

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: 30/21

Date to Members: 30/07/2021

Member's Deadline: 06/08/2021 (5.00pm)

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

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

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

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

NOTES FOR COUNCILLORS

– formal arrangements for referral to committee

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

c. All applications for non-material amendments

d. All applications to discharge planning conditions

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

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

Additional guidance for Members

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

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

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

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

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

A template for referral is set out below:

Referral from Circulated Schedule to Development Management Committee

1. Application reference number:

2. Site Location:

3. Reasons for referral:

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

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

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

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

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

Date:

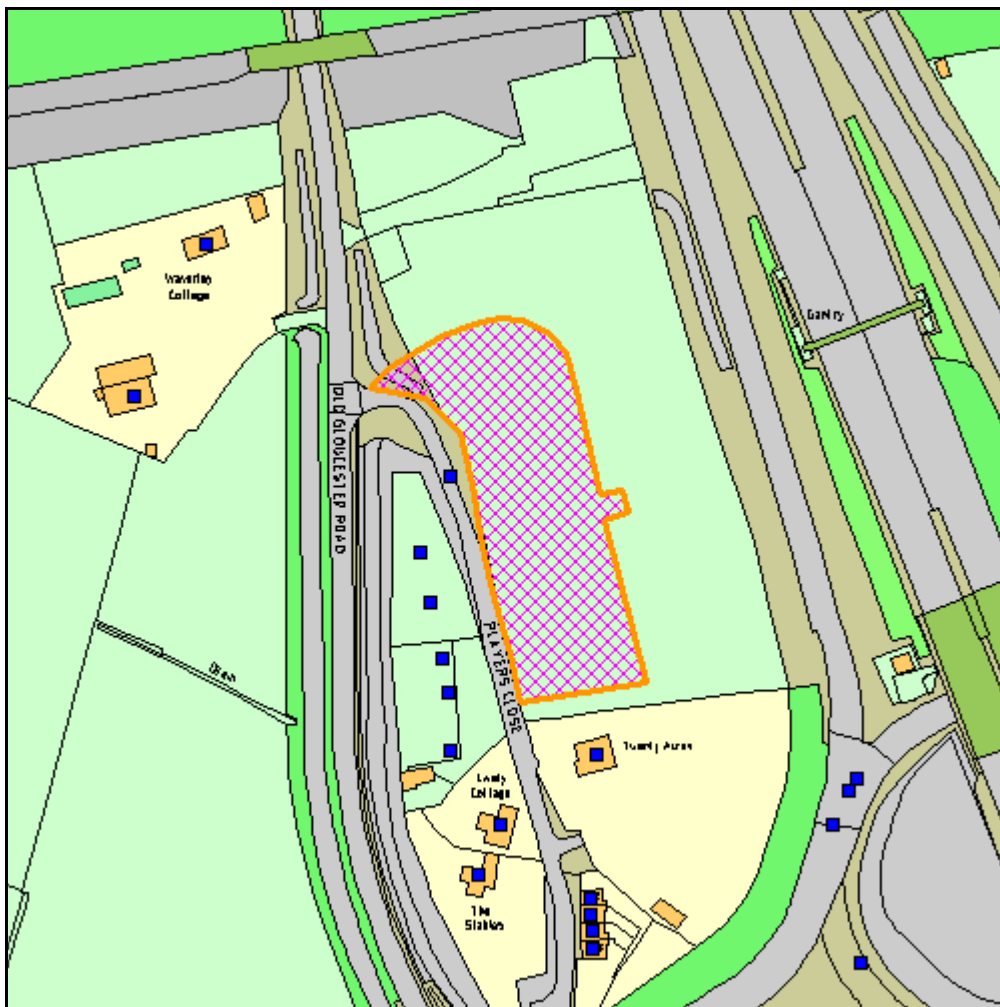
To be emailed to MemberReferral@southglos.gov.uk

CIRCULATED SCHEDULE - 30 July 2021

Item No	Application Number	Recommendation	Location	Ward	Parish
1	P19/7772/F	Approve subject to section 106	Land East Of Players Close Hambrook	Winterbourne	Winterbourne Parish Council
2	P21/02142/F	Refusal	Building And Land North East Of Oakley House Washingpool Hill Rudgeway	Severn Vale	Olveston Parish Council
3	P21/03436/F	Refusal	Building At Xenia Oldbury Naite Oldbury On Severn	Severn Vale	Oldbury-on-Severn Parish Council

CIRCULATED SCHEDULE NO. 30/21 -30th July 2021

App No.:	P19/7772/F	Applicant:	Freemantle Developments Ltd
Site:	Land East Of Players Close Hambrook Bristol South Gloucestershire BS16 1SX	Date Reg:	8th July 2019
Proposal:	Erection of 9 No detached dwellings, creation of access, parking and associated works.	Parish:	Winterbourne Parish Council
Map Ref:	363997 179466	Ward:	Winterbourne
Application Category:	Minor	Target Date:	23rd August 2019



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N.T.S.

P19/7772/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.

REASONS FOR REPORTING TO CIRCULATED SCHEDULE

Under the current scheme of delegation, this application is required to be taken forward under the Circulated Schedule procedure. The reasons for this are as follows: a representation has been made by the parish council, which is contrary to the findings of this report; the application has been subject to representations from local residents which are contrary to the findings of this report, with three or more representations made; the application is subject to a legal agreement under Section 106 of the Town & Country Planning Act 1990.

1. THE PROPOSAL

- 1.1 Planning permission is sought for the erection of 9no. detached dwellings, together with the provision of vehicular access, parking and associated works. The application relates to land east of Players Close, Hambrook.
- 1.2 The application site in its current form comprises part of a paddock situated immediately to the east of Players Close; a small residential cul-de-sac adjoining Old Gloucester Road. The wider paddock is bordered at its southern edge by a residential unit, at its eastern edge by an M4 motorway slip road, and at its northern edge by a railway line. However due to its positioning towards the south-western portion of the paddock, the application site is set away from the slip road and railway line. The site itself is largely clear of any distinctive features, with a row of trees and hedges running along the western border of the site, separating it from Players Close.
- 1.3 The application site was previously situated within the Green Belt and outside of any defined settlement boundary. However following the changes to settlement boundaries following the adoption of the South Gloucestershire Local Plan Core Strategy (2013), the site now falls within the settlement boundary of the east fringe urban area and is no longer designated as Green Belt land.
- 1.4 In terms of surrounding development, outline planning permission was granted in 2016, followed by reserved matters consent in early 2017 for the erection of 5 detached dwellings along the western side of Players Close. The units proposed under the current application would utilise an independent access road to the east of the 5 units, and would therefore face to the east, with rear gardens bordering the existing residential road.
- 1.5 It should also be noted that outline consent was granted in early 2020 for the construction of up to 1,290 dwellings and various other forms of supporting infrastructure and facilities, on land to the East of Harry Stoke. This land is situated further to the west of the site, on the western side of Old Gloucester Road.

- 1.6 Following the submission of revised plans, a further period of consultation was undertaken on 27th September 2019. Responses from both rounds of consultation are summarised in section 4 of this report.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework July 2021
National Planning Policy Guidance (2014)

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	
CS15	Distribution	Housing
CS16	Housing	Density
CS17	Housing Diversity	
CS18	Affordable Housing	
CS24	Green Infrastructure, Sport and Recreation Standards	
CS27	East of Harry Stoke New Neighbourhood	
CS29	Communities of the East Fringe of Bristol Urban Area	

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP8	Residential Amenity
PSP10	Active Travel Routes
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Managing the Environment and Heritage
PSP19	Wider Biodiversity
PSP20	Flood Risk
PSP21	Environmental Pollution and Impacts
PSP30	Horse Related Development
PSP43	Private Amenity Space Standards
PSP44	Open Space, Sport and Recreation

2.3 Supplementary Planning Guidance

Design Checklist SPD (Adopted) 2007
Residential Parking Standards SPD (Adopted) 2013
Waste Collection: Guidance for new developments SPD (Adopted) January 2015.
Revised Landscape Character Assessment SPD (Adopted 2014)
Renewables SPD (Adopted 2014)

East of Harry Stoke New Neighbourhood Development Framework SPD (Adopted 2016)
CIL Charging Schedule and the CIL and S106 SPD (Adopted 2015)
Green Infrastructure SPD (Adopted 2021)
Sustainable Drainage Systems (SUDS) SPD (Adopted 2021)
Trees and Development Sites SPD (Adopted 2021)

3. RELEVANT PLANNING HISTORY

3.1 There is no relevant planning history associated with the site itself. However the following applications at nearby sites are of relevance.

3.2 **PT16/4782/O** – *East of Harry Stoke (west of site)*

Outline planning permission for mixed use development comprising up to 1,290 dwellings including an extra care facility (Use Class C2/C3); community facilities (comprising use classes D1 and D2); provision of a mixed use local centre (Use Classes A1, A2, A3 and D1) together with the supporting infrastructure and facilities including: new vehicular and pedestrian accesses, public open space and landscaping with access to be determined and all other matters reserved.

Approved: 03.03.2020

3.3 **PT16/1277/O** - *Players Close (immediately west of site)*

Erection of 5no. dwellings with garages to include access layout with other matters reserved.

Approved: 09.11.2016

3.4 **PT16/6466/RM** – *Players Close (immediately west of site)*

Erection of 5no. dwellings with garages. Approval of Reserved Matters to be read in conjunction with Outline planning permission PT16/1277/O.

Approved: 06.02.2017

4. CONSULTATION RESPONSES (FIRST ROUND OF CONSULTATION)

4.1 Winterbourne Parish Council

Objection - The development is within greenbelt land. Concerns regarding further increased traffic movements on what is a substandard junction with Bristol Road which is due to include further access points to the Land East of Harry Stoke development.

4.2 Other Consultees

Archaeology Officer

No objection

Coal Authority

No objection - site does not fall with the defined Development High Risk Area.

Contaminated Land Officer

No objection subject to condition relating to ground investigations.

Ecology Officer

No objection subject to conditions, however proposed landscape plan requires amendment.

Education Team

No comment

Environmental Protection

No objection - am satisfied that as long as the building is constructed as per the recommendations set out in sections 7 and 8 of acoustic report, the amenity of the occupants will be appropriately protected. Also recommend condition relating to construction sites.

Highway Structures

No objection

Housing Enabling

No objection subject to informative.

Landscape Officer

The siting and layout of the development fail to respond adequately to this open agricultural land in a prominent and overlooked site which forms part of the setting and gateway to the wider Bristol area. The scheme provides no green infrastructure functions and the application therefore fails to meet the objectives of policy CS2 and CS27 and the objectives of the Landscape Character Assessment and strategy.

The scheme offers a poor quality living environment dominated by motorway and rail noise with intrusive views of the M4 traffic from the front of the properties. In this the scheme fails the requirements of policy CS1 requiring high quality design, including consideration of the amenity of the site and its context.

Lead Local Flood Authority

Concerns relating to drainage strategy with regards to foul water and surface water disposal.

Public Open Space

No objection - works fall below threshold for public open space s106 requirements.

Sustainable Transport

No objection subject to applicant addressing the highway layout and turning area concerns. Will recommend s106 obligations consistent with the Apportionment table attached to the main East of Harry Stoke Crest site

Application PT16/4722/O and conditions once a revised layout has been submitted.

Tree Officer

No comment

Urban Design Officer

Objection - a comprehensive design is required for the whole field that provides a permanent solution to this land. Some development may be acceptable but only on the basis that it provides '*well planned and integrated Green Infrastructure...for amenity, recreation, woodland and wildlife use along the eastern edge of the site...*' in accordance with CS27. Otherwise, as NPPF para 127 states, '*permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions*'.

Other Representations

4.3 Local Residents

A total of 3 letters of objection were received during the first round of consultation. The main concerns raised are summarised below:

- Proposed site access on corner of Players Close unsafe.
- Vehicles regularly exceed 40mph speed limit along Old Gloucester Road.
- Traffic calming measures required.
- Not all accidents at this junction recorded.
- Would be better to re-locate access to north. Would improve safety and avoid removal of established hedgerow.
- Addition of further foul sewage treatment plants would have unacceptable impacts on surrounding area and residents.
- Insufficient amenities in area to serve new properties.
- Development within green belt land.
- Site is occupied by variety of wildlife. Ecological survey does not take account of this.
- Development would be detrimental to local wildlife.
- Concerns that new units will lead to loss of privacy for existing residents.
- New residents will suffer poor air quality due to proximity to motorway.

One general comment was received during the first round of consultation. The main points raised are summarised below:

- Agree in principle with development, but have some concerns that if addressed, will allow for support of application.
- Access proposed is unsafe at this location. Insufficient visibility splay.
- Straight section of road used for overtaking.
- SGC Highways previously outlined that junction at capacity.
- Access should be moved northwards.
- Understood that developer of recent scheme paid SGC sum of money for traffic calming measures. No sign of works taking place.

- Any permission should include condition requiring retention of hedge on biodiversity and privacy grounds.
- More modern odourless drainage system should be installed.

5. **CONSULTATION RESPONSES (SECOND ROUND OF CONSULTATION)**

5.1 Winterbourne Parish Council

Objection - The development is within greenbelt land. Concerns regarding further increased traffic movements on what is a substandard junction with Bristol Road which is due to include further access points to the Land East of Harry Stoke development.

5.2 Other Consultees

Archaeology Officer

No further comments

Coal Authority

No objection - site does not fall with the defined Development High Risk Area.

Contaminated Land Officer

No further comment

Ecology Officer

No objection following submission of revised plans.

Education Team

No comment

Environmental Protection

No further comment

Highways England

No comment

Highway Structures

No comment

Housing Enabling

No further comment

Landscape Officer

Revised soft landscaping proposals are acceptable. Therefore no objection subject to wider GI plan relating to adjacent paddock area being agreed through s106.

Lead Local Flood Authority

No objection subject to SUDS condition.

Network Rail

No objection subject to asset protection comments.

Public Open Space

No objection subject to wider GI plan relating to adjacent paddock area being agreed through s106.

Sustainable Transport

No objection subject to conditions and s106 obligations. Concerns regarding access for delivery vehicles and the waste collection arrangements have been addressed through amendments. Note the posted comments about the location of the access - view is that the access is located at a suitable location and is provided with adequate visibility splays given that vehicles will be travelling slowly when they negotiate the existing junction onto Old Gloucester Road. It is also good practice to provide an access onto a lower class of road wherever possible.

Tree Officer

No comment

Urban Design Officer

No objection subject to wider GI plan relating to adjacent paddock area being agreed through s106.

Other Representations5.3 Local Residents

No comments

5. ANALYSIS OF PROPOSAL5.1 Principle of Development

Permission is sought for the erection of 9 detached units on an area of undeveloped paddock to the east of Players Close, Hambrook. When considering the acceptability of the residential development in principle, it is important to note that the site was previously designated as Green Belt land, and was located outside of any defined settlement boundary.

5.2 Changes to settlement boundaries were brought forward through the 2013 Local Plan Core Strategy Document. The locational strategy set out within policy CS5 of the Core Strategy identified and made provision for a major mixed-use development comprising 2000 dwellings and associated infrastructure to the west of Junction 1 of the M32 motorway and extending east from the 2006 Local Plan Site 13 (Harry Stoke). This development is more commonly known as the East of Harry Stoke New Neighbourhood. Policy CS27 of the Core Strategy and the East of Harry Stoke New Neighbourhood Development Framework SPD sets out the more detailed strategy for the delivery of the development.

5.3 In terms of impacts upon the application site, the site is included within the wider allocation for the new neighbourhood; as defined within the Core Strategy policies. Therefore following the adoption of the Core Strategy, the site was removed from the Green Belt, and instead fell within the newly defined

settlement boundary. As such, residential development at this site is supported as a matter of principle in the context of the Council's overarching spatial strategy. However in order for the development to be acceptable, there must be no conflict between the proposed development of 9no. units at the site through a standalone application, and the wider strategy for the new neighbourhood.

- 5.4 In terms of the application site in the context of the broader strategy, CS27 identifies the site as forming part of the Green Infrastructure (GI) corridor. As such whilst the site is located within the defined settlement boundary, the landscape implications of the development will need to be carefully considered to ensure that the wider vision for the new neighbourhood is not compromised. This matter is discussed in greater detail in a later section of this report.
- 5.5 Furthermore, given the proximity of the site to the new neighbourhood, it is anticipated that the new facilities of shops and schools etc. would be used by residents of the new development in the future. It is noted that at present, there are a limited number of facilities within a short walking distance of the site. Given that the 9no. unit development is not of a scale as to generate its own facilities, the provision of new facilities, services, infrastructure and public transport links through the delivery of the new neighbourhood will be key to future success of the proposed development, and providing a sustainable community with good access to amenities. Any s106 legal obligations required as to tie the proposed development in to the new neighbourhood and contribute to the wider delivery are covered in the relevant section of this report.
- 5.6 On the basis of the above, and following the changes to settlement boundaries brought forwards through the Core Strategy, the development of the site to provide 9no. residential units is considered to be acceptable as a matter of principle. It is also acknowledged that the provision of 9no. residential units to contribute to overall housing supply in the district would result in moderate socio-economic benefits. However the detailed impacts of the development must be assessed in order to identify any harm. A more detailed analysis of matters is set out below.
- 5.7 Design and Visual Amenity
Policy CS1 of the Core Strategy is the Council's principal design policy. This policy requires development to meet the 'highest possible' standards of site planning and design. Development proposals are required to demonstrate that they respect and enhance the character, distinctiveness, and amenity of the site and its context and that the density and overall layout is well integrated into the existing adjacent developments.
- 5.8 Policy PSP1 of the Policies, Sites and Places Plan requires development proposals to demonstrate an understanding of the character of an area. Development proposals should make a positive contribution to the distinctiveness of a locality and innovative architectural responses to design issues are encouraged.
- 5.9 In terms of the existing site, this comprises an undeveloped paddock. Whilst the undeveloped nature of the paddock is of some merit in visual terms, the site in its current form is not considered to be overtly distinctive, or contribute

- significantly to the character of the surrounding area. The main defining features when viewing the site are the motorway to the east, the railway line to the north and the newly constructed units along Players Close to the west. Furthermore, the proposal would only see a relatively small portion of the paddock developed; with the majority remaining following the development. As such, there are no in principle objections to the redevelopment of the site in respect of visual amenity and impacts on the character of the area.
- 5.10 Turning to the development itself, the proposed units would be accessed via a new spur off the northern end of Players Close; in close proximity to the junction with Old Gloucester Road. The 9no. detached units would be arranged in a linear fashion along the western side of the newly created road; and as such the units and their gardens would be situated between the new road and Players Close to the west. The units would therefore front on to the paddock area situated to the east.
- 5.11 In respect of the proposed layout, officers are satisfied that this is an appropriate arrangement for units at this location. The linear layout is reflective of the layout of the 5no. units along Players Close which were consented in 2017. As such the overall approach with regards to layout is considered to respond to other development in the immediate locality. Whilst it is acknowledged that the units would not present on to the main highway of Old Gloucester Road, given the degree of separation there would be limited inter-visibility between the proposed units and the main road. As such the orientation of the units is considered acceptable.
- 5.12 In terms of the density, the developable site is considered to be sufficiently sized as to allow for the units to fit comfortably within their plots. Units would each be provided with sufficiently sized rear gardens, which exceed the Council's minimum standards. With the exception of plot 1, the detached units would be arranged in pairs. Whilst the gap between each unit in a pair would be modest, the gap between pairs would be greater, and would allow for single storey garages and driveways to be provided between the pairs of units. This spacing would avoid a cramped appearance, and would successfully break up the overall building line.
- 5.13 In terms of the form and scale of units, this has also been influenced by the existing units along Players Close. The two storey units would be detached in nature, with roof pitches perpendicular to the street. In terms of detailed design, the proposed units would be finished in a mixture of off white render, grey weather boarding and local stone panels. Combined with the orientation of the units this results in a high quality, contemporary appearance which is once again reflective of the adjacent units.
- 5.14 On the basis of the above, officers consider that no significant harm in visual terms would arise from the redevelopment of the site to provide 9no. residential units. Furthermore it is concluded that an overall high quality of design has been achieved, and the proposals therefore comply with policies CS1 and PSP1.

5.15 Landscaping

Policy PSP2 of the Policies, Sites and Places Plan outlines that development proposals should seek to conserve and where appropriate enhance the quality, amenity, distinctiveness and special character of the landscape.

5.16 It should be noted that the application site does not form part of a protected landscape. However given the predominantly rural nature of the surroundings, it is still of importance that any development is sympathetically designed with a robust scheme of landscaping; as to avoid degrading the general character of the surrounding landscape.

5.17 In terms of the proposals, upon original submission the landscape officer raised a number of concerns relating to the layout of the development, the associated green infrastructure proposals, and the future living environment for prospective occupants.

5.18 However following the submission of revised landscape proposals, the landscape officer concluded that on the basis that the amended proposals would protect the existing hedgerow, provide fruit trees to rear gardens and create a new native hedge to the edge of the access road, they were acceptable.

5.19 As such, subject to the green infrastructure proposals for the wider paddock area being secured by way of s106 legal agreement, no further objections were raised; and it was concluded that the GI corridor as identified in the vision for the new neighbourhood as set out in policy CS27 would be adequately preserved. On this basis, officers are satisfied that the landscape proposals submitted with the application are acceptable, and the development would not result in significant harm to the character or distinctiveness of the surrounding landscape. The development therefore complies with policy PSP2.

5.20 Residential Amenity

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

5.21 In terms of the layout of the development, the linear arrangement is considered to result in an acceptable relationship between the 9 units, which avoids instances of any significant overshadowing, overbearing or overlooking. The proposed rear garden areas are also considered to be of a sufficient size, and overall it is considered that an adequate internal and external living environment would be provided for future occupants.

5.22 Officers are mindful of the concerns raised by local residents relating to the potential impact of the development on nearby households. Concerns have been raised regarding a potential loss of privacy through an increased sense of overlooking.

- 5.23 In this respect, it is acknowledged that the rear elevations of several of the proposed units would face the front elevations a number of existing units along Players Close. However submitted plans indicate that the minimum degree of separation would be approximately 30m. Furthermore, the units would be separated by the rear gardens serving the proposed dwellings, the front gardens serving existing dwellings as well as the public highway.
- 5.24 Given the degree of separation, and on the basis that only the front elevations of the dwellings along Players Close (which typically offer a lower level of privacy) would be visible from the proposed units, it is not considered that proposed development would lead to an unacceptable loss of privacy at neighbouring properties. Whilst there would be an element of overlooking from the front of existing dwellings on to the rear gardens of the proposed units, officers are satisfied that the degree of separation and retention of existing vegetation would allow for adequate levels of privacy to be afforded to future occupants.
- 5.25 On the basis of the above, officers are satisfied that the development would not result in any unacceptable impacts on residential amenity. The proposals are therefore compliant with policy PSP8.
- 5.26 Noise Pollution and Air Quality
Policy PSP21 of the Policies, Sites and Places Plan relates to environmental pollution. The policy outlines that development should be sited and designed to prevent unacceptable risks and avoid unacceptable levels of pollution adversely impacting, by way of; fumes, dust, noise, vibration, odour, light or other forms of air, land, water pollution, exposure to contaminated land or land instability, directly or cumulatively on: environmental amenity; and the health, safety and amenity of users of the site or surrounding area.
- 5.27 In this respect, officers are mindful of the proximity of both the M4 motorway and railway line to the application site. To this end, an acoustic report was submitted in support of the application. This was reviewed by environmental protection officers, and it was concluded that subject to the recommendations presented in the report being taken forwards, the amenity of the occupants would be adequately protected. Appropriately worded conditions will be used to secure the implementation of the recommendations.
- 5.28 With regards to air quality, an air quality impact assessment was submitted in support of the application. This concluded that based on the location of the development site and the results of a dispersion modelling study, it is unlikely that future occupiers will be exposed to levels of NO₂ and PM₁₀ above limit and target values. Environmental protection officers have reviewed the proposals and supporting documentation, and have not raised any concerns with these conclusions.
- 5.29 On the basis of the above, officers are satisfied that an acceptable living environment would be provided for prospective residents of the development, and their general amenity would not be significantly degraded through noise or air pollution. The development therefore complies with policy PSP21.

5.30 Transport

In respect of access to services, facilities and public transport links, the transport officer is satisfied that following the provision of facilities committed to be delivered as part of the wider East of Harry Stoke development, the residents of the proposed units would have adequate access to such facilities, and the development therefore complies with the sustainability principles of policy PSP11.

5.31 In terms of a more detailed assessment of the proposals in highway safety terms, officers consider the proposed vehicle and pedestrian access point from Players Close to be suitable. Whilst concerns raised through consultation responses are noted, the transport officer is satisfied that adequate visibility splays are provided, given that vehicles will be travelling slowly when negotiating the existing junction onto Old Gloucester Road. Furthermore, it is considered good practice to provide an access onto a lower class of road wherever possible. The proposed provision of parking spaces is also in accordance with the Council's minimum standards as set out in policy PSP16.

5.32 Some minor transport related concerns were however raised upon original submission relating to the general layout of the proposed access road and provision of turning heads. The original layout did not allow collection vehicles to sufficiently access the proposed collection areas, nor provide a suitable turning area for service vehicles. However following the submission of revised plans, these matters were considered to be addressed; with the proposed road layout now considered acceptable.

5.33 Therefore subject to conditions requiring parking and access facilities to be provided in accordance with submitted plans, a street lighting scheme for the new road to be agreed and implemented, garages to be provided with electric vehicle charging points, and a site specific Construction Environmental Management Plan (CEMP) to be agreed in writing with the Local Planning Authority prior to commencement of work, the transport officer raises no objections to the proposals.

5.34 However as discussed in an earlier section of this report, the application site falls within the wider East of Harry Stoke allocation, and as such would benefit from the facilities being delivered as part of that development. The proposed development is therefore required to contribute towards the infrastructure necessary to support the whole allocation. The transport officer has therefore recommended s106 obligations consistent with the Apportionment Table attached to the main East of Harry Stoke site application PT16/4722/O, and the obligations will be included within the final legal agreement.

5.35 Heritage

The site is not situated within a conservation area, or in close proximity to any designated or non-designated heritage assets. As such the impact of the development in this regard would be neutral. The archaeology officer has also reviewed the proposals, and does not consider that the development would have a significant impact from an archaeological perspective.

5.36 Environmental Impacts

In terms of impacts on trees and other vegetation, it is noted that revisions to the scheme allowed for a greater quantity of existing vegetation at the site; most notably along the western border, to be retained. The tree officer has raised no fundamental concerns with either the original or amended proposals. In terms of drainage, the concerns raised by residents during the first round of consultation are noted. However the drainage officer has reviewed the latest proposals, and raises no objections to the scheme subject to further details of sustainable drainage systems being agreed post-determination.

- 5.37 In respect of ecology, an ecological appraisal was submitted in support of the application. This was reviewed by the ecology officer, and it was concluded that the appraisal recommends various mitigation, enhancement and compensation measures to prevent biodiversity loss, and in fact enable biodiversity gain through the proposed development. As such, following minor alterations to the proposed scheme of landscaping, no objections were raised subject to conditions requiring works to be undertaken in accordance with the recommendations of the appraisal, and further details of lighting and other wildlife features to be agreed with the Local Planning Authority.

5.38 Other Matters

Certain matters raised through consultation responses have not been addressed within the main body of this report. These matters are considered below.

- 5.39 The comments raised regarding a financial contribution towards traffic calming measures associated with another nearby scheme are noted. This matter will be raised with the local highway authority; however the status of a financial contribution associated with another planning application would not have a significant bearing on the determination of this application.

5.40 Equalities

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

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

5.42 Overall Planning Balance

As identified previously, the provision of 9 residential units at a site located within the defined settlement boundary would provide socio-economic benefits through a moderate contribution to housing supply within the district. The

detailed assessment presented within the main body of this report has identified no significant harm which would arise from the development; subject to suitably worded planning conditions and the agreement of s106 legal obligations.

- 5.43 As such, the benefits of the development are considered to outweigh any harm, and the proposals therefore represent a sustainable form of development. It therefore follows that planning permission should be granted.

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 That authority be delegated to the Director of Environment and Community Services to **grant** planning permission, subject to the conditions set out below and the applicant first voluntarily entering into a Unilateral Undertaking under Section 106 of the Town & Country Planning Act 1990 (as amended) to secure a Green Infrastructure scheme for the wider paddock area, and the relevant infrastructure contributions required under the Apportionment Table attached to the main East of Harry Stoke site application PT16/4722/O.

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 shall be implemented in accordance with the approved plans and documents, as listed in the schedule below:

Architects drawings - as listed on Roberts Limbrick issue sheet (8499 - S1.1 - last dated 04.09.19)

Landscape drawings (Cambium) comprising:

- Hard, soft and GI landscape proposals (all 3 plans Rev F - dated 12.09.2019)

RISE drainage information (Updated info submitted Jan 20).

- Drainage Report (Rev P4 - Updated Jan 2020) and appendices

- Site Drainage Plan 19014 01-B1-DR-C-0030 Rev P2 (appendix A of report)
- Drainage Maintenance Plan (Rev P1 - Jan 2020)

Reason

For the avoidance of doubt and to ensure that the scheme is implemented in full accordance with the plans submitted and assessed.

3. No dwelling hereby approved shall be constructed above damp proof course until full details of the roofing and external facing materials proposed to be used have been first submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason

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

4. Prior to the first occupation of any dwellings hereby approved, the access, car parking and cycle parking arrangements shall be provided in accordance with approved plans and thereafter retained for that purpose.

Reason

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

5. Prior to the first occupation of any dwellings hereby approved, electric vehicle charging points or other ultra-low emission facilities for all dwellings shall be provided in accordance with details to first be submitted to and approved in writing by the Local Planning Authority.

Reason

To promote sustainable travel choices and 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 South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013.

6. Prior to the first occupation of any dwellings hereby approved, a street lighting scheme for the new road shall be implemented in accordance with details to first be submitted to and approved in writing by the Local Planning Authority.

Reason

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

7. Prior to the commencement of development, a site specific Construction Environmental Management Plan (CEMP), shall be first submitted to and approved in writing by the Local Planning Authority. The approved CEMP shall be fully complied with at all times. The CEMP shall address the following matters:
- (i) Measures to control the tracking of mud off-site from vehicles.
 - (ii) Measures to control dust from the demolition and construction works approved.
 - (iii) Adequate provision of fuel oil storage, landing, delivery and use, and how any spillage can be dealt with and contained.
 - (iv) Adequate provision for the delivery and storage of materials.
 - (v) Adequate provision for contractor parking.
 - (vi) Details of access and routing for all construction traffic.
 - (vii) Membership details of the considerate contractor scheme or similar and contact details of the site manager.

Reason

In the interests of highway safety and to accord with Policy CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; Policy PSP16 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

These details are required to be agreed prior to the commencement of development, as they relate to the very first stages of construction work.

8. The hours of working on site during the period of construction shall be restricted to 0730 - 1800 on Mondays to Fridays and 0800 - 1300 on Saturdays; and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery, deliveries to the site and the movement of vehicles within the application site.

Reason

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

9. The development shall be implemented in accordance with the recommendations made in Section 8 of the Ecological Assessment by Ethos Environmental Planning (June, 2019). This includes avoiding disturbance and harm to birds, bats, hedgehogs and reptiles, planting new native hedgerow, planting flower rich seed mixes, creating wildlife refuges and the installation of bird and bat boxes.

Reason

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

10. Prior to the first occupation of any dwelling hereby approved, details relating to the location of external lighting, location and type of two Schwegler bird boxes, two Schwegler bat access panels, two wildlife refuges, and permeable features in fencing for hedgehogs shall be first submitted to the Local Planning Authority and approved in writing and the development shall be implemented in accordance with the approved details.

Reason

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

11. Prior to the commencement of development, surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection shall be first submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved details.

Reason

To ensure a satisfactory drainage system is provided for the development, to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; Policy PSP20 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 and the National Planning Policy Framework.

These details are required to be agreed prior to the commencement of development, as site drainage must be considered at the earliest stage and prior to any significant groundworks.

12. Any contamination found during the course of construction of the development hereby approved that has not previously been identified shall be reported immediately to the Local Planning Authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found, remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These approved schemes shall be carried out before the development is resumed or continued.

Reason

To manage any potential risks posed by contamination, and to accord with Policy PSP21 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017, and the National Planning Policy Framework.

13. The development shall be carried out in strict accordance with the recommendations and mitigation measures set out in Sections 7 and 8 of the submitted acoustic report produced by Acoustic Consultants Ltd, Dated June 2019, Ref: 7085/BL/.

Reason

To protect the amenities of future residents, and to accord with Policies PSP8 and PSP21 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

14. All hard and soft landscaping works shall be carried out in accordance with the details hereby approved. The works shall be carried out prior to the occupation of the relevant part of the development or in accordance with the programme agreed with the Local Planning Authority prior to first occupation of any dwelling as a residential dwelling. Any trees or plants shown on the approved landscaping scheme to be planted or retained which die, are removed, are damaged or become diseased within 5 years of the completion of the approved landscaping scheme shall be replaced by the end of the next planting season. Replacement trees and plants shall be of the same size, location and species as those lost.

Reason

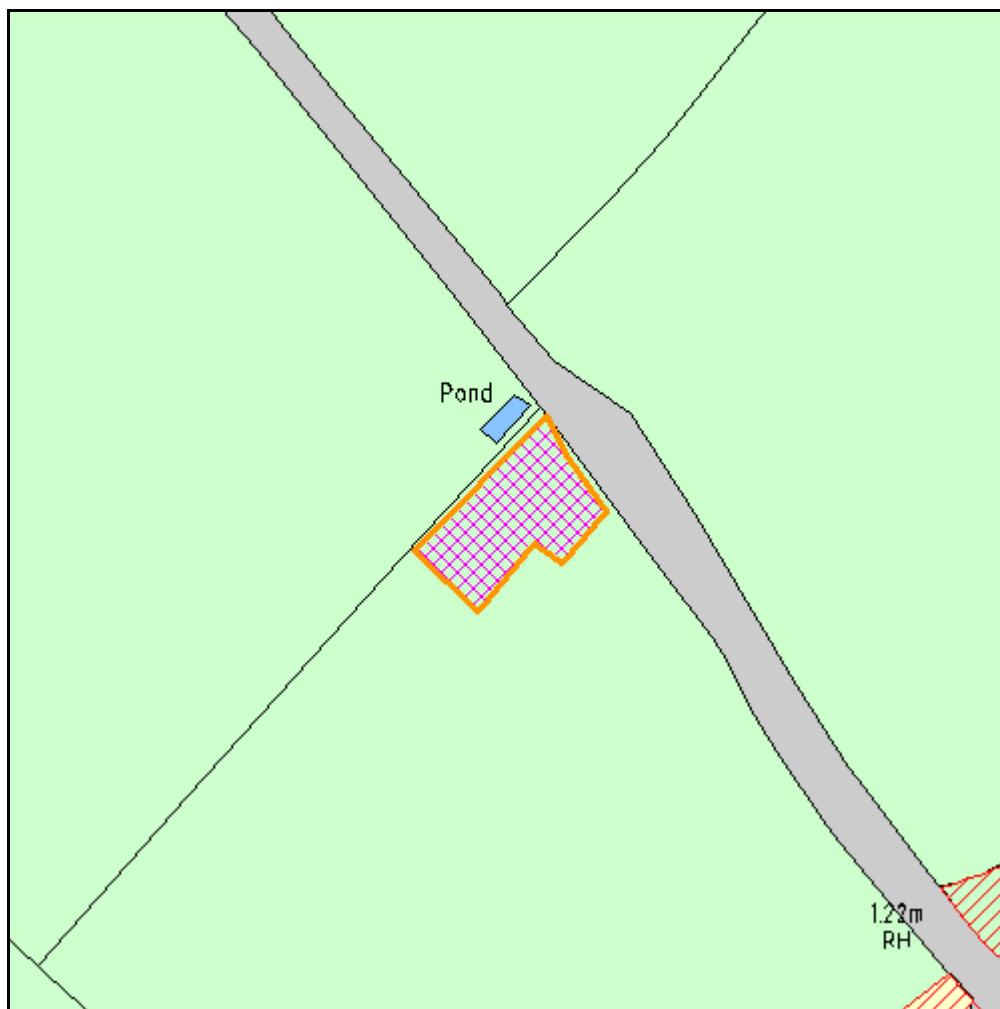
In the interests of the visual amenity of the scheme and in accordance with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013.

Case Officer: Patrick Jackson

Authorising Officer: Sean Herbert

CIRCULATED SCHEDULE NO. 30/21 -30th July 2021

App No.:	P21/02142/F	Applicant:	Mr & Mrs James & Kate Butler & Rowell
Site:	Building And Land North East Of Oakley House Washingpool Hill Rudgeway South Gloucestershire BS35 3SD	Date Reg:	30th March 2021
Proposal:	Raising of roofline and erection of single storey extension to facilitate the change of use of redundant agricultural building to 1 no. dwelling (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).	Parish:	Olveston Parish Council
Map Ref:	361999 186185	Ward:	Severn Vale
Application Category:	Minor	Target Date:	19th May 2021



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N.T.S.

P21/02142/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 four comments of support from local residents and Cllr Matthew Riddle, contrary of the officer recommendation detailed below.

1. THE PROPOSAL

- 1.1 Full planning permission is sought for the raising of roofline and erection of single storey extension to facilitate the change of use of redundant agricultural building to 1 no. dwelling (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).
- 1.2 The application site is located outside of any settlement boundary within an area of agricultural land. The site is also washed over by the Bristol and Bath Green Belt. No other restrictive designations apply.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS3	Renewable and Low Carbon Energy Generation
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS18	Affordable Housing
CS34	Rural Areas

South Gloucestershire Local Plan: Proposed Submission: Policies, Sites and Places Plan June 2016

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP6	Onsite Renewable and Low Carbon Energy
PSP7	Development in the Green Belt
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment

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

- 2.3 Supplementary Planning Guidance
 Design Checklist SPD (Adopted) August 2007
 Residential Parking Standard SPD (Adopted) December 2013
 Waste Collection SPD (Adopted) January 2015 (updated March 2017)
 Traditional Rural Buildings SPD (Adopted) March 2021

3. **RELEVANT PLANNING HISTORY**

- 3.1 No relevant planning history.

4. **CONSULTATION RESPONSES**

- 4.1 Alveston Parish Council
 No comment received.

4.2 Other Consultees

Conservation Officer – No objection.

Highway Structures – No comment.

Lead Local Flood Authority – No objection, conditions recommended.

Landscape Officer – No objection, conditions recommended.

Ecological Officer – No objection, conditions recommended.

Arboricultural Officer – No objection, conditions recommended.

Transport DC – No objection

Other Representations

- 4.3 Councillor Matthew Riddle – Support
“I am supportive of the application. It will give a new use to an old stone barn and is in a very sustainable location very close to the A38 and bus stops in both directions for the T1 and T2 bus services from and to Thornbury/ Bristol.”

4.4 Local Residents

Four comments of support have been received by the council. Key points have been summarised as:

- Well designed;
- Sympathetic;
- Enhances the area;
- No hazard to road users;

- Adequate parking;
- Increases housing supply;
- Sets a welcome precedent; and
- Good use of a building in poor repair.

5. ANALYSIS OF PROPOSAL

Principle of Development

- 5.1 Full planning permission is sought for the raising of roofline and erection of single storey extension to facilitate the change of use of redundant agricultural building and agricultural land to 1 no. dwellinghouse (Class C3) with associated parking and amenity space. The application site related to a redundant and disused barn, which is located within a countryside location and is washed over by the Bristol and Bath Green Belt.

Residential Development in the Countryside

- 5.2 Policy PSP40 of the PSPP (2017) states that residential development in the open countryside, outside of settlement boundaries as defined on the Policies Map, will be acceptable for the conversion and re-use of existing buildings for residential purposes. This is subject to the following four part assessment:

1. The building being of a permanent and substantial construction.

- 5.3 Subject to this element of the assessment, additional guidance is provided within the Traditional Rural Buildings SPD. To demonstrate whether a conversion of any traditional rural building is possible, the SPD states that evidence must be provided in the form of a structural survey to demonstrate that the building is structurally sound, large enough and capable of accommodating the conversion. The SPD continues to state:

“A conversion where substantial rebuilding of the original structure is required (so effectively a rebuild) will be considered a new dwelling rather than a conversion and will not be supported in the majority of cases. Along with there being clear planning policy implications, in such cases where the level of reconstruction is tantamount to a “new build”, it will be considered that with the loss of in situ fabric, the architectural and historic interest of the building is lost and with it the justification for the conversion”

- 5.4 The application have been supported by a structural survey prepared by David Partridge Ltd, dated 16 February 2021. It is stated that the building is of a traditional timber and masonry construction, however from the photos provided, elements of modern blockwork can be seem to be woven into the traditional fabric. The building has been estimated to be approximately 150-180 years old.
- 5.5 With regard to the condition of the roof, the report states localised rot was evident due to water penetration, but no structural distress was obvious. However it was noted that the existing roof utilised under-sized rafters and could therefore not be proven to comply with codes of practise. As such, the roof in its existing condition is not considered to be of a substantial construction and would require an element of new build.

- 5.6 Turning to the condition of the existing walls, the structural survey indicates the NE and NW walls of the main section show outward leaning and vertical cracking respectively. It is stated to have resulted due to the outward spread of the roof and the latter due to ground movement. Roots from some of the mature tree stumps are also of thought to have affected the volume of the subsoil below the foundations to initiate local movement. The report continues to state that the matter of foundation adequacy would be covered by the eventual Building Regulations Application. The author follows to state that local foundation strengthening would return stability. Following this, the report concludes that the building shows no major evidence of settlement due to failing foundations, except for along the NW gable wall where local foundation strengthening is considered prudent.
- 5.7 As such, the building survey cannot confirm whether the existing foundations would be adequate for a conversion to take place. The extent of the remediation works required for the NE and NW wall are not provided. The extent of cracking and outward lean in the NW wall is of high concern, and officers cannot rule out that this element could have to re-built in some degree.
- 5.8 The submitted structural report also fails to mention the extent of modern brick and blockwork interwoven within the original structure. Without these modern interventions, which are seen to support the main roof loading and other openings, the original structure would have not been of a substantial construction.
- 5.9 The evidence therefore fails to demonstrate that the existing walls and foundations are of substantial construction, and would not require significant levels of re-construction.
- 5.10 Moving to the condition of the existing floor, no detail has been mentioned. However from the photos provided within the D&A, the existing surface is not suitable for residential use and would not comply with building regulations.
- 5.11 In conclusion, to facilitate the proposed conversion, substantial works are required to provide an adequate ground floor, strengthening of the existing foundations, and the possible re-build of the NE and NW walls. The original building has also already been strengthened by modern brick and block work interwoven within the loadbearing fabric. In addition, considerable 'fresh build' elements are required by virtue of raising the existing walls so to facilitate first floor living accommodation, an entirely new roof, and the provision of a rear extension. It is therefore evident that the original construction was not of a substantial construction prior to re-building works, and that level of reconstruction required for the proposed development is tantamount to a 'new build'. The proposed development therefore fails to comply with Policy PSP40, subsection 4, part i of the South Gloucestershire Local Plan: PSPP (2017) and the requirements of the Traditional Rural Buildings SPD (2021).

2. Adverse effect to the operation of the rural business or farm

5.12 Due to the scale and siting of the proposed development, it would not result in an adverse effect to the rural business.

3. Whether the extension as part of the conversion is disproportionate

5.13 Whilst it has already been concluded that the existing structure is not of a substantial construction, and the required works are considered tantamount to a new build, this assessment has been undertaken for completeness. With regard to what constitutes a disproportionate, Policy PSP7- Development in the Green Belt- provides additional guidance stating that additions which exceed 30% in volume or more of the original building will be carefully assessed, and additions which result in a volume increase of 50% or more of the original building would most likely be considered disproportionate.

5.14 It is stated within the supporting planning statement that the additional volume would be increased by 28%. Officers have measured the proposed plans and confirm the provided figures. Whilst the extensions are therefore not considered as being disproportionate, this does not draw away from the fact that the original structure is not of a substantial construction and the associated works (notwithstanding the volume of the proposed extensions) are tantamount to a rebuild.

4. If the building is redundant or disused; the proposal would also need to lead to an enhancement of its immediate setting.

5.15 The building in question is indeed redundant, and within its current form detracts its immediate setting. As such, works to improve the visual appearance of the structure would positively improve its external appearance.

5.16 In all the above circumstances, policy stipulates that development proposals for the creation of a residential unit will be acceptable where they do not have a harmful effect on the character of the countryside, or the amenities of the surrounding area.

5.17 In this instance, the character of the area can be described as being traditionally rural, agricultural, and undeveloped. It now becomes imperative to note that the existing access track cutting through the centre of the field which provides an alternative residential access to the host dwelling was not constructed until at least 13/7/2013, as demonstrated via historical mapping archives – as shown below.



Image 1. 2013 and 2020 Aerial Comparison Photos, Google Earth.

- 5.18 The introduction of this access lane to the host property has resulted in a change of use of the immediate area of land from one of solely agricultural, to now include a residential use. It is noted that no planning permission for this lane and its associated change of use exists. Furthermore, the new use does not benefit from deemed consent by virtue of s.71 (the 10 year rule). As such, the unlawful residential character created by the new access lane, and its associated change of use away from agricultural use should be considered carefully.
- 5.19 In consideration to the above, the development would result in the residential intensification of the land and subsequently the loss of its associated agricultural character. The proposed development would therefore have a harmful effect on the character of the countryside which is free from residential intrusion.
- 5.20 The proposed development would therefore fail to enhance of its immediate setting, and thus fails to comply with Policy PSP40 of the South Gloucestershire Local Plan: PSPP (2017) and the requirements of the Traditional Rural Buildings SPD (2021).

Development in the Green Belt

Inappropriate Development

- 5.21 Paragraph 150 of the NPPF permits the re-use of buildings provided that the buildings are of a permanent and substantial construction, provided the development would preserve the openness (defined as lack of built form) and would not conflict with the 5 purposes of the Green Belt (as described in paragraph 138. Further to this, paragraph 149 allows for the extension or alteration of a building provided that it does not result in a disproportionate addition over and above the size of the original building. When assessing whether an extension results in a disproportionate addition, policy PSP7 of the PSPP (2017) provides additional guidance – this is discussed further in the material below.

- 5.22 As previously mentioned, the proposed development seeks to raise the roofline of the existing barn so to facilitate first floor living accommodation. This is in addition to a single storey rear extension to improve the quality and size of the living area. There would be a private garden to the rear and sides of the property, with elements of hard standing incorporating natural slate and a cobbled surface. A permeable gravel parking and manoeuvring area would be provided to the front of the property. The curtilage would be defined by a new native species hedgerow to its eastern elevation. No boundary treatment has been indicated to the southern elevation.
- 5.23 With regard to the extension of the building and in the context of paragraph 149 (c) of the NPPF and PSP7, it is not considered a disproportionate addition by reasons of its Volumatic increase of 28% over the extent of the original structure.
- 5.24 However, for a re-use of the building to occur, paragraph 150 (d) of the NPPF states that buildings must be of a permanent and substantial construction. As discussed within the section above, the condition of the original structure is not of substantial construction. The proposed development therefore fails to this criteria.
- 5.25 The proposed development would also include a material change in use of the land provided to the curtilage and access afforded to the proposed dwelling. Whilst paragraph 150 (e) allows for changes of use from outdoor sport or recreation, or for cemeteries and burial grounds, no provision is provided for residential uses. The proposed development therefore fails this criteria.
- 5.26 In conclusion to the appropriateness of development within the Green Belt, due to the building not being within a substantial construction, and there being a unsupported material change in use of the land, the proposed development represents an inappropriate form of development within the Green Belt as per paragraph 150 (d) and (e) of the NPPF. As per paragraph 147 of the NPPF, Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 5.27 Paragraph 148 states *“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 submitted information includes circumstances surrounding the application, for which will be discussed in the content below.

Openness

- 5.28 Concerning the assessment of openness, the proposed development would increase the footprint and mass of the host building. Whilst this itself would impact openness, the degree of harm is limited due to the acceptable Volumatic increase.
- 5.29 However, the change of use would require an outdoor amenity area for residential use in connection with the dwelling. The division of this segment of land away from agricultural use would increase domesticity and spread

residential paraphernalia, such as a washing line, waste containers, and outdoor furniture. As per *Smith v SSCLG* [2017], it was held that openness is not confined to the visual impact arising from buildings; even if the visual impact of domestic paraphernalia is not part of the development, it was not to be ignored.

- 5.30 The proposed development would lead to a new residential use and thus diminish the open aspect of the part of the Green Belt. It would result in new residential movements, domestic paraphernalia and new domestic land on a site of pure agricultural use, leading to a loss of openness and encroachment of the Green Belt. This would conflict with purposes of the Green Belt as described in paragraph 138 of the NPPF, which seeks to assist in safeguarding the countryside from encroachment. Whilst the level of harm would be to the lower end of the scale, the NPPF affords great weight is afforded to this harm.
- 5.31 The development would therefore fail to preserve the openness of the Green Belt and it would conflict with the purposes of including land within it.

Very Special Circumstances

- 5.32 The proposed development would be inappropriate development in the Green Belt, and the Framework makes clear in paragraph 148 that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in *Very Special Circumstances*. *Very Special Circumstances* will only exist where the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed.
- 5.33 The applicant has stated that the proposed development would create a new residential dwelling for a persons of whom has suffered from medical conditions and submitted information also states that the family member is currently living on the site in a mobile caravan and needs permanent accommodation. Whilst officers are sympathetic to these issues, it is considered that these matters do not form material planning considerations, and thus cannot be afforded weight in the planning balance. Further to this point, the council are able to demonstrate a 5 year land supply, thus a supply of new housing outside of the spatial strategy is not required. In this instance, *Very Special Circumstance* do not to exist.
- 5.34 In concluding the above, the proposed development by reasons of the original structure not being of a substantial condition, and the change of use of land from agricultural to residential, the proposal is regarded as inappropriate development by virtue of paragraph 150 of the NPPF. The NPPF makes clear in paragraph 147 that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in *Very Special Circumstances*. In this instance no *Very Special Circumstances* exist.
- 5.35 In addition, by reasons of a new residential use within an area of agricultural land would also result in harm to the openness and encroachment on the Green Belt, contrary to paragraphs 137 and 138 of the NPPF. The proposed development would also be contrary to Policy CS34 which seeks to protect, conserve and enhance the character of rural areas and agricultural land.

Design

- 5.36 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 Traditional Buildings SPD provides detailed guidance on barn conversions.
- 5.37 The Traditional Buildings SPD states that extension should not be necessary, historic materials and finished should be retained, any new material will need to be neutral, and match the original materials as closely as possible.
- 5.38 The SPD continues to state that the proportions of a rural building make a significant and positive contribution to its aesthetic appearance and physical narrative, as they often convey how the buildings were historically used. Light was also not important for many agricultural uses but the orientation of the openings was. The existing openings of a rural building are therefore significant as they add to a building's character and authenticity, as along with form, layout and features, collectively they express the agricultural origins of the building. Where the introduction of new openings is necessary and justifiable, they should be of a size that respects the building's character, be kept to an absolute minimum and be discreetly located on the less publicly visible elevations
- 5.39 New windows inserted into existing openings should utilise bespoke units composed of either timber or metal. Features out of keeping with traditional rural buildings such as dormer windows, uPVC windows, overtly domestic window designs, will be resisted due to the harm they would cause to the character of the host building unless there is a compelling reason why they are required. Where required, any new doors should be based on the design of any original surviving doors.
- 5.40 The proposed development would include the provision of a first floor extension and a single storey rear extension to enable the existing structure to function as a small dwelling. As both of these elements are required, it provides an indication that the original structure is not suitable for conversion.
- 5.41 The proposed materials for the first floor extension be formed of natural stone to match the original which is supported. However, concerns are raised in relation to the materials proposed for the rear extension, consisting of corrugated cladding, vertical timber cladding, and substantial elements of glazing. Whilst the use of these materials can be associated with modern agricultural uses, it is not considered that they respect the historic stone built building.
- 5.42 The proposed openings, specifically those supporting the large expanse of glazing seen on the North West elevations are not of a size or design which respect the buildings character. The same can be said of the slim line window spanning almost the entire width of the South West elevation, in addition to the full height windows at ground floor level. Both these elements, when considered both separately and together impose an overtly domestic

appearance, which fails to respect the character of the host building. The proposed chimney flue is seen to further erode the character of the building, resulting a modern presence and diverting away from its historical function.

- 5.43 In concluding the above, the proposed development if built, by reasons of form, proportions, window and door shape, reveals, architectural style/ detailing and external materials, would fail to respect the character of the building and its context. The proposed development therefore fails to comply with Policy PSP38 of the SG Policies, Sites and Places Plan (2017), The Traditional Buildings SPD (2021) and paragraph 134 of the NPPF.

Residential Amenity

- 5.44 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.
- 5.45 The proposed development is sited far enough away from other residential properties that no impacts would occur.
- 5.46 With regard to the residential amenity of future residents, the proposed dwelling is portrayed as a one bed unit. However, the internal arrangements show the inclusion of a home office which could be used as a second bedroom. As such the proposal will be assessed as a two bed property. Nonetheless, officers consider that the internal living conditions would benefit from high quality levels of natural light and outlook. Furthermore, ample levels of private external amenity space would be afforded which exceed the minimum requirements set by policy PSP43. Subsequently, the proposal is acceptable with regards to residential amenity.

Ecology

- 5.47 A Bat Survey Report (Ashgrove Ecology, December 2020) and a Preliminary Ecological Appraisal (Ashgrove Ecology, June 2021) has been submitted and reviewed by the council's ecological officer. It was concluded that the submitted information demonstrated that the impact of development was unlikely to result in the loss or deterioration to habitats or species. However, a range of conditions were recommended to ensure compliance with PSP19.

Trees

- 5.48 An arboricultural report has been submitted and reviewed by the council's tree team. It was demonstrated that the existing trees are in poor condition and require removal, and one tree was to be retained and protected. No objections were raised, however it was stated that replacement tree planning would be required in accordance with the SG Trees SPD and policy PSP3.

Transport

- 5.49 Concerning transport impacts, as the proposed development is located within a rural area, it is not considered to comply with the location requirements of PSP11, as the development would be wholly car dependent. However it is considered acceptable having regard to the bus stops on the A38 (one in each

direction served by the frequently used corridor to Thornbury), located about 550m and 500m away from the site. This is of course greater than the 400m metres desirable maximum and unlike the A38, Washingpool Hill is not provided with footways, however, as this site is situated in a non-urban area, it is not unreasonable to take it into account. The proposed development would provide ample parking and turning provisions. Subject to the parking and driveway area incorporating a bound surface to prevent material being dragged onto the highway, and the provision of an electric vehicle charging facility, no transport objections are raised.

Consideration of likely impact on Equalities

- 5.50 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 refuse 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 Refuse Planning Permission for the Reasons set within the Decision Notice.

1. The proposed development, by reasons of the works required to the original structure to enable the building to function as a dwellinghouse, are of a substantial degree. It is further evident that the original structure was not of a substantial condition before the new re-building/ structural works, which have been interwoven within the original loadbearing fabric. As such, the amount of construction required for conversion is equivalent to that of a new build. If considered a new build, the proposal would be situated in a location that is not identified in the Development Plan as being suitable for further residential development. A new dwelling in this location outside of any settlement boundary is harmful and conflicts with the overarching spatial strategy. The proposed development is therefore contrary to policy CS4A, CS5 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; policy PSP40 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework.

2. The proposed development, if built, would result in the residential intensification of the land and the loss of its associated agricultural use. The proposed development would therefore harm the character and setting of the countryside. The proposed development, therefore, fails to comply with Policy PSP40 of the South Gloucestershire Local Plan: PSPP (2017), Policy CS35 of the SG Core Strategy (2013) and the requirements of the Traditional Rural Buildings SPD (2021).
3. The proposed development, by reasons of the structure, not being of a substantial condition, and the change of use of land from agricultural to residential is regarded as inappropriate development by paragraph 150 of the NPPF, and policy CS34 of the SG Core Strategy (2013) which seeks to protect, conserve and enhance rural areas. The NPPF makes clear in paragraph 147 that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in Very Special Circumstances. In this instance, very Special Circumstances do not exist to outweigh the harm by reason of inappropriateness.
4. The proposed development, by reasons of its new residential use, intensification, movements, and associated paraphernalia (see *Smith v SSCLG*, 2017), would encroach upon and harm the openness of the Green Belt. Whilst the level of harm could be seen as limited, the NPPF affords this harm a great weight. In this instance, the harm identified is not outweighed by Very Special Circumstances. The proposed development is contrary to the paragraph 137 and 138 of the NPPF, and Policy CS34 of the SG Core Strategy (2013) which seeks to protect, conserve and enhance rural areas.
5. The proposed development if built, by reasons of form, proportions, window and door shapes, reveals, architectural style/ detailing and exterior materials, would fail to respect the character of the building and its context. Therefore, the proposed development fails to comply with Policy PSP38 of the SG Policies, Sites and Places Plan (2017), The Traditional Buildings SPD (2021), and paragraph 134 of the NPPF.

Case Officer: Thomas Smith

Authorising Officer: Helen Ainsley

CIRCULATED SCHEDULE NO. 30/21 -30th July 2021

App No.:	P21/03436/F	Applicant:	Mr B Taylor
Site:	Building At Xenia Oldbury Naite Oldbury On Severn South Gloucestershire BS35 1RU	Date Reg:	24th May 2021
Proposal:	Conversion of 1no. agricultural building to 1no. residential dwelling (Class C3) with associated works (Resubmission of P20/23824/F).	Parish:	Oldbury-on-Severn Parish Council
Map Ref:	361749 192976	Ward:	Severn Vale
Application Category:	Minor	Target Date:	13th July 2021



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N.T.S.

P21/03436/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 seven support comments made by local residents, contrary of the officer recommendation detailed below.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for p the conversion of an agricultural building to a single dwellinghouse (Use Class C3) at Xenia, Oldbury Naite, Oldbury On Severn.
- 1.2 The application site relates to a steel framed Dutch barn located on agricultural land within a larger agricultural complex, accessed from The Naite. The site is within flood zone 3 and is outside any designated settlement within the open countryside. There are no other planning constraints applicable to the site.
- 1.3 This application follows the recent refusal of application ref. P20/23824/F, whereby due to the extent of operational development required, the development was considered tantamount to a new build. Further to this, a prior approval ref. P20/15493/PNGR was also refused on the same basis.
- 1.4 This revised submission includes an updated structural survey and several comparative examples of barn historical conversion approvals within the district. Whilst officers are aware of historical approvals concerning certain types of barn conversions, it is important to acknowledge the outcome of inspectorate appeals, case law and policy updates, which have advanced policy interpretation and planning assessments. Of specific importance, The Traditional Barn Conversions SPD is now adopted, which provides additional insight into pre-fabricated agricultural structures as discussed within the material below.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework
National Planning Policy Guidance
- 2.2 South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
CS4a Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS34 Rural Areas

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

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

- 2.3 Supplementary Planning Guidance
Design Checklist SPD (Adopted) August 2007
Residential Parking Standard SPD (Adopted) December 2013
Landscape Character Assessment SPD (Adopted) November 2014
CIL and S106 SPD (Adopted) March 2015
Waste Collection SPD (Adopted) January 2015 (updated March 2017)
Traditional Rural Buildings SPD (Adopted) March 2021

3. RELEVANT PLANNING HISTORY

- 3.1 Ref. P20/23824/F. Permission Refused, 29/1/2021
Proposal: *Conversion of 1no. agricultural building to 1no. residential dwelling with associated works.*

Reason for Refusal:

- 1. The proposed barn conversion contained within this application cannot be considered a conversion due to the extent of operational development proposed. It is clear that significant construction is required for the building to function as a dwelling, as such, the existing building cannot be seen as being substantial. It is therefore considered tantamount to the construction of a new dwelling rather than the reuse of the existing building. If considered as a new build, the proposal would be situated in an unsustainable location which is not identified in the Development Plan as being suitable for further residential development. A new dwelling in this location is harmful and the proposed development is contrary to policy CS4A, CS5 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; policy PSP40 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and, the provisions of the National Planning Policy Framework.*

- 3.2 Ref. P20/15493/PNGR. Prior Approval Refused, 15/10/2020.
Proposal: *Prior notification of a change of use from 1no. agricultural building to 1no. residential dwelling (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).*

Reason for Refusal:

- 1. The proposed change of use of the existing agricultural building in to one dwellinghouse would require building operations in excess of that*

which is considered reasonably necessary for the building to function as a dwellinghouse through conversion. This is by virtue of the need for a significant amount of fresh build and new elements, in the form of two entirely new elevations, substantial works to render another elevation suitable for use as a dwellinghouse for which would require substantial blockwork or other methods, the possible replacement of the roof as indicated on plan and the requirement for possible additional structural components to support the mezzanine level and safe refuge area. Accordingly, the proposal fails to accord with paragraph Q(b) and Q.1 (i) of Part 3 of the Second Schedule of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The proposal would not therefore benefit from being permitted development.

4. CONSULTATION RESPONSES

- 4.1 Oldbury-on-Severn Parish Council
No comment received.
- 4.2 Landscape Officer
No objection, conditions recommended.
- 4.3 Lead Local Flood Authority
Further information required re foul drainage.
- 4.4 Sustainable Transport
No objection.
- 4.5 Archaeology
No comments.
- 4.6 Ecology Officer
No objection, refer to comments made on P20/15493/PNGR, 9/9/2020.
- 4.7 Environmental Protection
No objection subject to informatives.
- 4.8 Highway Structures
No comment
- 4.9 Tree Team
No objections subject to conditions.
- 4.10 Environmental Agency
No objection.

Other Representations

- 4.11 Local Residents
Seven support comments from local residents have been received. The comments have been summarised into the following key points:

- Efficient use of a building;
- Improve the local environment; and
- Contributes to the local community.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

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

Permanent and Substantial Construction

- 5.2 It is important to note that both of the recent applications for converting the existing agricultural building to residential use were refused by the council. In summary, it was concluded that the operational development required was greater than that which could be considered a 'conversion', and the development was tantamount to a new dwelling in the countryside, subsequently failing to comply with Class Q of the NPPF and the provisions of the local development plan.
- 5.3 An updated structural survey has been submitted (David Edwards and Associates, April 2021) in support of the application. In summary, the report states that the steel frame can provide support to the roof and wall cladding systems. However, it further says that the secondary steel elements such as the purlins and sheeting rails are of a limited capacity and strengthening or replacement with more substantial, proprietary systems should be considered.
- 5.4 The report continues to states that the formation of openings in the vertical elevations needs to be catered for. However, the provision of fully clad bays is such that the bracing can be introduced within the cladding system to supplement the existing provision for stability, to the point where current requirements can be met.
- 5.5 Furthermore, the report states that the existing slab floor is of excellent condition and is suitable for supporting new internal partitions with further loadbearing masonry walls and additional columns to support the mezzanine floor structure taken onto local foundations constructed through the slab as required. The report states that the mezzanine floor would benefit the overall strength by reducing the slenderness of the steel columns. Furthermore, its mentioned that introduction of glazing, door and window openings to the elevations can be achieved by the local trimming of rails and purlins with secondary framing introduced as required; such that the superstructure would be adequately braced and capable of sustaining the dead and imposed loads which a residential building will need to be designed for.
- 5.6 The report concludes that the proposed residential conversion can be exercised without extensive alterations to the principal existing structural elements, including the floor slab and foundations. The cladding support elements are

said to require enhancement. Renewal of the cladding can be implemented without altering the profile of the roofs, but will require minor adaptation of the secondary elements of the structure. It further states that improvements to non-loadbearing features are necessary to meet current building regulations, and the effect would not be detrimental.

- 5.7 As the submitted report appears to have been prepared by a suitably qualified person, the local planning authority has no reason to dispute this finding. Therefore, it is accepted that the barn's structure is sound. However, the structural stability of the barn does not form a consideration under PSP40, as discussed further below.
- 5.8 Nonetheless, the first test for the conversion and re-use of an existing building for residential purposes as per policy PSP40 is that the building is of a permanent and substantial construction. There is no doubt that the building is of a permanent construction having stood *in-situ* for a number of years and cannot be moved without significant engineering operations.
- 5.9 However, concern is drawn to the second element, whereby the building must be of substantial construction. A fundamental aspect of PSP40 is that the building must be capable of conversion and re-use. Re-use does not imply operational development; it would allow for an alternative use to take place. However, a conversion would allow for works necessary to facilitate the alternative use but implies that those works should be limited in nature and would not endorse the wholesale rebuilding or substantial works to enable the alternative use. In other words, the building must be capable of conversion in more or less of its existing state.
- 5.10 Whilst it is noted that the NPPF does not provide a definition of the term *re-use*, it is therefore not unreasonable to employ a general understanding of what is meant by the word. This is particularly relevant given the High Court ruling in the Hibbitt case (Hibbitt and another v Sec of State for Communities and Local Government and another (2016) EWHC 2853 (Admin)) which gave a helpful indication of the difference between conversions and re-builds. As such, in the context of where the NPPF says *the development would re-use redundant or disused buildings and enhance its immediate setting* would be one where an existing structure is something that could be used again but without significant change or operational development.
- 5.11 Whilst the structural survey states that the building is suitable for conversion, it forms a matter of planning judgement to determine whether the works proposed are beyond that considered reasonable necessary as part of conversion and whether or not the building is of substantial construction. Thus, whilst a building may be structurally sound, this does not imply that the building is capable of conversion or indeed substantial. At this point, an examination into recent appeal decisions can assist in what constitutes a rebuild instead of a conversion.
- 5.12 In the Appeal Ref. APP/F0114/W/20/3251845, the Inspector stated:

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

5.13 The Inspector continued to state:

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

“The conclusions appear to be based on assumptions about how the final proposal will interface with load bearing structure and not actual detailed assessment of the specific proposal. Notwithstanding this uncertainty, even if it could be proven that the building was structurally sufficient to support additional building operations and structural elements proposed, it would not change my conclusion about the amount of rebuilding required.

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

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

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

5.15 The inspector subsequently commented on the structural statement:

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

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

“[...] It seems that the entirety of the roof covering of each of these buildings would be removed and it does not look like they would be re used. It appears from the evidence that the existing concrete blockwork in the case of both building 2 and 3 would be retained. The schedule of works explains that works to the walls would include some limited

blockwork and the visuals I have seen do show timber cladding for the majority of the walls but given its existing weathered condition and the fact that in the case of building 2 it does not meet the blockwork in a number of places new timber work would more than likely not be used. The entire side elevation of building 3 is absent from the ground to the eaves. This would require an entirely new wall from the ground up which would be a substantial amount of new building work in itself.

5.17 The Inspector continued to state:

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

5.18 The inspector concluded that the amount and scale of new building work would take the project out of a conversion and into a rebuild.

5.19 It is important to note that the appeals referenced above refer to development assessed under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended. This is opposed to the provisions of the local development plan - as per this application. However, in both instances, the link between them remains the same, with both sets of policy requiring the building to be of a substantial construction so not to constitute a re-build.

5.20 There are no provisions within policy PSP40 to permit conversions based on a building being structurally sound, but only where the building is also of a substantial construction. As demonstrated in the above appeals, a building cannot be of a substantial construction if significant operational development is required. If significant operational development is required, the building is in such a far state from being within a habitable condition, that the quantum of works required to enable such use are tantamount to that of constructing an entirely new dwelling.

5.21 The Hibbitt Case (Hibbitt and another v Sec of State for Communities and Local Government and another (2016) EWHC 2853 (Admin)) indicated the difference between conversions and re-building and clarified that it is a matter of legitimate planning judgement where the line is drawn between a conversion and a rebuild. The case suggested that where an agricultural building is so minimal and skeletal, then the works needed to alter it would be of such a magnitude that in reality it would be a re-build.

5.22 To allow the conversion and re-use of the building to take place, the supporting statement highlights the nature of proposed works, provided by a local building

company – PWR Complete Building Services of Cowhill, Oldbury on Severn. The works would be as follows:

- *The existing metal sheeting and timber cladding to be removed and stored on site in secure safe area for later use;*
- *Structural internal stud walls to be erected inside to carry load of first floor and mezzanine area;*
- *Six inch structural timber frame to be constructed within existing steel uprights mechanically fixed, 100mm Celotex insulation put between timber studs with internal covering of 25mm before plasterboard finish;*
- *Window openings to be created between existing steel uprights and within structural framework;*
- *Windows to be Aluminium construction in grey final colour to be in conditions (anthracite/slate/basalt);*
- *A roof shield waterproof membrane will then wrap building creating a breathable waterproof structure;*
- *All cladding and steel sheeting to be checked and refixed to facade any damaged items to be replaced with like for like material.*
- *The main structure of steel, base and cladding to be the main core of the building*

5.23 The proposed works as listed above indicate that the building would be stripped back to its skeletal form, to allow for structural internal studs to be erected to carry the load of the first floor, insulation, internal finishes and waterproof membrane. Cladding and steel sheeting would then be reattached to the structure. This confirms substantial building works are required and that the existing building is not of a substantial construction to allow for a conversion to take place. Whilst the proposed works would be encased with the existing fabric, the construction required is tantamount to a new build dwelling.

5.24 Concerning the assessment above, it is concluded that substantial operational development is required to facilitate the use of this building as a residential dwelling. The existing building cannot be regarded as being substantial construction. The proposed development, therefore, fails to comply with the provisions of policy PSP40 in this regard.

5.25 *Further considerations*

The applicant has confirmed within the supporting information that there is no rural business or working farm on the site, and no extensions are proposed. It is further stated that the building is used to store hay, tractors and machinery used and produced by the agricultural land associated with the site, thus the building is not redundant or disused.

5.26 In all of the above circumstances, PSP40 specifies that development proposals for the creation of a residential unit, will be acceptable where they do not have a harmful effect on the character of the countryside, or the amenities of the surrounding area. Whilst not discussed in detail within the previous application, the re-submission and adoption of the Traditional Rural Buildings SPD in March 2021 provides this opportunity

5.27 In regards to this assessment criteria, the Traditional Rural Buildings SPD states the following:

“...modern pre-fabricated agricultural buildings tend to be visually intrusive and detract from the wider rural landscape character due to their scale, form and materials. The justification for the resulting harm caused by these buildings would have been their functional need as part of supporting the operations of a working farm. Once however the agricultural use ceases, the justification for the discordant nature of any such building also ceases and so at this point, such buildings should be removed and the land restored. Consequently, any application to convert such buildings for residential use would not be considered acceptable, as in the majority of cases the result would be harm caused by these functional buildings being made permanent when the justification for their construction, harm and retention is no longer there. Attempts at remodelling such buildings is also an increasing occurrence through either full planning applications or the prior notification process, but the resultant aesthetic impact is rarely successful. Overall, in the interests of the rural landscape, modern prefabricated buildings are not something that should be retained in perpetuity by any scheme of residential conversion.”

5.28 The wording above is precise in that the initial justification for these buildings would have been a functional need as part of supporting the operations of a working farm. Therefore, once the agricultural use ceases, the justification for the discordant nature of any such building also ceases. At this point, such buildings should be removed and the land restored.

5.29 As such, and it further reference to CS34, which seeks to protect, conserve and enhance the distinctive character and beauty of rural areas, prefabricated buildings (such as the application building) should not be retained in perpetuity by a residential conversion. Therefore, the retention of this building for residential use would continue to impose a harmful effect on the character of the countryside by reasons of its siting, scale, form, and materials. Therefore, the proposed development is contrary to policy CS34 of the SG Core Strategy, policy PSP40 of the SG Policy, Sites, and Places Plan. The proposed development would also be contrary to paragraph 130 of the NPPF which seeks to ensure developments adds to the overall quality of the area and are sympathetic to landscape settings.

New Dwelling

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

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

5.32 Design and Appearance

It is noted that no objections were raised within the previous application, however since then, The Traditional Rural Buildings SPD was adopted in March 2021. As such, the reassessment of this application must be considered against the detail contained within the SPD. As per paragraph 134 of the NPPF, development that is not well designed should be refused, especially where it fails to reflect local design policies and supplementary planning documents. This is reflected within policy CS1 of the SG Core Strategy, which states that development will only be permitted where the highest possible standards of design are achieved.

5.33 In this context, the Traditional Rural Buildings SPD states:

“...The harmonious relationship that traditional rural buildings have with their surroundings can be considered to contrast dramatically with their modern and much larger pre-fabricated replacements. These modern buildings tend to possess a utilitarian character that appears often visually intrusive into a rural landscape. However, the considered harm (caused by their scale, form and materials) is overridden by the functional need of these buildings to support an agricultural holding. Therefore, while their presence in the rural landscape may be accepted as part of modern farming practices, these modern pre-fabricated farm buildings largely ignore the former disciplines set by the availability of local materials and the need for sheltered sites that resulted in a “rapport” between traditional farm buildings and the landscape which blurs the distinction between the natural and manmade environment. Consequently, while the traditional rural building can be considered to be in harmony with the inherited farmed landscapes, the modern replacement structures stand obtrusive, alien and independent which make little or no positive contribution to the character of their surroundings.”

5.34 The proposed conversion would be formed within the existing pre-fabricated structure, which stands at 5.4m to eaves, with a curved roof extending to 7.4m. It extends 18.2m long and 7.2m wide, finished timber clad, corrugated sheeting and a small amount of block work to the lower section of the eastern end. The building would be finished with galvanised steel cladding, timber cladding and a greencoat PLX roof. Whilst the plans state that the existing timber would be retained, it is evident that new timber would be required to bridge the gaps created by the existing hit and miss slats and the removal of the upper corrugated section of the side elevations.

5.35 Upon approach (as heading north along The Naite), the existing structure stands dominant within the landscape and towers over the farmstead to the south for which is characterised by its traditional single storey form and natural materials of stone and rendered walls and clay tiles. In this instance, the scale, mass and materials of the existing building is obtrusive, alien and independent, failing to positively integrate into the surroundings. As such, the introduction of

domestic interventions (doors, windows etc.) would not be seen to positively enhance or improve the overall appearance of the existing structure, providing a neutral weight on the planning balance.

5.36 Consequently, the proposed development, if built, by reasons of its siting, size, scale and design, would fail to represent the highest quality of design. Furthermore, it would fail to protect, conserve or enhance the distinctive character of the rural area. The proposed development would therefore fail to comply with CS1 and CS34 of SG Core Strategy, policy PSP40 of the SG Policy, Sites, and Places Plan, and paragraph 134 of the NPPF

5.37 Residential Amenity

Due to the siting of the proposed conversion, the proposed dwelling would not result in an unacceptable overbearing or overlooking upon the neighbouring occupiers. Furthermore, the proposed outside private amenity space is above the required minimum as per policy PSP43. As such, the proposal considered to be acceptable in terms of residential and private amenity.

5.38 Access and Parking

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

5.39 Ecology consideration

From the information supplied, the council's ecologist has deemed that the site has a relatively low ecological value. Subject to a set of conditions and informatives to ensure the safeguarding of species, no objections are raised.

5.40 Potential contamination

The Environmental protection team have reviewed the application and do not consider it prudent to condition any investigation or remediation, but nonetheless strongly advise the applicant to seek independent advice from a suitably qualified and experienced and contaminated land professional/consultant. An informative is recommended to that effect, should planning permission be granted. Subject to this, there is no objection with regards to contamination.

5.41 Flooding and Drainage

The application site sits within Flood Zone 3 and benefits from existing flood defences. A flood risk assessment has been submitted and was considered acceptable by the Environmental Agency. With regard to foul sewage disposal, a package treatment plant is proposed. Subject to further detail being submitted, no objections have been raised by the LLFA.

6. CONCLUSION

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

7. RECOMMENDATION

7.1 It is recommended that the application is REFUSED.

1. By virtue of the amount of operational development work required and the introduction of new structural elements, the proposed development is regarded as the construction of a new dwelling and not a conversion. The application site is located outside an established settlement boundary and within the open countryside. The introduction of new houses in this rural location fails to meet the tests set out under policy dealing with residential development in the countryside, where development is strictly limited. The proposal is therefore contrary to adopted Policies CS5 and CS34 of the South Gloucestershire Local Plan (Adopted) 2013; Policies PSP1 and PSP40 of the South Gloucestershire Policies Sites and Places Plan (Adopted) 2017; and the National Planning Policy Framework.
2. The proposed development, if built, by reasons of the existing structure being retained in perpetuity as a residential unit, would have a harmful effect on the character of the countryside. The proposed development is therefore contrary to policy CS34 of the SG Core Strategy, policy PSP40 of the SG Policy, Sites, and Places Plan, and The Traditional Rural Buildings SPD (Adopted) 2021. The proposed development would also be contrary to paragraph 130 of the NPPF which seeks to ensure developments add to the overall quality of the area and are sympathetic to landscape settings.
3. The proposed development, if built, by reasons of its siting, size, scale and design, would fail to represent the highest quality of design, and thus also fail to protect, conserve or enhance the distinctive character of the rural area. The proposed development therefore fails to comply with policy CS1 and CS34 of SG Core Strategy, policy PSP40 of the SG Policy, Sites, and Places Plan, and paragraph 134 of the NPPF.

Case Officer: Thomas Smith

Authorising Officer: Helen Ainsley