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The Chipping  
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Gloucestershire  
GL12 7AD

**APP REF:** P21/07136/F  
**DATE VALID:** 18th November 2021  
**DECISION DATE:** 10th March 2022  
**PARISH:** Iron Acton Parish  
Council

## NOTICE OF DECISION TOWN AND COUNTRY PLANNING ACT 1990

South Gloucestershire Council in pursuance of powers under the above mentioned Act hereby PERMIT:

**APPLICATION NO:** P21/07136/F

**DESCRIPTION OF DEVELOPMENT:** Partial demolition of 1 no. dog kennel building (building no. 4) to facilitate its conversion into 1 no. dwelling. Demolition of 1 no. garage building (building no. 6) to facilitate the conversion of 1 no. former agricultural building (building no. 3) into 1 no. dwelling. Formation of new trackway, parking areas and other associated works (resubmission of previously approved scheme P20/17297/F).

**APPLICANT:** Mr And Mrs J Shepherd

**LOCATION:** Buildings At Elm Farm Bristol Road Iron Acton South  
Gloucestershire BS37 9TF

In accordance with the application and accompanying plans, subject to the conditions specified below:

### 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).

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2. A) Desk Study - Previous historic uses(s) of the site (and/or land within 250m of the site) may have given rise to contamination. No development shall commence until an assessment of the risks posed by any contamination shall have been carried out and submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175 Investigation of potentially contaminated sites and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site.

B) Intrusive Investigation/Remediation Strategy - Where following the risk assessment referred to in (A), land affected by contamination is found which could pose unacceptable risks, no development shall take place until detailed site investigations of the areas affected have been carried out. The investigation shall include surveys/sampling and/or monitoring, to identify the extent, scale and nature of contamination. A report shall be submitted for the written approval of the local planning authority and include a conceptual model of the potential risks to human health; property/buildings and service pipes; adjoining land; ground waters and surface waters; and ecological systems.

Where unacceptable risks are identified, the report submitted shall include an appraisal of available remediation options; the proposed remediation objectives or criteria and identification of the preferred remediation option(s). The programme of the works to be undertaken should be described in detail and the methodology that will be applied to verify the works have been satisfactorily completed.

The approved remediation scheme shall be carried out before the development (or relevant phase of development) is occupied.

C) Verification Strategy - Prior to first occupation, where works have been required to mitigate contaminants (under condition B) a report providing details of the verification demonstrating that all necessary remediation works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.

D) Any contamination found during the course of construction of the development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found additional remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development (or relevant phase of development) is resumed or continued.

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Reason

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

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

Reason

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

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

Reason

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

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

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the wildlife habitats and protected species, and to accord with Policy PSP19 of the

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

6. Any addition external lighting, prior to the first occupation of the proposed development hereby approved, a "lighting design strategy for biodiversity" for the boundary features and any native planting shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:
- o Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
  - o Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason

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

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

Reason

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

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

Reason

To ensure that a satisfactory means of drainage and pollution control and to accord with Policy PSP20 and PSP21 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017), Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

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

Reason

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

10. The off-street parking facilities (for all vehicles, including cycles) shown on the plan hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

Reason

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

11. The dwellings hereby approved shall not be occupied until 1no. 32amp/7Kw electric vehicle charging point per dwelling has been provided, and retained thereafter.

Reason

To promote sustainable travel choices and to accord with the SGC Supplementary Planning Document on residential car parking and Policy CS8.

12. The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below:  
Location Plan (Received 08/11/2021)

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Proposed Block Plan (Received 08/11/2021)  
Building 3 Existing Plans (Received 16/11/2021)  
Building 3 Proposed Plans (Received 16/11/2021)  
Building 4 Demolition Plans (Received 08/11/2021)  
Building 4 Existing Elevations (Received 08/11/2021)  
Building 4 Existing Plans (Received 08/11/2021)  
Building 4 Proposed Elevations (Received 08/11/2021)  
Building 4 Proposed Plans (Received 08/11/2021)  
Building 5 Existing Plans (Received 16/11/2021)  
Building 6 Existing Plans (Received 16/11/2021)  
Design and Access Statement  
Preliminary Bat Survey from previous application P20/17297/F (Received 25/01/2022)  
Structural Survey from previous application P20/17297/F (Received 25/01/2022)

Reason

To define the terms and extent of the permission.

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

In dealing with this planning application the Local Planning Authority have worked with the applicant in a positive and proactive manner by carrying out a full assessment of the application.

**ADDITIONAL INFORMATION**

1. This permission shall not be construed as granting rights to carry out works on, or over, land not within the ownership, or control, of the applicant.
2. You must obtain the prior written consent of the owner and occupier of any land upon which it is necessary for you to enter in order to construct, externally finish, decorate or in any other way carry out any works in connection with this development including future repairs/maintenance, or to obtain support from adjoining property. This permission does not authorise you to take such action without first obtaining this consent. Your attention is also drawn to the Access of Neighbouring Land Act 1992 and Party Wall Act 1996.
3. This Decision Notice grants planning permission. You are advised that it does not imply compliance with Building Regulations and it is essential that you contact the Council's Building Control Manager with regard to your proposals before proceeding.

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4. Unless it is expressly indicated in the notice of decision above, it should not be assumed that the 'red line' on the plans submitted with the application necessarily denotes the extent of the residential curtilage (if any), and that in case of doubt the advice of the Council should be sought.
5. The applicant is advised that the application proposes a new surface water outfall pipe to an existing ditch and is therefore classed as works, and/or structures to, in or affecting an ordinary watercourse/ditch. These works may require formal consent (Ordinary Watercourse Consent) from South Gloucestershire Council. Application forms and guidance can be obtained by emailing [LeadLocalFloodAuthority@southglos.gov.uk](mailto:LeadLocalFloodAuthority@southglos.gov.uk)
6. The applicant is advised that any excavations created as part of the works, they are to be installed with a ramp to ensure a means of escape if any animal were to fall in.
7. The developer must also be aware of the following limitations regarding public rights of way and development:-
  - 1 ) No change to the surface of the right of way can be approved without consultation with the Council. The developer should be aware of his/her obligations not to interfere with the public right of way either whilst development is in progress or once it has been completed; such interference may well constitute a criminal offence. In particular, the developer must ensure that:
    - a) There is no diminution in the width of the right of way available for use by members of the public.
    - b) No building materials are stored on the right of way.
    - c) No damage or substantial alteration, either temporary or permanent, is caused to the surface of the right of way. This includes no new gradients to be introduced and no steps are to be provided without prior discussion and approval of PROW Officers.
    - d) Vehicle movements are arranged so as not to unreasonably interfere with the public's use of the way.
    - e ) No additional barriers (e.g. gates) are placed across the right of way, of either a temporary or permanent nature.
    - f) No wildlife fencing or other ecological protection features associated with wildlife mitigation measures are placed across the right of way or allowed to interfere with the right of way.
    - g) The safety of members of the public using the right of way is ensured at all times.

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- 2) Any variation to the above will require the prior consent of the Public Rights of Way department. If the development will permanently affect the right of way, then the developer must apply for a diversion of the route under the TCPA 1990 as part of the planning application. No development should take place over the route of the path prior to the confirmation of a TCPA path diversion order. The route of a PROW is not stopped up until the coming into operation of a public path order. A Public path order may not be confirmed if a development is substantially complete.
- 3) If the development will temporarily affect the right of way then the developer must apply for a temporary closure of the route (preferably providing a suitable alternative route). South Gloucestershire Council will take such action as may be necessary, including direct enforcement action and prosecution, to ensure that members of the public are not inconvenienced in their use of the way both during and after development work has taken place.
- 4) Please note however that the Definitive Map is a minimum record of public rights of way and does not preclude the possibility that public rights of way exist which have not been recorded, and of which we are not aware. There is also a possibility that higher rights than those recorded may exist over routes shown as public footpaths and bridleways.

PLEASE NOTE: The development hereby permitted must be implemented in accordance with plans hereby approved and any conditions specified above. The conditions may specify that works are to be carried out or details are required to be submitted for further approval, before all or part of the development is otherwise commenced. For further information regarding the discharge of Planning Conditions and the relevant forms please view "compliance with conditions" on our website, [www.southglos.gov.uk](http://www.southglos.gov.uk) If the permission is commenced without these requirements being fully met, or in any other manner, the development may be unauthorised and the permission invalidated. The council holds a definitive copy of this planning decision notice. You should be aware of the risk that subsequent copies of the decision notice may be subject to unauthorised alteration and if necessary you are advised to refer to the council for verification. The definitive copy can be viewed via the council's planning website.



**DEVELOPMENT MANAGER**

**DATE:** 10th March 2022

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## **PLANNING PERMISSION THE NEXT STEPS**

**Your Decision could be subject to conditions. It is essential that you comply with these conditions in order to protect your planning permission. If you have conditions requiring details to be submitted prior to the commencement of development then failure to discharge these conditions could invalidate your planning permission and result in enforcement action being taken against the development.**

### **HOW TO APPLY TO DISCHARGE CONDITIONS ON YOUR PLANNING PERMISSION**

If the condition requires you to agree something in writing with the Authority before development commences then you will need to consider submitting these details at least 8 weeks prior to starting work. In order to submit your application, you can do so by one of the following options:

- Submit an online application using the Planning Portal online application service [www.planningportal.gov.uk/](http://www.planningportal.gov.uk/)
- Complete an application form online via the Planning Portal online Application service, [www.planningportal.gov.uk/](http://www.planningportal.gov.uk/) printing it off and enclosing it with the correct plans, fee and details before sending it to Development Services.
- Download a copy of the application form from the South Gloucestershire website on [www.southglos.gov.uk/planning](http://www.southglos.gov.uk/planning).
- Request a paper copy from our PT&SE Customer Contact Centre by calling 01454 868004.
- Visit one of the Council One Stop Shop receptions to collect a paper copy of the application form.

The fee amount is £34 per request relating to 'householder' applications and £116 for any other full planning applications.

The fee is payable for each submission (a single submission may be for more than one condition to be discharged).

### **COMMUNITY INFRASTRUCTURE LEVY (CIL)**

If this application has been identified as being liable to CIL you should not commence development until the requirements and obligations under CIL have been established. If we require further information we will write to you requesting this. Where we already have clear information about the proposal and assumed liability we will issue a liability notice shortly. Further information can be found on our website at [www.southglos.gov.uk/environment-and-planning/planning/community-infrastructure-levy](http://www.southglos.gov.uk/environment-and-planning/planning/community-infrastructure-levy)

### **BUILDING REGULATIONS**

You might require separate Building Control approval and you can also secure this through the Council. For advice on development requiring Building Regulations approval please visit the Planning Portal or contact our Team on 01454 863451

### **ACTING AS AN AGENT?**

Please forward the full copy of this decision to your client and advise them of any conditions. The Council continues to be involved with enforcement action taken against applicants who claim not to have been passed the decision by their Agent.

## APPEALS AGAINST THE DECISION OF THE LOCAL PLANNING AUTHORITY (LPA)

If the applicant is aggrieved by the decision to refuse this proposal – or to grant subject to conditions – they may appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990 or section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If they are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on 0303 444 5000.

Appeals must be made to the Planning Inspectorate in accordance with the provisions below:

- (a) for a **householder application**, an appeal must be made within 12 weeks of the date of this notice;
- (b) for a **minor commercial application**, an appeal must be made within 12 weeks of the date of this notice;
- (c) for the **display of an advertisement**, an appeal must be made within 8 weeks of the date of receipt of this notice;
- (d) for **works to trees** subject to a Tree Preservation Order or part of a woodland, an appeal must be made within 28 days of the date of this notice;
- (e) if this planning application relates to the same, or substantially the same, land and development as is **already the subject of an enforcement notice**, an appeal must be made within 28 days of the date of this notice;
- (f) if an **enforcement notice is served** relating to the same or substantially the same land and development as in this application an appeal must be made within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier;
- (g) in **all other cases**, an appeal must be made within 6 months of the date of this notice.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission/listed building consent for the proposed development/works or could not have granted it without the conditions imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) and local planning authority ([registrationteam@southglos.gov.uk](mailto:registrationteam@southglos.gov.uk)) at least 10 days before submitting the appeal. Further details are available on [GOV.UK](https://www.gov.uk) website.

When submitting an appeal, it is a requirement that an identical set of documents be submitted to the local planning authority. A copy of all appeal documents (and any subsequent documents required to validate the appeal) should be sent to [registrationteam@southglos.gov.uk](mailto:registrationteam@southglos.gov.uk) when the appeal is made. Please ensure this instruction is complied with in order to avoid any unnecessary delay.