrated into the surroundings will be attached to the decision notice. A tree watching brief will also be conditioned.

- 5.20 Transport:
A dwelling of this size and in this location, requires at a minimum 3 off street parking spaces. This level of parking can be achieved on-site.
- 5.21 Public right of Way
The additional use of the lane to the north of the site has been raised as a concern by the public right of way officer. It is requested that the additional vehicles resulting from this development do not use this lane. It is considered that this would be unreasonable and difficult to police but that a condition be attached to the decision notice stating that it should not be used by construction vehicles.
- 5.22 Impact on Equalities
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. As a result of that Act the public sector Equality Duty came into force. Among other things, the Equality Duty requires that public bodies to have due regard to the need to: eliminate discrimination; advance equality of opportunity; and, foster good relations between different groups when carrying out their activities.
- 5.23 Under the Equality Duty, public organisations must consider how they could positively contribute to the advancement of equality and good relations. This should be reflected in the policies of that organisation and the services it delivers.
- 5.24 The local planning authority is statutorily required to apply the Equality Duty to its decision taking. With regards to the Duty, the development contained within this planning application is considered to have neutral impact.
- 5.25 Conditions:
The applicant has agreed that landscape and drainage conditions can be prior to commencement of development.

Planning Balance

In terms of heritage, the question should not be addressed as a simple balancing exercise but whether there is justification for overriding the presumption in favour of preservation. Only when harm has been minimised should the unavoidable 'residual harm' be weighed against public benefits. For the reasons given in the *Heritage* section of this report, the revised plans mitigate to some extent the less than substantial harm; in addition it has been taken into account the provision of a new dwelling, which has previously been granted on this site. Conditions would secure planting and ecological betterment. These factors are considered of overriding public interest that overcome this less than substantial harm, taking into account the great weight that is afforded to the protection of designated heritage assets and their settings.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to **grant** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

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

CONDITIONS

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

Reason

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

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

As received by the LPA on 21.10.20:

Site plan

Site location plan

Existing elevations - SK02 A

As received by the LPA on 14.8.21:

Proposed site plan - SK10B

Proposed floor plans - SK11B

Proposed elevations 1 - SK12B

Proposed elevations 2 - SK13B

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP1, PSP2, PSP17 of the Policies Sites and Places Plan (Adopted) 2017 and the National Planning Policy Framework.

3. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, D, E, F and G), or any minor operations as specified in Part 2

(Class A), other than such development or operations indicated on the plans hereby approved, shall be carried out without a further planning permission.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP1, PSP2, PSP17 of the Policies Sites and Places Plan (Adopted) 2017 and the National Planning Policy Framework.

4. Prior to development above damp proof course level, details of the roofing and external facing materials proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP1, PSP2, PSP17 of the Policies Sites and Places Plan (Adopted) 2017 and the National Planning Policy Framework.

5. The off-street parking facilities shown on the plan hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

Reason

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

6. Prior to commencement of development a detailed landscape planting plan specifying the location, species, stock size, planting centres and quantities of all proposed tree and structure planting (to be undertaken in the first planting season following completion of construction works), together with details of all proposed boundary and hard landscape surface treatments, including proposed levels and any soil retention/retaining walls that may be required. Development shall be carried out in accordance with the agreed details.

Reason

This is a prior to commencement condition to avoid unnecessary remedial action in future and to protect the character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP1 and PSP2 of the Policies Sites and Places Plan (Adopted) 2017 and the National Planning Policy Framework.

7. SUDS: No development shall commence until surface water and foul sewage drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection have been submitted and approved by the Local Planning Authority. Development shall proceed in accordance with the approved details.

Reason:

This is a prior to commencement condition to avoid unnecessary remedial action in future and to comply with South Gloucestershire Local Plan: Policies, Sites and Plans Plan (Adopted) November 2017 Policy PSP20; South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 Policy CS1 and Policy CS9; and National Planning Policy Framework.

8. All works must be in accordance with the submitted Arboicultural report and BS:5837:2012.

The project Arboricultural consultant will be required to perform a watching brief for all works planned within the root protection areas of the existing trees.

Reason

To protect the character and appearance of the area including trees and to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policies PSP1, PSP2 and PSP3 of the Policies Sites and Places Plan (Adopted) 2017 and the National Planning Policy Framework.

9. During the construction of the dwelling construction traffic shall limit their vehicular access to that from the west side i.e. Bury Hill View /Fouracre Crescent only and not through vehicular access to Aintree Drive.

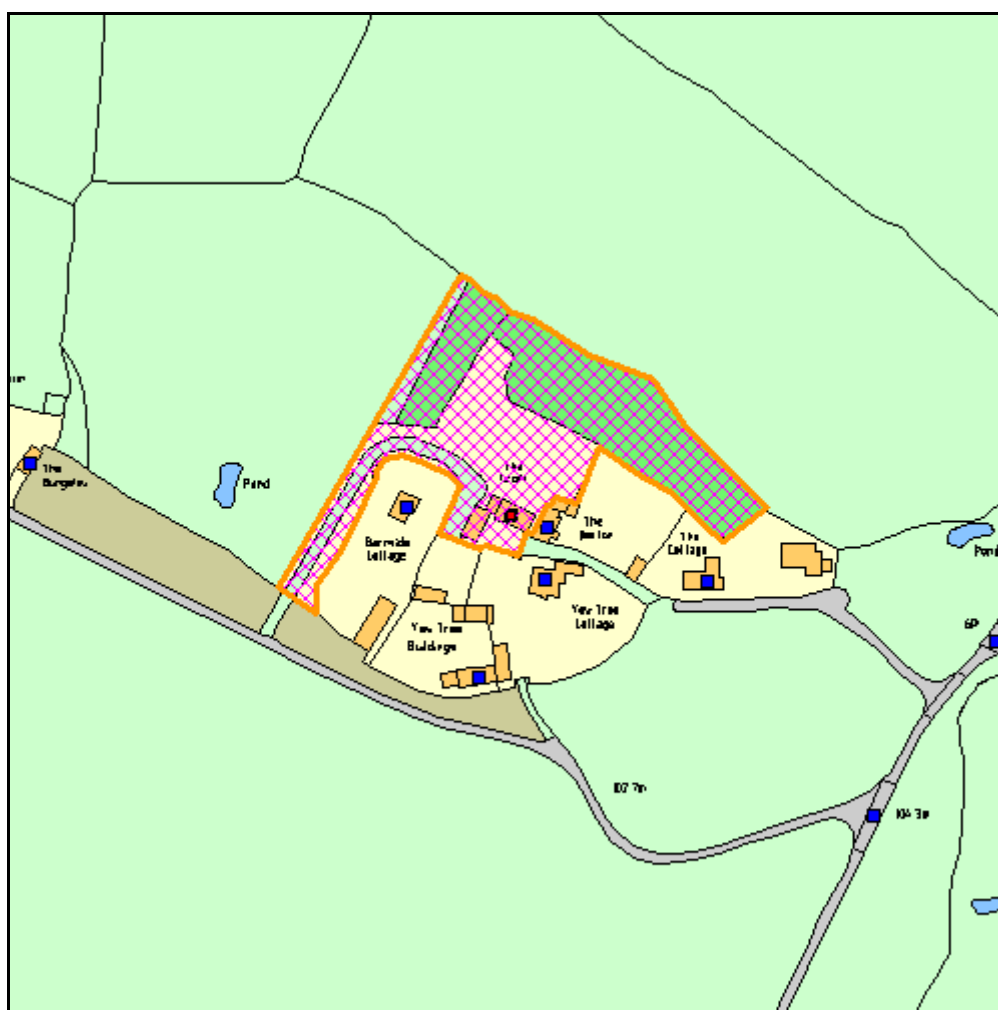
Reason

In the interests of highway safety, and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; PSP11 of the Policies Sites and Places Plan (Adopted) 2017 and the National Planning Policy Framework.

Case Officer: Anne Joseph
Authorising Officer: Helen Ainsley

CIRCULATED SCHEDULE NO. 42/21 -22nd October 2021

App No.:	P21/01143/F	Applicant:	Mr and Mrs Griffiths
Site:	The Croft Hawkesbury Common Badminton South Gloucestershire GL9 1BW	Date Reg:	25th June 2021
Proposal:	Demolition of existing lean-to extension and proposed new extension and adaptions to existing building	Parish:	Hawkesbury Parish Council
Map Ref:	375931 187141	Ward:	Chipping Sodbury And Cotswold Edge
Application Category:	Householder	Target Date:	17th August 2021



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P21/01143/F

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

REASON FOR APPEARING ON CIRCULATED SCHEDULE

This application appears on the Council's Circulated Schedule procedure following the receipt of an objection from Hawkesbury Parish Council contrary to the officer recommendation below.

1. THE PROPOSAL

- 1.1 The application seeks planning permission for the demolition of existing lean to extension and proposed new extension and adaptations to existing building, including the erection of a porch, ground floor link extension and first floor extension. A shed is also proposed to the north of the dwelling.
- 1.2 The application property is a detached dwelling sited within a cluster of dwellings in Hawkesbury Common. The property is a grade II listed building. The site is outside of any defined settlement boundary.
- 1.3 Amended plans have been received during the course of the application to address concerns raised by the Conservation Officer. This has not significantly altered the scope of the application and as such no further public consultation has been carried out. The case officer is satisfied that this does not disadvantage the public interest.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework
National Planning Policy Guidance
Planning (Listed Buildings and Conservation Areas) Act 1990
Planning (Listed Buildings and Conservation Areas) Regulations 1990 (as amended)

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP8	Residential Amenity
PSP11	Transport Impact Management

PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP19	Wider Biodiversity
PSP38	Development within Existing Residential Curtilages
PSP43	Private Amenity Space

- 2.3 Supplementary Planning Guidance
 South Gloucestershire Design Checklist (Adopted) 2007
 Residential Parking Standards SPS (Adopted) 2013
 Residential Amenity TAN (Endorsed) 2016
 Householder Design Guide (Adopted 2021)

3. **RELEVANT PLANNING HISTORY**

- 3.1 N3364 - Erection of 2 storey extension at side to provide W.C. and enlarged kitchen with bathroom above. – Approved – 07.04.1977
- 3.2 P21/01144/LB - Internal and external works to include raising of roofline on outbuilding to facilitate the creation of additional first floor living accommodation. Demolition of existing lean-to extension and erection of new link extension. Reinstatement of blocked external doorway and erection of porch. Installation of new and replacement windows, rooflights, doors and rainwater goods. – Pending consideration.

4. **CONSULTATION RESPONSES**

- 4.1 Hawkesbury Parish Council – *Objection - The Parish Council would like to see more sympathetic materials used and the design to be more consistence with the existing. As for the "joint connecting section" it would appear the materials and design are not in keeping.*
- 4.2 Conservation - No objection subject to conditions relating to roof materials, stone samples, and details of windows, doors, vents and flues.
- 4.3 Transportation DC – No objection.
- 4.4 Tree Team – No objection in principle, an Arboricultural Report will be required for the protection of existing trees.
- 4.5 Ecology – No objection subject to conditions relating to mitigation, lighting details and ecological enhancements.

Other Representations

4.6 Local Residents

One general comments has been received, summarised as:

- Concerns regarding the height of the proposed outbuilding
- Concerns regarding pitch of roofline and potential for roof lights to overlook

One objection comment has been received, summarised as:

- Map produced by SGC is inaccurate in regards to boundaries
- Currently obscurely glazed window should be retained as obscure
- Proposed extension should be roofed in tiles not black corrugated

5. ANALYSIS OF PROPOSAL

Principle of Development

- 5.1 Policy PSP38 states that extensions to dwellings within established residential curtilages are accepted in principle, subject to detailed development control considerations in respect of local amenity, design and transportation.

Design, visual amenity and impact on Heritage Asset

- 5.2 Policy CS1 and policy PSP38 seek to ensure that development proposals are of the highest possible standards of design in which they respond to the context of their environment. This means that developments should demonstrate a clear understanding of both the site and local history to ensure the character, distinctiveness and amenity is well assessed and incorporated into design.
- 5.3 Policy CS9 seeks to protect and manage the environment, and expects new development to ensure that heritage assets are conserved, respected and enhanced in a manner appropriate to their significance. Further to this, the NPPF attaches great weight to the conservation of heritage assets to ensure their significance is maintained or enhanced. The development is acceptable in principle but will be assessed against the analysis set out below.
- 5.4 The application is supported by a DAS/ Heritage Statement but also a more comprehensive HS.
- 5.5 A detailed description of the construction, evolution and historic significance of The Croft is contained within the HS and so will not be repeated here. The HS is thorough, impressive and commendable document and demonstrates through a detailed analysis of the building that while it appears externally to be a rather unremarkable historic cottage, as the listing citation alludes to, it is a building of notable historic interest with the HS stating that it should be considered to be of “high historical and illustrative significance” (para.5.9).
- 5.6 In approaching the external works proposed, as noted above The Croft does appear as a modest vernacular building that has been subject to a number of unsympathetic and unauthorised alterations.
- 5.7 As identified within the HS, the outbuilding that is proposed to be extended also appears on 1840 Tithe Map and is indicated as being a non-domestic building – i.e. barn, of which it is still referred to within the supporting DAS and HS. While this building has been subject to some significant changes, there is an argument that if sufficient fabric survives then it could be considered curtilage listed.

- 5.8 The HS confirms the while there is little distinctive left of the building to date or characterise it, its thickness and battering of the walls can be considered indicative of a pre-18th century building.
- 5.9 The 1970s lean-to that currently links the main house with the outbuilding may be of no historic or architectural interest; it is representative of the kind of ad hoc extension to be expected. Its relationship with its host may be considered to be negative, but it is very clearly a subservient one.
- 5.10 The Croft is a modest building both in scale and character and so accordingly, any extension needs to be sympathetic to its characteristics to ensure its visual and architectural primacy is preserved. While a striking modern design approach to extending listed buildings in principle can be acceptable, there has to be regard to the existing character of the building to ensure what is intended as being an interesting juxtaposition of styles between old and new does not actually result in the old being somewhat overwhelmed by the new.
- 5.11 Concerns were originally raised by the Conservation Officer in relation to the proposed extension, particularly in regards to its scale. The extension has now been reduced in size, and brought in from the western side to ensure the existing window on the front elevation is maintained on the external façade, as it is currently.
- 5.12 A more traditional construction process has also been introduced whilst incorporating the modernity of bi-fold doors to the front and rear elevations. The proposal is in keeping with the existing buildings, providing a lean-to replacement with reclaimed Cotswold rubble stone walls and an oak framed roof structure. Whilst double roman clay tiles would be preferable, this cannot be accommodated within the proposed roof pitched, however corrugated black steel is considered to be acceptable in this instance.
- 5.13 The relationship between the dwelling and extension is more comfortable and not so dominant, and the design allows the extension to be far more recessive. The amendments are considered to address the previous concerns.
- 5.14 In regards to the proposed first floor extension, the existing roof does not appear to be of any historic interest and the low pitch is out of character. There are no objections to raising the roof line. The rooflights have been reduced in number, repositioned, and will be sourced from "The Rooflight Company". Existing openings will now be reused, as opposed to forming new openings.
- 5.15 The development proposals include the unblocking and reinstatement of a front entrance. In terms of harm, it is considered that the removal of historic fabric and the introduction of a porch out of keeping with the cottage would cause less than substantial harm. Large scale details have however now been submitted to demonstrate that the construction is independent of the listed structure. The heritage asset is therefore protected and reversibility has been demonstrated, thus the harm has been reduced to negligible levels.
- 5.16 It is clear from the information submitted that UPVC windows, rainwater goods, doors and fascias have been installed without listed building consent, albeit by

a previous owner. The applicant has committed to rectify the unauthorised works, with large scale details to be submitted by condition. Their replacement with more appropriate materials has a degree of enhancement to the character and appearance of the buildings, however cannot be considered to off-set any potential harm found elsewhere.

- 5.17 A shed is also proposed to the north of the dwelling. Although some distance from the property, this sits within a formal garden area which appears to have been used as garden land for some years. The proposed shed is relatively small in size and will not impact upon the significance of the listed building, and is appropriate for a rural location.
- 5.18 Overall, the revised scheme is a significant improvement, and the previous concerns raised have been addressed. The proposal is considered to preserve the significance of the heritage asset, and the character and appearance of the wider site.

Residential amenity

- 5.19 The proposed alterations to the link extension are small scale, single storey and in the middle of the sit surrounded by taller elements. It is not considered that this part of the proposal will impact upon residential amenity.
- 5.20 The proposed shed sits in a location that would not impact upon residential amenity.
- 5.21 The proposed first floor extension is to an existing barn, located to the south of the main dwelling. This element sits on the boundary to the neighbouring property. The barns height will be increased by 2.4m to the ridge, with a steeply pitched roof. Given the location of surrounding dwellings in relation to this part of the proposal, it is not considered that the proposal will have an overbearing impact that would cause significant harm to residential amenity.
- 5.22 Concerns have been raised in regards to the proposed rooflights and the potential for overlooking. Given the angle of the rooflights in comparison to the internal floor levels, it is unlikely that the windows could easily increase the overlooking or intervisibility between properties. A condition preventing the insertion of a window at first floor level on the southern gable of the extension is considered to be appropriate, as this would have the potential to impact upon the privacy of residents. The existing window on the southern gable should be retained as obscurely glazed as per the existing situation.
- 5.23 Overall, the proposals are not considered to cause significant harm to residential amenity.

Transport

- 5.24 The proposals are not likely to result in a significant increase in traffic movements to and from the site. There is no objection in transport terms.

Ecology

- 5.25 The site is not covered by any designated sites.
- 5.26 A Preliminary Roost Assessment was undertaken and found the impacted buildings to be of low bat roosting potential. Under the BCT Guidelines the report recommended that a minimum of one emergence/re-entry survey was to be undertaken before the end of August. An emergence survey was undertaken and no bats were recorded emerging or re-entering, no further surveys are required at this time.
- 5.27 A historic bird's nest was recorded in E2 and mitigation has been recommended
- 5.28 No further surveys are required, and there is no ecological objection subject to development proceeding with the submitted mitigation measures, details of lighting being submitted and details of ecological enhancements being submitted.

Arboriculture

- 5.29 The site is surrounded by mature trees, however these are not directly impacted by the proposals. An Arboricultural report in accordance with BS:5837:2012 will be required prior to commencement to ensure the trees are protected during the construction phase.

Consideration of likely impact on Equalities

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

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 It is recommended that planning permission is GRANTED

CONDITIONS

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

Reason

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

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no windows other those shown on the plans hereby approved, shall be formed in the southern gable elevation at any time unless a further planning permission has been granted.

Reason:

To prevent harm to residential amenity to comply with Policy PSP8 of the adopted South Gloucestershire Policies, Sites and Places DPD (Adopted) November 2017.

3. The window shown on the ground floor of the southern gable shall be obscurely glazed. Thereafter the window shall be permanently retained as such.

Reason:

To prevent harm to residential amenity to comply with Policy PSP8 of the adopted South Gloucestershire Policies, Sites and Places DPD (Adopted) November 2017.

4. The development shall proceed in strict accordance with the Mitigation Measures provided in the Ecological Appraisal Protected Species Report (CE Environmental, April 2021) and an updated Protected Species Report (CE Environmental, August 2021).

Reason:

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

5. Prior to commencement, details of lighting are to be submitted to the local authority for written approval, this includes but not limited to specification and location of lighting. Only such details as approved shall be implemented.

Reason:

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

6. Prior to commencement of works a plan detailing the location and specifications of ecological enhancements detailed within Protected Species Report (CE Environmental, April 2021) and an updated Protected Species Report (CE

Environmental, August 2021) is to be submitted to the local authority for written approval. This includes, but not limited to bat and bird boxes.

Reason:

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

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

Reason:

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

8. The development shall be carried out in accordance with the following plans:

23 Jun 2021		ALUMINIUM SPECIFICATION GUIDE
23 Jun 2021		DOOR DETAILS
23 Jun 2021		EXISTING BLOCK PLAN
23 Jun 2021		EXISTING FRONT AND REAR ELEVATION PLANS
23 Jun 2021		EXISTING GROUND FLOOR PLAN
23 Jun 2021		EXISTING NORTH AND SOUTH ELEVATIONS
23 Jun 2021		PROPOSED BLOCK PLAN
23 Jun 2021		TECHNICAL DOOR AND WINDOW DETAIL
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23 Jun 2021	13-1	- PROPOSED STAIRCASE PAGE 1
23 Jun 2021	13-2	- PROPOSED STAIRCASE PAGE 2
23 Jun 2021	18-01B	- WINDOW AND DOOR DETAILS AND SECTIONS 01
23 Jun 2021	18-02C	- WINDOW AND DOOR DETAILS AND SECTIONS 02
23 Jun 2021	18-03B	- WINDOW AND DOOR DETAILS AND SECTIONS 03
23 Jun 2021	20	SITE LOCATION PLAN
23 Jun 2021	23	- PROPOSED SHED ELEVATIONS
02 Sep 2021		GUTTER DETAILS
02 Sep 2021		ROOFLIGHT DETAILS
02 Sep 2021	04	H PROPOSED GROUND FLOOR PLAN
02 Sep 2021	05	H PROPOSED FRONT AND REAR ELEVATIONS
02 Sep 2021	12	E PROPOSED FIRST FLOOR PLAN
02 Sep 2021	24	A EAVES AND GUTTER / DP DETAIL
02 Sep 2021	25	VERGE DETAIL
02 Sep 2021	26	PORCH DESIGN

15 Sep 2021 06 E PROPOSED EAST AND WEST ELEVATIONS

Reason:

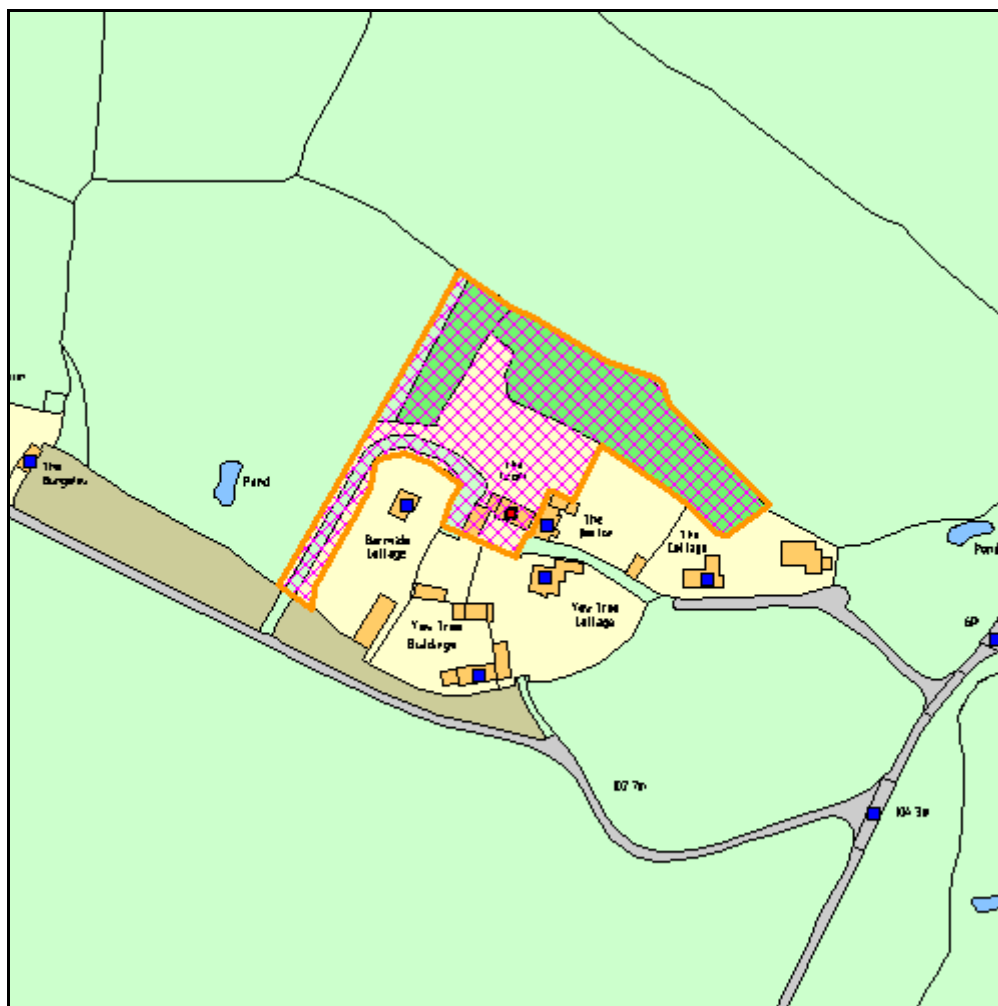
To define the terms and extent of the permission

Case Officer: Rae Mephram

Authorising Officer: Helen Ainsley

CIRCULATED SCHEDULE NO. 42/21 -22nd October 2021

App No.:	P21/01144/LB	Applicant:	Mr And Mrs Badcock
Site:	The Croft Hawkesbury Common Badminton South Gloucestershire GL9 1BW	Date Reg:	25th June 2021
Proposal:	Internal and external works to include raising of roofline on outbuilding to facilitate the creation of additional first floor living accommodation. Demolition of existing lean-to extension and erection of new link extension. Reinstatement of blocked external doorway and erection of porch. Installation of new and replacement windows, rooflights, doors and rainwater goods.	Parish:	Hawkesbury Parish Council
Map Ref:	375931 187141	Ward:	Chipping Sodbury And Cotswold Edge
Application Category:	Minor	Target Date:	17th August 2021



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P21/01144/LB

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

REASON FOR APPEARING ON CIRCULATED SCHEDULE

This application appears on the Council's Circulated Schedule procedure following the receipt of an objection from Hawkesbury Parish Council contrary to the officer recommendation below.

1. THE PROPOSAL

- 1.1 This application seeks listed building consent for internal and external works to include raising of roofline on outbuilding to facilitate the creation of additional first floor living accommodation. Demolition of existing lean-to extension and erection of new link extension. Reinstatement of blocked external doorway and erection of porch. Installation of new and replacement windows, rooflights, doors and rainwater goods.
- 1.2 The application property is a detached dwelling sited within a cluster of dwellings in Hawkesbury Common. The property is a grade II listed building.
- 1.3 Amended plans have been received during the course of the application to address concerns raised by the Conservation Officer. This has not significantly altered the scope of the application and as such no further public consultation has been carried out. The case officer is satisfied that this does not disadvantage the public interest.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework
National Planning Policy Guidance
Planning (Listed Buildings and Conservation Areas) Act 1990
Planning (Listed Buildings and Conservation Areas) Regulations 1990 (as amended)

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

- | | |
|-----|---------------------------------------|
| CS1 | High Quality Design |
| CS9 | Managing the Environment and Heritage |

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

- | | |
|-------|--|
| PSP17 | Heritage Assets and the Historic Environment |
|-------|--|

3. RELEVANT PLANNING HISTORY

- 3.1 N3364 - Erection of 2 storey extension at side to provide W.C. and enlarged kitchen with bathroom above. – Approved – 07.04.1977
- 3.2 P21/01143/F - Demolition of existing lean to extension and proposed new extension and adaptations to existing building – Pending consideration

4. CONSULTATION RESPONSES

- 4.1 Hawksbury Parish Council – “*Objection - The Parish Council would like to see more sympathetic materials used and the design to be more consistence with the existing. As for the "joint connecting section" it would appear the materials and design are not in keeping.*”
- 4.2 Conservation – No objection subject to conditions relating to roof materials, stone samples, and details of windows, doors, vents and flues.

Other Representations

4.3 Local Residents

One general comments has been received, summarised as:

- Concerns regarding the height of the proposed outbuilding
- Concerns regarding pitch of roofline and potential for roof lights to overlook

One objection comment has been received, summarised as:

- Map produced by SGC is inaccurate in regards to boundaries
- Currently obscurely glazed window should be retained as obscure
- Proposed extension should be roofed in tiles not black corrugated

5. ANALYSIS OF PROPOSAL

Principle of Development

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

Impact on the listed building

- 5.3 The application is supported by a DAS/ Heritage Statement but also a more comprehensive HS.
- 5.4 A detailed description of the construction, evolution and historic significance of The Croft is contained within the HS and so will not be repeated here. The HS is thorough, impressive and commendable document and demonstrates through a detailed analysis of the building that while it appears externally to be a rather unremarkable historic cottage, as the listing citation alludes to, it is a building of notable historic interest with the HS stating that it should be considered to be of “high historical and illustrative significance” (para.5.9).
- 5.5 In approaching the external works proposed, as noted above The Croft does appear as a modest vernacular building that has been subject to a number of unsympathetic and unauthorised alterations.
- 5.6 As identified within the HS, the outbuilding that is proposed to be extended also appears on 1840 Tithe Map and is indicated as being a non-domestic building – i.e. barn, of which it is still referred to within the supporting DAS and HS. While this building has been subject to some significant changes, there is an argument that if sufficient fabric survives then it could be considered curtilage listed.
- 5.7 The HS confirms the while there is little distinctive left of the building to date or characterise it, its thickness and battering of the walls can be considered indicative of a pre-18th century building.
- 5.8 The 1970s lean-to that currently links the main house with the outbuilding may be of no historic or architectural interest, it is representative of the kind of ad hoc extension to be expected. Its relationship with its host may be considered to be negative, but it is very clearly a subservient one.
- 5.9 The Croft is a modest building both in scale and character and so accordingly, any extension needs to be sympathetic to its characteristics to ensure its visual and architectural primacy is preserved. While a striking modern design approach to extending listed buildings in principle can be acceptable, there has to be regard to the existing character of the building to ensure what is intended as being an interesting juxtaposition of styles between old and new does not actually result in the old being somewhat overwhelmed by the new.
- 5.10 Concerns were originally raised by the Conservation Officer in relation to the proposed extension, particularly in regards to its scale. The extension has now been reduced in size, and brought in from the western side to ensure the existing window on the front elevation is maintained on the external façade, as it is currently.
- 5.11 A more traditional construction process has also been introduced whilst incorporating the modernity of bi-fold doors to the front and rear elevations. The proposal is in keeping with the existing buildings, providing a lean-to replacement with reclaimed Cotswold rubble stone walls and an oak framed

- roof structure. Whilst double roman clay tiles would be preferable, this cannot be accommodated within the proposed roof pitched, however corrugated black steel is considered to be acceptable in this instance.
- 5.12 The relationship between the dwelling and extension is more comfortable and not so dominant, and the design allows the extension to be far more recessive. The amendments are considered to address the previous concerns.
- 5.13 In regards to the proposed first floor extension, the existing roof does not appear to be of any historic interest and the low pitch is out of character. There are no objections to raising the roof line. The rooflights have been reduced in number, repositioned, and will be sourced from “The Rooflight Company”. Existing openings will now be reused, as opposed to forming new openings.
- 5.14 The development proposals include the unblocking and reinstatement of a front entrance. In terms of harm, it is considered that the removal of historic fabric and the introduction of a porch out of keeping with the cottage would cause less than substantial harm. Large scale details have however now been submitted to demonstrate that the construction is independent of the listed structure. The heritage asset is therefore protected and reversibility has been demonstrated, thus the harm has been reduced to negligible levels.
- 5.15 It is clear from the information submitted that UPVC windows, rainwater goods, doors and fascias have been installed without listed building consent, albeit by a previous owner. The applicant has committed to rectify the unauthorised works, with large scale details to be submitted by condition. Their replacement with more appropriate materials has a degree of enhancement to the character and appearance of the buildings, however cannot be considered to off-set any potential harm found elsewhere.
- 5.16 Overall, the revised scheme is a significant improvement, and the previous concerns raised have been addressed. The proposal is considered to preserve the significance of the heritage asset.

Other matters

- 5.17 Concerns have been raised by residents in regards to residential amenity, particularly overshadowing and overlooking. This issues go beyond the scope of a listed building application, but will be considered in full under the parallel planning application.

Consideration of likely impact on Equalities

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

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 That the application be APPROVED subject to conditions.

CONDITIONS

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

Reason

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

2. Prior to the commencement of the external walls of the development details of the roofing materials proposed to be used on the single storey and first floor extension shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

In order that the works serve to preserve the architectural and historic interest of the listed building in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with National Planning Policy Framework (2018) and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Development Plan Document (adopted November 2017).

3. Prior to the commencement of relevant works, a representative sample panel of natural facing stone, of at least one metre square, showing the stone, coursing, mortar and pointing, shall be erected on site and approved in writing by the local planning authority. The development shall be completed strictly in accordance with the approved panel, which shall be retained on site until completion of development, for consistency.

Reason:

In order that the works serve to preserve the architectural and historic interest of the listed building in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with National Planning Policy

Framework (2018) and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Development Plan Document (adopted November 2017).

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

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23 Jun 2021		DOOR DETAILS
23 Jun 2021		EXISTING BLOCK PLAN
23 Jun 2021		EXISTING FRONT AND REAR ELEVATION PLANS
23 Jun 2021		EXISTING GROUND FLOOR PLAN
23 Jun 2021		EXISTING NORTH AND SOUTH ELEVATIONS
23 Jun 2021		PROPOSED BLOCK PLAN
23 Jun 2021		TECHNICAL DOOR AND WINDOW DETAIL
23 Jun 2021		TECHNICAL DOOR AND WINDOW DETAIL
23 Jun 2021	13-1	- PROPOSED STAIRCASE PAGE 1
23 Jun 2021	13-2	- PROPOSED STAIRCASE PAGE 2
23 Jun 2021	18-01B	- WINDOW AND DOOR DETAILS AND SECTIONS 01
23 Jun 2021	18-02C	- WINDOW AND DOOR DETAILS AND SECTIONS 02
23 Jun 2021	18-03B	- WINDOW AND DOOR DETAILS AND SECTIONS 03
23 Jun 2021	20	SITE LOCATION PLAN
23 Jun 2021	23	- PROPOSED SHED ELEVATIONS
02 Sep 2021		GUTTER DETAILS
02 Sep 2021		ROOFLIGHT DETAILS
02 Sep 2021	04	H PROPOSED GROUND FLOOR PLAN
02 Sep 2021	05	H PROPOSED FRONT AND REAR ELEVATIONS
02 Sep 2021	12	E PROPOSED FIRST FLOOR PLAN
02 Sep 2021	24	A EAVES AND GUTTER / DP DETAIL
02 Sep 2021	25	VERGE DETAIL
02 Sep 2021	26	PORCH DESIGN
15 Sep 2021	06	E PROPOSED EAST AND WEST ELEVATIONS

Reason:

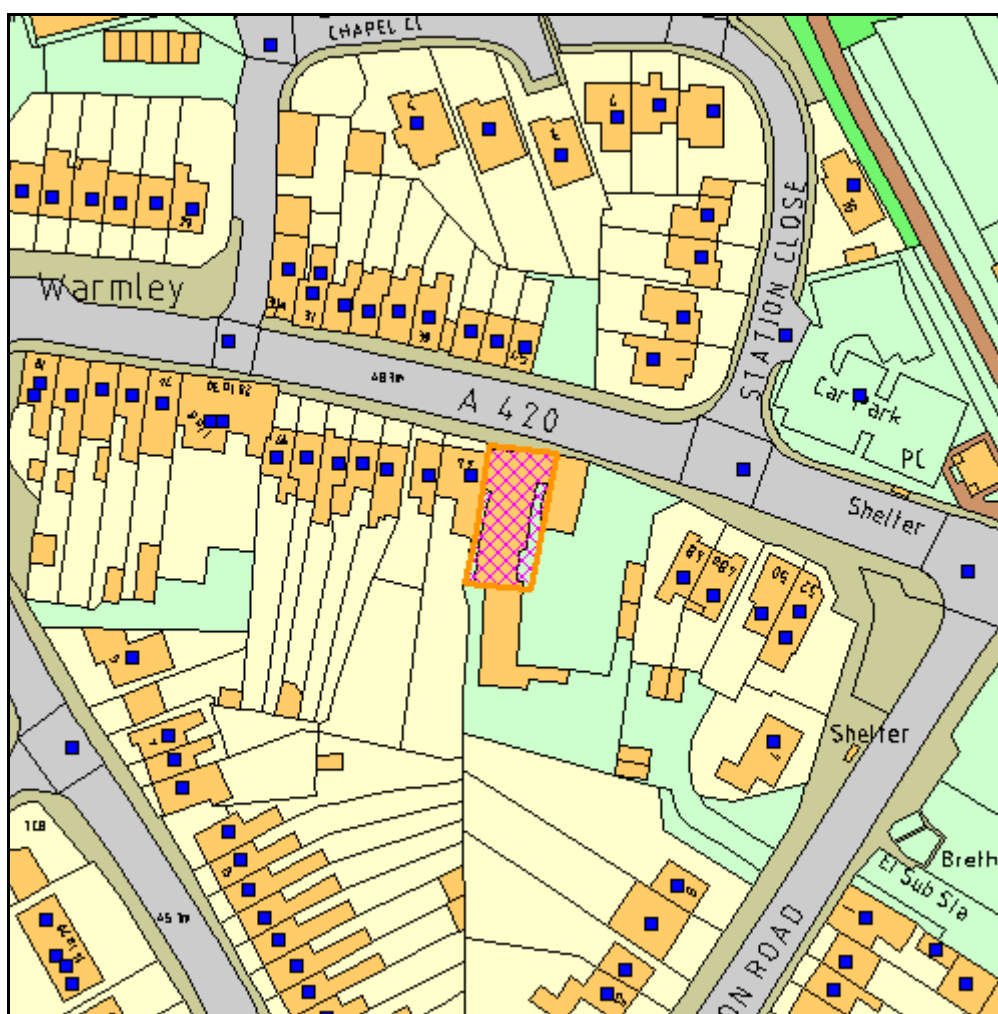
To define the terms and extent of the permission

Case Officer: Rae Mepham

Authorising Officer: Helen Ainsley

CIRCULATED SCHEDULE NO. 42/21 -22nd October 2021

App No.:	P21/02688/F	Applicant:	Bristol And Bath Developments Ltd
Site:	46 High Street Warmley South Gloucestershire BS15 4NF	Date Reg:	20th April 2021
Proposal:	Erection of 2 no. dwellings with associated works.	Parish:	Siston Parish Council
Map Ref:	367013 173561	Ward:	Parkwall And Warmley
Application Category:	Minor	Target Date:	11th June 2021



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P21/02688/F

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

REASON FOR REFERRING TO CIRCULATED SCHEDULE

This application is referred to the circulated schedule due to objections received from 3no. local residents which are contrary to the Officers recommendation.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of 2 no. dwellings with associated works at 46 High Street, Warmley.
- 1.2 The site was subject to an application in 2014 for the demolition of the existing building and erection of 4 no. semi-detached dwellings, 2no self-contained flats and offices for B1 use. The application was approved at appeal.
- 1.3 The former buildings on the site consisted of the former 'Stationmaster' Public House and most recently The Bollywood Spice Indian restaurant. The building itself was locally listed, however has now been demolished.
- 1.4 The proposal subject of this application seeks to replace the proposed office use with two additional 4-bedroom dwellings. The site is currently in state of disrepair and would benefit from some form of development.

2. POLICY CONTEXT

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

CS1 High Quality Design
CS4a Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS13 Non-Safeguarded Economic Development Sites
CS15 Distribution of Housing
CS16 Housing Density
CS17 Housing Diversity
CS18 Affordable Housing

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

PSP1 Local Distinctiveness
PSP2 Landscape
PSP3 Trees and Woodland

PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water and Watercourse Management.
PSP21	Environmental Pollution and Impacts
PSP22	Unstable Land
PSP43	Private Amenity Standards

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

3. **RELEVANT PLANNING HISTORY**

- 3.1 PK14/3626/F
 Demolition of existing building and erection of 4no. semi-detached dwellings, 2no. self-contained flats and Offices for B1 use with associated works.
- 3.2 DOC21/00038
 Discharge of condition 5 attached to planning permission PK14/3626/F. Demolition of existing building and erection of 4no. semi-detached dwellings, 2no. self-contained flats and Offices for B1 use with associated works.
 DOC Decided: 2/03/2021

4. **CONSULTATION RESPONSES**

- 4.1 Siston Parish Council
 No objection.
- Sustainable Transport
 No objection.
- Lead Local Flood Authority
 No objection.
- Highway Structures
 Informative.
- Environmental Protection
 No objection in principle, subject to land contamination and air quality considerations.
- The Coal Authority
 No objection

Other Representations

- 4.2 Local Residents
 Objection comments received from 4no local residents, summarised as follows;

- Only 3 parking spaces provided.
- Concern over traffic, parking should be for residential purposes only.
- Application is directly adjoining my home.
- Subsequent failure to build after the demolition of the Stationmaster PH has had a severely detrimental effect on my home.
- No mention of party wall protection.
- Information on size of dwelling/number of people contradictory.
- Unclear which application will be implemented.
- Supporting documents are out of date.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The application relates to a previously developed site which, in accordance with Policy CS5 of the Core Strategy, is located within a defined urban area where residential development is generally guided towards. The land was previously occupied by the 'Stationmaster' Public House and most recently The Bollywood Spice Indian restaurant; the building itself was locally listed, however has now been demolished. The principal of demolishing the local heritage asset and replacing it with built form was established by the Planning Inspector at appeal (ref: PK14/3626/F). However, the proposal subject of the appeal was for 4no.semi-detached dwellings, 2no. Self-contained flats and Offices for B1 use. The proposal subject of this application is proposing to develop the land previously proposed for office use with 2no. dwellings.

Policy CS13 of the Core Strategy states that proposal for change of use on economic development sites not safeguarded in Policy CS12 will not be allowed unless it can be demonstrated that all reasonable attempts have failed to secure a suitable economic re-use. Where these circumstances occur, then priority will be given to alternative uses in the following sequence:

1. A mixed use scheme
2. A residential only scheme.

The supporting information submitted with the proposal states that the proposed office use was designed with a specific end user in mind (the applicant) and was designed with respect of a pre Covid-19 business model. The applicant no longer requires any additional office space in the current economic climate. The applicant has been advised by their brokers that they would be unable to secure any finance to fund the development of 2 commercial units. The amount of remaining residential units are not thought sufficient to offset the cost of constructing the commercial units, making the mixed use nature of the extant approval economically unviable. This claim is not supported by any substantial analysis. However, in this instance, officers are willing to accept the case put forward. The officer report for the original application (PK14/3626/F) concluded that the original commercial use was economically unviable. Furthermore, the main issue addressed at appeal was the retention of the locally listed 'Stationmaster' pub. However, given that the building in question has now been demolished and the previous commercial use on the site has ceased, the site remains in a state of disrepair indefinitely;

weight is given to the regeneration of the site for residential use that would otherwise, on the balance of probability, remain in a poor and unappealing condition which would be to the detriment of the surrounding area. As such, in this case, given the above the proposal is considered to be acceptable in principle, subject to the considerations below.

5.2 Design and Visual Amenity

The proposed dwellings would appropriately follow the existing building line on this section of the High Street and the proposed amenity space and parking provision to the rear is considered to be acceptable. The appearance of the proposed dwellings would only be modestly altered from extant permission, with the welcome addition of chimney stacks and conservation roof lights to the roofs. Within the appeal decision, the Inspector noted *'the Council's suggested conditions include the provision for chimney's to be added and more traditional materials than the concrete roof tiles and upvc window frames indicated on the submitted drawings could also be required by condition'*, *Subject to those matters, and notwithstanding the conservation-type roof lights, the terrace would sit comfortably in the streetscene, reflecting key elements of its existing character.'* As the proposed roof tiles and windows have not been altered from the previous submission, it is suggested that the conditions in relation to materials are carried over from the appeal decision to ensure a satisfactory and consistent appearance throughout the entirety of the development.

5.3 Residential Amenity

The scale and size of the development would be unaltered from the previously approved scheme and it is therefore not thought to result in any undue overbearing or loss of light impacts. There is also considered to be sufficient separation distance from the rear elevation of the proposed dwellings and the front elevation of proposed dwellings approved under the previous application as not to result in any substantially detrimental loss of privacy.

5.4 It is acknowledged that the proposed garden space falls below the size guide as set out by policy PSP43, however the policy states that private amenity space should be functional and safe; easily accessible from living rooms; orientated to maximise sunlight; and of a functional shape. In this case, the proposed gardens would be a simple rectangular design located to the rear of the properties, would face south to maximise sunlight and be directly accessed from the ground floor living area. As such, the proposed amenity space is considered to be acceptably private and functional and is therefore not thought to result in any overly detrimental impact to the living conditions of future occupiers.

5.5 Transportation

Some concern has been raised by local residents in regard to the proposed parking arrangements. No parking would be provided for anything other than residential purposes; the proposed site plan indicates that two parking spaces would be provided for each dwelling and the proposed parking provided for the adjoin flats would be unaltered. Therefore, the proposed parking meets the Council's requirement as outlined in policy PSP16 of the PSP plan and as such, no objection can be raised on this issue. The proposal would utilise the previously approved vehicle access off the High Street and is not thought to

significantly alter the number of journeys to and from the site from the previous scheme. Subject to a condition for the provision of electric vehicle charging points, no objection is raised in transport terms.

5.6 Drainage and Environmental Issues

The Council's drainage engineer has raised no objections in relation to the proposed surface water drainage of the site. The site is located in an area where there was likely historic coal workings. A condition was attached to the previously approved application for a scheme of intrusive site investigations to establish whether there are underground mining levels or culverts which necessitate remedial works. This condition was discharged in March 2021. On the basis of the submitted reports, The Coal Authority are satisfied that the shallow coal seams have not been worked beneath the site at a shallow depth and therefore have no objection to the proposal.

5.7 Other Matters

Party wall agreements are a civil matter and do not form part of the planning assessment.

Any structural concerns would be satisfied by Building Regulations.

5.8 Equalities

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

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

6. CONCLUSION

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

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

7. **RECOMMENDATION**

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

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. Prior to commencement of the relevant phase of works, details of the following items, including details of materials and finishes, shall be submitted to and approved in writing by the Council. The work shall be carried out strictly in accordance with the approved details:

- a) external doors;
- b) external windows, including cill and head details;
- c) conservation roof-lights
- d) eaves, verges and ridges
- e) roofing materials
- f) finish texture and colour of render

The design and details shall be accompanied by elevations and section drawings. The works shall thereafter be implemented strictly in accordance with the agreed details.

Reason

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

3. Prior to the first occupation of any of the dwellings hereby approved, the off-street parking shall be provided in accordance with the Proposed Site Plan (100 Rev B) and will subsequently be maintained thereafter.

Reason

To ensure the satisfactory provision of parking facilities and in the interests of highway safety to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework.

4. Prior to the first occupation of the dwellings hereby approved, details of the provision of a 7kw/32Amp Electric Vehicle Charging Point for each dwelling shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to first occupation and retained as such thereafter.

Reason

In order to reduce greenhouse gas emissions and to provide and promote the provision of sustainable travel options to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

5. The development hereby approved shall be carried out in accordance with the following documents:

Received by the Council on 14th April 2021;
Proposed Site Plan Plots 7 & 8 (100 Rev B)
Proposed Floor Plans & Elevations (101 Rev B)
Existing Site Plan & Street Elevation (50 Rev A)

Reason

To define the terms and extent of the permission.

Case Officer: James Reynolds

Authorising Officer: David Stockdale

CIRCULATED SCHEDULE NO. 42/21 -22nd October 2021

App No.:	P21/03825/FDI	Applicant:	BARRATT DEVELOPMENTS PLC
Site:	Land At Tanhouse Lane Yate South Gloucestershire	Date Reg:	28th May 2021
Proposal:	Part diversion of public footpath (LYA45/20)	Parish:	Yate Town Council
Map Ref:	371276 185121	Ward:	Chipping Sodbury And Cotswold Edge
Application Category:		Target Date:	19th July 2021



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 100023410, 2008. **N.T.S.** **P21/03825/FDI**

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

1. THE PROPOSAL

- 1.1 This application is made under Section 257 of the Town and Country Planning Act 1990 (as amended) for the permanent diversion for part of footpath LYA45/20.
- 1.2 The application site comprises the North Yate New Neighbourhood, and the diversion is required to facilitate the implementation of residential development for reserved matters phases 4 (P19/2525/RM superseded by P20/23028/RVC) and 5 (P21/03161/RM).
- 1.3 LYA45/20 is a public footpath which extends in a northwest to southeast direction and connects Tanhouse Lane to Yate Rocks. The proposed diversion is shown on plan "Footpath Diversion Plan – PL17A, PL17B, PL18A, PL19, PL20, PL21 and PL28a, PL28b, PL29A and PL29B" no.0642-1017 via the route BM-BL-BK-BJ-BI-BH-BG-BF-BE-BD-BC-BB-BA. The diversion is required to maintain a suitable link through the development between Tanhouse Lane and Yate Rocks.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework Jul 2021
Town and Country Planning Act 1990 (as amended) Section 257
Circular 01/2009 Rights of Way

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
CS9 Managing the Environment and Heritage
CS31 North Yate New Neighbourhood

South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017
PSP10 Active Travel Routes
PSP11 Transport Impact Management

3. RELEVANT PLANNING HISTORY

- 3.1 PK12/1913/O, Mixed use development across 100.76 hectares of land comprising up to 2,450 new dwellings (Use Class C3), extra care housing (Use Class C2), 4.63 hectares of employment land (Use Class B1, B2) provision of a local centre, two primary schools, together with the supporting infrastructure and facilities including: new vehicular and pedestrian accesses, public open space and landscaping and proposal to underground the electricity powerlines.

- Outline application including access with all other matters reserved. **Approved on 17th July 2015.**
- 3.2 P19/6296/RVC, Variation of condition 19 attached to outline planning permission PK12/1913/O (as amended under applications PK15/5230/RVC, PK16/2449/RVC, PK17/0039/NMA and PK17/4826/RVC) to amend the wording of the condition (19) to "There shall be no commencement of Phase 5 of the development as shown on the Phasing Plan submitted pursuant to condition 4, until such time as the internal link road linking Randolph Avenue, Leechpool Way and the access from the Peg Hill development (as approved by planning permission PK12/0429/O) has been implemented and is operational. Construction use and residential use are deemed operational". **Approved on 13th September 2019.**
- 3.3 P19/2525/RM, Proposed erection of 229 residential dwellings and their associated roads, drainage, landscaping, garaging and parking to include reserved matters of appearance, layout, scale and landscaping. **Approved on 16th September 2019. This application relates to phase 4.**
- 3.4 P21/23028/RVC, Variation of condition 6 attached to permission P19/2525/RM as added by P20/20119/NMA to amend the approved plans and to add an additional condition for affordable housing. P19/2525/RM- Proposed erection of 229 residential dwellings and their associated roads, drainage, landscaping, garaging and parking to include reserved matters of appearance, layout, scale and landscaping. Approval of reserved matters attached to permission PK17/4826/RVC (formerly PK12/1913/O) Mixed use development across 100.76 hectares of land comprising up to 2,450 new dwellings (Use Class C3), extra care housing (Use Class C2), 4.63 hectares of employment land (Use Class B1,B2) provision of a local centre, two primary schools, together with the supporting infrastructure and facilities including: new vehicular and pedestrian accesses, public open space and landscaping and proposal to underground the electricity powerlines. Outline application including access with all other matters reserved. **This application is still being considered by the Local Planning Authority. This application relates to an amendment to the layout of phase 4.**
- 3.5 P21/03161/RM, Erection of 145 no. dwellings with roads, drainage, landscaping and associated works with appearance, layout, scale, and landscaping to be determined. Approval of Reserved Matters to be read in conjunction with outline permission PK17/4826/RVC - Variation of conditions 12, 19 and 41 attached to outline planning permission PK12/1913/O to rationalise and validate amendments to conditions previously granted under application reference numbers PK15/5230/RVC, PK16/2449/RVC, and PK17/0039/NMA. **This application is still being considered by the Local Planning Authority. This application relates to phase 5.**

4. CONSULTATION RESPONSES

- 4.1 Wickwar Parish Council
No comments received

4.2 Yate Town Council

As it is converting a pleasant rural footpath into an urban one, then the route of the diverted route (ie from BA to BM) needs to be surfaced, and needs to be split from vehicles throughout. It should be considered alongside application 3161 as it is diverting the footpath that goes across that site onto the estate roads;

The diverted route crosses a relatively main spine road in the development at BC-BE on a bend, with no crossing facilities. This needs to have dropped kerbs, and a proper island for crossing. There is not even a space in the grass verge with tarmac to the kerb at point BE and to get to a kerb, users would have to go much further along the road and then walk up a driveway. So, the route needs to align to where the proposed dropped kerbs are, or dropped kerbs on the planning application have to align to the proposed path;

Part of the route between BH and BI is on private drive unadopted, as is BA to BB. This is not acceptable.

4.2 PROW Officer

The route of the proposed diversion has been agreed with the PROW team and therefore we have no objection.

Other Representations

4.3 Local Residents

One letter of objection was initially received from a local residential occupier on the basis that the plan "SGC Map – Application Site Plan" (a plan produced by the Council's Technical Team as part of the validation and registration process) was not plotted accurately and was shown to cross private property. However, following the proposed footpath diversion being re-plotted more accurately by the Council's Technical Team the consultee has commented as follows:

"Further to the revised Footpath Diversion Plan dated 30/06/21 and revised SGC Map Application Site Plan dated 21/06/21, I am pleased to advise that my two Public Comments dated 04/06/21 should be withdrawn as the revised Plans resolve the issue."

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The diversion of a Public Right of Way is not development as defined in the Town and Country Planning Act. As such, a diversion order can only be considered within planning legislation when the diversion of the footpath is required in order to allow the implementation of a planning permission. The nature of the assessment should consider the proposed route and its suitability in terms of the amenity of the public right of way and whether or not the diversion is reasonable in respect of the planning permission it relates to.

5.2 The existing footpath is required to be diverted because the implementation of residential development would make the existing route unviable. The path to be diverted and an alternative route highlighted by a dashed line is clearly shown

on the plan “Footpath Diversion Plan – PL17A, PL17B, PL18A, PL19, PL20, PL21 and PL28a, PL28b, PL29A and PL29B” no.0642-1017 submitted to the Local Planning Authority. In accordance with the approved masterplan, the majority of the route will be through a green infrastructure corridor running tight to an existing tree and hedge line associated with the Ladden Brook from the starting point off of Tanhouse Lane for approximately 254 metres (points BM-BH). As such, it will continue to provide a high level of visual amenity to users.

A shorter section of the route would be via a dedicated 2 metre estate path (points BF-BA); however, it would still extend close to either hedgerow or street trees and therefore, will provide an adequate standard of visual amenity. The route crosses a secondary street between points BE and BD, and BJ and BK; there will be consideration under the detailed design process to ensure that the crossing points are provided and adequately designed for pedestrian use.

The start and end point of the proposed diversion will not alter from the existing public right of way, and the route will maintain a convenient route between Yate Rocks and Tanhouse Lane. The comment from Yate Town Council with regards to surfacing is noted; and whilst the diversion will be on grass where it extends through a green corridor there would also be an alternative hard surface route available for use via shared surface streets and dedicated tarmac paths. Therefore, there is no objection on this basis. The proposed diversion will not extend through any private drives; it will extend through adoptable streets and public open space.

5.3 No objection has been raised by the Council’s Public Rights of Way Officer in respect to the proposed diversion. The permanent diversion of footpath LYA45/20 is considered to be acceptable in terms of the amenity of the public right of way and the diversion is considered to be reasonably necessary to enable the implementation of reserved matters for phases 4 and 5; accordingly there is no objection to the proposed diversion.

5.4 Consideration of likely impact on Equalities

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

6. CONCLUSION

6.1 It is accepted that it is necessary to stop up and divert the public right of ways to facilitate development which has been approved in principle and through

reserved matters and acceptable alternative provision for the route will be provided.

7. RECOMMENDATION

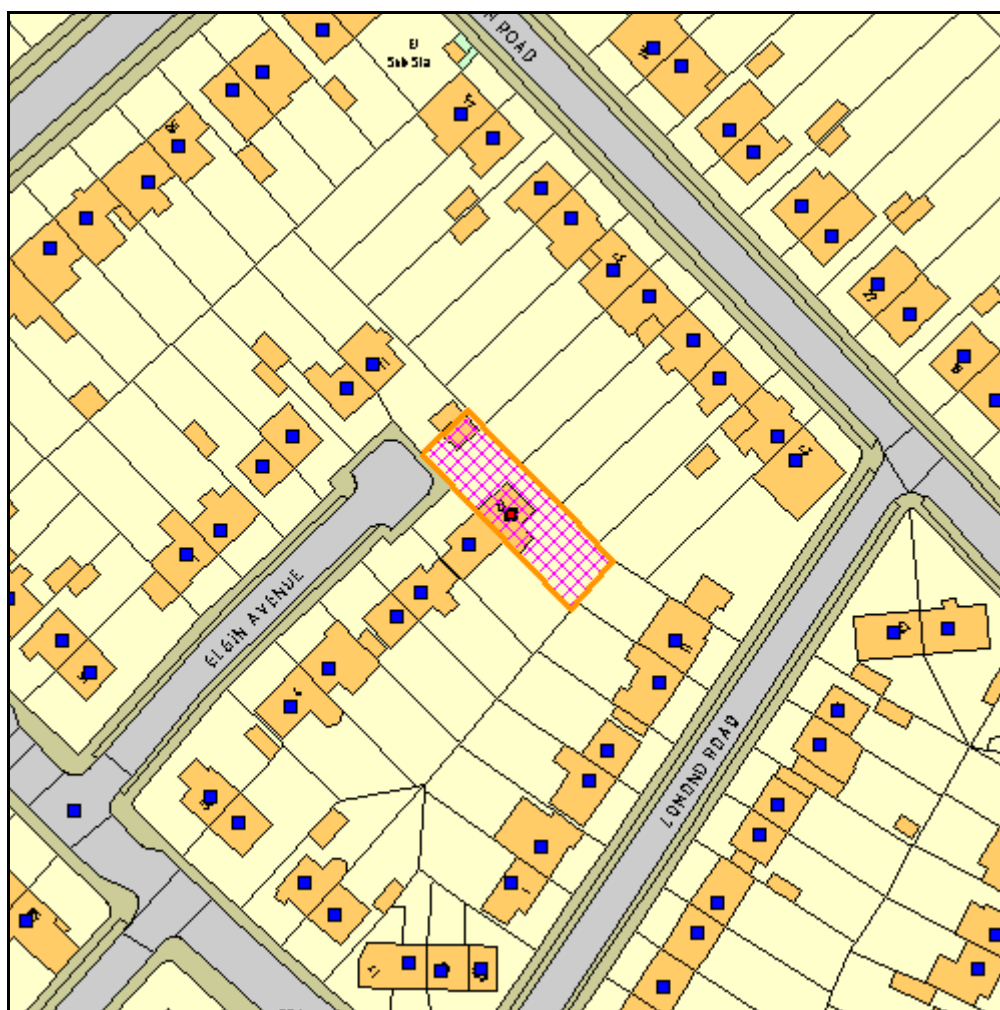
- 7.1 That no objection is raised to the proposed diversion of footpath LYA45/20 and that the Head of Legal and Democratic Services is instructed and authorised to make the Order under Section 257 of the Town and Country Planning Act 1990 for the diversion of footpath LYA45/20 as shown on plan "FOOTPATH DIVERSION PLAN - PL17A, PL17B, PL18A, PL18B, PL19, PL20, PL21 & PL28A, PL28B, PL29A no.0642-1017" received by the Local Planning Authority on 30th June 2021.

Case Officer: Jonathan Ryan

Authorising Officer: Eileen Paterson

CIRCULATED SCHEDULE NO. 42/21 -22nd October 2021

App No.:	P21/04004/F	Applicant:	Mr And Mrs Gillen
Site:	12 Elgin Avenue Filton South Gloucestershire BS7 0TG	Date Reg:	4th June 2021
Proposal:	Erection of two storey side/rear and single storey front/rear extensions to form additional living accommodation.	Parish:	Filton Town Council
Map Ref:	359625 178469	Ward:	Filton
Application Category:	Householder	Target Date:	23rd July 2021



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P21/04004/F

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

This application has been referred to the Circulated Schedule as the officer recommendation is contrary to that of Filton Town Council.

1. **THE PROPOSAL**

- 1.1 Planning permission is sought for the demolition of a conservatory to be replaced by a part two-storey, part single-storey front, side and rear extension at 12 Elgin Avenue, Filton.
- 1.2 The application site comprises of a rectangular shaped plot situated at the north-eastern conclusion of the Elgin Avenue cul-de-sac. The primary feature of the site is a 1930's semi-detached two-storey dwellinghouse that as originally constructed was identical to the other 11 properties within the cul-de-sac. The dwellinghouse has subsequently benefitted from the addition of a rear conservatory. Its associated curtilage includes front, side and rear gardens with a driveway and garage that in conjunction with the driveway and garage of No. 11 form the focal point of views along Elgin Avenue. The site is surrounded by similar properties with the rear gardens of dwellinghouses on Lomond Road and Rannoch Road forming the northern and eastern boundaries.
- 1.3 The application site is situated within the northern fringe of Bristol's urban area and has been identified as having potential for archaeological interest. The site does not benefit from any other relevant planning designations.

2. **POLICY CONTEXT**

- 2.1 **National Guidance**
 - i. National Planning Policy Framework 2021
 - ii. National Planning Practice Guidance

- 2.2 **Development Plans**

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

CS1 High Quality Design

CS4a Presumption in Favour of Sustainable Development

CS5 Location of Development

CS8 Improving Accessibility

CS25 Communities of the Northern Fringe of Bristol's Urban Area

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, Including New Extensions and New Dwellings
PSP43 Private Amenity Space Standards

2.3 Supplementary Planning Guidance

- i. Design Checklist SPD (Adopted 2007)
- ii. Technical Advice Note: Assessing Residential Amenity 2016
- iii. Residential Parking Standards SPD (Adopted 2013)
- iv. Householder Design Guide SPD (Adopted 2021)

3. **RELEVANT PLANNING HISTORY**

3.1 None

4. **CONSULTATION RESPONSES**

4.1 Filton Town Council

Objects to the proposal for the following reasons:

- Not in keeping with the current street layout and impacting the street scene
- Over development of the property
- Potential for this to become an HMO in the future must be taken into consideration

4.2 Transportation Development Control

No objection.

4.3 Archaeology Officer

No comment.

4.4 Cllr Alan Bird

Objects to the proposal for the following reasons:

- Not in keeping with the current street layout and impacting the street scene
- Over development of the property
- Potential for this to become an HMO in the future must be taken into consideration

4.5 Neighbouring Residents

There have been two letters received objecting to the proposal. These sought to raise the following concerns:

Procedural

No formal notification of this proposed development was received from the LPA.

Scale/Character/Design

The proposed extension is very large and intrusive, much closer to our property than is acceptable and should be reduced considerably. The design fails to respond to the 1930's style and layout that defines both Elgin Avenue and Lomond Road. The proposed doubling of floor space is much too large, there are no comparative examples of such development in the locality.

Accuracy of Plans

The Site Plan submitted appears to be inaccurate, providing only an illusion of low-density development. This will need to be verified.

Parking

This development does not afford any additional parking which is already a constant issue within Elgin Avenue.

Subsequent Conversion to an HMO

With so many bedrooms and three bathrooms, this could easily become an HMO. The office and snug could also feasibly become bedrooms.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application site is situated within the northern fringe of Bristol's urban area and is currently utilised as a C3 dwellinghouse. The proposed development would extend the area of living accommodation at the expense of the conservatory and elements of the front, side and rear gardens. This intensification of the existing residential use is a form of development that is supported by PSP38 subject to considerations of visual amenity, residential amenity and highway safety. In addition, Policy CS1 of the Core Strategy seeks that the siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the application site and its context. As such, the proposal raises no issues in principle subject to the various material considerations addressed below.

5.2 Design, Character & Appearance

Policy CS1 of the Core Strategy and policy PSP1 and PSP38 of the Policies, Sites, and Places Plan seek to ensure that development proposals are of the highest possible standards of design. This means that developments should be informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context.

The proposed works comprise of three interconnected yet distinct extensions, a single storey front and side extension, a two-storey side and rear extension and a single storey side and rear extension. These shall be considered in turn, then assessed for their cumulative impact.

The most substantial addition relates to the two-storey side and rear extension. This would be recessed 0.75 metres off the principal elevation, project 2.6 metres from the side elevation and 2.5 metres beyond the original dwelling's

rear elevation. Its roof form would respond to the hipped roof form of the host, matching the eaves height and roof pitch to form a ridgeline 0.6 metres lower than that of the main dwelling.

The scale of this extension, whilst considerable, would nevertheless retain the primacy of the host dwelling and is compliant with all the relevant design guidance for side and rear extensions detailed in the Householder Design Guide SPD. The resultant additional massing of this element of the proposal would be largely hidden from public view, appearing most stark when viewed from the rear of adjacent properties to the north and east. Whilst the large scale of the addition is not contested, its design, use of form and materials succeed in retaining the key characteristics and proportions of the host dwelling such that this additional bulk can be accommodated without compromising its charm or contribution to local character. This form of development would be novel within the limited context of Elgin Avenue itself, yet the surrounding area features similar properties with equivalent or less sympathetic two-storey side and rear extensions, most notably at Nos. 2, 11 and 21a Rannoch Road. Although the supporting text for PSP1 makes clear that indistinct quality development within the locality does not justify further indistinct quality developments, this allusion merely serves to highlight the evolving character of the area for which this development would not appear as a jarring or otherwise incongruous addition. To be clear, this proposed extension exhibits a reasonable design that would not have a detrimental impact on the character of the host dwelling or its surrounding context. Whilst this proposal undoubtedly seeks to secure the maximum development potential for a two-storey side and rear extension, it would nevertheless sit comfortably within the plot and is considered a wholly justifiable addition that satisfies all the relevant policies and supplementary planning guidance.

The single storey front and side extension would be the most prominent element of the proposal within the streetscene as it projects beyond the front plane of the bay window, encroaching beyond the established building line for properties on Elgin Avenue. Whereas this would likely constitute a significant design issue for a property midway up the cul-de-sac, the specific siting of this element of the proposal on the northern side of the end property within the street affords a more accommodating approach. In tandem with No.11 Elgin Avenue situated opposite, these two properties at the end of the cul-de-sac have gardens that wrap around the turning head with garages situated on their shared boundary orientated perpendicularly to their host dwellings. This distinguishes these two properties from the more regimented plot shape and built form exhibited across the other 10 dwellings within the street and this location also limits the public vantage points of these properties to views exclusively from the southwest. These factors combine to accommodate what would otherwise be considered an inharmonious design feature without incurring a jarring break in the character or rhythm of the streetscene. As such, whilst a departure from best practice principles, the forward projection of this single storey element is considered a sub-optimal but nevertheless acceptable design response to the specific context of this application site.

The final element is the single storey side and rear extension and this is the least concerning element of the proposal in design terms. Whilst the use of a

half-hipped, half-gabled roof form is a departure from best practice principles, it responds to the constraints of the site as the hipped roof form reduces the massing and presence of the extension closest to No. 10 whilst allowing for the introduction of two velux windows to serve as additional light sources for the kitchen. Furthermore, as this aspect of the proposed works would be the least visible element from both public and neighbouring vantage points, the resultant impact of such a design quirk is considered to be negligible.

When each of these three elements are considered as a whole, it is the cumulative increase in the mass and building footprint of the property that forms the principal cause for concern with this proposal. Householder extensions that would double the host buildings' footprint, such as this, are typically considered disproportionate additions as the scale of works would challenge the primacy of the host dwelling. Yet, on this occasion, as the proposed works are spread across three elevations which each clearly retain the primacy of the original building, the design succeeds in delivering such a substantial volume increase without incurring a harmful subsuming effect on the character of the host dwelling. The retention of distinctive design elements that are repeated throughout the streetscene and define the public face of the property such as the first floor corner window, the projecting bay windows and the feature diamond shaped ground floor window ensure local distinctiveness would not be compromised. In addition, the sensitive use of matching materials and the specification and alignment of the additional fenestration all serve to ensure these works would suitably integrate with the hosts appearance.

In summation of the above, the extent of these additions to the property amount to a 100% increase in its scale, yet the wraparound nature of the extensions would defuse this bulk such that each constituent element would respect the character and proportions of its host. Whilst the front and rear elements are not entirely in alignment with the design principles detailed in the Householder Design Guide SPD, these departures are considered justifiable within this context such that the scheme would accord with the design aspirations of CS1 and part 1) of PSP38. Furthermore, those features of the host dwelling that make a significant positive contribution to local distinctiveness, namely the fenestration upon the principal elevation, would not be adversely affected by these proposals such that the scheme would also satisfy PSP1.

5.3 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 most pronounced impact of this proposal in terms of neighbouring amenity would undoubtedly be to the property situated immediately to the rear of the application site, No. 11 Lomond Road. The recent removal of a mature apple tree from the rear garden of the application site has heightened the visibility of the host dwelling and the proposed additional fenestration upon the part two-

storey, part single storey side and rear extensions would result in a more prominent and potentially intrusive relationship between these properties.

When assessing the acceptability of such matters it is useful to refer to the *Assessing Residential Amenity: TAN* which provides technical guidance as to what constitutes sufficient separation distances that can avoid an unacceptable loss of, or reduction in, levels of privacy. This stipulates that development which demonstrates a distance of 20 metres between two-storey primary living accommodation will be considered to reflect the highest possible standards of design that would ensure privacy levels are protected. In this instance, the rearward projection of the proposed two storey element would, at its closest point, be situated 24.6 metres distant from the rear elevation of No. 11 Lomond Road, with the single storey element projecting a further 2.5 metres at 22.1 metres distant. This is greater than the specified minimum distance and is therefore considered an acceptable arrangement in terms of privacy.

The secondary consideration regarding the amenity impact of this proposal on the occupants of No. 11 Lomond Road relates to the physical presence of the extensions. The scale of the two-storey element in particular raises legitimate questions of overbearing and a potentially dominant impact. Upon examination of the site and its surrounding context, the proposal is revealed to be almost identical to that of the existing relationship between No. 14 Lomond Road and a similar extension at No.11 Rannoch Road. Such relationships are a common feature within urban and suburban environments and whilst it is accepted that the proposals would appear more dominant than the existing relationship, the physical presence would not be of sufficient scale or proximity to incur an unacceptable impact.

The most proximate properties to the bulkiest two-storey element of this proposal are in fact Nos. 31-35 Rannoch Road. This extension would increase the side profile of the host dwelling such that the gardens of these neighbouring properties would be enclosed by a two-storey elevation that is featureless above the level of the existing boundary treatment, only a metre distant. The removal of a first-floor window overlooking these gardens would improve the privacy afforded to the occupants of these properties, yet the resultant expanse of blank elevation can have an oppressive impact. The aforementioned *Assessing Residential Amenity: TAN* also provides guidance on this matter, stating that a minimum of 12 metres should be retained between a blank side elevation and the facing elevation of a neighbouring property. In this instance, the distance to the facing rear elevation of Nos. 32-35 Rannoch Road is in excess of 25 metres, more than double the recommended minimum for avoiding an overbearing or oppressive impact. As such, this relationship is also considered to be acceptable.

In terms of light, the bulk of the proposed works are predominantly upon the northern and eastern elevations such that the additional shading cast by these extensions would primarily fall across the host dwelling's front garden in the early morning and across the rearmost parts of the gardens of Nos. 29-37 Rannoch Road throughout the rest of the day. These extensions would add to the existing shadow cast by the host dwelling, yet as this would only affect a small section of the neighbouring gardens for a limited period each

morning/afternoon, such a relationship would not have a significant impact upon the amenity afforded to the occupants of these properties.

The final neighbouring amenity concern that needs addressing is the impact upon the adjoining semi-detached property, No.10 Elgin Avenue. The single-storey rear extension element of this scheme would be situated adjacent to the shared boundary between these properties and would project an additional metre beyond that of the existing conservatory. Whilst this 4 metre projection is less than the recommended 5 metre maximum for single storey rear extensions stipulated in the Householder Design Guide SPD, it would contravene the 45 degree rule when measured from the midpoint of the nearest neighbouring habitable room window. This can potentially have detrimental impact upon the outlook afforded from this window, yet the presence of the existing conservatory (which would also contravene this measure) and an intervening boundary treatment both serve to restrict the outlook currently afforded from this window in a northerly direction. As such, notwithstanding the additional projection and a minor increase in the eaves height by 0.1 metre, this new relationship is not considered to have any greater adverse impact upon the existing constrained outlook afforded from this window. Further, the two-storey rear extension element is sufficiently off-set from this shared boundary such that its impact would be less pronounced than that of the more immediate single storey element. Neither of which are considered to incur a detriment to the amenity currently afforded to No. 10 Elgin Avenue.

Concerning the impact of this proposal upon the amenity afforded to the occupants of the host dwelling, the only potential cause for concern relates to the retention of sufficient private amenity space. PSP43 stipulates that a four bedroom property, such as that proposed, should provide a minimum of 70 sq. metres of usable private amenity space. The area of the rear garden that is to be retained would amount to over 115 sq. metres, which is significantly in excess of this minimum requirement.

In light of the above, the proposed works would not incur any of the unacceptable impacts upon neighbouring amenity detailed in PSP8 and would accord with both parts 2) and 4) of PSP38.

5.4 Sustainable Transport & Parking Provision

The proposed works would serve to provide additional living accommodation within the property, increasing the provision of bedrooms from three to four. This can result in a greater degree of occupancy within the dwelling which can in turn put more pressure on the existing parking arrangements. To address this, policy PSP16 stipulates minimum standards for off-street parking provision that are contingent on the number of bedrooms contained within a dwellinghouse. When applied to this instance, the requisite number of parking spaces to satisfy PSP16 for both the existing three bedroom property and the proposed four bedroom property would be the provision of two spaces.

The existing driveway accounts for one parking space but the adjacent garage is of insufficient scale to qualify as a second parking space, resulting in a technical deficiency in provision. The nature of the works would not increase

the vehicular parking requirements for the site and as this technical deficiency is an existing relationship, the Transportation Development Control Officer has raised no objection to the parking provision. As such, whilst the concerns of the occupants of neighbouring properties regarding the issues of parking provision within Elgin Avenue are acknowledged, the existing parking provision for the site is considered an acceptable arrangement that would not result in a detriment to the availability of parking within the locality sufficient to sustain a reason to refuse this scheme.

5.5 Consideration of likely impact on Equalities

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

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

5.6 Other Matters

Many of the objections that have been received regarding this proposal have made reference to the potential for this property to become an HMO. Currently the authorised use of this property is for a C3 dwellinghouse and this application does not seek to alter this use.

The subsequent conversion of this C3 dwellinghouse to a sui generis large HMO would require a further planning application to authorise this change of use, reflecting the materially significant changes to the use of the property such a conversion would entail. Should the site subsequently be converted to a C4 small HMO, this would qualify under the provisions of the Town and Country Planning (General Permitted Development) (England) Order (as amended) 2015 as a permitted change that would not require planning permission. This is on account of the impact of such a conversion being insufficiently functionally distinct from the use as a C3 dwellinghouse to warrant individual assessment. As such, whilst consideration of the potential for this property to be converted to an HMO has formed part of this assessment, it has revealed that notwithstanding the concerns of neighbours and elected officials, there is no planning justification for the imposition of a speculative and bespoke restriction of such a future use.

It is also noted that the occupants of No. 11 Lomond Road claim that they have not received any notification of this planning application from the Local Planning Authority. As an adjoining land owner or occupier, it is a statutory duty

of the LPA to provide notification of any proposed development. Upon an examination of the records of consultations, this address was included in the list of properties that were notified of this planning application by letter. As such, without wishing to cast aspersions upon the veracity of the neighbour's claim, from the evidence that is available, it would appear that the LPA have indeed executed its duty to consult adjoining landowners/occupants appropriately and in accordance with the requirements of article 15 of the Development Management Procedure Order (as amended).

A final matter to be addressed regards the accuracy of the submitted plans. The site plans have been cross referenced with the LPA's mapping and found to be accurate. The existing and proposed plans are entirely consistent with each other and upon inspection of the site, no inaccuracies were found to be present. As such, the plans are accepted as an accurate portrayal of both the existing and proposed development.

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 subject to the conditions detailed 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 materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Reason

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

3. This decision only relates to the following plans:

Site Location Plan

Existing & Proposed Elevation Plan - Drawing No: 80622-2 Rev: A

Existing & Proposed Floor Plan - Drawing No: 80622-1 Rev: A

All plans received by the Local Planning Authority on 1st June 2021.

Reason:

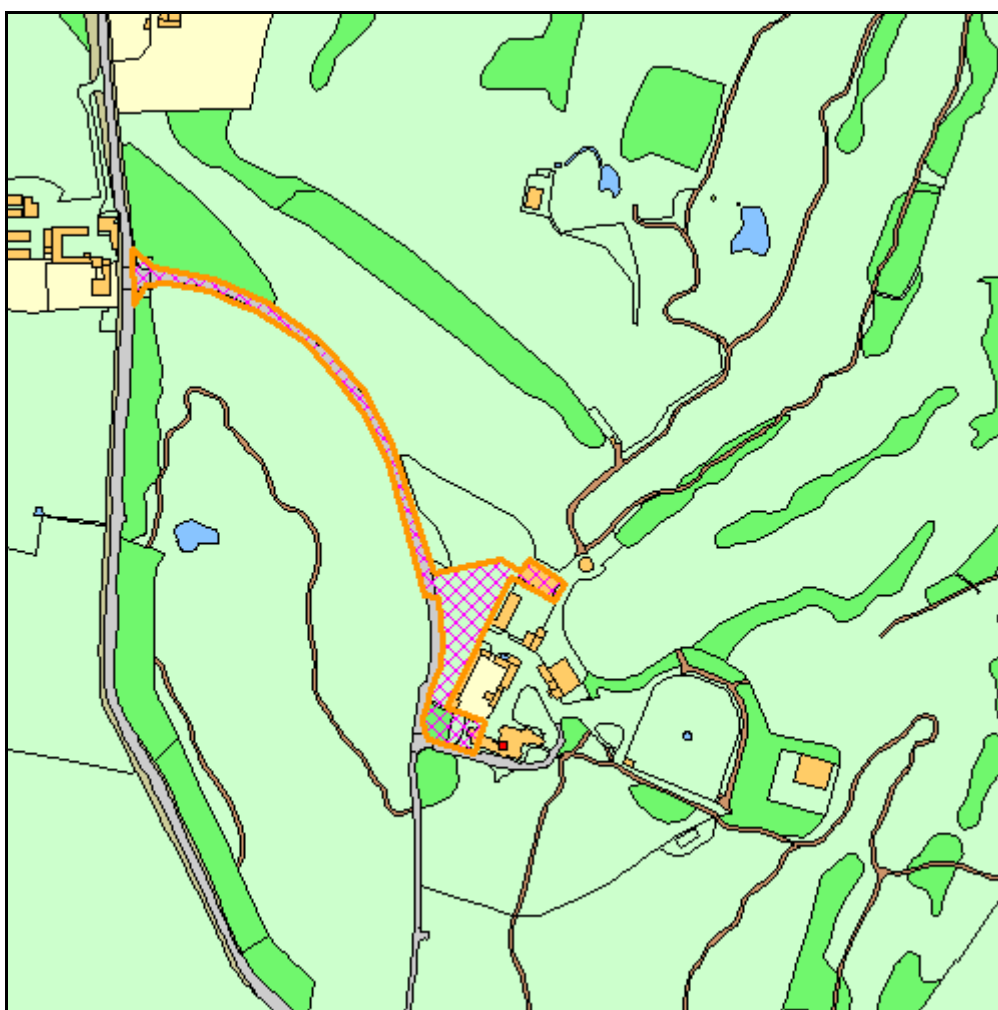
For the eradication of doubt as to the parameters of the development hereby permitted, ensuring a high quality design in accordance with policy CS1 of the South Gloucestershire Local Plan, Core Strategy 2013.

Case Officer: Steffan Thomas

Authorising Officer: David Stockdale

CIRCULATED SCHEDULE NO. 42/21 -22nd October 2021

App No.:	P21/04215/F	Applicant:	Tracy Park Ltd
Site:	Park Hotel And Resort Bath Road Wick South Gloucestershire BS30 5RN	Date Reg:	17th August 2021
Proposal:	Demolition of existing portacabins. Erection of extension to form new clubhouse and restaurant with other associated works.	Parish:	Doynton Parish Council
Map Ref:	371337 171865	Ward:	Boyd Valley
Application Category:	Major	Target Date:	10th November 2021



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100023410, 2008.

N.T.S.

P21/04215/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 in accordance with the Council Constitution as responses have been received that are contrary to the officer recommendation.

THE PROPOSAL

- 1.1 This application seeks full planning consent for the demolition of existing portacabins, erection of an extension to form a new clubhouse and restaurant with other associated works at the Park Hotel and Resort (Tracy Park). An accompanying Listed Building Consent (P21/04216/LB – which also includes the provision of a lift within the main house) is currently being considered.
- 1.2 The proposal is located within the grounds of Tracy Park Golf Club and Country Club. Tracy Park is a grade II listed building dating from the seventeenth century with a number of alterations by successive owners. The following assets are on or near the site:

Tracy Park House	grade II
Balustrade and urns to south front of Tracy Park	grade II
Entrance piers (south drive)	grade II
Stable and attached cottage north of Tracy Park	grade II
Stable north west of Tracy Park	grade II
Kitchen garden wall	grade II
Gates (north drive)	grade II
Pair of attached barns to (NW of Tracy Park)	
Outbuilding (north west of Tracy Park)	
Park and garden, Tracy Park	locally listed
Stable, Greenway Farmhouse	grade II
Barn, Greenway Farmhouse	grade II
(the above two buildings are beyond the site boundary, opposite the main northern entrance.	

In addition and relevant for the accompanying planning application P21/04215/F the application site is situated in the Green Belt and the Cotswold Area of Outstanding Natural Beauty.

- 1.3 The proposed development will provide a new golf clubhouse (with the demolition of the nearby portacabin buildings currently used as a clubhouse and for storage). The new structure would provide kitchen facilities, storage, changing rooms and a restaurant for both the hotel and golfers. The extension will wrap around the western end of the main house extending beyond the rear of the building such that it would incorporate the existing stable buildings with a

glazed link to the main building. It is indicated that the facility will be used for golf functions and private functions.

1.4 In support of the application in addition to the design and access statement and plans the following information has been supplied:

- Preliminary Ecological Statement
- Statement of Significance
- Heritage Statement

2. POLICY CONTEXT

2.1 National Guidance

Planning (Listed Buildings and Conservation Areas) Regulations 1990
(as amended)
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
CS6	Infrastructure and Developer Contributions
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS13	Non-Safeguarded Economic Development Sites
CS14	Town Centres and Retailing
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
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP20	Flood Risk, Surface Water, and Watercourse Management
PSP21	Environmental Pollution and Impacts
PSP28	Rural Economy
PSP31	Town Centre Uses
PSP40	Residential Development in the Countryside
PSP44	Open Space, Sport and Recreation

2.3 Supplementary Planning Guidance

Design Checklist (adopted) 2007
Historic England's Good Practice Advice in Planning Note 2 Managing Significance in Decision-Taking in the Historic Environment.
Historic England's Good Practice Advice in Planning Note 3 "The Setting of Heritage Assets (2nd Edition).
Historic England's Advice Note 2 – "Making Changes to Heritage Assets".

3. RELEVANT PLANNING HISTORY

- 3.1 The site has a very extensive planning history of which these are relevant (the consent referred to elsewhere in this report in bold):

P21/04216/LB Erection of extension to form new clubhouse and restaurant with other associated works Pending consideration

P21/028/SCR Screening opinion for the erection of a golf shop, club house area, greenkeepers yard, driving range, glazed wedding venue, conference facilities, swimming pool, gym, ballroom, restaurant, staff accommodation and extended parking provision. EIA Not required 23rd September 2021.

P21/00974/F Erection of glazed wedding venue with associated landscaping. Approved with conditions 24th June 2021

P21/00975/LB Repairs to listed garden wall and bothy to facilitate the erection of a wedding venue. Approved with conditions 24th June 2021

P20/17642/RVC Application to remove conditions 3 and 5, and to vary condition 2 attached to P19/16654/F. Wording of condition 2 to be changed to 'The staff welfare and overnight accommodation building shall be used solely for staff purposes and shall not at any time be used as independent residential or holiday accommodation'. Erection of an extension to green keepers building (Class D2), creation of hardstanding, aggregate bays, erection of 1 no. building to form staff room with overnight accommodation and associated works.

P19/16581/F Erection of 2 no. buildings to form staff accommodation (22 units) for the main hotel (Class C1), with associated parking and access. Refused (Design, Green Belt) 7th October 2020

P19/16654/F Erection of an extension to green keepers building (Class D2), creation of hardstanding, aggregate bays, erection of 1 no. building to form staff room with overnight accommodation and associated works. Approved 18th February 2020

PK17/2390/F Erection of temporary wedding marquee to exist on site for a period of 5no. years with associated parking. Approved 19th April 2018

PK17/3053/F Erection of conservatory Approved 23rd March 2018

PK15/4989/F Re-location of driving range with landscaping and associated works. Approved 1st April 2016

PK13/2200/CLE Certificate of lawfulness for the existing use of building and surrounding hard standing for storage of golf course related materials, plant and machinery and connected water tanks used in irrigating golf course. Approved 18/10/2013

PK12/2888/LB Erection of single storey extension to reception building to form male and female toilets. Internal and external alterations to include external flue, roof ventilation, alternative roof covering for entrance lobby and internal layout changes. Amendment to previously approved scheme PK10/2745/EXT. Refused 2nd November 2012

PK12/2887/F Erection of single storey extension to reception building to form male and female toilets. Amendment to previously approved scheme PK10/2736/EXT to provide external flue, roof ventilation, alternative roof covering for entrance lobby and internal layout changes. Refused 8th January 2013

PK07/2105/TMP Temporary consent for the erection of a clubhouse for a period of two years. Approved 14th August 2007

PK06/0468/F Demolition of existing buildings to facilitate the erection of new hotel. Erection of health and spa facilities, golf club house. Construction of road and car parking and associated access and landscaping. Refused May 2006

PK06/0466/F Restoration of listed buildings and listed external features. Demolition of existing squash courts and extension and conversion of existing adjoining clubhouse to facilitate erection of two-storey 18 bed room hotel. Erection of new golf clubhouse and health spa in walled garden, comprising: locker rooms, showers, toilets, club bar and kitchen, pro-shop, spa reception, therapy rooms, gym, exercise studio and indoor swimming pools. Construction of new access tracks and 54 space car park to east of walled garden on site of old tennis courts. Reconfiguration of existing car park. Refused May 2006

PK06/3092 - Part demolition of the existing squash court and extension and conversion of the remaining building to facilitate the erection of a two-storey 18 bedroom hotel.
Approved 16 August 2007

PK07/0242/LB - Part demolition of the existing squash court and extension and conversion of the remaining building to facilitate the erection of a two-storey 18 bedroom hotel.
Approved 16 August 2007

4. CONSULTATION RESPONSES

4.1 Town/ Parish/ District Councils

Doynton Parish Council

Support the application

4.2 Other Consultees

Ecology

Initial Comments

Additional information is required prior to determination with respect to the potential for bat roosts in the existing buildings and likely impact. Conditions are recommended.

The submitted additional information has subsequently been reviewed and accepted by the ecologist.

Historic England

It is not necessary for us to be consulted on this application (as Grade II building)

Natural England

No objection

Cotswold Conservation Board

Does not have the capacity to provide a comprehensive response at this time but states that the LPA has a duty to have a regard to the purpose of conserving and enhancing the natural beauty of the National Landscape.

Avon Gardens Trust

Highway Structures

No objection subject to an informative

Lead Local Flood Authority

Initial Comment – clarity required regarding the point of connection to the mains.

Following the submission of additional information the comment is

We have now received clarity on an existing pumped rising foul main in the location and therefore we have, No Objection.

Sustainable Transport

Initial Comments

We would wish to see this application of this development supported a Transport Statement which allows us to determine whether the current proposals differ greatly from their predecessors in highways and transportation terms and

whether the proposed access arrangements remain adequate to accommodate current travel behaviours. We would envisage that the Transport Statement includes but not necessarily limited to the following information:

- a. A full explanation of the way in which the current proposals differ from their predecessors in transport terms and any changes of land use this entails.
- b. An explanation of access to the site by all modes of transport and all types of vehicle.
- c. A forecast of the number of vehicular movements associated with the site under the current, previously consented and proposed development scenarios.
- d. An assessment of the potential impact, if any, on the local highway network of these changes to ensure that the access arrangements remain fit for purpose.
- e. Detail of any changes to the off-site transport networks required by these proposals and a full assessment of their adequacy as appropriate.
- f. A demonstration that the access and site layouts are adequately designed so as to accommodate the vehicles wishing to use them, including computer tracking of highway layouts if required.
- g. A framework travel plan setting out the way in which the applicants intend to encourage non-car travel to this site by both staff and visitors.

Public Rights of Way Team

No objection subject to an informative being included on the decision notice to advise the applicant of their duties for nearby public rights of way.

Tree Officer

No objection

Police

No objection

Listed Building and Conservation Officer

The following represents the concluding comments of the Council Listed Building Officer (the full/detailed comments are available to view on the Council Website)

OBJECTION

Paragraph 200 of the NPPF states:

Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Advice has been given previously that there are a number of unfortunate structures on the site and that it is considered that there is scope for replacing these with good quality architecture that responds well to the landscape and heritage assets. If this is done in combination with securing the repairs and

maintenance required across the site and parkland restoration, an increase in built form could in principle still serve overall as preservation or enhancement. It is considered that there are alternative locations at Tracy Park where this level of new development could be located and cause far less harm to the significance of heritage assets than what is being proposed though this application. This has been highlighted through the previous Parkland Statement of Significance and previous pre-application discussions.

For instance the area of the existing portacabin clubhouse, and to the north and east of the reception building, would appear to provide a space for a very similar level of accommodation, and equally appropriate for the golf clubhouse and other golfing facilities proposed. This location would also be equidistant from the approved walled garden wedding facility, which is understood has a dependency on the proposed kitchen facilities. While kitchen facilities are clearly important to the viability of the manor house, the plans show two kitchens retained, one at ground floor and one at first floor.

There is concern that this area may not be proposed due to the aspirations for further additional large scale development on the site, or further development on which the wider viability of the site relies. This begs the question of whether this application should be considered in isolation if, in reality, it is an integral part of a more substantial development as the cumulative impacts on the heritage significance of the site and the site wide master planning should be considered at the outset.

In accordance with the Framework, the proposals are considered to result in less than substantial harm to the significance and setting of the heritage assets at Tracy Park, both designated and non-designated. This less than substantial harm is considered to be at the upper end of the spectrum in relation to the significance and setting of the manor house and the outbuilding which are directly impacted, and the lower end in relation to the other listed service buildings and the park and garden.

The application is therefore to be considered within the context of paragraph 202, which is matter for the decision maker. I would however advise that as harm has been identified compliance with requirements of paragraph 199 of the Framework has not been achieved and accordingly as established through case law, the finding of harm gives rise to what can be regarded as a statutory presumption against the granting of permission.

Subsequently, unless in the “weighing-up” exercise as required by paragraph 202 of the Framework, robust material considerations are identified that are considered sufficient to outweigh the identified magnitude of harm, refusal is therefore recommended.

It is noted that a judgment in the Court of Appeal (*Jones v Mordue* [2015] EWCA Civ 1243) clarified that, with regards to the preservation of the significance of heritage assets, where the principles of the NPPF are applied, this is in keeping with the requirements of the 1990 Act. In carrying out that exercise, any harm must be given **considerable importance and weight** in accordance with the statutory presumption created by s. 66 of the Planning

(Listed Buildings and Conservation Areas) Act 1990 (see *Forge Field Society v Sevenoaks DC* [2014] EWHC 1895).

Paragraph 199 of the NPPF states:

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Some heritage benefits (which are also considered planning benefits in any weighing up exercise have been identified through the repairs to the manor house, however as discussed above, the extent of the repairs proposed through this application are relatively limited and therefore can only be afforded limited weight. It is not considered that the heritage benefits outweigh the harm to significance identified.

Additional Comment

To provide clarification, I can form that the “less than substantial harm” considered to be at the “upper end of the spectrum” relates to the following grade II listed assets

Tracy Park Manor House
Balustrades and Urns
Stable and attached cottage
Pair of attached barns to (NW of Tracy Park)

The grade II listed heritage assets the harm to which would be towards “the lower end” would be:

Outbuildings (NE of Tracy Park)

In addition the proposals would also detract from the character and appearance and accordingly the significance of the locally registered Tracey Park Gardens.

Landscape Officer

Summary:

The site lies in the Green Belt and AONB

The application is not supported by a LVIA (Landscape Visual Impact Assessment)

Some tree removal appears necessary – no tree survey or tree retention plan has been submitted

No objection in principle however there is an opportunity to improve the landscape of Tracey Park generally. Additional tree/shrub planting should be introduced to the car park and the approach, also to the north of the house. If approved an updated tree survey is required to inform the planting design so

new planting is in keeping with the original ethos of Tracy Park. If approved the following should be secured by condition:

- Detailed planting proposals and ecological improvements to the boundary of the site. We will require 1:200 scale planting plans, detailing size, type and specification of all proposed planting
- Detailed site levels indicating the existing and proposed levels and any ground modelling proposed
- A landscape & ecological management plan for the site will also be required

4.3 **Other Representations**

Local Residents

A total of 130 letters of support have been received with 2 letter neither supporting nor objecting to the proposal.

The grounds of support can be summarised as follows:

The proposal is a much needed facility that will benefit the community

The proposal will help attract new Members

Restaurant will allow whole family to enjoy the facility

It will improve the facility and create jobs

The current temporary facilities are not fit for purpose

The proposal will raise much needed revenue for the site as a whole

The existing facility is an “eyesore”

The proposal will have no impact on neighbouring occupiers

The design is sympathetic and enhances the current buildings

Other neighbouring businesses will benefit by an increase of people in the area

The proposed siting will allow the main house to reach its potential

The structure will complement the excellent golf courses

The development will help secure the remaining Listed Buildings

5. **ANALYSIS OF PROPOSAL**

- 5.1 The proposed development is for the demolition of existing portacabins, erection of an extension to form a new clubhouse and restaurant with other associated works at the Park Hotel and Resort (Tracy Park).

5.2 **Principle of Development**

The application stands to be assessed against the above listed policies and all material considerations however of particular relevance to this proposal is that the site lies in the Bristol/Bath Green Belt is within the Area of Outstanding Natural Beauty and the main house and several other features are listed. The site is not within a settlement boundary. At the heart of whether the proposed development is acceptable in principle is consideration of the proposal against Green Policy.

5.3 **Green Belt**

5.4 Policy

The site is located in the Green Belt where there is a presumption against development.

In terms of background and the aims and objectives of Green Belt Policy;

Para 137 of the National Planning Policy Framework states:

The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Para 138 states:

Green Belt serves five purposes:

- a) *To check the unrestricted sprawl of large built-up areas;*
- b) *To prevent neighbouring towns merging into one another;*
- c) *To assist in safeguarding the countryside from encroachment;*
- d) *To preserve the setting and special character of historic towns; and*
- e) *To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

In terms of consideration of applications for development within the Green Belt;

Para 147 of the National Planning Framework states:

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances

Para 148 states:

When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraphs 149 and 150 set out the limited exceptions of forms of development that are not considered inappropriate in the Green Belt, these are as follows:

Para 149:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation,**

cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;

c) 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;

d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

e) limited infilling in villages;

f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: – not have a greater impact on the openness of the Green Belt than the existing development; or – not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Paragraph 150 indicates that certain other forms of development are also not inappropriate: a) mineral extraction; b) engineering operations; c) local transport infrastructure which can demonstrate a requirement for a Green Belt location; d) the re-use of buildings provided that the buildings are of permanent and substantial construction; e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and f) development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.

5.5 *Does the proposed development represent appropriate development in the Green Belt?*

Of the categories set out above in 5.4 only two (in bold) would have the potential to form appropriate development and taking these in turn:

The provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it

The applicant contends that (7.23 and 7.24 of the design and access statement):

For the purposes of green belt policy the application is for an appropriate rural, land-based activity that represents an essential recreational facility for the two championship golf courses and the wider tourist use of the hotel: an accepted outdoor recreational and leisure use. As such the proposed extension of the building would amount to appropriate development within the green belt as defined by the NPPF 2019

The application is put forward as an extension to the existing hotel to improve upon the sub-standard clubhouse building, below standard kitchen within the manor house and improve the accessibility and usability of the manor house.

These points are noted however it confirms for the Case Officer that the proposed clubhouse (with changing rooms and toilets) while having a supporting role to the established golf courses also includes catering facilities for the site as a whole and the large restaurant element forms a substantial element of the new development. The Case Officer considers that “*the wider tourist use of the hotel*” goes well beyond what can be defined as an essential recreational facility even if some of the private functions relate to golf. It is accepted and has been seen that the kitchens within the main house are sub-standard but the relocation to this extension to serve the wider site again goes beyond a recreational facility.

In addition even accounting for the removal of portacabins, the substantial extension would have a greater impact upon the openness of the Green Belt and encroaching upon the countryside. It is not considered that the development would fall within this category.

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;

The applicant themselves state:

It is acknowledged that the proposed increase may conflict with criteria 3 (this is whether the proposal is disproportionate). However, as previously mentioned the existing clubhouse is sub-standard and as discussed above the removal of these unsightly structures and improved function for the hotel facility, which in turn will improve the function, accessibility and usability of the manor house provide compelling very special circumstances in favour of the development as submitted.

The Case Officer agrees with the applicant and would contend that the addition of a 1106 sq.m extension to the side of the building (in addition to other works previously added around the site – see history above) represents a significant addition and thus is in conflict with this criteria. Disproportionality however is not just a matter of volume, and this is considered further in the heritage section below. The extension to the side and effectively to the rear by joining to the existing rear buildings unbalances the building and is most certainly disproportionate.

The proposed development, therefore does not fall within those limited categories of development that are set out in 149 and 150 of the National Planning Policy Framework. The applicant has therefore set out (as per the requirement in para 148 as set out above) the case for “very special circumstances”.

5.5 Very Special Circumstances

Just to reiterate Para 148 states:

When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

The submission by the applicant is considered confusing and difficult to follow. Para 6.12 states that *"whilst it is maintained that the development would amount to appropriate development within the Green Belt there are very special circumstances that would further support the proposal"*.

It is then stated that:

6.13 The development is well designed and sits within an unkempt corner of the hotel complex. It is therefore maintained that the wider landscape setting is preserved as is the historic setting of Tracy Park and the setting of the Listed manor house.

6.14 It is maintained that the extension is of an appropriate scale, design with a sympathetic link to the main house. The development therefore ensures that the significance and appearance of Tracy Park House is preserved whilst enabling important development for its long-term protection and viability. In addition, there would be no visual or landscape harm that would impact on the designated AONB or the important setting of the southern aspect of Tracy Park

The protection and viability of Tracy Park are noted albeit evidence not submitted in support of this claim. That the proposal would do so is not contested. The other matters raised are not "very special circumstances" they are factors that must be complied other National and Local Policies. For example the fact that there is no visual or landscape harm is not a "very special circumstance".

As set out above in considering whether the proposal represents appropriate development para 7.24 indicates that the development would *"improve upon the sub-standard clubhouse building, below standard kitchen and improve the accessibility and usability of the manor house"*.

Para 7.25 indicates that if permitted the development would see the removal of the two large portabins one of which is the clubhouse and the relinquishing of a permission to build a Conservatory at the opposite end of the Manor House. While the removal of the portacabins would be welcome and would weigh in favour of the proposal it is important to note that the planning consent PK17/3053/F (Erection of conservatory Approved 23rd March 2018) needed to have been implemented by 23rd March 2021 to be a valid consent that could be "relinquished" in the manner that has been suggested so that carries no weight.

5.6 Summary (Green Belt)

The proposed development is inappropriate in Green Belt terms as it does not fall within one of the categories deemed appropriate as set out in the National Planning Policy Framework. This requires the applicant to set out a case for “very special circumstances” that would outweigh the harm that by definition would result from this in terms of the impact upon openness. It cannot be stressed enough that this is a “high bar” to pass over. The applicant has set out a case for special circumstances and this is assessed above.

As set out above Para 148 states:

*When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, **and any other harm resulting from the proposal**, is clearly outweighed by other considerations.*

To complete this assessment as required by Para 148 it is necessary to consider the development against the other material considerations and this is set out below.

5.4 Heritage/Design

5.4.1 Policy Framework

Para 194 of the National Planning Policy Framework states:

In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Para 195 of the National Planning Policy Framework states:

Local Planning Authorities should identify and assess the particular significance

Para 199 of the National Planning Policy Framework states:

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should

be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Para 200 of the National Planning Policy Framework states:

Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Para 202 of the National Planning Policy Framework states:

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Policy PSP17 of the Policies, Sites and Places Plan and policy CS9 of the Core Strategy relate to conservation, and seek to protect the character and appearance of conservation areas and the significance and setting of heritage assets such as listed buildings. These policies are up to date and in accord with the provisions of the National Planning Policy Framework.

5.4.2 **Assessment**

Tracy Park (Historical Background)

The original house on the site of Tracy Park was medieval however the present building retains the seventeenth century build to the north, refaced to the south between 1798 and 1808, with later additions in 1850 and 1920 for the Davy family. The main house is grade II listed and there are a number of additional designations within the parkland including the entrance gates, outbuildings, walls and the walled garden.

The manor house is clearly a tapestry of successive architectural styles and periods. The north elevation is strongly characterised by the seventeenth century style while the south elevation was heavily altered through the work of Charles Raikes Davy in the nineteenth century and have a far greater classical style. It is considered that the alterations and architectural detailing employed provide a unification and balance to the southern side of the building. The single storey columned west wing, central portico and eastern aedicule all employ the Tuscan order, conveying a simplicity and solidity to these elements of the building.

Other than the pair of barns and the walled garden, which are believed to date from the eighteenth century, the other outbuildings, stables, garden balustrade and entrance piers date from the early-mid nineteenth century. The service buildings are shown on the 1839 Doynton Tithe map. Through the consistency of their materials (local stone and clay tile), and the simple yet conscious control of the design and detailing, these buildings possess group architectural value, and contribute to the considered setting of the manor house. **They are each of a relatively small scale and their simple unadorned elevations and form**

clearly demonstrates their original function as secondary, service buildings.

Statement of Significance

A Statement of Significance relating to the parkland at Tracy Park has been submitted with the application. This document was created some years ago, in order to better understand the significance of the grounds to the manor house, and its wider setting. The document has been helpful in informing an understanding of the significance of the land and planting at Tracy Park, views and vistas and the relationship between various buildings, structures and spaces. The document states:

The 1883 map shows that the environs of the house were well wooded to north, east west with screening belts of mixed deciduous & coniferous trees.

These belts enclose the service court to the north of the house, all the associated outbuildings, & the walled kitchen garden to the east.

The key views into & out of the area all related to the main body of the house to the south; although even here, clumps of trees framed the southern view, containing & narrowing views in & out, & giving the house the sense of nestling back into the trees. From all other directions the buildings were effectively hidden within the screening belts.

Even the approach to the service court from the main drive sweeps round in a sharp curve, in order to prevent any views of them from the drive itself.

The ideal of even substantial country houses 'nestling' into vegetation was a distinct characteristic of the Picturesque aesthetic movement, & was particularly advocated by the leading garden designer of the late- 18th & early-19th century, Humphry Repton; for example his proposals from the Red Book for Garnons, show a significant increase in the planting generally, but particularly around the house itself.

Service wings were generally only displayed when they were Picturesquely designed to complement & enhance the appearance & scale of the building; however this was generally more common in mediaeval-revival houses, such as Ashridge Park & Penhryn Castle, & such wings opened onto internal courtyards; their external facades were more theatre than utility.

Consequently, the dense screening belt around three sides of the house, & the service areas, was an absolutely characteristic feature of such early-19th century Picturesque landscapes.

This separation and screening of the service wings and walled garden, creating a 'cone of visibility' from the front door demonstrates that the south façade of the manor house was intended to be viewed in isolation, separate from service buildings and relating wholly to its natural setting. This landscape treatment and designed separation of the secondary spaces is important to understanding the architectural, historic and aesthetic significance of the site, and was not simply

fortuitous. There are comparable estates locally, such as The Rocks at Ashwicke, which demonstrate quite the opposite architectural design intentions. Here the former seventeenth century mansion house was extended considerably in the nineteenth century to the north in order to provide additional accommodation and services. These nineteenth century additions created a strongly linear plan, providing a frontage of considerable mass and scale when approached along the formal tree lined avenue from the east. This intentional display of power and importance was further reinforced through the use of stone and the heavy, bold, castellated form of the additional buildings, which now flanked the earlier house.

At Tracy Park the removal of tree planting to the south of the house to frame this elevation and the creation of the south entrance drive is understood from map regression to have been carried out between 1839 and 1883. This would coincide with the substantial level of alteration and extension of the manor house carried out by Charles Raikes Davy from 1856. By 1903 maps indicate that tree planting to the south was thinned further and a ha-ha created. This would have further opened up views to and from the south front of the house, whilst still maintaining screening of the service buildings beyond, and can therefore be seen as a continuation of the original concept.

The Proposed Development (impact upon setting)

Turning therefore to the proposed development having regard to Paragraph 196 and 199 of the NPPF as set out above, by any definition it is considered that the extension to the building represents a significant footprint extending from the western end of the manor house entirely enveloping the south and west elevation of the main house.

The effect of the development is to close the gap between the service buildings and the main house is to negate the original design of the building. These subordinate buildings are now part of the whole, the hierarchy of buildings part of the original design concept is removed. **The harm is considered to be to the manor house and historic service buildings and their setting, including the parkland, due to the fact that as set out above, the design intention depends on each element.**

The service outbuildings are relatively simple, utilitarian in appearance and most certainly modest in scale forming a linear arrangement. This is a case where the appearance reflects the use. In contrast the main house quite obviously is much larger in scale but has a much more formal treatment in a classical style. The architectural styles and 'hierarchy' of the historic buildings are important to the historic, evidential and aesthetic significance of the site. The physical merging of the buildings and resultant loss of intervening space, as well as the amount of new building proposed, would fail to preserve that interest and is considered highly inappropriate in both design, form and position. Furthermore, no restoration tree planting to restore the screening and visual separation' is proposed through this application.

It is accepted that the design of the structure has evolved and is an improvement upon previous submissions. The curved element which forms the link is glazed and incorporates a moulded cornice and the remainder of the

building to the north with the use of rubble stone (with arrow slit windows) and clay pantile roof is of a traditional vernacular and appropriate to a utilitarian building. So in terms of the detailed design there are elements that are welcome. However the extension as has been set out above fills an important gap which was historically intended to separate the two distinct areas of the site. The small outbuilding has been radically altered. The large scale of the new 'conservatory' part of the extension is such that it would also risk undermining the modest west orangery range which it would sit alongside, which is designed as the end-stop of a series of diminishing individual architectural components. This would harm the architectural interest of the building.

The existing and proposed elevations suggest that the new west elevation will appear as a much taller building than the existing outbuilding due to the ground to eaves height (the south door is reached by a series of 10 steps from ground level which is very different from the modest character of the existing courtyard stables and outbuildings). It is also shown to be tightly abutting the existing historic wall to the west of the carpark, resulting in a very unsatisfactory relationship and awkward gap. This lack of sensitivity toward the historic structures is seen elsewhere, such as the north elevation of the proposed pro-shop projecting beyond the north elevations of the courtyard buildings. Whilst it is evident that some amendments to the elevation treatment have been made in order to overcome objections raised at pre-application stage, it is not considered that these have gone far enough. Furthermore, it is considered that amendment to design alone cannot overcome the harm to significance that result from the proposed position and scale of the extensions.

The extant approval for an extension to the east end of the manor house did not create the same connection to service wings. In this instance it respected the hierarchy of buildings across the site and the separation of historic functions and spaces. This permitted extension was also largely contained within the space created within the return of the east wing, thereby not extending the façade greatly beyond the existing footprint of the house. The proposed glazed extension however extends the elevation over 25m to the west, significantly altering the balance and proportions of the house.

The submitted Heritage Statement itself clearly identifies those elements of the setting of the Manor House that contribute to its significance and this includes:

The relationship between the manor house and the associated ancillary areas

The relationship between the manor house and the wider Tracy Park complex/parkland

The experience and appreciation of the manor house from its immediate surroundings from the ancillary areas

The experience and appreciation of the manor house from the wider parkland where possible in particular from the south

It is noted that several trees have been removed thus the built form is now visible from a greater number of locations within the park. Separation previously created by planting is now in many locations created by open space or views through to other parts of the estate and parkland. While this is not the original design intent, it does still allow a sense of separation. While co-visibility between parts of the site is now possible, the replacement of open space with built form, physically connecting the house and ancillary building, only further undermines the original design intent. The physical connection and 'blurring' of the distinction between the formal and service areas will be particularly evident from the south, south-west and also from the north. This aspect of harm is therefore considered to affect the significance and setting of not only the main house, but the stable/cottage, barns/outbuilding north-west of Tracy Park and the Park and Garden. In addition, views which are both historic and aesthetic through to the parkland through the service courtyard will be lost.

Proposed Development (Direct Impact upon the Building)

While as set out above the development would have an impact upon the setting of the building and understanding of the relationship between the house, ancillary buildings and locally listed park, a direct impact to the fabric of the existing structures is also proposed.

Courtyard Buildings

Described thus:

Outbuilding about 24 meters north 22.1.74 west of Tracy Park G.V. II Listed description: Outbuilding forming western boundary of courtyard with other farm buildings. Mid C19. Coursed limestone rubble, stone dressings and pantiled roof. Low building, open-fronted, with stone piers at intervals, some openings blocked in rubble, to right a slightly lower block forming L-plan, with 2 segmental-headed openings and small pointed arched openings in gable end. Rear has continuous blank wall. In poor condition at time of survey (September 1984).

The submitted Heritage Statement sets out the heritage significance of this building as being typical of a 19th Century ancillary building and while it is indicated that extensive alterations have taken place the overall form and appearance of the exterior of the building are key to its heritage significance.

It is proposed to create 10m of opening in the rear (west) wall of this building, via 4no. openings. It is described in the list description as a 'continuous blank wall'. There is also a historic stack on the west elevation. **The wall will be entirely lost from view and engulfed in the extension. The openings will constitute a loss of plan form and fabric. A further 2no internal dividing walls within this building will be removed however it is not understood from the application whether these are historic or not. As already highlighted in earlier paragraphs, this listed outbuilding is characterised by its relatively simple, utilitarian appearance, modest scale and linear plan form, which contributes to an understanding its historic use. The vast extension proposed would not maintain its simple, single depth plan and**

modest size. The alterations will cause harm to the historic, aesthetic and evidential value of the outbuilding.

Alteration to Western Extension to the Main House

The submitted Heritage statement sets out that the mid-century west extension to the manor house is of lesser value to the architectural and historic interest of the listed building than the C17-C19 parts. The physical alteration to this part of the building is not considered harmful and Officers consider this to be an accurate view.

Ramp

The proposal for a ramp is not clear from the drawings. Although unlikely to be harmful, further details would be necessary were the overall proposal considered acceptable with further details of what the removal of downstand section entails would also be necessary.

Repair Works

In support of the application a condition survey has been submitted. The survey identifies “*elements of the building fabric that need immediate repair to protect the building structure and repairs that will be required within the next 5-10 years*”.

Officers have viewed the submitted survey and there are points of clarification that are needed. The Listed Building Officer has indicated that much of the proposed works as set out below are not given a clear timescale or easy to breakdown for example some roof repairs are needed immediately while others will be within the next 5 to 10 years which is helpful but a similar breakdown has not been given for windows, doors or the interior. A window schedule is referenced in the report but could not be found.

The programme of repairs can be summarised as follows:

- Repair to the main Manor House roof structure;
- New flat roof treatment to 1950s single storey extension;
- Repair of wooden cil of WF14 (like for like);
- Repair of WF25 glazing (like for like);
- Repair of portico cornice (like for like);
- Installation of membrane to front portico to prevent water damage; and
- Repair and renovation of internal water damaged areas (like for like).

It is not therefore proposed through the application that all of the repairs identified in the condition survey will be carried out concurrently with the proposed clubhouse extension. While the repairs proposed are of course welcome and will provide benefit to the listed building, the scope of immediate repairs is relatively limited, and can accordingly only be afforded limited weight as a heritage benefit when considering the heritage assets affected as a whole. Were the proposal to be approved a condition that required the timing/phasing

of the repairs and their extent would need to be applied as this would need to form a planning benefit in the weighing up exercise.

5.4.3 **CONCLUSION (Heritage)**

The Level of Harm

As set out above it is concluded that Harm has been identified to the designated and non-designated heritage assets at Tracy Park through the proposed extension.

Paragraph 200 of the NPPF states:

Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

The applicant's submission states that extensive pre-application discussions have taken place previously although it is acknowledged those have largely dealt with other matters rather than the clubhouse development now proposed. When advice has been given, this has been informal advice at on site meetings to the effect that there are a number of structures within the complex that might be described as "unfortunate" within the context of the setting of Listed Structures/features including the locally listed parkland. These could be replaced with good quality architecture that responds well to the landscape and the heritage assets and which if linked to repairs and maintenance across the site, (to the buildings and parkland) could be said to benefit the enhancement or preservation of the site.

It cannot be overstated that Officers would wish to support an appropriately located scheme (following on from the recent approval of a wedding venue in the walled garden) however it is not considered that a clear and convincing justification has been put forward for the scheme. It is considered hard to do so when For instance the area of the existing portacabin clubhouse, and to the north and east of the reception building, would appear to provide a space for a very similar level of accommodation, and equally appropriate for the golf clubhouse and other golfing facilities proposed. This location would also be equidistant from the approved walled garden wedding facility, which is understood has a dependency on the proposed kitchen facilities. While kitchen facilities are clearly important to the viability of the manor house, the plans show two kitchens retained, one at ground floor and one at first floor.

Officers are aware of a much larger development for a hotel, swimming pool, conference facilities etc as a screening decision has been issued for this (P21/028/SCR). This leads to an obvious concern that the siting of the clubhouse is driven by the location of the larger development and whether this application should be considered in isolation if, in reality, it is an integral part of a more substantial development as the cumulative impacts on the heritage significance of the site and the site wide master planning should be considered at the outset.

As set out above where potential harm to a designated heritage assets is identified this needs to be categorised as either less than substantial harm or substantial harm in order to identify which paragraphs of the National Planning Policy Framework apply (i.e. either para 201 and 202). This judgement is for the decision maker. Since July 2019 the National Planning Practice Guidance (NPPG – Para 018 ID: 18a-018-20190723) has added a more nuanced requirement that:

“within each category of harm....the extent of the harm may vary and should be clearly articulated”

In accordance with the Framework, the proposals are considered to result in less than substantial harm to the significance and setting of the heritage assets at Tracy Park, both designated and non-designated.

The less than substantial harm is considered to be at the upper end of the spectrum in relation to the significance and setting of:

Tracy Park Manor House
Balustrades and Urns
Stable and attached cottage
Pair of attached barns to (NW of Tracy Park)

The grade II listed heritage assets the harm to which would be towards “the lower end” would be:

Outbuildings (NE of Tracy Park)

In addition the proposals would also detract from the character and appearance and accordingly the significance of the locally registered Tracey Park Gardens.

5.4.4 “Weighing Up Exercise”

Para 199 of the National Planning Policy Framework states:

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Para 202 of the National Planning Policy Framework states:

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

In terms of the benefits of the proposal, the scheme would involve the removal of the unsightly existing portacabins. The lift would help the function of the main house and improve accessibility for guests.

As set out in the PPG (para 20)

“Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework (paragraph 8). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit. Examples of heritage benefits may include:

- *sustaining or enhancing the significance of a heritage asset and the contribution of its setting*
- *reducing or removing risks to a heritage asset*
- *securing the optimum viable use of a heritage asset in support of its long term*

In terms of the benefits of the proposal, the scheme would involve the removal of the unsightly existing portacabins. The lift would help the function of the main house and improve accessibility for guests.

The letters of support indicate that the facility is considered much needed by those who use the golf course as well as those attending other functions. The amount of benefit to the wider public would be limited but the proposal would improve the facilities and would clearly bring economic benefits towards the long-term upkeep and viability of the site, which clearly includes the upkeep of a heritage asset. This would include employment opportunities.

In addition the applicant has indicates that repairs would take place within the site however as set out above the extent and timescale for these works is quite confusing and appears limited.

Against the benefits is the conclusion by officers that the less than substantial harm is at the upper end of the spectrum.

It is noted that a judgment in the Court of Appeal (*Jones v Mordue* [2015] EWCA Civ 1243) clarified that, with regards to the preservation of the significance of heritage assets, where the principles of the NPPF are applied, this is in keeping with the requirements of the 1990 Act. In carrying out that exercise, any harm must be given **considerable importance and weight** in accordance with the statutory presumption created by s. 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (see *Forge Field Society v Sevenoaks DC* [2014] EWHC 1895).

5.4.5 While the potential economic benefits are understood it is not considered that a clear and convincing justification has been made for the harm (para 200) i.e. for the siting in this location. It is not considered in conclusion

that the magnitude of the identified harm is outweighed by the public benefits

5.5 **Area of Outstanding Natural Beauty/Landscape**

Policy PSP2 in accordance with the National Planning Policy Framework indicates that great weight should be attached to the conservation of the landscape and natural beauty of the AONB. Major development in the AONB should be resisted. This development is not considered to comprise major development in the AONB. Policy CS1 indicates that existing landscape features should be safeguarded and enhanced.

The application proposes the extension of the manor house to accommodate a new clubhouse/restaurant, pro-shop, male and female changing rooms and golf academy and includes tree planting proposals to provide landscape mitigation, whilst maintaining the open views of the front of the house. The proposed scale of development is significant, but in landscaping terms is considered to rationalise some of the current 'ad hoc' development of portacabins which have accrued over recent years.

It is unfortunate that a Landscape Visual Impact Assessment has not been submitted with the application which would have allowed officers to make a better assessment and a tree survey as well.

It is considered that when seen in the broader context of the estate grounds and within the wider landscape, there is no in principle landscape objection to the proposals. However the development should be used as an opportunity to improve the landscape of Tracy Park generally; tree and shrub planting should be introduced to the car-park and approach, to filter views of the extension and there are more opportunities for tree planting to the north of the house to recreate part of the original woodland belt enclosing the building.

The Landscape Officers notes that some of the trees are incorrectly named on the tree planting plan so although it gives an indication of intended planting, it is not accurate or sufficiently detailed this to accord with policy, details of proposed landscape mitigation is required and if the proposal were deemed acceptable conditions should secure the following: Detailed planting proposals and ecological improvements to the boundary of the site; a 1:200 scale planting plans, detailing size, type and specification of all proposed planting; detailed site levels indicating the existing and proposed levels and any ground modelling proposed; a landscape & ecological management plan for the site will also be required

5.6 **Ecology**

Policy CS9 of the Core Strategy states that development will be expected to conserve and enhance the natural environment avoiding or minimising impacts on biodiversity. PSP19 states that development proposals where they would result in significant harm to biodiversity which cannot be avoided by locating it n

an alternative site with less harmful impacts or adequately mitigated against or as a last resort compensated for will be refused.

A preliminary ecological appraisal was submitted with the application, with the extended habitat survey being carried out in January 2021. This was viewed by the Council Ecologist.

The report indicates that there is the potential for roosting features however an emergence survey found no bats. An updated survey will be needed prior to work.

Mitigation for hedgehog is recommended in the report.

If the application were deemed acceptable a condition to ensure that all works take place in accordance with the submitted report would be required along with a lighting design strategy for biodiversity. In addition a condition would require a plan showing the location and specification of the ecological enhancements recommended in the Preliminary Ecological Appraisal (ESL, February 2021) to be submitted to the local authority to include but not be limited to bat and bird boxes.

5.7 Residential Amenity

There are no nearby residential receptors whose amenity would be harmed by the development. The proposal is acceptable in this regard.

5.8 Transport

The proposed development has been viewed by Transportation Officers. In order to assess the impact of the proposal in terms of the impact upon the existing highway further information has been requested from the applicant in the form of a Transportation Statement to cover the following.

- a. A full explanation of the way in which the current proposals differ from their predecessors in transport terms and any changes of land use this entails.
- b. An explanation of access to the site by all modes of transport and all types of vehicle.
- c. A forecast of the number of vehicular movements associated with the site under the current, previously consented and proposed development scenarios.
- d. An assessment of the potential impact, if any, on the local highway network of these changes to ensure that the access arrangements remain fit for purpose.
- e. Detail of any changes to the off-site transport networks required by these proposals and a full assessment of their adequacy as appropriate.

- f. A demonstration that the access and site layouts are adequately designed so as to accommodate the vehicles wishing to use them, including computer tracking of highway layouts if required.
- g. A framework travel plan setting out the way in which the applicants intend to encourage non-car travel to this site by both staff and visitors.

The information has been requested from the applicant but has not been received therefore it is considered by Officers that there is insufficient information to assess the proposal in highway/transportation terms.

5.9 **Drainage**

Following the submission of additional information to clarify the method of foul sewerage disposal which has indicated that this will be via connection to the system used by the whole site the development is considered acceptable in drainage terms.

5.10 **Impact on Equalities**

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

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

5.11 **Planning Balance and whether Very Special Circumstances exist.**

The Framework indicates that development that is harmful to the Green Belt should not be approved except in very special circumstances. For such circumstances to exist, the harm to the Green Belt *and any other harm* must be outweighed by other considerations.

As set out above the proposal would be inappropriate development and the Framework establishes that 'substantial weight' should be given to this harm. Officers have identified that the proposed development would result in harm to the openness of the Green Belt. In spatial terms, the proposals would inevitably result in some loss of openness as the proposed building would be constructed on undeveloped land. It is acknowledged that the building, aside from a view from a public footpath, is quite well screened from wider public views but would be clearly visible within the grounds. The harm to openness would be

moderate. As set out above it is also necessary to whether there is any other harm.

Such harm must include the harm to the heritage assets as set out in 5.4 above. It is concluded that there is harm that is at the upper end of less than substantial. Substantial weight is attributed to the accumulation of the identified harm.

There is clearly a benefit from the removal of unsightly portacabins which are of poor appearance particularly within the context of the listed structures. No weight can be given to the offered relinquishing of a consent for a Conservatory building as that consent is “out of date”. There is a clear economic benefit to the proposal in terms of the viability and functioning of the site as a whole, for example it is stated that kitchens will serve the wider house. The clubhouse would provide a much higher standard of facilities than those to be removed. There is a public benefit to the proposal therefore albeit this has not be quantified in the submission. There would be a small employment benefit that would result from the construction process and beyond to the operational phase.

Overall, the benefits of the proposal do not clearly outweigh the substantial harm caused by inappropriate development within the Green Belt (added to which is the moderate harm to openness and harm to the heritage assets which form a refusal reason in their own right). Therefore, the harm identified is not clearly outweighed by other considerations sufficient to demonstrate very special circumstances.

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.

7. RECOMMENDATION

Planning Permission is refused for the reasons set out below.

1. By reason of its siting, scale and design, the proposed extension would be harmful to the character and appearance of the grade II listed Tracy Park House and detract from the setting of a number of associated grade II listed designated heritage assets. The significance of these designated heritage assets would therefore neither be preserved or enhanced, contrary to sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990; PSP17 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017; CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013. In

accordance with the NPPF, the harm caused by the development proposals would result in less than substantial harm towards the upper end of the spectrum to the significance of the grade II listed Tracy Park House, the grade II listed Balustrades and pair of attached barns to the north-west of Tracy Park. For the outbuildings to the north-east of Tracy Park, it is considered that the development proposals would result in less than substantial end towards the lower end of the spectrum to the significance of this grade II listed building. The proposals would also detract from the character and appearance and accordingly the significance of the locally registered Tracy Park and Garden, contrary to PSP17 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017; CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the relevant sections of the National Planning Policy Framework.

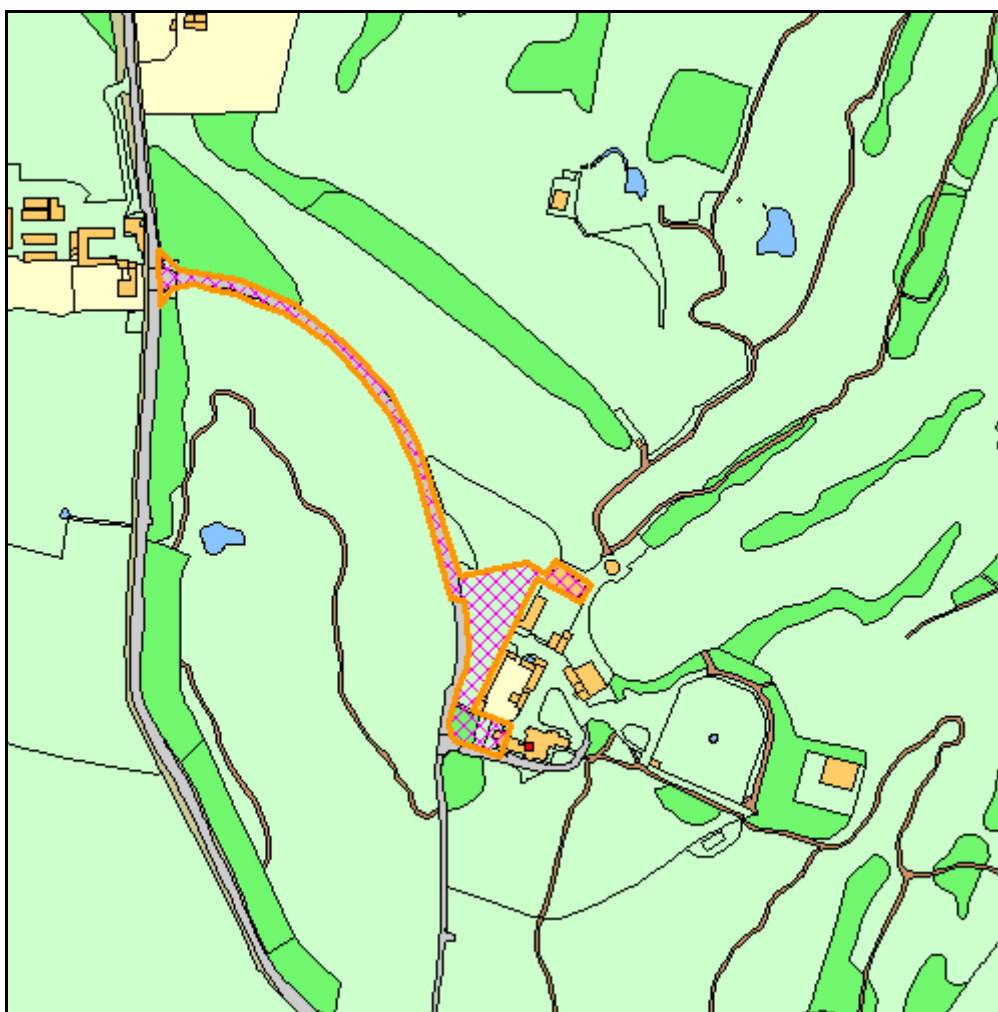
2. The site is located within the Bristol/Bath Green Belt and the proposal does not fall within the limited categories of development normally considered appropriate within the Green Belt. In addition, the applicant has not demonstrated that very special circumstances apply, such that the normal presumption 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, Policy PSP7 of the Policies Sites and Places Plan (Adopted) November 2017, Development in the Green Belt Supplementary Planning Document SPD June 2007 and the National Planning Policy Framework July 2021.
3. Insufficient information, in the form of a Transport Statement has been provided with the application to enable a full and meaningful assessment of the impact of the proposed development on operation of the existing highway. The Transport Statement needed should include but not be limited to:
 - a. A full explanation of the way in which the current proposals differ from their predecessors in transport terms and any changes of land use this entails.
 - b. An explanation of access to the site by all modes of transport and all types of vehicle.
 - c. A forecast of the number of vehicular movements associated with the site under the current, previously consented and proposed development scenarios.
 - d. An assessment of the potential impact, if any, on the local highway network of these changes to ensure that the access arrangements remain fit for purpose.
 - e. Detail of any changes to the off-site transport networks required by these proposals and a full assessment of their adequacy as appropriate.
 - f. A demonstration that the access and site layouts are adequately designed so as to accommodate the vehicles wishing to use them, including computer tracking of highway layouts if required.
 - g. A framework travel plan setting out the way in which the applicants intend to encourage non-car travel to this site by both staff and visitors.

The proposed development is therefore contrary to Policy CS8 of the South Gloucestershire Local Plan Core Strategy 2013 and PSP 11 of the South Gloucestershire Local Plan: Policies Sites and Places Plan 2017.

Case Officer: David Stockdale
Authorising Officer: Marie Bath

CIRCULATED SCHEDULE NO. 42/21 -22nd October 2021

App No.:	P21/04216/LB	Applicant:	Tracy Park Ltd
Site:	Park Hotel And Resort Bath Road Wick South Gloucestershire BS30 5RN	Date Reg:	17th August 2021
Proposal:	Erection of extension to form new clubhouse and restaurant with other associated works.	Parish:	Doynton Parish Council
Map Ref:	371337 171865	Ward:	Boyd Valley
Application Category:	Minor	Target Date:	6th October 2021



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100023410, 2008.

N.T.S.

P21/04216/LB

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

INTRODUCTION

This application has been referred to the Circulated Schedule in accordance with the Council Constitution as responses have been received that are contrary to the officer recommendation.

1. THE PROPOSAL

1.1 This application seeks Listed Building Consent for the erection of an extension to form new clubhouse and restaurant with other associated works at the Park Hotel and Resort (Tracy Park). An accompanying full planning application is also being considered (P21/04215/F). Works will include alongside the new clubhouse/restaurant extension with glazed link the demolition of existing portacabins and a new lift within the Manor House (main building).

1.2 The proposal is located within the grounds of Tracy Park Golf Club and Country Club. Tracy Park is a grade II listed building dating from the seventeenth century with a number of alterations by successive owners. The following assets are on or near the site:

Tracy Park House	grade II
Balustrade and urns to south front of Tracy Park	grade II
Entrance piers (south drive)	grade II
Stable and attached cottage north of Tracy Park	grade II
Stable north west of Tracy Park	grade II
Kitchen garden wall	grade II
Gates (north drive)	grade II
Pair of attached barns to (NW of Tracy Park)	
Outbuilding (north west of Tracy Park)	
Park and garden, Tracy Park	locally listed
Stable, Greenway Farmhouse	grade II
Barn, Greenway Farmhouse	grade II
(the above two buildings are beyond the site boundary, opposite the main northern entrance.	

In addition and relevant for the accompanying planning application P21/04215/F the application site is situated in the Green Belt and the Cotswold Area of Outstanding Natural Beauty.

1.3 The proposed development will provide a new golf clubhouse (with the demolition of the nearby portacabin buildings currently used as a clubhouse and for storage). The new structure would provide kitchen facilities, storage, changing rooms and a restaurant for both the hotel and golfers. The extension will wrap around the western end of the main house extending beyond the rear of the building such that it would incorporate the existing stable buildings with a

glazed link to the main building. It is indicated that the facility will be used for golf functions and private functions. Also to be considered in this application for listed building consent is the installation of an internal lift within the manor house.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework 2021

National Planning Practice Guidance – Conserving and Enhancing the Historic Environment;

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS9 Managing the Environment and Heritage

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

PSP17 Heritage Assets and the Historic Environment

Guidance

Historic England's Good Practice Advice in Planning Note 2 Managing Significance in Decision-Taking in the Historic Environment.

Historic England's Good Practice Advice in Planning Note 3 "The Setting of Heritage Assets (2nd Edition).

Historic England's Advice Note 2 – "Making Changes to Heritage Assets".

3. RELEVANT PLANNING HISTORY

- 3.1 The site has a very extensive planning history as set out below. There is no recent history directly relating to the area of the building under consideration albeit the Screening Opinion (P21/028/SCR) covers the proposal as consideration of a wider proposal shortly to be submitted.

P21/028/SCR - Screening opinion for the erection of a golf shop, club house area, greenkeepers yard, driving range, glazed wedding venue, conference facilities, swimming pool, gym, ballroom, restaurant, staff accommodation and extended parking provision. EIA Not required 23rd September 2021.

P21/04215/F Demolition of existing portacabins. Erection of extension to form new clubhouse and restaurant with other associated works. Pending Consideration

P21/00975/LB Repairs to listed garden wall and bothy to facilitate the erection of a wedding venue. Approved 24th June 2021

P21/00974/F Erection of glazed wedding venue with associated landscaping. Approved 24th June 2021

P20/17642/RVC Application to remove conditions 3 and 5, and to vary condition 2 attached to P19/16654/F. Wording of condition 2 to be changed to 'The staff welfare and overnight accommodation building shall be used solely for staff purposes and shall not at any time be used as independent residential or holiday accommodation'. Erection of an extension to green keepers building (Class D2), creation of hardstanding, aggregate bays, erection of 1 no. building to form staff room with overnight accommodation and associated works.

P19/16581/F Erection of 2 no. buildings to form staff accommodation (22 units) for the main hotel (Class C1), with associated parking and access. Refused (Design, Green Belt) 7th October 2020

P19/16654/F Erection of an extension to green keepers building (Class D2), creation of hardstanding, aggregate bays, erection of 1 no. building to form staff room with overnight accommodation and associated works. Approved 18th February 2020

PK17/2390/F Erection of temporary wedding marquee to exist on site for a period of 5no. years with associated parking. Approved 19th April 2018

PK15/4989/F Re-location of driving range with landscaping and associated works. Approved 1st April 2016

PK13/2200/CLE Certificate of lawfulness for the existing use of building and surrounding hard standing for storage of golf course related materials, plant and machinery and connected water tanks used in irrigating golf course. Approved 18/10/2013

PK12/2888/LB Erection of single storey extension to reception building to form male and female toilets. Internal and external alterations to include external flue, roof ventilation, alternative roof covering for entrance lobby and internal layout changes. Amendment to previously approved scheme PK10/2745/EXT. Refused 2nd November 2012

PK12/2887/F Erection of single storey extension to reception building to form male and female toilets. Amendment to previously approved scheme PK10/2736/EXT to provide external flue, roof ventilation, alternative roof covering for entrance lobby and internal layout changes. Refused 8th January 2013

PK07/2105/TMP Temporary consent for the erection of a clubhouse for a period of two years. Approved 14th August 2007

PK06/0468/F - Demolition of existing buildings to facilitate the erection of new hotel. Erection of health and spa facilities, golf club house. Construction of road and car parking and associated access and landscaping. Refused May 2006

PK06/0466/F - Restoration of listed buildings and listed external features. Demolition of existing squash courts and extension and conversion of existing adjoining clubhouse to facilitate erection of two-storey 18 bed room hotel. Erection of new golf clubhouse and health spa in walled garden, comprising: locker rooms, showers, toilets, club bar and kitchen, pro-shop, spa reception, therapy rooms, gym, exercise studio and indoor swimming pools. Construction of new access tracks and 54 space car park to east of walled garden on site of old tennis courts. Reconfiguration of existing car park. Refused May 2006

PK06/3092 - Part demolition of the existing squash court and extension and conversion of the remaining building to facilitate the erection of a two-storey 18 bedroom hotel.

Approved 16 August 2007

PK07/0242/LB - Part demolition of the existing squash court and extension and conversion of the remaining building to facilitate the erection of a two-storey 18 bedroom hotel.

Approved 16 August 2007

4. CONSULTATION RESPONSES

4.1 Wick and Abson Parish Council

Wick and Abson Parish Council support this application.

4.2 Listed Building and Conservation Officer

The following represents the concluding comments of the Council Listed Building Officer (the full/detailed comments are available to view on the Council Website)

OBJECTION

Paragraph 200 of the NPPF states:

Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Advice has been given previously that there are a number of unfortunate structures on the site and that it is considered that there is scope for replacing these with good quality architecture that responds well to the landscape and heritage assets. If this is done in combination with securing the repairs and maintenance required across the site and parkland restoration, an increase in built form could in principle still serve overall as preservation or enhancement. It is considered that there are alternative locations at Tracy Park where this level of new development could be located and cause far less harm to the significance of heritage assets than what is being proposed through this application. This has been highlighted through the previous Parkland Statement of Significance and previous pre-application discussions.

For instance the area of the existing portacabin clubhouse, and to the north and east of the reception building, would appear to provide a space for a very similar level of accommodation, and equally appropriate for the golf clubhouse and other golfing facilities proposed. This location would also be equidistant from the approved walled garden wedding facility, which is understood has a dependency on the proposed kitchen facilities. While kitchen facilities are clearly important to the viability of the manor house, the plans show two kitchens retained, one at ground floor and one at first floor.

There is concern that this area may not be proposed due to the aspirations for further additional large scale development on the site, or further development on which the wider viability of the site relies. This begs the question of whether this application should be considered in isolation if, in reality, it is an integral part of a more substantial development as the cumulative impacts on the heritage significance of the site and the site wide master planning should be considered at the outset.

In accordance with the Framework, the proposals are considered to result in less than substantial harm to the significance and setting of the heritage assets at Tracy Park, both designated and non-designated. This less than substantial harm is considered to be at the upper end of the spectrum in relation to the significance and setting of the manor house and the outbuilding which are directly impacted, and the lower end in relation to the other listed service buildings and the park and garden.

The application is therefore to be considered within the context of paragraph 202, which is matter for the decision maker. I would however advise that as harm has been identified compliance with requirements of paragraph 199 of the Framework has not been achieved and accordingly as established through case law, the finding of harm gives rise to what can be regarded as a statutory presumption against the granting of permission.

Subsequently, unless in the “weighing-up” exercise as required by paragraph 202 of the Framework, robust material considerations are identified that are considered sufficient to outweigh the identified magnitude of harm, refusal is therefore recommended.

It is noted that a judgment in the Court of Appeal (*Jones v Mordue* [2015] EWCA Civ 1243) clarified that, with regards to the preservation of the significance of heritage assets, where the principles of the NPPF are applied, this is in keeping with the requirements of the 1990 Act. In carrying out that exercise, any harm must be given **considerable importance and weight** in accordance with the statutory presumption created by s. 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (see *Forge Field Society v Sevenoaks DC* [2014] EWHC 1895).

Paragraph 199 of the NPPF states:

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should

be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Some heritage benefits (which are also considered planning benefits in any weighing up exercise have been identified through the repairs to the manor house, however as discussed above, the extent of the repairs proposed through this application are relatively limited and therefore can only be afforded limited weight. It is not considered that the heritage benefits outweigh the harm to significance identified.

Additional Comment

To provide clarification, I can form that the “less than substantial harm” considered to be at the “upper end of the spectrum” relates to the following grade II listed assets

Tracy Park Manor House
Balustrades and Urns
Stable and attached cottage
Pair of attached barns to (NW of Tracy Park)

The grade II listed heritage assets the harm to which would be towards “the lower end” would be:

Outbuildings (NE of Tracy Park)

In addition the proposals would also detract from the character and appearance and accordingly the significance of the locally registered Tracey Park Gardens.

Other Representations

4.3 Local Residents

A total of 144 letters of support have been received. and one letter of objection. The grounds of support can be summarised as follows:

The proposal is a much needed facility that will benefit the community
The proposal will help attract new Members
Restaurant will allow whole family to enjoy the facility
It will improve the facility and create jobs
The current temporary facilities are not fit for purpose
The proposal will raise much needed revenue for the site as a whole
The existing facility is an “eyesore”
The proposal will have no impact on neighbouring occupiers
The design is sympathetic and enhances the current buildings
Other neighbouring businesses will benefit by an increase of people in the area
The proposed siting will allow the main house to reach its potential
The structure will complement the excellent golf courses
The development will help secure the remaining Listed Buildings

5. **ANALYSIS**

Tracy Park is a grade II listed building, located within a locally registered park and garden. As set out in Section 1 above there are a number of individually listed assets within the grounds.

5.1 **Principle Of Development**

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether or not to grant listed building consent for any works, the LPA shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest in which it possesses. The NPPF also attaches great weight to the conservation of heritage assets and ensuring their significance is maintained or enhanced.

5.2 **Heritage/Design**

5.3 **Policy Framework**

Para 194 of the National Planning Policy Framework states:

In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Para 195 of the National Planning Policy Framework states:

Local Planning Authorities should identify and assess the particular significance

Para 199 of the National Planning Policy Framework states:

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Para 200 of the National Planning Policy Framework states:

Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Para 202 of the National Planning Policy Framework states:

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Policy PSP17 of the Policies, Sites and Places Plan and policy CS9 of the Core Strategy relate to conservation, and seek to protect the character and appearance of conservation areas and the significance and setting of heritage assets such as listed buildings. These policies are up to date and in accord with the provisions of the National Planning Policy Framework.

5.4 **Assessment**

5.4.1 **Tracy Park (Historical Background)**

The original house on the site of Tracy Park was medieval however the present building retains the seventeenth century build to the north, refaced to the south between 1798 and 1808, with later additions in 1850 and 1920 for the Davy family. The main house is grade II listed and there are a number of additional designations within the parkland including the entrance gates, outbuildings, walls and the walled garden.

The manor house is clearly a tapestry of successive architectural styles and periods. The north elevation is strongly characterised by the seventeenth century style while the south elevation was heavily altered through the work of Charles Raikes Davy in the nineteenth century and have a far greater classical style. It is considered that the alterations and architectural detailing employed provide a unification and balance to the southern side of the building. The single storey columned west wing, central portico and eastern aedicule all employ the Tuscan order, conveying a simplicity and solidity to these elements of the building.

Other than the pair of barns and the walled garden, which are believed to date from the eighteenth century, the other outbuildings, stables, garden balustrade and entrance piers date from the early-mid nineteenth century. The service buildings are shown on the 1839 Doynton Tithe map. Through the consistency of their materials (local stone and clay tile), and the simple yet conscious control of the design and detailing, these buildings possess group architectural value, and contribute to the considered setting of the manor house. **They are each of a relatively small scale and their simple unadorned elevations and form clearly demonstrates their original function as secondary, service buildings.**

5.4.2 Statement of Significance

A Statement of Significance relating to the parkland at Tracy Park has been submitted with the application. This document was created some years ago, in order to better understand the significance of the grounds to the manor house, and its wider setting. The document has been helpful in informing an understanding of the significance of the land and planting at Tracy Park, views and vistas and the relationship between various buildings, structures and spaces. The document states:

The 1883 map shows that the environs of the house were well wooded to north, east west with screening belts of mixed deciduous & coniferous trees.

These belts enclose the service court to the north of the house, all the associated outbuildings, & the walled kitchen garden to the east.

The key views into & out of the area all related to the main body of the house to the south; although even here, clumps of trees framed the southern view, containing & narrowing views in & out, & giving the house the sense of nestling back into the trees. From all other directions the buildings were effectively hidden within the screening belts.

Even the approach to the service court from the main drive sweeps round in a sharp curve, in order to prevent any views of them from the drive itself.

The ideal of even substantial country houses 'nestling' into vegetation was a distinct characteristic of the Picturesque aesthetic movement, & was particularly advocated by the leading garden designer of the late- 18th & early-19th century, Humphry Repton; for example his proposals from the Red Book for Garnons, show a significant increase in the planting generally, but particularly around the house itself.

Service wings were generally only displayed when they were Picturesquely designed to complement & enhance the appearance & scale of the building; however this was generally more common in mediaeval-revival houses, such as Ashridge Park & Penhryn Castle, & such wings opened onto internal courtyards; their eternal facades were more theatre than utility.

Consequently, the dense screening belt around three sides of the house, & the service areas, was an absolutely characteristic feature of such early-19th century Picturesque landscapes.

This separation and screening of the service wings and walled garden, creating a 'cone of visibility' from the front door demonstrates that the south façade of the manor house was intended to be viewed in isolation, separate from service buildings and relating wholly to its natural setting. This landscape treatment and designed separation of the secondary spaces is important to understanding the architectural, historic and aesthetic significance of the site, and was not simply fortuitous. There are comparable estates locally, such as The Rocks at Ashwicke, which demonstrate quite the opposite architectural design intentions. Here the former seventeenth century mansion house was extended

considerably in the nineteenth century to the north in order to provide additional accommodation and services. These nineteenth century additions created a strongly linear plan, providing a frontage of considerable mass and scale when approached along the formal tree lined avenue from the east. This intentional display of power and importance was further reinforced through the use of stone and the heavy, bold, castellated form of the additional buildings, which now flanked the earlier house.

At Tracy Park the removal of tree planting to the south of the house to frame this elevation and the creation of the south entrance drive is understood from map regression to have been carried out between 1839 and 1883. This would coincide with the substantial level of alteration and extension of the manor house carried out by Charles Raikes Davy from 1856. By 1903 maps indicate that tree planting to the south was thinned further and a ha-ha created. This would have further opened up views to and from the south front of the house, whilst still maintaining screening of the service buildings beyond, and can therefore be seen as a continuation of the original concept.

5.4.3 The Proposed Development (impact upon setting)

Turning therefore to the proposed development having regard to Paragraph 196 and 199 of the NPPF as set out above, by any definition it is considered that the extension to the building represents a significant footprint extending from the western end of the manor house entirely enveloping the south and west elevation of the main house.

The effect of the development is to close the gap between the service buildings and the main house is to negate the original design of the building. These subordinate buildings are now part of the whole, the hierarchy of buildings part of the original design concept is removed. **The harm is considered to be to the manor house and historic service buildings and their setting, including the parkland, due to the fact that as set out above, the design intention depends on each element.**

The service outbuildings are relatively simple, utilitarian in appearance and most certainly modest in scale forming a linear arrangement. This is a case where the appearance reflects the use. In contrast the main house quite obviously is much larger in scale but has a much more formal treatment in a classical style. The architectural styles and 'hierarchy' of the historic buildings are important to the historic, evidential and aesthetic significance of the site. The physical merging of the buildings and resultant loss of intervening space, as well as the amount of new building proposed, would fail to preserve that interest and is considered highly inappropriate in both design, form and position. Furthermore, no restoration tree planting to restore the screening and visual separation' is proposed through this application.

It is accepted that the design of the structure has evolved and is an improvement upon previous submissions. The curved element which forms the link is glazed and incorporates a moulded cornice and the remainder of the building to the north with the use of rubble stone (with arrow slit windows) and clay pantile roof is of a traditional vernacular and appropriate to a utilitarian building. So in terms of the detailed design there are elements that are

welcome. However the extension as has been set out above fills an important gap which was historically intended to separate the two distinct areas of the site. The small outbuilding has been radically altered. The large scale of the new 'conservatory' part of the extension is such that it would also risk undermining the modest west orangery range which it would sit alongside, which is designed as the end-stop of a series of diminishing individual architectural components. This would harm the architectural interest of the building.

The existing and proposed elevations suggest that the new west elevation will appear as a much taller building than the existing outbuilding due to the ground to eaves height (the south door is reached by a series of 10 steps from ground level which is very different from the modest character of the existing courtyard stables and outbuildings). It is also shown to be tightly abutting the existing historic wall to the west of the carpark, resulting in a very unsatisfactory relationship and awkward gap. This lack of sensitivity toward the historic structures is seen elsewhere, such as the north elevation of the proposed pro-shop projecting beyond the north elevations of the courtyard buildings. Whilst it is evident that some amendments to the elevation treatment have been made in order to overcome objections raised at pre-application stage, it is not considered that these have gone far enough. Furthermore, it is considered that amendment to design alone cannot overcome the harm to significance that result from the proposed position and scale of the extensions.

The extant approval for an extension to the east end of the manor house did not create the same connection to service wings. In this instance it respected the hierarchy of buildings across the site and the separation of historic functions and spaces. This permitted extension was also largely contained within the space created within the return of the east wing, thereby not extending the façade greatly beyond the existing footprint of the house. The proposed glazed extension however extends the elevation over 25m to the west, significantly altering the balance and proportions of the house.

The submitted Heritage Statement itself clearly identifies those elements of the setting of the Manor House that contribute to its significance and this includes:

The relationship between the manor house and the associated ancillary areas

The relationship between the manor house and the wider Tracy Park complex/parkland

The experience and appreciation of the manor house from its immediate surroundings from the ancillary areas

The experience and appreciation of the manor house from the wider parkland where possible in particular from the south

It is noted that several trees have been removed thus the built form is now visible from a greater number of locations within the park. Separation previously created by planting is now in many locations created by open space or views through to other parts of the estate and parkland. While this is not the

original design intent, it does still allow a sense of separation. While co-visibility between parts of the site is now possible, the replacement of open space with built form, physically connecting the house and ancillary building, only further undermines the original design intent. The physical connection and 'blurring' of the distinction between the formal and service areas will be particularly evident from the south, south-west and also from the north. This aspect of harm is therefore considered to affect the significance and setting of not only the main house, but the stable/cottage, barns/outbuilding north-west of Tracy Park and the Park and Garden. In addition, views which are both historic and aesthetic through to the parkland through the service courtyard will be lost.

5.4.4 Proposed Development (Direct Impact upon the Building)

While as set out above the development would have an impact upon the setting of the building and understanding of the relationship between the house, ancillary buildings and locally listed park, a direct impact to the fabric of the existing structures is also proposed.

Courtyard Buildings

Described thus:

Outbuilding about 24 metres north 22.1.74 west of Tracy Park G.V. II Listed description: Outbuilding forming western boundary of courtyard with other farm buildings. Mid C19. Coursed limestone rubble, stone dressings and pantiled roof. Low building, open-fronted, with stone piers at intervals, some openings blocked in rubble, to right a slightly lower block forming L-plan, with 2 segmental-headed openings and small pointed arched openings in gable end. Rear has continuous blank wall. In poor condition at time of survey (September 1984).

The submitted Heritage Statement sets out the heritage significance of this building as being typical of a 19th Century ancillary building and while it is indicated that extensive alterations have taken place the overall form and appearance of the exterior of the building are key to its heritage significance.

It is proposed to create 10m of opening in the rear (west) wall of this building, via 4no. openings. It is described in the list description as a 'continuous blank wall'. There is also a historic stack on the west elevation. **The wall will be entirely lost from view and engulfed in the extension. The openings will constitute a loss of plan form and fabric. A further 2no internal dividing walls within this building will be removed however it is not understood from the application whether these are historic or not. As already highlighted in earlier paragraphs, this listed outbuilding is characterised by its relatively simple, utilitarian appearance, modest scale and linear plan form, which contributes to an understanding its historic use. The vast extension proposed would not maintain its simple, single depth plan and modest size. The alterations will cause harm to the historic, aesthetic and evidential value of the outbuilding.**

Internal Lift

Not all works are considered harmful, providing the lift proposed within the manor house itself providing this is done in a tactful way leaving the historic surfaces intact would be acceptable. There would be some historic ceiling and floor fabric removed, however it is considered that the significance here relates to the outward appearance of the tower. Overall when weighed against the benefits of opening up the main house to increase use and long term viability it is considered that this element is acceptable.

Alteration to Western Extension to the Main House

The submitted Heritage statement sets out that the mid-century west extension to the manor house is of lesser value to the architectural and historic interest of the listed building than the C17-C19 parts. The physical alteration to this part of the building is not considered harmful and Officers consider this to be an accurate view.

Ramp

The proposal for a ramp is not clear from the drawings. Although unlikely to be harmful, further details would be necessary were the overall proposal considered acceptable with further details of what the removal of downstand section entails would also be necessary.

Repair Works

In support of the application a condition survey has been submitted. The survey identifies "*elements of the building fabric that need immediate repair to protect the building structure and repairs that will be required within the next 5-10 years*".

Officers have viewed the submitted survey and there are points of clarification that are needed. The Listed Building Officer has indicated that much of the proposed works as set out below are not given a clear timescale or easy to breakdown for example some roof repairs are needed immediately while others will be within the next 5 to 10 years which is helpful but a similar breakdown has not been given for windows, doors or the interior. A window schedule is referenced in the report but could not be found.

The programme of repairs can be summarised as follows:

- Repair to the main Manor House roof structure;
- New flat roof treatment to 1950s single storey extension;
- Repair of wooden cil of WF14 (like for like);
- Repair of WF25 glazing (like for like);
- Repair of portico cornice (like for like);
- Installation of membrane to front portico to prevent water damage; and
- Repair and renovation of internal water damaged areas (like for like).

It is not therefore proposed through the application that all of the repairs identified in the condition survey will be carried out concurrently with the proposed clubhouse extension. While the repairs proposed are of course welcome and will provide benefit to the listed building, the scope of immediate repairs is relatively limited, and can accordingly only be afforded limited weight as a heritage benefit when considering the heritage assets affected as a whole. Were the proposal to be approved a condition that required the timing/phasing of the repairs and their extent would need to be applied as this would need to form a planning benefit in the weighing up exercise.

5.5 **CONCLUSION**

The Level of Harm

As set out above it is concluded that Harm has been identified to the designated and non-designated heritage assets at Tracy Park through the proposed extension.

Paragraph 200 of the NPPF states:

Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

The applicant's submission states that extensive pre-application discussions have taken place previously although it is acknowledged those have largely dealt with other matters rather than the clubhouse development now proposed. When advice has been given, this has been informal advice at on site meetings to the effect that there are a number of structures within the complex that might be described as "unfortunate" within the context of the setting of Listed Structures/features including the locally listed parkland. These could be replaced with good quality architecture that responds well to the landscape and the heritage assets and which if linked to repairs and maintenance across the site, (to the buildings and parkland) could be said to benefit the enhancement or preservation of the site.

It cannot be overstated that Officers would wish to support an appropriately located scheme (following on from the recent approval of a wedding venue in the walled garden) however it is not considered that a clear and convincing justification has been put forward for the scheme. It is considered hard to do so when For instance the area of the existing portacabin clubhouse, and to the north and east of the reception building, would appear to provide a space for a very similar level of accommodation, and equally appropriate for the golf clubhouse and other golfing facilities proposed. This location would also be equidistant from the approved walled garden wedding facility, which is understood has a dependency on the proposed kitchen facilities. While kitchen facilities are clearly important to the viability of the manor house, the plans show two kitchens retained, one at ground floor and one at first floor.

Officers are aware of a much larger development for a hotel, swimming pool, conference facilities etc as a screening decision has been issued for this

(P21/028/SCR). This leads to an obvious concern that the siting of the clubhouse is driven by the location of the larger development and whether this application should be considered in isolation if, in reality, it is an integral part of a more substantial development as the cumulative impacts on the heritage significance of the site and the site wide master planning should be considered at the outset.

As set out above where potential harm to a designated heritage assets is identified this needs to be categorized as either less than substantial harm or substantial harm in order to identify which paragraphs of the National Planning Policy Framework apply (i.e. either para 201 and 202). This judgement is for the decision maker. Since July 2019 the National Planning Practice Guidance (NPPG – Para 018) has added a more nuanced requirement that:

“within each category of harm....the extent of the harm may vary and should be clearly articulated”

In accordance with the Framework, the proposals are considered to result in less than substantial harm to the significance and setting of the heritage assets at Tracy Park, both designated and non-designated.

The less than substantial harm is considered to be at the upper end of the spectrum in relation to the significance and setting of:

**Tracy Park Manor House
Balustrades and Urns
Stable and attached cottage
Pair of attached barns to (NW of Tracy Park)**

The grade II listed heritage assets the harm to which would be towards “the lower end” would be:

Outbuildings (NE of Tracy Park)

In addition the proposals would also detract from the character and appearance and accordingly the significance of the locally registered Tracey Park Gardens.

5.4.5 “Weighing Up Exercise”

Para 199 of the National Planning Policy Framework states:

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Para 202 of the National Planning Policy Framework states:

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

In terms of the benefits of the proposal, the scheme would involve the removal of the unsightly existing portacabins. The lift would help the function of the main house and improve accessibility for guests.

As set out in the PPG (para 20)

“Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework (paragraph 8). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit. Examples of heritage benefits may include:

- sustaining or enhancing the significance of a heritage asset and the contribution of its setting*
- reducing or removing risks to a heritage asset*
- securing the optimum viable use of a heritage asset in support of its long term*

In terms of the benefits of the proposal, the scheme would involve the removal of the unsightly existing portacabins. The lift would help the function of the main house and improve accessibility for guests.

The letters of support indicate that the facility is considered much needed by those who use the golf course as well as those attending other functions. The amount of benefit to the wider public would be limited but the proposal would improve the facilities and would clearly bring economic benefits towards the long-term upkeep and viability of the site, which clearly includes the upkeep of a heritage asset. This would include employment opportunities.

In addition the applicant has indicates that repairs would take place within the site however as set out above the extent and timescale for these works is quite confusing and appears limited.

Against the benefits is the conclusion by officers that the less than substantial harm is at the upper end of the spectrum.

It is noted that a judgment in the Court of Appeal (*Jones v Mordue* [2015] EWCA Civ 1243) clarified that, with regards to the preservation of the significance of heritage assets, where the principles of the NPPF are applied, this is in keeping with the requirements of the 1990 Act. In carrying out that exercise, any harm must be given **considerable importance and weight** in accordance with the statutory presumption created by s. 66 of the Planning

(Listed Buildings and Conservation Areas) Act 1990 (see *Forge Field Society v Sevenoaks DC* [2014] EWHC 1895).

It is not considered in conclusion that the magnitude of the identified harm is outweighed by the public benefits

6. CONCLUSION

6.1 The decision to refuse listed building consent has been taken having regard to section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and advice contained in the National Planning Policy Framework and accompanying Historic England Planning Practice Guidance. It is therefore considered that the Council's statutory duties have been fulfilled.

7. RECOMMENDATION

7.1 It is recommended that listed building consent is **REFUSED**

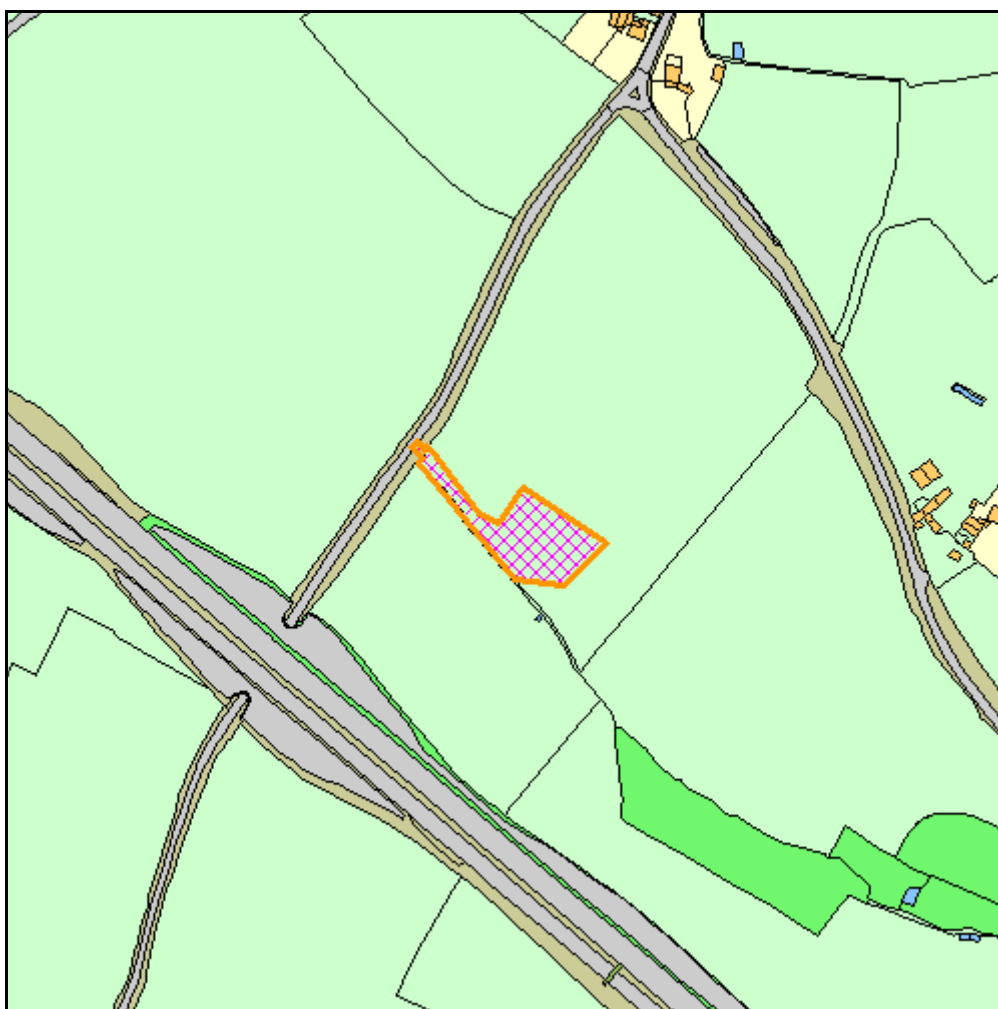
REASONS FOR REFUSAL

1. By reason of its siting, scale and design, the proposed extension would be harmful to the character and appearance of the grade II listed Tracy Park House and detract from the setting of a number of associated grade II listed designated heritage assets. The significance of these designated heritage assets would therefore neither be preserved or enhanced, contrary to sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990; PSP17 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017; CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013. In accordance with the NPPF, the harm caused by the development proposals would result in less than substantial harm towards the upper end of the spectrum to the significance of the grade II listed Tracy Park House, the grade II listed Balustrades and pair of attached barns to the north-west of Tracy Park. For the outbuildings to the north-east of Tracy Park, it is considered that the development proposals would result in less than substantial end towards the lower end of the spectrum to the significance of this grade II listed building. The proposals would also detract from the character and appearance and accordingly the significance of the locally registered Tracy Park and Garden, contrary to PSP17 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017; CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the relevant sections of the National Planning Policy Framework.

Case Officer: David Stockdale
Authorising Officer: Marie Bath

CIRCULATED SCHEDULE NO. 42/21 -22nd October 2021

App No.:	P21/05656/F	Applicant:	Explosive Developments Limited.
Site:	Land Adjacent To Lower Woodhouse Farm Fernhill Almondsbury South Gloucestershire BS32 4LU	Date Reg:	27th August 2021
Proposal:	Erection of 2no. enclosures containing explosive magazines, 2m boundary fences, upgrading of access track and associated works.	Parish:	Olveston Parish Council
Map Ref:	360966 185535	Ward:	Severn Vale
Application Category:	Minor	Target Date:	21st October 2021



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P21/05656/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 consultation comments received, from the Parish Council, contrary to Officer recommendation

1. THE PROPOSAL

- 1.1 The application is for the erection of 2no. enclosures containing explosive magazines, 2m boundary fences, upgrading of access track and associated works.
- 1.2 The site is at land adjacent to Lower Woodhouse Farm, Fernhill, Almondsbury. The site is located on agricultural land within the Green Belt.
- 1.3 The applicants state that they are one of five main suppliers of explosives products in the UK, is looking to establish 2 one tonne explosives storage areas, with access from an existing lightly used road, a new hard-standing area for vehicle deliveries and a small utility shed. The land comprises two parcels-one for arable use and the other for pasture use. This application relates to a very small section of the arable parcel of land only. The applicant company currently stores UN Class 1.1 explosives in two UK locations for which it is licensed and monitored by the UK Health & Safety Executive, and has previously operated explosive stores from other sites in the south-west. The magazine would typically serve mineral extraction and forestry uses across the south west.
- 1.4 The magazines would be approximately 2.5 metres in height and up to approximately 8 metres in length. The magazines themselves would have a 2.6m high concrete block blast wall around them, with a lockable metal gate to access the enclosures. The magazines themselves are constructed to Home Office specifications of welded steel plate with a minimum thickness of 6mm and equipped with multiple vibration sensors for security. There will be no staff at the site. It will be visited around once a day by a goods vehicle to load with explosives which will be delivered to customers, and would be restocked every few weeks. Vehicles will not be parked at the site and will only be there briefly for loading and unloading. There will be no customer access to the site.

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 (Including Green Belt)
CS10 Mineral Extraction
CS34 Rural Areas

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

PSP1 Local Distinctiveness
PSP2 Landscape
PSP7 Green Belt
PSP8 Residential Amenity
PSP11 Transport Impact Management
PSP19 Wider Biodiversity
PSP28 Rural Economy

2.3 Supplementary Planning Guidance
South Gloucestershire Green Belt SPD

3. RELEVANT PLANNING HISTORY

3.1 None relevant

4. CONSULTATION RESPONSES

4.1 Olveston Parish Council

'OPC Planning committee Strongly Objects as there is no proven cliental and is not suitable for Green Belt area and it is adjacent to the conservation area.

We feel this is unsuitable as the proposed development is in Greenbelt and adjacent to a conservation area, also according to the applicants own admission there is no clientele in the area at the moment so we cannot see they can show a need to overrule the Greenbelt regulations'

Sustainable Transportation

No objections in principle

Lead Local Flood Authority

No objections

Highways Structures

No comment

Landscape Officer

No objection in principle

Avon and Somerset Police (Crime Prevention Advisor)

No objection

Other Representations

4.3 Local Residents

One letter of support has been received, as follows:

'The field subject to the application has two established accesses, SW to Tockington Lane and NE to Fernhill Rd , this access has a grass surface with a steep descent onto Fernhill Road that is problematical with heavy agricultural loads particularly when wet, The SW to Tockington Lane access is without descent to the less busy road but due to its seclusion has suffered fly tipping, to prevent this a temporary soil barrier has been placed, the application proposes the erection of a lockable metal fence on the SW entrance which would provide a significant improvement to this access. Therefore as the applicant has confirmed we will be provided with an access key this application would add significant safety and operational benefits for our agricultural activities.'

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The National Planning Policy Framework, indicates a presumption in favour of sustainable development in the interests of wider economic, environmental and social provisions, except where it may compromise key sustainable development principles set out in national planning policy or where any adverse impacts would significantly and demonstrably outweigh the benefits.

Sustainable development includes 'an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity. The NPPF also suggests that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Planning policies and decisions should recognise and address the specific locational requirements of different sectors. To support a prosperous rural economy, planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.

5.2 Policy PSP28 is supportive of sustainable new development which promotes a strong rural economy will be acceptable in rural areas; in the case of new buildings, where there are no existing suitable underused buildings reasonably available, or the proposed building is reasonably necessary for the purposes of the use and is clearly designed for that purpose and the development makes efficient use of land in relation to its location, layout, accessibility and surroundings. The magazine serves a rural use and promotes mineral extraction and forestry, which are also part of the rural economy. There are not considered to be any suitable available buildings and the buildings are therefore reasonably necessary and necessarily designed specifically for the purpose proposed. The scale of the buildings required is modest and has been designed as such, specific to the purpose proposed. The proposals by virtue of their nature and license requirements need to be a suitable distance away from properties and built up areas.

5.3 Explosive stores have specific locational requirements, having to be away from homes, workplaces and roads. They are inevitably therefore rural sites. They

also serve the rural economy, enabling mineral extraction to take place, itself generally a rural activity occurring in the open countryside. The proposed magazine is a rural use and promotes mineral extraction and forestry, which are also part of the rural economy. Mineral extraction is supported by the Core Strategy (Policy CS10) which in particular proposes the extraction of 58 million tonnes of crushed rock in the plan period, some 60% of the West of England's sub-regional apportionment. The extraction of crushed rock requires blasting. Explosives are also used extensively by the Forestry Commission to obtain rock for roads on their land.

- 5.4 It is also of note that the operations would be subject to specific licensing controls in terms operational management of the site and in terms of the land use proposal and its distance to potential receptors, this is discussed in more detail in the relevant section below.
- 5.5 The proposals are however subject also to assessment against Green Belt policy and detailed development control policy considerations referred to in more detail in the relevant sections below.
- 5.6 Green Belt
The site is located in the Green Belt. The development will therefore need to be considered firstly for its appropriateness as a use within the Green Belt and whether it impacts upon the openness of visual amenity, or alternatively whether very special circumstances are demonstrated to justify the proposal within the Green Belt as an exception to Green Belt policies.
- 5.7 South Gloucestershire Council SPD 'Development in the Green Belt' also advises that the existence or provision of screening from a development in does not by itself overcome the considerations or principles of openness within the Green Belt.
- 5.8 It is not considered that the proposals fall within any of the limited criteria or categories that may be considered appropriate within the Green Belt. The proposal is therefore considered to represent inappropriate development in the Green Belt and therefore very special circumstances for allowing the development would be required to be demonstrated that outweigh this presumption of harm, together with any other harm, in order for the application to be permitted. The nature and level of these very special circumstances will need to be weighed against the degree of harm caused by the inappropriateness of the development.
- 5.9 Openness
In terms of openness it is considered that the proposed buildings and use would have a greater impact than the existing site, however it is of note that the propose magazines are relatively small and the area around forming the planning unit is also relatively small with minimal additional alterations. This therefore limits the impact upon the openness to an extent.
- 5.10 Landscape
With regard to the visual impact of the proposed development, the proposals need to be assessed in relation to potential views from nearby residents and

footpath users and the potential effects of the proposed development on the openness and visual amenity of the area. The South Gloucestershire Council SPD 'Development in the Green Belt' also advises that the existence or provision of screening from a development in does not by itself overcome the considerations or principles of openness within the Green Belt.

- 5.11 The proposed access is one of two existing access points to this field and was considered by far the most appropriate one. The other being on to a busier road and having a steep ramp down from the field onto the road. The access to be used is also considered less widely visible and would require less track associated access across the field, utilising the route of an existing farmtrack. Some fencing is necessary to prevent but this would be limited to two short lengths either side of the access to the road in order to prevent unauthorised vehicular access. A planting scheme has been suggested by the applicants and a condition can be used to secure this.
- 5.12 The considered optimum position for the stores which are required to be 24 metres apart, by safety distances legislation, is as submitted. This allows the safety distances to the nearest protected places to be comfortably met; but there is also an access point nearby on Tockington Lane. The site area and layout is therefore governed by specific requirements to an extent, as is the design of the stores. The construction of the stores and their location on the site will comply with the security standards required by the Health & Safety Executive's Guidance on Security Provisions under Explosives Regulations 2014. The stores are required to have mounding around to intercept flying debris in the unlikely event of the entire contents of the store detonating simultaneously and to prevent the spread of fire and the communication of an explosion to neighbouring stores or buildings off site.
- 5.13 The main visual impact will result from the buildings themselves, although these are considered to be relatively modest in scale and the visual impact would be restricted in this respect.
- 5.14 Very Special Circumstances:
The application acknowledges the Green Belt location of the site and put forward the following factors as exceptional circumstances such as to overcome the presumption against inappropriate development and warrant this Green Belt location for the proposed development:
- *the explosives store will provide a necessary service for the minerals industry and forestry in the South West and South Wales;*
 - *it is a rural use of land. Whilst not being within any of the exceptions to new buildings being inappropriate development in the Green Belt, it can only be sited within a rural area;*
 - *there is a need for a store near Bristol. As detailed in the supporting statement, Explosive Development's sister company and customer, R J Blasting (Scotland) Limited, supply blasting services to Perton Quarry in Herefordshire and have serviced Drakelands Tungsten Mine at Hemerdon near Plymouth. This proposed Tockington magazine would reduce vehicle emissions*

in transporting productions from Darrington. It will also enable the companies to serve further customers in the South West. The site needs to have good access to the strategic road network.

- The locational requirements are strict. To serve customers there needs to be proximity to a motorway access. The separation distances required under explosives licensing severely limits potential sites. Those distances are 50 metres from any highway, 150 metres from a major road or building and 300 metres from a vulnerable building (broadly larger glazed buildings or others vulnerable to disproportionate damage). This excludes magazines not simply from built up areas, but from anywhere near individual buildings in the countryside, a point illustrated by the safeguarding plan. Road access is necessary. The site would also need to be not more than 20 minutes' drive from a nominated keyholder and with good access for the police. A good electricity supply and communications (for security systems) are also necessary. The site meets these requirements.

- An extensive site search was carried out across the South West and South Wales but no other suitable site was found. Some 75 sites were excluded as being unable to satisfy the safety distances.

- Key requirements for an explosives store are that it is sited in open countryside, away from built up residential areas and businesses but still has good access to a motorway network. An extensive search for a suitable site in the region has been undertaken over approximately two years, including many forestry areas . Approximately 75 sites proved not viable because of restricted safety distances, some of these sites also had very restricted road access and other problem factors. Enquiries were also made of the MOD for storage but without success. None of the other possible sites considered offered the key requirements of – proximity to motorway access, not in a built-up area, but in open countryside, and 20 minutes' drive from a nominated keyholder, which are all essential requirements for an explosives store. We were unable to find any viable site not in green belt.

- Regardless of the unavailability or inappropriateness of the numerous sites reviewed and, without exception, the site at Tockington facilitates the best location to potential and traditional customers with good road access both for South Western England and Wales and is more central to our historical customers who were serviced by our now closed Daglingworth site.

- as per the map provided there are a significant number of quarries in the immediate vicinity. This, combined with the customers in the wider south west of England and Wales make this location particularly suitable both in terms of meeting site specific and legislative requirements as well as key locational requirements associated with sustainable transportation and key transport links, including proximity to the motorway.

- The scheme is a necessarily rural development which facilitates mineral extraction. It is needed to supply Explosive Development's current and future customers and to do so in a sustainable way. Due to the safeguarding distances and the need for suitable road access no other alternative sites have

been identified. There are very special circumstances which outweigh the limited level of harm to the Green Belt.

5.15 Green Belt Summary

Officers assessment with regards to the points put forward as justification for development in the Green Belt in this instance are that they are considered to be sufficiently robust. As no known sites exist within the appropriate vicinity and explosives still need to travel to and from other areas a potential need exists. Basic need and availability of a site alone however would not be sufficient in its own right to demonstrate that very special circumstances for a Green Belt location exist and this would need to be further justified in context with this specific site. The options for such a site are considered to be severely limited by the nature of the proposals and the site specific requirements associated with its location to meet licensing requirements. The site is therefore required to be relatively remote and open, whilst providing suitable access and sustainable location. This type of site is therefore required. It is considered that it is demonstrated that an adequate search of available sites and options has been undertaken and concludes the proposed site as the one that most satisfactorily addresses technical requirements of the proposed use as well as any land use issues and other restrictive criteria. The more sustainable transportation benefits associated with the sites location, proximity to transport networks and existing and potential users is also factors in the wider environmental and public interests to further supplement the balance of the requirements for this Green Belt location, over the harm caused. The harm caused by way of impact upon openness and visual amenity of the Green Belt, as discussed above, is on the lower end of the scale taking into account the size of the magazines and the planning unit.

5.16 On balance therefore, taking into account the nature of the impact upon the Green Belt, the consideration of the points above are of sufficient weight to be considered acceptable against the presumption of inappropriate development in the Green Belt policy considerations.

5.17 Safety

Paragraphs 92, 97 and 130 of the National Planning Policy Framework July 2021 require crime and disorder and fear of crime to be considered in the design stage of a development. Other paragraphs such as 8, 106 108, 112, and 119 also require the creation of safe environments within the context of the appropriate section. It has been considered by Avon and Somerset Police Crime Prevention that the design is in order and complies appropriately with the crime prevention through environmental design principles.

5.18 Under the Explosives Regulations 2014 a licence to store Class 1.1 explosives must be obtained from the Health & Safety Executive and a certificate to acquire and keep explosives must be obtained from the police authority for the area in which the store is to be located. Where the proposed capacity of the store is to be 2 tonnes or less, which applies to this planning application, an application for a licence to store explosives is made to the local police authority, in this case Avon & Somerset Police, HSE will be aware of the application through liaison with Avon & Somerset Police as the licensing authority. The application for a licence to store class 1.1 explosives must satisfy the

explosives licensing authority (Avon & Somerset Police) that the required safety distances, to the public and different types of protected place can be met. The location of the site can meet required separation distances required. For this reason the proposal is considered to be acceptable in terms of residential amenity.

5.19 Highways

The proposed access for use is one of two existing access points to this field and is considered the most appropriate one. The other being on to a busier road and having a steep ramp down from the field onto the road. Due its very size and nature, this site is unlikely to generate enough traffic to have a severe or unacceptable impact on the local highway network. There would likely be approximately one visit to the site per day and a restock of the site every few weeks. It is recommended that the surface of the access to the public highway is constructed in a bound material and that there is no drainage onto the public highway. The applicants are also reminded that works on or immediately adjacent to the public highway, must be approved by this Council before, during and after completion as appropriate. Subject to this condition therefore the Highway Authority have no objection to the application.

5.20 Agricultural Land

Given the relatively small site area (0.3Ha) affected by the proposals, the fact that the remainder of the land would remain in agricultural use and the nature of the agricultural land as classified good to moderate, it is not considered in this instance that it would lead to the loss of, or materially impact upon the use of high quality agricultural land.

Other matters

It is noted that the Parish Council has concerns regarding the proximity to the conservation area, however Officers are satisfied that the proposal is sufficiently distant to have no discernible impact on the conservation area.

6. CONCLUSION

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

7. RECOMMENDATION

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

CONDITIONS

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

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

2. The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below:
Location Plan, Block Plan and Proposed Plans and Elevations (Refs 826/21/01A, 02C, 03B, 04B, 05A and 06A), received by the Council on the 20th August 2021.

Reason:

To define the terms and extent of the permission

3. The use of the site shall be for enclosures containing explosive magazines for the storage and distribution of explosives and for no other use. In the event of the cessation of this use, the buildings and enclosures shall be removed and the land restored to agricultural use.

Reason:

In accordance with the details submitted, and to restrict development to that permitted, in accordance with the requirements of the Green Belt and in accordance with CS5 of the South Gloucestershire Local Plan Core Strategy and PSP7 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan and the provisions of the NPPF.

4. The access must not drain onto the public highway and must be surfaced for the first 10 metres in a bound material to prevent material being dragged off the site by vehicle tyres.

Reason

In the interests of highway safety, and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

5. Prior to the commencement of development a scheme of planting shall be submitted to the Local Planning Authority for written approval. Planting shall be carried out in accordance with the agreed details.

Reason

To protect and enhance the character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

Case Officer: Simon Ford

Authorising Officer: Helen Ainsley