

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: 22/23

Date to Members: 02/06/2023

Member's Deadline: 08/06/2023 (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 list 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 02 June 2023

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ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	P23/00039/F	Approve with Conditions	Land At 40 And 42 Cock Road Kingswood South Gloucestershire BS15 9SQ	Woodstock	Oldland Parish Council
2	P23/00412/HH	Approve with Conditions	Greenway Cottage 96 Stone Lane Winterbourne Down South Gloucestershire BS36 1DJ	Winterbourne	Winterbourne Parish Council
3	P23/00571/F	Approve with Conditions	2 Stratton Close Little Stoke South Gloucestershire BS34 6HD	Stoke Gifford	Stoke Gifford Parish Council
4	P23/00673/F	Refusal	The Yard Field Lane Littleton Upon Severn South Gloucestershire BS35 1NU	Severn Vale	Aust Parish Council
5	P23/01012/HH	Approve with Conditions	44 Overnhill Road Downend South Gloucestershire BS16 5DP	Frenchay And Downend	Downend And Bromley Heath Parish Council
6	P23/01113/RVC	Approve with Conditions	Unit 11 Trubodys Yard 121 London Road Warmley South Gloucestershire BS30 5NA	Boyd Valley	Siston Parish Council
7	P23/01162/R3F	Approve with Conditions	Barrs Court Primary School Stephens Drive Barrs Court South Gloucestershire BS30 7JB	Longwell Green	Oldland Parish Council

CIRCULATED SCHEDULE NO. 22/23 -2nd June 2023

App No.:	P23/00039/F	Applicant:	Mr & Mrs Williams R A Dodridge MCIAT
Site:	Land At 40 And 42 Cock Road Kingswood South Gloucestershire BS15 9SQ	Date Reg:	11th January 2023
Proposal:	Erection of 1no. detached dwelling with detached garage, associated parking, landscaping and other works (re- submission of application P22/05964/F).	Parish:	Oldland Parish Council
Map Ref:	365675 172763	Ward:	Woodstock
Application Category:	Minor	Target Date:	12th June 2023



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N.T.S.

P23/00039/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 REPORTING TO THE CIRCULATED SCHEDULE

5 objection comments from local residents have been received contrary to the Officer recommendation.

1. THE PROPOSAL

- 1.1 Planning permission is sought for the erection of 1no. detached dwelling with detached garage, associated parking, landscaping and other works on Land at 40 and 42 Cock Road, Kingswood. This application is the re-submission of previously withdrawn application P22/05964/F.
- 1.2 The application site comprises land to the rear of 2no. existing residential dwellings. The land is currently in use as residential garden and parking. The application site is located within the defined Bristol eastern fringe settlement boundary. The site is accessed via an existing shared access lane from Cock Road. To the south of the site is Cock Road Ridge Open Space, an area of designated local green space. Public Right of Way POL/7 runs from Cock Road into Cock Road Ridge Open Space.
- 1.3 During the course of the application additional plans and information were submitted to provide clarity only. The relevant consultees were re-consulted but it was not considered necessary to carry out a full re-consultation.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework July 2021
National Planning Practice Guidance

2.2 Development Plan

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

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

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

PSP1	Local Distinctiveness
PSP2	Landscape

PSP3	Trees and Woodland
PSP4	Designated Local Green Space
PSP8	Residential Amenity
PSP10	Active Travel Routes
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
PSP22	Unstable Land
PSP38	Development within Existing Residential Curtilages
PSP43	Private Amenity Space Standards

2.3 Supplementary Planning Guidance

Design Checklist SPD (Adopted) August 2007

Residential Parking Standard SPD (Adopted) December 2013

Assessing Residential Amenity TAN (Endorsed) 2016

Trees and Development Sites SPD (Adopted) April 2021

3. RELEVANT PLANNING HISTORY

3.1 P22/05964/F

Erection of 1no. detached dwelling together with a detached garage, associated parking, landscaping and a widened access.

Withdrawn (08/12/2022)

3.2 K6431

Erection of one dwelling.

Refusal of Outline Permission (28/12/1989)

Adjacent site within same ownership

3.3 P19/11930/F

Erection of 1no. detached dwelling with associated works and access.

Approved with Conditions (05/11/2019)

4. CONSULTATION RESPONSES

4.1 Oldland Parish Council

No objections.

4.2 Ecology Officer

No objection subject to the inclusion of conditions.

4.3 Flood and Water Management Team

No objection.

4.4 Landscape Officer

No objection subject to the inclusion of conditions.

4.5 Public Rights of Way Officer

No objection subject to the inclusion of a condition and informative.

- 4.6 Sustainable Transport Team
No objection in principle to the location or proposed access but additional information regarding parking is required.
- 4.7 The Coal Authority
No objection.
- 4.8 Tree Officer
No objection subject to the inclusion of a condition.
- 4.9 Common Connections Project
Concern.
- 4.10 Local Residents
5no. objection comments from local residents and 1no. anonymous objection comment have been received making the following points:

Design and Visual Amenity

- Overdevelopment of the site.
- The proposed dwelling would be within 1 metre of Cock Road Ridge Open Space.

Highway Safety and Transport

- Increased traffic along existing shared access lane that serves the Cock Road Ridge Open Space.
- Increased vehicle movements would make existing safety concerns worse.
- Insufficient vehicle parking.
- The existing shared access lane fails to comply with the Manual for Streets.
- The ownership of the existing shared access lane limits the number of properties that can take access from it.

Other Issues

- No affordable housing provision.
- Blocking of Public Right of Way.
- The comment from the Common Connections Project is unworkable and would lead to highway safety concerns.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Planning permission is sought for the erection of 1no. detached dwelling with detached garage, associated parking, landscaping and other works at a site in Kingswood. Policy CS5 of the Core Strategy outlines the locations at which development is considered appropriate. CS5 dictates that most new development in South Gloucestershire will take place within the communities of the north and east fringes of the Bristol urban area, and within defined settlement boundaries. The application site is situated within the area defined

- as the East fringe of the Bristol urban area. As such, based solely on the location of the site, the principle of the development is acceptable.
- 5.2 The development is acceptable in principle under the provisions of Policy CS5, and it is acknowledged that the provision of a new dwelling towards housing supply would have a modest socio-economic benefit. However the impacts of the development proposal must be further assessed against relevant policy in order to identify any potential harm.
- 5.3 Design and Visual Amenity
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 have appropriate: siting, form, scale, height, massing, detailing, colour and materials which are informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context.
- 5.4 The proposed dwelling would be located within the rear garden of 42 Cock Road. The proposal could therefore be considered 'infill' or 'backland' development. Residential properties within the immediate surrounding area would historically have fronted Cock Road but there are now a number of examples of similar 'infill' or 'backland' development within the immediate area. This includes 38 Cock Road that sits directly to the west of the development site and also takes its access from the existing shared access lane. It is therefore considered that the located of the proposed dwelling would be acceptable.
- 5.5 The proposed dwelling has been designed with a reduced eaves height and traditional dormers as to appear 1.5 storeys when viewed from the existing shared access lane. This would give the proposal an appearance that would be in keeping with 38 Cock Road that sits directly to the west of the development site and also takes its access from the existing shared access lane. The proposal would be of a scale that is proportional to the development site, and the surrounding properties. Whilst 40 and 42 Cock Road to the north of the site are smaller semi-detached dwellings, 38 and 40a Cock Road to the west and north-west are larger detached dormer bungalow and two storey dwellings that cover a similar footprint.
- 5.6 The proposed dwelling would be finished in a mix of white render, oak boarding and red brickwork with a red pantile roof. The proposal would have a traditional appearance that would be in keeping with the existing properties in the surrounding area. Part of the existing stone boundary wall would be demolished to make way for the increased parking provision. Additional wall would then be added. A condition should be attached to any consent requiring this new wall to match the existing wall.
- 5.7 The proposed development would be located adjacent to the Cock Road Ridge Open Space. The proposal has been sympathetically designed to take account of this with the eaves height dropped as discussed above. The existing hedgerow that separates the development site from the open space to the south would be retained in full. There is an existing Silver Birch tree on site that

- contributes positively to the visual amenity of the site. This would be protected during development and retained thereafter.
- 5.8 The proposed detached garage would be of a simple design and minimal scale. The proposal would be finished in materials to match the finish of the proposed dwelling.
- 5.9 On the basis of the assessment set out above, it is not considered that the proposed development would detract from the appearance of the site or negatively impact the visual amenity of the street scene or character of the area.
- 5.10 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.
- 5.11 The proposed detached dwelling would be located approximately 20 metres from the rear elevations of 40 and 42 Cock Road. This would be sufficient to avoid any unacceptable dominant or overbearing impacts. The proposed detached garage would be located approximately 15 metres from the rear elevations of 40 and 42 Cock Road. The proposed garage would be of a single storey so this would be acceptable.
- 5.12 The proposed dwelling would be located approximately 11 metres from the rear elevation of the approved dwelling to the site of 42 Cock Road. Whilst this would be less than the 20 metres recommended, it is not considered unacceptable due to the reduced eaves height of the proposed dwelling and its offset angle from the rear elevation of the approved dwelling. The proposal would be located far enough away from other neighbouring properties as to have no unacceptable impacts.
- 5.13 The proposed first floor rear windows have the potential to overlook the rear garden of 44 Cock Road. Whilst this may be the case, this would only be of the very end of 44 Cock Road's generous garden, there would be a separation distance of approximately 11 metres, and the properties are within a built up residential area where overlooking of rear gardens can be expected. There are no first floor side facing windows proposed.
- 5.14 Policy PSP43 of the Policies, Sites and Places Plan outlines the Council's minimum standards for private amenity space for new residential units. PSP43 states that private amenity space should be: functional and safe; easily accessible from living areas; orientated to maximise sunlight; of a sufficient size and functional shape to meet the needs of the likely number of occupiers; and designed to take account of the context of the development, including the character of the surrounding area.

- 5.15 The proposed dwelling would have 4no. bedrooms so would be expected to provide a minimum of 70 square metres of functional private amenity space. The proposal significantly exceeds this minimum requirement. The existing dwelling 42 Cock Road also has 4no. bedrooms should would also be expected to provide a minimum of 70 square metres of functional private amenity space. 42 Cock Road meets this requirement. The private amenity space of the other existing dwelling 40 Cock Road would remain unchanged. 40 Cock Road has 3no. bedrooms so would be expected to provide a minimum of 60 square metres of functional private amenity space. 40 Cock Road meets this requirement.
- 5.16 On the basis of the assessment set out above, it is not considered that the development proposal would result in any unacceptable impacts on the residential amenity of future occupiers of the proposed development or current or future occupants of neighbouring properties.
- 5.17 Highway Safety and Transport
The application site is located within a built-up area and therefore complies with the locational requirements of Policy PSP11 of the Policies, Sites and Places Plan. Vehicular access to the proposed dwelling would be provided via the existing shared access lane from Cock Road. This access lane currently provides access for 5no. properties with the proposed development increasing this to 6no. properties. The existing shared access lane is within private ownership and therefore not adopted. Whilst the existing lane is of lower quality, it is not considered that the erection of 1no. additional dwelling would significantly or unacceptable exacerbate the existing situation. Improvement works are shown of the proposed plans and these are welcomed.
- 5.18 In terms of parking, Policy PSP16 of the Policies, Sites and Places Plan sets out the minimum car parking standards for residential developments. In accordance with PSP16, 3 and 4 bedroom dwellings are expected to provide a minimum of 2no. on-site parking spaces. Both the proposed dwelling and the existing dwelling 42 Cock Road would have 4 bedrooms. The submitted plans indicate that both the proposed dwelling and existing dwelling 42 Cock Road would meet this minimum requirement. A condition should be included with any consent requiring the vehicle parking shown on the plans to be provided prior to the first occupation of the new dwelling, and thereafter retained as such
- 5.19 The existing dwelling 40 Cock Road has 3 bedrooms so would be expected to provide 2no. on-site parking spaces. The submitted plans indicate that as existing only 1.5 parking spaces can be provided. The proposed development would not have any impact on this so whilst the on-site parking provision for 40 Cock Road falls short of the minimum required under PSP16, this would not change from the existing situation.
- 5.20 Ecology
A Preliminary Ecological Appraisal and Preliminary Bat Roost Assessment (Arbtech, March 2023) have been submitted in support of this application. Cock Road Ridge Site of Nature Conservation Interest (SNCI) is located adjacent to the south of the site. A Construction Environmental Management Plan (CEMP) has been recommended to mitigate against indirect impacts.

5.21 Identified habitats on-site include: developed land (sealed surface); built linear features; vegetated garden; hedgerow (HPI); and trees. The existing hedgerow is to be retained in full.

Bats

5.22 The trees on site were assessed to provide negligible opportunities for roosting bats. The site itself provides limited foraging habitat for bats, with optimal habitat available within the adjacent woodland (SNCI). A sensitive lighting plan has been recommended in addition to the installation of a single bat box.

Great Crested Newts

5.23 A single pond and a ditch are located within 500m of the site. Habitats recorded on site provide very poor terrestrial opportunities for great crested newts, with optimal habitat in surrounding areas. Precautionary methods of working have been provided.

Birds

5.24 Trees and hedgerows on site provide suitable bird nesting habitat. Suitable mitigation has been provided in addition to the recommended installation of a single bird box.

Reptiles

5.25 The site provides poor terrestrial opportunities for reptiles, although precautionary methods of working have been provided.

Badgers

5.26 No evidence of badger or their setts recorded. The site provides some limited opportunities for commuting and foraging badgers that might pass through the site. Precautionary methods of working have been provided.

Hedgehogs

5.27 Habitats on site provide suitable habitat for hedgehog. Precautionary methods of working have been provided in addition to the installation of a hedgehog box and the creation of gaps in any close board fencing to be installed.

Conclusion and Recommendations

5.28 As the site is located adjacent to Cock Road Ridge SNCI, a CEMP and sensitive lighting strategy have been recommended, to ensure that the SNCI and local wildlife within are not indirectly impacted by the proposals. Conditions should be included with any consent to: require strict accordance with the Mitigation Measures provided in the Preliminary Ecological Appraisal and Preliminary Bat Roost Assessment (Arbtech, March 2023); the submission of a CEMP; the submission of an Ecological Enhancement Plan showing the location and specifications of enhancements detailed within the Preliminary Ecological Appraisal and Preliminary Bat Roost Assessment (Arbtech, March 2023); and a condition controlling external lighting.

5.29 Coal Mining

The application site falls within the defined coal mining Development High Risk Area; therefore within the application site and surrounding area there are coal

mining features and hazards which need to be considered in relation to the determination of this planning application. The Coal Authority records indicate that the site is likely to have been subject to historic unrecorded underground shallow coal mining. Voids and broken ground associated with such workings can pose a risk of ground instability and may give rise to the emission of mine gases. The site also lies within a Surface Coal Resource Zone.

- 5.30 The application is supported by appropriate, up-to-date and site-specific coal mining information for the proposed development site. This information has been used to inform a Coal Mining Risk Assessment (or equivalent) (Earth Environmental and Geotechnical, March 2023) to accompany the planning application.
- 5.31 The report notes the previous undertaking of an intrusive site investigation on land immediately to the north of the site. Evidence of shallow depth mining, such as coal seams, broken ground voids, loss of drilling flush were not encountered in any of the boreholes. In addition, elevated levels of land gas (methane, carbon dioxide, hydrogen sulphide) were not encountered in any of the boreholes. The report considers that similar conditions will prevail beneath the current site and therefore identifies a low risk to surface instability as a result of potential historic coal mining. Accordingly, the report concludes that further site investigation or mitigation works are considered not necessary.
- 5.32 The content and conclusions of the Coal Mining Risk Assessment Report are sufficient for the purposes of the planning system and meets the requirements of NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development. Therefore there is no objection to the proposed development.
- 5.33 Public Rights of Way
Policy PSP10 of the Policies, Sites and Places Plan requires that all Active Travel Routes (including Public Rights of Way) be safeguarded. Public footpath POL/7 runs along the existing access lane from Cock Road into Cock Road Ridge Open Space. The proposed development would result in 1no. additional dwelling using this private lane. This would result in negligible change to the public footpath.
- 5.34 There is evidence of water run off undermining the public footpath after it enters the Cock Road Ridge Open Space and this must not be exacerbated by increased run off from the proposed driveways. A condition should therefore be included with any consent requiring all surface water to be contained within the site.
- 5.35 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.

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

5.37 Other Matters

An objection comment received from local residents has raised concern that the proposed dwelling would not be affordable. The Council have a policy on affordable housing (Policy CS18 of the Core Strategy). The proposed development does not meet the threshold to request affordable housing contributions.

5.38 The comment received from the Common Connections Project is noted but given the limited scale of the proposed development it would not be reasonable to secure such significant improvements outside of the development site.

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 the application be **Approved** subject to the conditions included on the decision notice.

CONDITIONS

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

Reason

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

2. The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below:
CR2/P01a - Proposed Elevation Plans (Received 05/01/2023)
CR2/P02a - Proposed Floor and Roof Plans (Received 05/01/2023)
CR2/P03b - Proposed Block Plan (Received 05/01/2023)

CR2/P04a - Site Location Plan (Received 05/01/2023)
CR2/P05a - Combined Proposed Garage Plans (Received 05/01/2023)
CR2/P06 - Existing Block Plan (Received 11/01/2023)
CR2/P07 - Tree Plan (Received 11/01/2023)
CR2/P08 - Drainage Layout Plan (Received 20/03/2023)
CR2/P09 - Existing and Proposed Parking Plans (Received 20/03/2023)

Reason

To define the terms and extent of the permission.

3. The materials to be used in the construction of the boundary wall hereby permitted shall match those used in the existing front boundary wall.

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. 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; with Policy PSP16 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013; and the provisions of the National Planning Policy Framework.

5. The development hereby approved shall proceed in strict accordance with the Mitigation Measures provided in the Preliminary Ecological Appraisal and Preliminary Bat Roost Assessment (Arbtech, March 2023).

Reason

To ensure the works are carried out in an appropriate manner and in the interests of ecology and wildlife protection, 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 provisions of the National Planning Policy Framework.

6. Prior to the commencement of development (including demolition, ground works and vegetation clearance), a Construction Environmental Management Plan (CEMP (Biodiversity)) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall be written in accordance with BS42020, and shall include mitigation details for the adjacent Site of Nature Conservation Interest (SNCI) and any protected species that might be present within the area. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of ecology and wildlife protection, 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 provisions of the National Planning Policy Framework.

7. Prior to occupation of the dwelling hereby approved, an Ecological Enhancement Plan showing the location and specifications of enhancements detailed within the Preliminary Ecological Appraisal and Preliminary Bat Roost Assessment (Arbtech, March 2023) shall be submitted to and approved in writing by the Local Planning Authority. This includes, but is not limited to, bird and bat boxes and hedgehog provision. All ecological enhancements shall be installed in accordance with the approved details prior to occupation, and shall be maintained thereafter.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of ecology and wildlife protection, 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 provisions of the National Planning Policy Framework.

8. Prior to installation, the location and specification of all proposed external lighting shall be submitted to and approved in writing by the Local Planning Authority. All external lighting shall be installed in accordance with the approved details, and shall be maintained thereafter. 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 ecology and wildlife protection, 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 provisions of the National Planning Policy Framework.

9. All surface water shall be contained within the site, and not allowed to flow onto the private lane/public footpath to the west of the site.

Reason

In the interests of the utility, safety and amenity of public footpath POL/7 and to accord with Policy PSP10 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework.

10. No fires shall be lit within 15 metres of the furthest extent of the canopy of any retained trees or hedgerows on site or adjoining land and no concrete, oil, cement, bitumen or other chemicals shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land. No machinery shall be stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land.

Reason

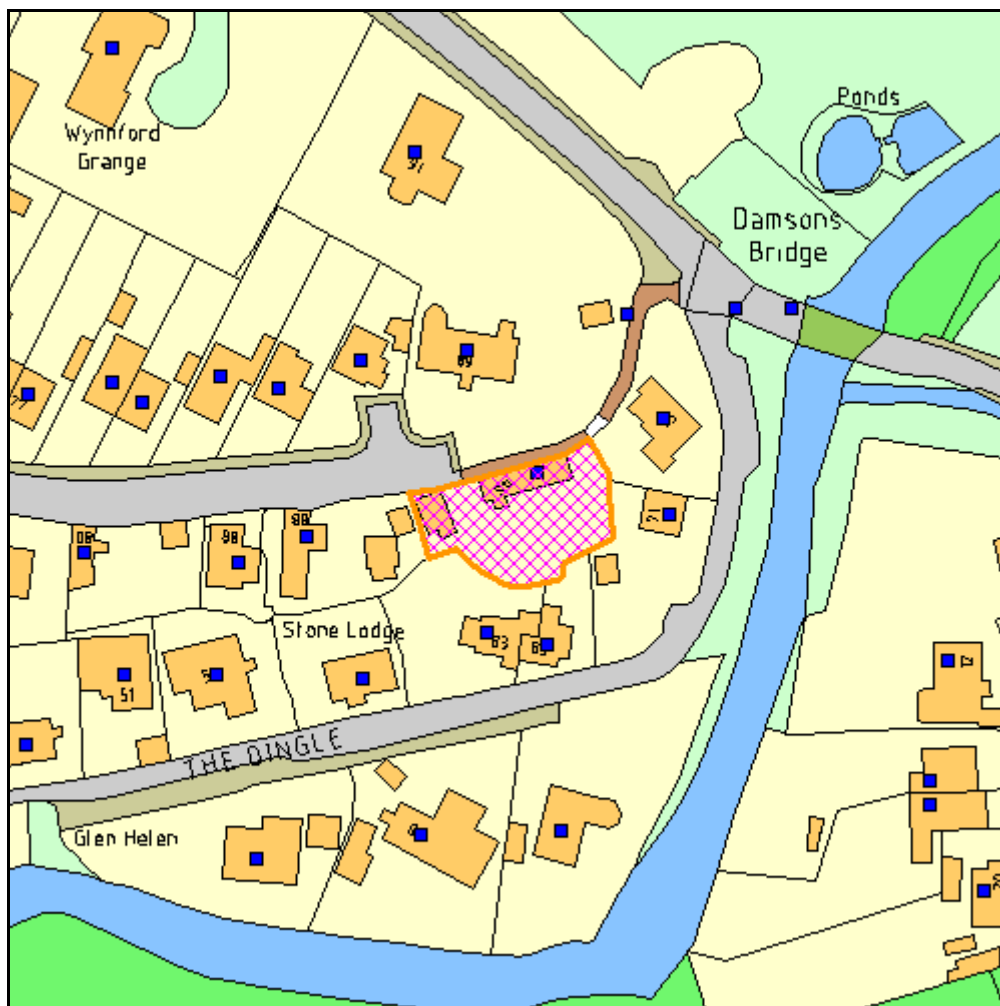
To ensure the retention of tree on the site in the interests of visual amenity and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP1, PSP2, PSP3 and PSP38 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework.

Case Officer: Oliver Phippen

Authorising Officer: David Stockdale

CIRCULATED SCHEDULE NO. 22/23 -2nd June 2023

App No.:	P23/00412/HH	Applicant:	Mr A White
Site:	Greenway Cottage 96 Stone Lane Winterbourne Down South Gloucestershire BS36 1DJ	Date Reg:	2nd February 2023
Proposal:	Demolition of existing conservatory. Erection of two storey and single storey rear extensions to form additional living accommodation. Extension of existing single storey garage to form double garage with room above.	Parish:	Winterbourne Parish Council
Map Ref:	365707 179434	Ward:	Winterbourne
Application Category:	Householder	Target Date:	16th June 2023



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

This planning application will be added to the Circulated Schedule because the proposal has received 1No objection from Winterbourne Parish Council, which is contrary to the officer's recommendation.

1. **THE PROPOSAL**

- 1.1 The application seeks full planning permission for the erection of a two storey and single storey rear extensions to form additional living accommodation. The proposal also includes an extension to the existing single storey garage to form a double garage with room above, as detailed on the application form and illustrated on the accompanying drawings. The existing conservatory will be demolished.
- 1.2 The application site can be found at Greenway Cottage, 96 Stone Lane, is set within a very good sized plot, and is an existing detached property within the settlement boundary of Winterbourne.
- 1.3 The application site is sited in an elevated position, above the dwellings off The Dingle to the south and east. There is a mature hedgeline to the boundary of Greenway Cottage, which is located immediately above an existing dry-stone wall to the top of a sheer pennant stone rock face.
- 1.4 During the course of the application, the external staircase to the garage has been removed, re-located internally and a re-consultation has been carried out.

2. **POLICY CONTEXT**

2.1 National Guidance

National Planning Policy Framework July 2021
National Planning Policy Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

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

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

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

3. **RELEVANT PLANNING HISTORY**

- 3.1 PT05/0062/REP. Erection of two storey side extension and two porches. (Renewal of Planning Permission PT00/0647/F). Approved. 14.03.2005.
- 3.2 PT00/2611/F. Erection of detached garage and alterations to side elevation roof pitch. Approved. 20.11.2000.
- 3.3 PT00/0647/F. Erection of two storey side extension and two porches. Approved. 29.04.2000.

4. **CONSULTATION RESPONSES**

4.1 Winterbourne Parish Council

1No letter of Objection now received – following re-consultation:

- *Concerns are raised regarding the possible problems with the wall and;*
- *Concern that this proposal is over development of the site.*

No Objections – comments made – original consultation:

- *The Parish Council request that the case officer takes into account the possible problems with the wall.*

Westerleigh Parish Council

No Comments received – original consultation.

4.2 Other Consultees

Sustainable Transport – Transportation DC

No Objections – original consultation.

Other Representations

4.3 Local Residents

1No letter of objection comments received in respect of extension of existing single storey garage to form a double garage – original consultation:

- *Concerns over the existing condition of the existing dry-stone wall which is located to the top of the bedrock, which forms the boundary between and is a sheer pennant stone rock face;*

- *Concerns over the safety of this existing boundary between the adjacent properties and any potential impacts from potential construction works etc of the proposed extension to the existing single garage; and*
- *Concerns over loss of visual amenity and privacy to neighbouring properties.*

1No letter of general comments received – following re-consultation:

- *Concerns raised with regards to the retaining wall holding up the the garden area above at 96 Stone Lane; and*
- *Suggestion that a professional survey should be carried out, to determine if the ground above is at risk of slippage or landslide.*

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

PSP38 of the South Gloucestershire Council Policies, Sites and Places Plan (November 2017) permits development within existing residential curtilages (including extensions) in principle where they do not unduly harm the design, visual amenity and residential amenity of the locality or prejudice highway safety or the provision of adequate private amenity space.

5.2 PSP38 is achieved through CS1 of the South Gloucestershire Council Core Strategy (adopted December 2013), which requires development to demonstrate the highest standards of design and site planning by demonstrating that siting, form, scale, height, massing, detailing colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the site and its context. Therefore, the development is acceptable in principle, subject to the following detailed consideration.

5.3 Design and Visual Amenity

Policy CS1 of the Core Strategy and policy PSP38 of the Policies, Sites and Places Plan seek to ensure that development proposals are of the highest possible standards of design.

5.4 The single storey rear extension will extend to a total width of 4.1 meters and to an overall depth of 1.5 meters from the rear of the host dwellinghouse and will feature a lean to roof and will extend to a maximum height of 2.4 meters from ground level.

5.5 The two storey rear extension will extend to an overall width of 4.45 meters and extend to a depth of 5.0 meters, from the existing rear façade of the host dwellinghouse. It will feature a gable fronted pitched roof, extending in overall height to the ridge by 6.0 from ground level.

5.6 A further single storey rear extension will extend to an overall width of 2.63 meters and by 5.0 meters in depth, adjacent to the two storey rear extension. It will feature a gable front pitched roof and extend to a maximum height of 3.75 meters from ground level.

- 5.7 The existing single storey garage currently extends to a depth of 6.3 meters and a width of 4.2 meters, and features a gable fronted pitched roof. This extension of the existing single storey garage to form a double garage with room above, proposes to extend out of the side of the existing garage by 3.3 meters, but maintaining the depth, and creating a double garage/parking provision by the addition of an open sided, sympathetically designed timber framed car port to its side.
- 5.8 In order to facilitate and provide safe access to the room above, an internal staircase is proposed to the first floor. In addition, 2No rooflights are also proposed to be added to the roof slope, which would only overlook the existing private amenity space of the host dwellinghouse. Furthermore, 2No windows under the eaves are also proposed to the front and rear facades, with the rear window proposed with obscured glazing.
- 5.9 A new gable fronted pitched roof would extend to an overall height of approximately 5.0 meters, with the footprint of the room above the garage extending to an internal width of 3.6 meters and depth of 5.8 meters. It is proposed centrally placed over the garage and parking area below. For the avoidance of doubt, a condition would be placed upon the permission to ensure that this double garage is only ever used ancillary to the host dwellinghouse.
- 5.10 Concerns have been raised by Winterbourne Parish Council, that this proposal would be over development of the site. Officers agree that the development is a significant increase to the existing single storey's scale, form and mass.
- 5.11 Although there is an increase in the overall size of footprint to this existing building, its proposed siting the siting of the rear extension is not readily visible from the highway and its associated host dwellinghouse. Furthermore, and given the slight sloping topography of Stone Lane down towards the application site, and in particular the host dwellinghouse, it has a slightly obscured positioning at the end of this cul-de-sac. The host dwellinghouse is also considered to be naturally screened by the neighbouring built form and the associated stone boundary walls. With the further lower level difference actually within the application site and its 'restricted' appearance to the street, officers do not consider that the application is overdevelopment and would warrant refusal. The dwelling would still be served by very generous gardens further adding to the view that the works are not overdevelopment.
- 5.12 The proposed design of the two storey and single storey extensions to the host dwellinghouse are considered in keeping and they are not seen as detrimental to the character of the host dwellinghouse. In addition, this timber framed proposed extension to the existing garage has also been designed to integrate with the natural stone façade of the host dwellinghouse, the surrounding stone boundary walls and the immediate adjacent neighbouring dwellings in the street and overall within the surrounding area and is considered of an acceptable high standard of design. As such, cumulatively these development proposals respect the proportions and character of this existing dwellinghouse and are deemed to comply with policies CS1, PSP38 and the Householder Design Guide SPD.

- 5.13 Residential Amenity
Policy PSP38 of the Policies, Sites and Places Plan explains that development will be permitted provided that it would not detrimentally impact the residential amenities of nearby occupiers and would not prejudice the retention of adequate private amenity space. Policy PSP8 specifically relates to impacts on residential amenity and outlines that 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.
- 5.14 Given the proposed size, scale and siting of the two storey and single storey rear extensions, it has been concluded that the impact on the neighbouring residential amenity would be limited and that they should not result in an unacceptable impacts that would warrant a refusal.
- 5.15 In addition, and in terms of the extension to the garage, with the proposed staircase to facilitate access to the first floor now re-located internally, and 1No window under the eaves to the rear façade is proposed to be obscured glazed, any potential impacts upon residential amenity of nearby occupiers is limited. Therefore, the amenity of neighbouring residents would be adequately preserved and the proposed development would comply with policies PSP8, PSP38 and SGC (Adopted) Household Design Guide SPD.
- 5.16 Transport
Policy PSP16 of the Policies, Sites and Places Plan sets out the Council's parking standards. As the proposed development will increase the number of bedrooms, a minimum of 2No off street spaces are required to comply with South Gloucestershire Council's residential parking standards.
- 5.17 As the proposal demonstrates a single garage with a car port off to the side with the space for 2No vehicles, as the off-street parking provision is to be retained and maintained as such, the application is acceptable in sustainable transport terms.
- 5.18 Private Amenity Space
The dwelling benefits from a good amount of existing private amenity space to the property. PSP43 sets out standards which are based on the number of bedrooms at a property. Although the proposed development will increase the number of bedrooms no concern is raised on the level of amenity space being proposed.
- 5.19 Other Matters
Objection comments have been raised by neighbouring residents and by Winterbourne Parish Council in respect of the existing dry-stone wall which is located to the top of the bedrock, which also forms part the boundary and is a sheer pennant stone rock face.
- 5.20 It is understood that the applicants note all relevant parties' interest and share the concerns raised in maintaining the structural stability of the wall. Therefore it has been confirmed that the applicants are subsequently liaising with the

neighbours below, in terms of the walls longevity and ongoing maintenance, as it is understood that the previous owner neglected to do any maintenance.

5.21 Therefore, although these comments are noted, they do not form a material consideration of this planning application and would be a matter for Building Control.

5.22 Consideration of likely impact on Equalities

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

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

CONDITIONS

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

Reason

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

2. The double garage with room above hereby permitted shall not be occupied at any other time other than for ancillary purposes as part of the main residential use of the

dwelling known as Greenway Cottage, 96 Stone Lane, Winterbourne Down, BS36 1DJ.

Reason

To protect the residential amenity of the host dwelling to accord with policy PSP8 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017.

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

001 Rev A Existing Plans and Elevations and Site Location Plan (Date received 01/02/23)

002 Rev C Proposed Plans and Elevations and Block Plan (Date received 20/04/23)

003 Rev D Existing and Proposed Garage Plans and Elevations (Date received 17/05/23)

Reason

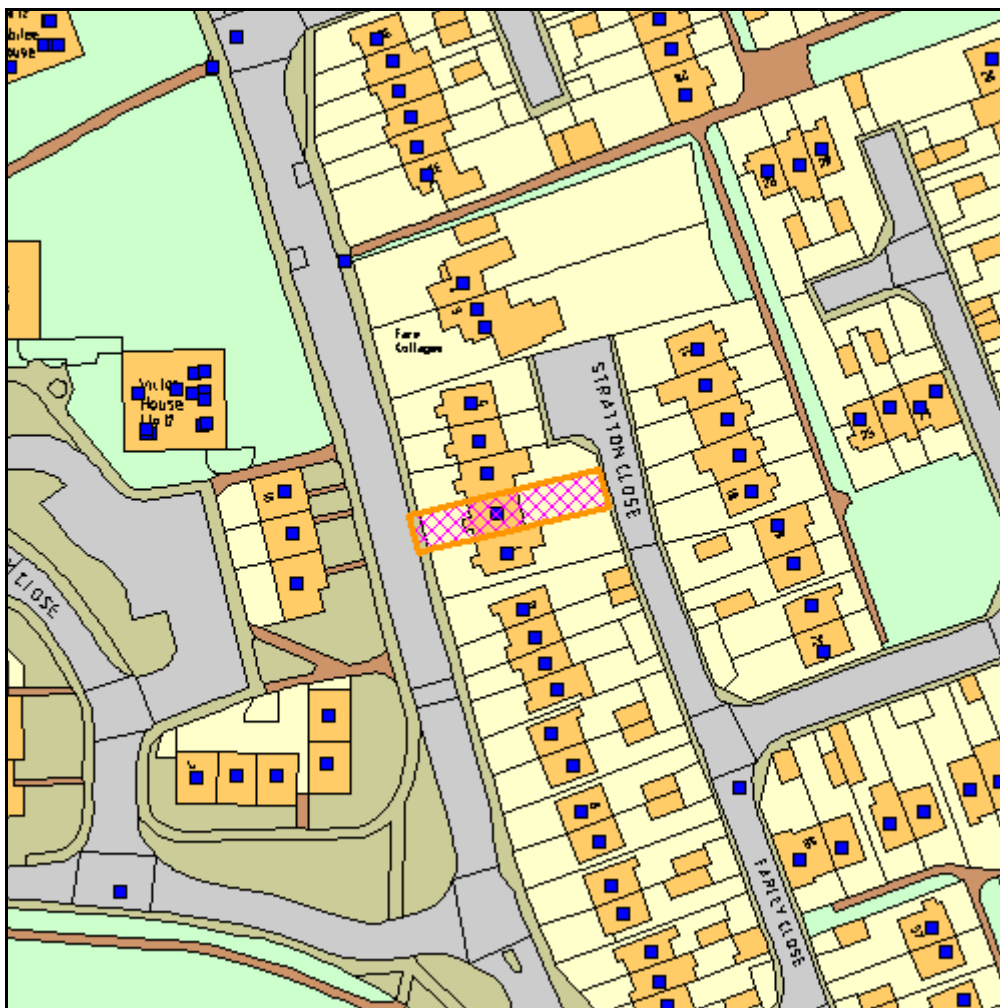
To define the terms and extent of the permission.

Case Officer: Helen Turner

Authorising Officer: Marie Bath

CIRCULATED SCHEDULE NO. 22/23 -2nd June 2023

App No.:	P23/00571/F	Applicant:	Mr Kim Jones
Site:	2 Stratton Close Little Stoke South Gloucestershire BS34 6HD	Date Reg:	17th February 2023
Proposal:	Creation of new vehicular access.	Parish:	Stoke Gifford Parish Council
Map Ref:	361236 181466	Ward:	Stoke Gifford
Application Category:	Minor	Target Date:	28th April 2023



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

REASON FOR APPEARANCE ON THE CIRCULATED SCHEDULE

This application appears on the circulated schedule due to the receipt of an objection comment from the Parish Council, contrary to the recommendation of this report.

1. THE PROPOSAL

- 1.1 The application seeks permission for works as detailed on the application form and illustrated on the accompanying drawings at 2 Stratton Close, Little Stoke.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework
National Planning Policy Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)

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

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

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

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (*Adopted 2007*)
Residential Parking Standards SPS (*Adopted 2013*)

3. RELEVANT PLANNING HISTORY

- 3.1 No relevant planning history.

4. CONSULTATION RESPONSES

4.1 Stoke Gifford Parish Council

Objection raised due to safety issues for pedestrians using the footpath and the cumulative effect on road safety and traffic flow.

- 4.2 Sustainable Transport Officer
No objection but the applicant is advised approval from the Streetcare Team for the dropped kerbs and vehicle crossover (required to access the proposed parking spaces) is required for the works to be implemented.
- 4.3 Local Residents
One letter of support has been received from a neighbour.
- 4.4 *[Officer response to consultees]* The above representations have been noted and are further discussed below.

5. **ANALYSIS OF PROPOSAL**

- 5.1 Transport
Policy PSP11 confirms development proposals that generate a demand for travel will be acceptable provided that access is appropriate, safe, convenient and attractive for all modes of travel arising to and from the site. It also outlines that access should not: contribute to serve congestion; impact on the amenities of communities surrounding access routes; or, have an unacceptable effect on highway and road safety.
- 5.2 The proposed access arrangements would formalise the existing area towards the frontage of the host property as to provide additional parking at the site which would also be accompanied by a dropped kerb. Such works are similar in terms of location, size and entry point to existing developments along Little Stoke Lane. However, the Parish Council have objected due to “safety issues for pedestrians using the footpath and the cumulative effect on road safety and traffic flow”. With respect to this, the vantage point to/from the proposed driveway is of an acceptable standard with a minimum of 50-meter straight visibility in each direction. Likewise, and given the development would only result in a modest intensification of traffic, it is unlikely that the proposed arrangements would result in any severe highway or transportation issues. The development has also been assessed by one of the Council’s Sustainable Transport officers who raise no objection. This assessment address the concerns of the Parish Council and confirms the development would comply with policy PSP11.
- 5.3 Design and Visual Amenity
Policy CS1 and policy PSP38 seek to ensure that development proposals are of the highest possible standards of design in which they respond to the context of their environment. This means that developments should demonstrate a clear understanding of both the site and local history to ensure the character, distinctiveness and amenity is well assessed and incorporated into design. The proposal has been carefully evaluated and is found to be in compliance with these policies.
- 5.4 Residential Amenity
Policy PSP8 relates specifically to residential amenity in which it states development proposals are acceptable, provided they do not create unacceptable living conditions or result in unacceptable impacts on residential amenities. These are outlined as follows (but are not restricted to): loss of

privacy and overlooking; overbearing and dominant impact; loss of light; noise or disturbance; and, odours, fumes or vibrations. The case officer considers the proposed development to be compliant with this policy.

5.5 Consideration of likely impact on Equalities

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

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

CONDITIONS

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

Reason

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

2. The development hereby approved shall be completed in strict accordance with the following plans:

Site Location Plan (D4)
Existing Block Plan (D2)
Proposed Block Plan (D3)

Reason:

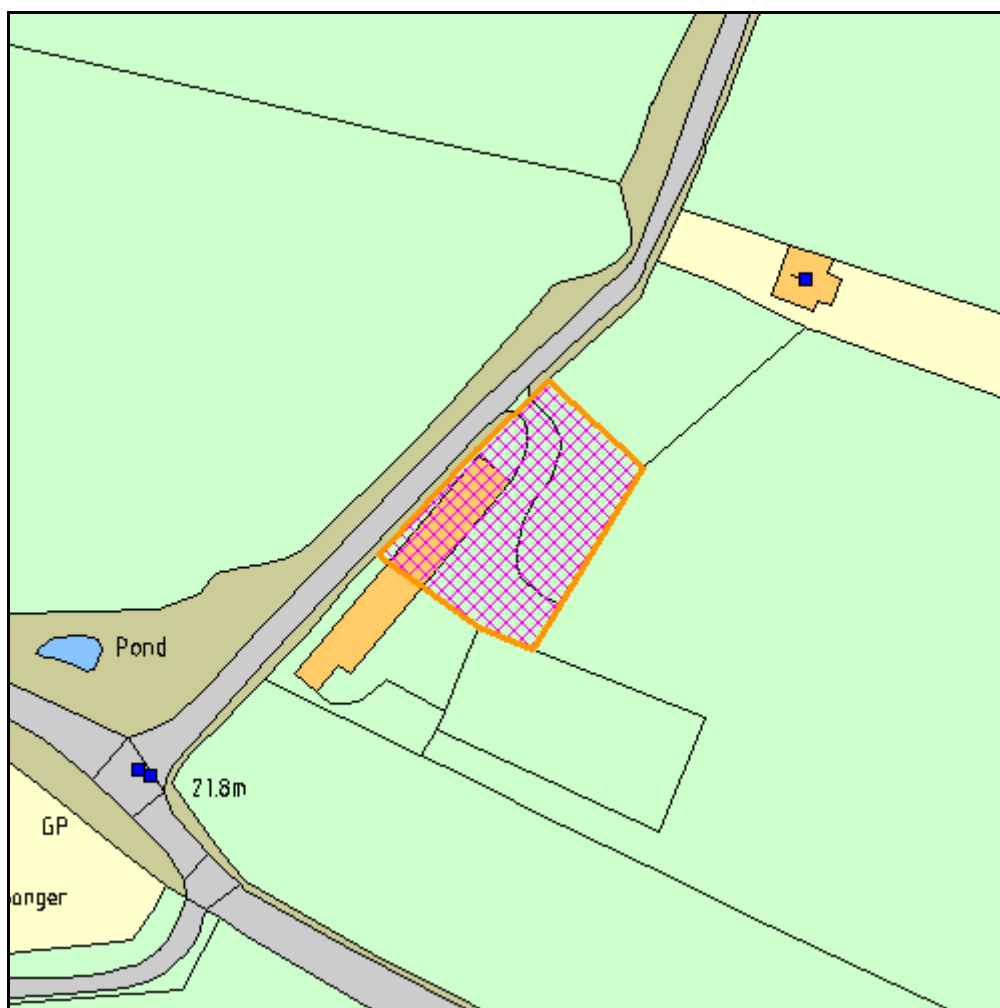
To define the extent and terms of the permission.

Case Officer: Ben France

Authorising Officer: Marie Bath

CIRCULATED SCHEDULE NO. 22/23 -2nd June 2023

App No.:	P23/00673/F	Applicant:	Catherine And James Meachin And Morris
Site:	The Yard Field Lane Littleton Upon Severn South Gloucestershire BS35 1NU	Date Reg:	22nd February 2023
Proposal:	Demolition of lean to and partial demolition of barn/storage shed and associated works. Change of use of stables building to include single storey erection to form a single dwellinghouse (Use Class C3). Alteration to existing access.	Parish:	Aust Parish Council
Map Ref:	360040 189792	Ward:	Severn Vale
Application Category:	Minor	Target Date:	18th April 2023



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 100023410, 2008. **N.T.S.** **P23/00673/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 due to the receipt of support comments from more than 3no. residents contrary to the Officer recommendation below.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the demolition of lean-to, partial demolition of barn/storage shed and the erection of two single storey extensions to facilitate the conversion of the stables building to form a single dwellinghouse, and alterations to existing access.
- 1.2 The application site is located within an open countryside location and is washed over by the Bristol and Bath Green Belt.
- 1.3 Additional information has been received during the course of the application to clarify the extent of the works proposed and justification regarding the location of the site.

2. POLICY CONTEXT

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4a	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS16	Housing Density
CS17	Housing Diversity
CS34	Rural Areas

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP7	Development in the Green Belt
PSP8	Residential Amenity
PSP11	Transport
PSP16	Parking Standards
PSP19	Wider Biodiversity

PSP20	Flood Risk, Surface Water and Watercourse Management
PSP28	Rural Economy
PSP39	Residential Conversions
PSP40	Residential Development in the Countryside
PSP43	Private Amenity Standards

- 2.3 Supplementary Planning Guidance
 South Gloucestershire Design Checklist
 Householder Design Guide SPD
 Traditional Rural Buildings SPD

3. **RELEVANT PLANNING HISTORY**

- 3.1 P22/01101/F - Demolition of existing barn/storage shed/stables and erection of 1no self-build dwelling. – Refused 13.05.2022
- 3.2 PT04/0990/F - Erection of stables, tack room and foaling box. – Approved 23.08.2005
- 3.3 PT01/0746/F - Retention of barn/storage shed. – Approved 19.04.2001

4. **CONSULTATION RESPONSES**

- 4.1 Aust Parish Council – *“Aust Parish Council has NO OBJECTION to the proposed development. However, we request that should the development be approved, a condition should be imposed to remove permitted development rights from this site, so that any future development should be subject to the full planning process.”*
- 4.2 Tree Officer – No objection subject to development being carried out in compliance with the submitted Arboricultural Report.
- 4.3 Landscape – No objection subject to submission of detailed landscape plan.
- 4.4 Drainage – No objection subject to details of Package Treatment Plant.
- 4.5 Transport – No objection subject to provision of access, parking and cycle facilities, and the surfacing of access in a consolidated material.
- 4.6 Public Rights of Way – No objection subject to the applicant making contact with the PROW team.
- 4.7 Archaeology – No comment.

Other Representations

- 4.8 Local Residents

9no support comments have been received, summarised as:

- Well thought out

- Little alteration to existing footprint
- Minimal change in appearance
- Excellent use of existing building
- Enhancement of site
- Does not detract from area
- Opportunity for young local family to live in the area
- Reduction in amount of buildings
- Barely visible from road

5. **ANALYSIS OF PROPOSAL**

Principle of Development

- 5.1 The NPPF emphasis is on sustainable growth, including boosting housing supply and building including through windfall development. The NPPF indicates a presumption in favour of sustainable development except where adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the framework indicate development should be restricted. Providing Sustainable Development is the core objective of the National Planning Policy Framework. In accord with this objective, Policy PSP11 requires residential development to be located on:

Safe, useable walking and cycle routes that are appropriate distances to key services and facilities and where some of these are not accessible by walking or cycling there should be appropriate public transport provision. PSP11 also includes a list of those “appropriate distances” for example 1200 metres to a convenience store and 400m to a bus stop

- 5.2 PSP40 states that the residential development in the form of conversion and reuse of existing buildings, outside of settlement boundaries, will be acceptable where it meets certain parameters.
- 5.3 Following the appeal decisions for PT18/6450/O and P21/03344/F, it can be demonstrated that the Council does have a 5YLS, however the Settlement Boundaries are out of date and the Council does not have a plan led approach to housing development that accounts for the wider housing market area. The provision of 1no. dwelling towards the 5YLS, given that the locational policies are out of date, is given modest weight.
- 5.4 Paragraph 11 declares that housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 14 of the NPPF goes on to state that proposals that accord with the development plan should be approved without delay, and where relevant policies are out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF. Notwithstanding the above, the adopted development plan is the starting position.
- 5.5 In this proposal, of particular relevance is that the site is sited in a rural area which is identified by the adopted Core Strategy. Although it is acknowledged that Policy CS5 is out of date, the principle of limiting development in the

countryside is embodied in Policy CS5 (Location of Development) and also in CS34 (Rural Areas) of the Core Strategy. PSP40 also restricts rural development and these policies set the context for which development affecting a rural area must be assessed against.

- 5.6 Paragraph 78 of the NPPF deals with development in rural areas, stating that in order to promote sustainable development housing should be located where it will enhance or maintain the vitality of rural communities but that local planning authorities should avoid new homes in the countryside.
- 5.7 Whilst it is acknowledged the proposal would be close to some other rural housing, this is not indicative of the site being within a sustainable location. The site is accessed from Field Lane, an unlit single track lane with no pavement. Thornbury is located approximately 3.4Km to the east, Alveston 3.1Km to the south west, Olveston 2.3Km to the south, Aust 2.6Km to the west and Oldbury-on-Severn 2.1Km to the north. The nearest Westlink bus stop is approximately 500m to the west. The distances are therefore in excess of those set out in PSP11 (Health Services 1.2km, Pharmacy 800m etc). It is not considered that the route to services and facilities is either safe or at an appropriate distance for walking. Cycling would be possible but obviously this would not suit all.
- 5.8 In summary the site is quite isolated, is situated outside the nearest recognisable settlement where services and facilities to satisfy day-to-day requirements would be located. Walking without a continuous footway and where lighting is in places non-existent would be an unsafe option. It is not considered that the location is such that there would be a reduction on the reliance upon the use of the private motor car as such, the development would not accord with Policy PSP11 of the Local Plan insofar as it seeks to ensure residential development proposals are an appropriate distance to key services and facilities or an appropriate distance to a suitable bus stop.

Green Belt, Conversion of a Rural Building and Visual Amenity

- 5.9 The proposal is sited within the Green Belt, where the fundamental aim is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. As per the NPPF, the Green Belt serves five purposes:
- a) to check the unrestricted sprawl of large built-up areas;*
 - b) to prevent neighbouring towns merging into one another;*
 - c) to assist in safeguarding the countryside from encroachment;*
 - d) to preserve the setting and special character of historic towns; and*
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*
- 5.10 Whilst development in the Green Belt is strictly controlled, the NPPF provides a number of exceptions where development in the Green Belt may not be inappropriate. Paragraphs 149 and 150 of the NPPF lists the exceptions, for which the most relevant exceptions being “(c) *the extension or alteration of a building provided that it does not result in disproportionate additions over and*

above the size of the original building”, and “(d) the re-use of buildings provided that the buildings are of permanent and substantial construction;”.

- 5.11 PSP40 states that the residential development in the form of conversion and reuse of existing buildings, outside of settlement boundaries, will be acceptable where the building is of permanent and substantial construction, it would not adversely affect the operation of a rural business or working farm, any extension would not be disproportionate, and if the building is redundant or disused the proposal would lead to an enhancement of its immediate setting. In all of the above circumstances, development proposals including any alterations, extensions or 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.
- 5.12 The application has been submitted with a Structural Survey and amended drawings to clarify the extent of works proposed. The stable block comprises a sound concrete floor, sound concrete block walls and defect free rafters supporting the roof cladding and wood purlins. The roof sheeting is intact and watertight and the purlins have stood the test of time with minor sagging. Around 74% of the existing building fabric is to be retained when the conversion is undertaken. The building can therefore be converted with minimal works and is of permanent and substantial construction, satisfying PSP40 and the NPPF.
- 5.13 The site is within agricultural use for private use of the owner only. The building is currently used as stabling, and the retained buildings on site will provide continued accommodation of horses. The manège and use of the remainder of the barn will continue to support the ongoing management and equestrian use of the site. The proposal will not adversely affect the operation of a rural business, satisfying PSP40.
- 5.14 PSP7 states the following:

Additions and alterations to buildings in the Green Belt will be acceptable provided they do not result in disproportionate additions over and above the size of the original building. As a general guide, an addition resulting in a volume increase up to 30% of the original building would be likely to be proportionate.

Additions that exceed 30% volume increase will be carefully assessed, with particular regard to whether the proposal would appear out of scale and proportion to the existing building. The larger a building becomes in excess of 30% over and above its original size, the less likely it is that the new extension(s) will be considered proportionate.

Additions resulting in a volume increase of 50% or more of the original building would most likely be considered a disproportionate addition and be refused as inappropriate development.

PSP40 also requires extensions to be proportionate.

- 5.15 The volume of the existing stables building is 186m³. The proposed extensions represent an additional volume of 86m³, which when considered in isolation represents an increase of 46% over the original building.
- 5.16 Demolition of a lean-to building and the northern bay of the barn/storage shed are proposed to be removed, totalling a volume of 218m². Overall, there will be a net loss of 124m³ of built form from the site. This part of the proposal is therefore compliant with policies PSP40, the NPPF and PSP7, subject to a condition requiring the removal of the buildings prior to any other work commencing on site.
- 5.17 The building is not redundant or disused, however will represent a slight enhancement of the immediate setting by using timber cladding and brick detailing, which respect the form of the existing building and are typical of equestrian settings, in compliance with High Quality Design required by CS1 and Local Distinctiveness required by PSP1.
- 5.18 The proposal would likely result in domestic paraphernalia within the site, such as washing lines, children's play equipment etc. The bike and bin store will be located where a portion of the existing barn is to be removed, which is inset between the retained barn and converted building. The lawn area projects eastwards however this area is relatively minimal and set between the existing hardstanding and manège which is to be retained. Given the above, and the fact the existing use will likely attract its own equestrian paraphernalia, it is not considered that the introduction of domestic items would harm the openness of the Green Belt.
- 5.19 Overall, the proposals comply with PSP1, PSP7, PSP40, CS1 and the NPPF in terms of the conversion of the building.

Landscape and Trees

- 5.20 The site lies off the east side of the Field Lane to the north of its junction with Village Road/Jubilee Way, in open countryside within the Green Belt the east of the village centre. The residential property of No. 1 Field Lane lies further north of the site.
- 5.21 A large steel framed part open-fronted shed/barn with 2No. stable blocks to either lies within the western margin of the site, with a gravelled yard and horse walker to its south. A ménage lies further south beyond the red application line, with the fields adjoining the site to its S and E also being in equestrian usage and the same ownership. Mature mixed species hedgerows extend along both the lane and road frontages. Public footpath OAU/17 joins the east side of Field Lane at the entrance to the site, to the north of the building group.
- 5.22 An Arboricultural Report (January 2023) includes a tree protection plan to protect the frontage hedge and 2No. hedgerow trees (including the large Category B Oak - T1).

- 5.23 The proposal will largely be screened by roadside vegetation in views from Field Lane and Village Road, but will be clearly visible from the public footpath where it crosses the yard to the north of the dwelling.
- 5.24 It is recommended that detailed hard and soft landscaping plans are required by condition, proposing new mitigation native hedgerow planting with tree species planted at intervals at taller stock sizes around the garden and parking/turning area boundaries and at either side of field gate entrances. Subject to this, and work being carried out with the submitted Arboricultural Report, there is no objection in terms of Landscape or impact on trees.

Ecology

- 5.25 Policy PSP19 seeks to protect and enhance local levels of ecology. The buildings proposed for conversion and demolition appear to support negligible potential for roosting bats due to their exposed nature and corrugated metal roof. There are opportunities to improve the biodiversity of the site by implementing ecological enhancements, such as bat boxes and bird boxes. Further external lighting should be conditioned to avoid potential disturbance of foraging and commuting bats. If a bat is found during any part of the proposal, works are to cease immediately and Natural England consulted.
- 5.26 The buildings may support nesting birds, ideally the buildings will be demolished during nesting bird season (generally between March and August), which is also applicable to any hedgerow/tree pruning. If this is not possible, a suitably qualified ecologist is to undertake a check immediately prior to works commencing. If a nest is present, works can commence once all young have fledged.

Residential amenity

- 5.27 Policy PSP38 of the Policies, Sites and Places Plan explains that development will be permitted provided that it would not detrimentally impact the residential amenities of nearby occupiers and would not prejudice the retention of adequate private amenity space. Policy PSP8 outlines the types of issues that could result in an unacceptable impact. The proposal has been carefully assessed and has found to be in compliance with these policies. Concerning the provision of private external amenity space, 60m² would be provided to the front of the property. Whilst amenity space to the front of dwellings is often seen as inappropriate due to not providing adequate levels of privacy, in this specific instance as a result of the rural location and existing site screening, the proposed amenity area is acceptable and would on balance comply with the provisions of policy PSP43.

Public Rights of Way

- 5.28 The application will affect public footpath OAU/17 which runs across the site from a point adjacent to the roadside gate in an easterly direction. There is not presently an access point here, which is the landowner's responsibility to maintain and which seems to have disappeared sometime between 1999 and 2005 when the field was changed to equestrian use.

- 5.29 Additionally, as it is proposed that the roadside gate is being moved, the applicants are strongly advised to check the exact positioning of the legal line of the PROW because there is a high possibility that moving the gate will further obstruct the legal line of the path.
- 5.30 The applicant should contact the PROW team as soon as possible, before any works take place, to enable the applicant to ensure that their proposals will not obstruct the legal line of the footpath. Whether or not it exists on the ground it remains a highway and can be enforced at any time whether or not it has fallen into disuse. Failing to verify its position now could cause complications in future.

Drainage

- 5.31 A new Sewage Package Treatment Plant is proposed, no public sewers are readily available. A condition will be required to show the location, and method of irrigation for the effluent overflow. A percolation test for discharge to a soakaway is necessary. The applicant must consult the Environment Agency for the need to obtain an 'Environmental Permit' and produce a copy if required. Building Regulation approval must also be obtained. Package Treatment Plants must be located 10 metres away from any watercourse and structures including the public highway.

Access and parking

- 5.32 Visibility at the site access is restricted by trees and the hedgerow. It is however an existing access to the stables and the amount of traffic associated with the proposal would be similar to the existing stables use. Field lane is very lightly trafficked and there have been no recorded collisions in the vicinity of the site access.
- 5.33 The access and parking arrangements are considered to be acceptable, subject to a condition requiring the access, car parking and cycle parking being provided prior to any use commencing. The first 5m of drive must be surfaced with a consolidated material.
- 5.34 The Transport Officer has recommended the site is provided with an Electric Vehicle Charging Point, however this matter is covered by Building Regulations and therefore the condition is not considered to be necessary.

Planning Balance

- 5.35 The proposal has been found to be acceptable in terms of conversion of the building, impact upon the Green Belt, design and visual impact, landscape, residential amenity, ecology, access, parking and drainage. The site is however in an unsustainable location, and contrary to policies CS8 and PSP11.
- 5.36 There are some benefits to the scheme, including the reduction of built form within the Green Belt, ecological enhancements, and the contribution of 1no. dwelling towards the housing supply. These are considered to hold modest weight.

- 5.37 On balance, the harm caused by being in an unsustainable location is not outweighed by the benefits of the scheme.

Consideration of likely impact on Equalities

- 5.38 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.

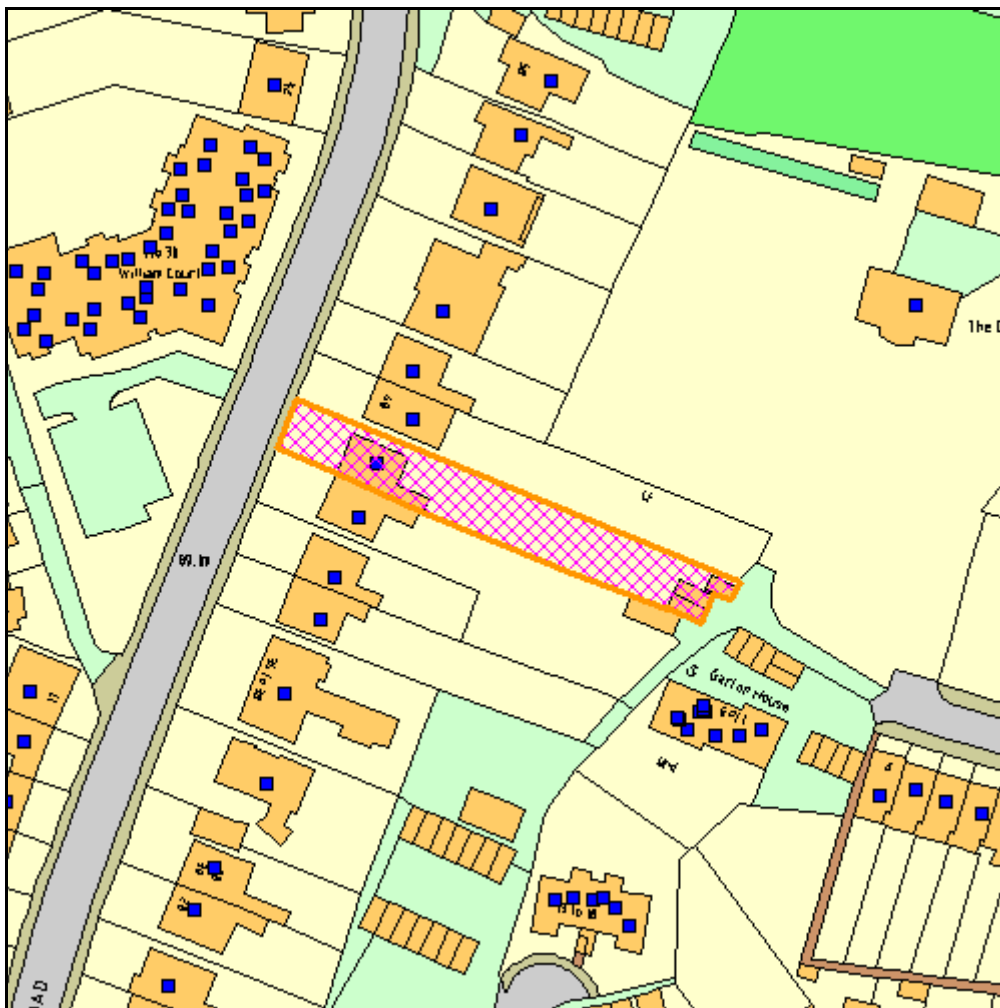
7. RECOMMENDATION

- 7.1 That the application be REFUSED.
1. The proposed development is situated in a location whereby the occupiers will largely be dependent upon the private car and where safe access to key services and facilities by other means is limited (by distance and by the nature of the route). The development is therefore considered to be situated in an unsustainable location contrary to Policy CS8 of the South Gloucestershire Local Plan Core Strategy 2013, PSP11 of the South Gloucestershire Local Plan Policy Sites and Places Plan 2017 and the provisions of the National Planning Policy Framework 2019.

Case Officer: Rae Mepham
Authorising Officer: David Stockdale

CIRCULATED SCHEDULE NO. 22/23 -2nd June 2023

App No.:	P23/01012/HH	Applicant:	Mr A Booth
Site:	44 Overnhill Road Downend South Gloucestershire BS16 5DP	Date Reg:	14th March 2023
Proposal:	Erection of rear outbuilding with integral garage and terrace ancillary to the main dwelling (retrospective).	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	364523 176181	Ward:	Frenchay And Downend
Application Category:	Householder	Target Date:	12th June 2023



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P23/01012/HH

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

This application has been referred to Circulated Schedule as the officer recommendation is contrary to the position of Downend and Bromley Heath Parish Council.

1. THE PROPOSAL

- 1.1 Retrospective planning permission is sought for the erection of an outbuilding with integral garage and terrace ancillary to the main dwelling at 44 Ovenhill Road, Downend.
- 1.2 At the request of the case officer, amended plans were submitted on 31st March to address inconsistencies that had been identified between the original plans and the outbuilding that has been erected. In response to comments raised by the Transportation Development Control Officer, a Parking Survey was also conducted and submitted on 10th May in support of this application.
- 1.3 The primary feature of the application site is an Edwardian style semi-detached, 2.5 storey dwellinghouse finished in stone. Notable additions to the property include a substantial single-storey rear extension and dormer windows to the rear roof plane. The remainder of the application site forms its associated curtilage, with a small front garden that rises from street level up to the level of the dwelling and to the rear an extensive, enclosed rear garden. At its rear, this is served by an access lane gained from Wrenbert Road, which prior to the erection of this outbuilding provided access to a pair of garages within the application site that have since been demolished. The surrounding area is predominantly residential in character, yet exhibits a broad range of housing types with an elderly care home, similarly scaled semi-detached properties and detached bungalows within Overhill Road itself and 3-storey apartment blocks and terraced housing to the south and east of the site.
- 1.4 The application site is situated within both the eastern fringe of Bristol's urban area and in a mineral safeguarding area. The site does not benefit from any other relevant planning designations.

2. POLICY CONTEXT

2.1 National Guidance

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

2.2 Development Plans

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

CS1 High Quality Design

CS4a Presumption in Favour of Sustainable Development

CS5 Location of Development

CS8 Improving Accessibility
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
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP38	Development Within Existing Residential Curtilages, Including New Extensions and New Dwellings
PSP43	Private Amenity Space Standards

2.3 Supplementary Planning Guidance

- i. Design Checklist SPD (Adopted 2007)
- ii. Technical Advice Note: Assessing Residential Amenity 2016
- iii. Residential Parking Standards SPD (Adopted 2013)
- iv. Householder Design Guide SPD (Adopted 2021)
- v. Annexes & Residential Outbuildings: Guidance for new developments SPD (Adopted 2021)
- vi. Technical Advice Note: Parking Survey (Adopted 2022)

3. RELEVANT PLANNING HISTORY

- 3.1 **P19/2241/F** Demolition of existing garages. Erection of annexe with integral garage ancillary to the main dwelling. **Refused** 28th August 2019.

The reasons for refusal were as follows:

1. By virtue of its siting, form, detailing, materials and two storey nature, the proposed building would be out of character with the surrounding area. It would form backland development with imposing gable features and extensive glazing. Its materials would be at odds with prevailing local distinctiveness. For these reasons, the development represents poor design and is contrary to Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013; Policies PSP1 and PSP38 of the South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework.
2. The development would have a sub-standard level of parking, which would fail to accord with PSP16 of the South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2017 and South Gloucestershire Council Residential Parking SPD (adopted) December 2013. Accordingly, the proposal's inadequate parking fails to provide well-integrated parking and could result in detrimental impacts on the highway by nature of increased on-street parking in an area which already suffers from a high degree of on-street parking. This identified harm acts to significantly and demonstrably outweigh the potential benefit of the development, and is contrary to the requirements of the National Planning Policy Framework, Policy CS8 of the South

Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and PSP16 of the South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2017.

- 3.2 **PK18/1494/F** Erection of single storey rear and side extension to form additional living accommodation. **Approved with Conditions** 17th May 2018.
- 3.3 **PK10/1379/F** Demolition of 2no. garages and erection of 1no. single storey dwelling with access, parking and associated works. (Resubmission of PK10/0155/F). **Refused** 1st February 2011.

The reasons for refusal were as follows:

1. As the primary means of access to the development, the access lane is substandard by reason of inadequate width for two-way traffic, poor surfacing, lack of footway facilities to enable service vehicles to enter and leave the lane in a forward gear. The additional traffic associated with this development would lead to increased conflicts between all potential users of this lane and as such would be detrimental to road safety. This is contrary to Policy T12 and H4 of South Gloucestershire Local Plan (Adopted) January 2006.
 2. The proposal would lead to increased use of a substandard junction (namely the junction of Wrenbert Road and Pendennis Road) by reason of inadequate visibility thereby increasing highway hazards to the detriment of highway safety, contrary to T12 of the South Gloucestershire Local Plan (Adopted) January 2006.
- 3.4 **PK10/0155/F** Demolition of 2no. garages and erection of 1no. single storey dwelling with access, parking and associated works. **Withdrawn** 22nd April 2010.

4. **CONSULTATION RESPONSES**

4.1 Downend and Bromley Heath Parish Council

Objection on the following grounds:

- Plans fail to match outbuilding;
- This appears to be a separate dwelling;
- Fails to comply with Permitted Development.

4.2 Transportation Development Control

Initial Response – Requested additional information/clarification.

Upon receipt of additional information – Objection. Insufficient on-site parking has been provided to conform to the Council's minimum residential car park standards as set out in the Residential Parking Standards SPD and Policy PSP16. A Parking Survey that demonstrates that on-street parking is readily available is required for this to be acceptable.

Upon re-consultation assessing the proposal as a separate planning unit – Objection. A previous proposal for a new dwelling was refused at this location on two distinct highway safety issues. Whilst the relevant policy, T2 and been replaced by PSP16, no material changes in circumstance have occurred to mitigate these issues. Accordingly, they constitute reasons for refusing this proposal as well.

Upon receipt of parking survey – The application site is devoid of on-site parking and therefore contradicts Council policy, yet in view of the ready availability of off-site parking spaces as demonstrated in the parking survey, we can take a more pragmatic view and raise no objection.

4.3 Neighbouring Residents

No response.

5. ANALYSIS OF PROPOSAL

Principle of Development

- 5.1 The application site is situated within the east fringe of Bristol's urban area and is currently utilised as a C3 dwellinghouse. This retrospective application provides additional living accommodation at the expense of part of the rear garden and a now demolished pair of garages. This minor intensification of the existing residential use is a form of development that is supported by PSP38 subject to considerations of visual amenity, residential amenity and highway safety. In addition, Policy CS1 of the Core Strategy seeks that the siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the application site and its context. As such, the proposal raises no issues in principle subject to the various material considerations addressed below.

Ancillary Outbuilding vs New Planning Unit

- 5.2 The application form for this proposal specifies that the proposed outbuilding would serve as an ancillary gym and office to the main dwellinghouse. Notwithstanding this declaration, concerns remain as to the potential of this outbuilding to function as an independent dwelling forming a separate planning unit. The Annexes and Residential Outbuildings SPD provides guidance as to what characteristics distinguish merely an ancillary outbuilding or annexe from a separate planning unit and these shall form the basis of this assessment.
- 5.3 The physical properties of the outbuilding share a similar building footprint to that of the main dwellinghouse, but its single storey nature does demonstrate a clear subservience in scale. Its internal floorspace, some 86 sqm, is more than double the minimum gross internal floor area for a 1 bed 1 person flat as prescribed in the Ministry of Housing, Communities and Local Government's statutory guidance: Technical Housing Standards – Nationally Described Space Standard. As such, it is reasonable to consider that this outbuilding is of sufficient scale to constitute a new independent dwelling. Whatsmore, no inherent functional relationship is present between the host dwelling and the

outbuilding, which would benefit from a kitchen, two bathrooms, a reception room and a room labelled on the plans as a gym/office that could equally operate as a bedroom, sufficient to accommodate all the internal requirements for the day to day living of an independent household.

- 5.4 The outbuilding shown on the plans is situated within the curtilage of the host dwelling and currently benefits from a shared garden, parking and access arrangements. However, rather than demonstrating the outbuilding's dependence upon the host dwelling, these plans reveal that with only a nominal amount of further development (the introduction of a boundary treatment across the rear garden – which could be implemented without requiring a further planning permission) both the outbuilding and the host dwelling would benefit from independent and entirely separate gardens with parking and access arrangements from Overhill Road and the access lane off Wrenbert Road respectively. In a similar vein, whilst the application form and accompanying plans do currently indicate a shared address, shared waste disposal arrangements and a use exclusively for members of the same household as the host dwelling, these factors present no inherent dependency upon the host dwelling that would, over the lifetime of the development, preclude its use as a separate planning unit. Waste disposal arrangements and an independent address from the main dwellinghouse can each be sourced from Wrenbert Road. Furthermore, the site visit revealed that the outbuilding benefits from domestic features such as a doorbell from the Wrenbert Road access. Whilst in no way determinative, such a feature is somewhat unusual and arguably unnecessary for a rear entrance only utilised by members of the same household. With merely the addition of a number to its exterior, this outbuilding would outwardly present as a wholly separate dwellinghouse with its own independent address.
- 5.5 In light of the above, despite the applicant's assertion that this would only serve as an ancillary outbuilding, this development would not pass the assessment detailed in paragraph 3.2 of The Annexes and Residential Outbuildings SPD. This stipulates that where a building has capacity for a separate access, parking facilities and garden, and contains all the primary living accommodation required to function as a separate dwelling, the Council are likely to consider it a separate planning unit. This rejection of a restrictive condition approach, in favour of consideration of such outbuildings as a separate planning unit, which underpins this element of the supplementary planning guidance, is informed by the reasoning possibly best described by Inspector Melissa Hall in appeal decision APP/N6845/A/18/3197922 (19/6/18) regarding a similar application for an outbuilding:

“..it may be appropriate to impose a planning condition to ensure the annexe is only used as ancillary accommodation to the main dwelling house and to prevent its occupation independent of the main house. However, as the development would effectively comprise a totally separate and independent new dwelling, imposing conditions to control the use of the buildings in this way would be difficult to enforce in the long term.”

- In such circumstances, to avoid difficulties in subsequent enforcement and secure a planning approval, the outbuilding would typically need to satisfy all the requirements for a new dwelling.
- 5.6 Whilst this outbuilding would not pass the annexe test for a proposed development, this application is not typical of planning proposals for annexes or outbuildings in that it is retrospective. This affords the stated use to be ascertained rather than supposed. The outbuilding in question has been in use for nearly three years and has also been the focus of a recent enforcement enquiry investigating whether it was, in fact, being utilised as a separate dwelling. The resultant inspection of the property in June 2021 found that the use was indeed incidental to that of the main dwellinghouse. The findings of this investigation correspond to those uses illustrated on the submitted plans and specified in the application form. Furthermore, the potential for subsequent permitted developments that would facilitate the provision of a wholly independent garden, parking and access for this outbuilding have not, in fact, been actualised. The existing use of this outbuilding is precisely as described and applied for by the applicant, an ancillary annexe.
- 5.7 This situation presents a question of judgement as to the relative weight afforded to opposing material considerations in the determination of whether to consider this outbuilding tantamount to a separate planning unit, as detailed in the guidance of the Annexes and Residential Outbuildings SPD on one hand and the demonstrable existing use of the building on the other. Mindful that the outbuilding would only fail the annexe test if accompanied by further permitted developments, for which there is no evidence, only speculation, compared to the substantial evidence that indicates it is currently in use as an ancillary outbuilding, it would not appear reasonable to insist that this is treated as a separate planning unit. Furthermore, upon an exhaustive examination of recent appeal decisions relating to outbuildings refused by local planning authorities on account of having been considered tantamount to a separate dwelling, Inspectors have consistently adhered to the principle that an ancillary use condition is sufficient to overcome this concern.
- 5.8 In summation of the above, this outbuilding would not pass the annexe test for a proposed development and would typically be required to meet all the requirements for a new dwelling. However, as this structure has already been constructed, has been independently inspected and determined as ancillary by enforcement operatives, has been utilised for the stated ancillary purposes for a number of years with no further sub-division of the property having taken place and can be conditioned to remain as such, it is reasonable to assess the application merely on the terms of what has been applied for and not as a separate planning unit. Whilst it is acknowledged that this approach is a departure from that which is detailed in the Annexes and Outbuildings SPD, requiring an ancillary use condition that may prove difficult to enforce, it is nevertheless consistent with the overwhelming majority of Appeal decisions on this issue. Given that this is a retrospective application and that the existing ancillary use can be readily demonstrated, not merely inferred, some leniency in this approach is appropriate under these circumstances.

Design, Character & Appearance

- 5.9 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. Furthermore, Policy PSP1 of the Policies, Sites and Places Plan outlines that development proposal should demonstrate an understanding of, and respond constructively to, the buildings and characteristics that make a particularly positive contribution to the distinctiveness of the area.
- 5.10 This outbuilding would be situated at the rear of the garden and presents on-plan as a rectangle with the southwestern corner removed, resulting in an L-shaped building footprint. Its breadth would reach 8.4 metres for the foremost 9.25 metres, reducing to 5.4 metres for the rearmost 1.8 metres, with a total depth of 11.05 metres. Its roof comprises of a simple flat roof design including three rooflights serving the garden room. This roof features an eaves height of 2.9 metres across the southern elevation, rising to 3.7 metres upon the northern elevation on account of changes in the underlying ground level. The adjoining raised platform has an identical breadth and projects 3 metres at a height 0.8 metres above the previously existing ground level.
- 5.11 The planning statement submitted in support of this application states that this outbuilding was erected upon the understanding that it would qualify as permitted development, but that the resulting structure as built exceeded these parameters by 0.3 metres in height. In correspondence received from the applicant's agent, it has been suggested that this distinction ought to be dismissed as 'de minimis' and that its similarity to what can be constructed under permitted development rights should form a material consideration in the determination of this application. Yet, notwithstanding its height, which is shown on the submitted plans to exceed the limits of permitted development by no less than 1.2 metres upon its northern elevation, the structure also includes a balcony/raised platform such that it would be excluded from Class E of the GPDO in any case. Furthermore, it is not local planning authorities, but the courts, who are to determine what is or is not 'de minimis'. Regardless, the realities of this structure, as built, triggers the need for planning permission, which requires it to be assessed against local and national planning policy.
- 5.12 The scale of this outbuilding is considerably larger than the previously existing pair of garages, spanning the breadth of the garden and projecting significantly further forward. Its additional height and massing would however be largely contained within the existing boundary treatments and given the considerable depth of the existing garden, would not unduly dominate it or its surroundings. The only elevation that is readily appreciable from public vantage points is the rear elevation, which is no more impactful than the that of the previous row of garages. In character terms, outbuildings and garages with access onto the rear lane are an established feature of the gardens along the southern side of Overhill Road, whilst the backland development of six, flat roofed, 3-storey apartments blocks and associated garages situated between Overhill Road

and Pendennis Road are demonstrative that this form of flat roofed development is reasonably responsive to its surrounding context.

- 5.13 With respect to matters of detailed design, the arrangement of tri-fold glazed panel doors as well as a more standard glazed panel door upon the forward elevation and a pair of casement windows as well as a roller shutter garage door upon the rear elevation raise no concerns. In terms of the external materials, render has been applied upon the forward elevation with dark grey composite cladding utilised upon the featureless side elevations and the public-facing rear elevation. The specification of matching dark grey UPVC fittings and garage shutter effectively serve to mute these features to achieve an understated yet reasonably attractive overall appearance. Whilst this use of materials is not informed by the palette of materials already utilised for other structures within the vicinity, this distinction would not have a diminishing effect upon its design merit or result in any palpable harms to local character or distinctiveness.
- 5.14 In summation, the proposed outbuilding would feature an acceptable design that would broadly accord with the design standards detailed in CS1 and part 1) of PSP38.

Residential Amenity

- 5.15 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 and Policy PSP43 sets out the council's private amenity space standards.
- 5.16 By virtue of its single storey nature, its siting at the far conclusion of the rear garden and being enclosed on both sides by a mature hedgerow to the east and a garage to the west, the physical bulk of the outbuilding would have no discernible impact upon neighbouring amenity. The arrangement of habitable room windows would only afford views of the host dwelling's rear garden and the rear access lane, which are both enclosed by boundary treatments that would preclude a harmful loss of privacy. The introduction of a raised platform 0.8m above the existing ground level across the front of the outbuilding would afford this external circulation space an elevated vantage point, but on account of the siting of the neighbour's garage to the west and the height of the hedgerow to the east, this would not afford any persons standing upon the platform intrusive views that would compromise the privacy of either of the neighbouring gardens.
- 5.17 With regards to the amenity afforded to the beneficiaries of the outbuilding, the retained rear garden area would substantially exceed the minimum provision of private amenity space as detailed in PSP43. Concerning living conditions, it is noted that the light and outlook afforded from the gym/office would be somewhat constrained from its rear window on account of the proximity of tall trees and the facing boundary fencing only 9 metres distant. Nevertheless, as this window is south-easterly facing and longer distance views can be gained

towards Wrenbert Road along the course of the access lane, this window benefits from some direct sunlight and an acceptable outlook. This is sufficient to secure reasonable living conditions for this a habitable room. The greater degree of light and outlook afforded via the rooflights and the glazed doors serving the garden room of the outbuilding raise no such concerns.

- 5.18 In light of the above, this proposal would incur no unacceptable impacts upon neighbouring amenity, the amenity of its future occupants nor the provision of private amenity space for the host dwelling. As such, this proposal accords with PSP8, parts 2) and 4) of PSP38 and PSP43.

Sustainable Transport & Parking Provision

- 5.19 Policy PSP11 of the Policies, Sites and Places Plan states development proposals that generate a demand for travel will be acceptable provided that access is appropriate, safe, convenient and attractive for all modes of travel arising to and from the site. It also outlines that access should not: contribute to serve congestion; impact on the amenities of communities surrounding access routes; have an unacceptable effect on highway and road safety; and should not harm environmentally sensitive areas. In addition, policy PSP16 of the Policies, Sites and Places Plan sets out the Councils parking standards.
- 5.20 The proposed works would serve to provide additional living accommodation within the property, but provided the outbuilding is used in the manner that has been applied for, would not increase the provision of bedrooms or otherwise expand the degree of occupancy within the dwelling. As such, the extant requirements for two on-site parking spaces as well as secure and covered storage for two cycles would remain unaltered by this proposal.
- 5.21 The siting of this outbuilding has replaced the previously existing pair of both a single and a double garage at the south-eastern conclusion of the application site. The replacement integral garage within the outbuilding would not meet the internal dimensions to qualify as a parking space towards the on-site provision, but would be sufficient for the secure and covered storage of two cycles. Therefore, as a consequence of this development, the application site no longer benefits from any on-site parking provision. This lack of parking provision was previously sufficient grounds to refuse an outbuilding at this location under application P19/2241/F. At the suggestion of the Transportation Development Control Officer, this issue has sought to be overcome via the submission of a parking survey. This has been conducted in accordance with the Council's guidelines as set out in the Parking Survey: Technical Advice Note and unequivocally demonstrates that there is ample parking availability within the surrounding highways. This survey and its conclusions are accepted, forming an additional material consideration in the assessment of the acceptability of this level of parking provision that was not present for the previous P19/2241/F refusal.
- 5.22 The successive comments provided by the Transportation Development Control Officer regarding the acceptability of this deficit of on-site parking provision have responded to the evolving circumstances of this proposal. The proposed arrangement was deemed unacceptable for a new dwelling, but the

clarification that this application is to be considered merely as an ancillary outbuilding in combination with the findings of the parking survey have resulted in the initial objections to this scheme being withdrawn. It is accepted that this retrospective application contravenes the minimum provision of on-site parking as detailed in PSP16 and the Residential Parking Standards SPD. However, as the supporting evidence indicates a ready availability of off-site parking spaces, the construction of this outbuilding has demonstrably not resulted in unacceptable pressure for on-street parking within the vicinity, such that the residents of this property are able to park their cars without causing any material obstruction to the highway. Therefore, notwithstanding its departure from policy, in the absence of any appreciable harms arising from its construction, this specific deficiency in parking provision is considered to be acceptable.

- 5.23 In summation of the above, whilst this retrospective application would depart from the parking provision for such a property detailed in PSP16, it would not have a prejudicial impact upon highway safety or the provision of an acceptable level of parking for the residents of this property or its neighbours. This would satisfy PSP11 as well as part 3) of PSP38 and is therefore considered to be acceptable.

Consideration of likely impact on Equalities

- 5.24 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.
- 5.25 With regards to the above this planning application is considered to have a neutral impact on equality as it would neither advantage nor disadvantage any persons exhibiting protected characteristics.

6. CONCLUSION

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

7. **RECOMMENDATION**

7.1 It is recommended that planning permission is GRANTED subject to the conditions detailed on the decision notice.

CONDITIONS

1. The outbuilding hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 44 Overhill Road.

Reason:

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

2. The development hereby permitted only relates to the following plan:

Combined plans - Drawing No: R102

Received by the Local Planning Authority on 31st march 2023.

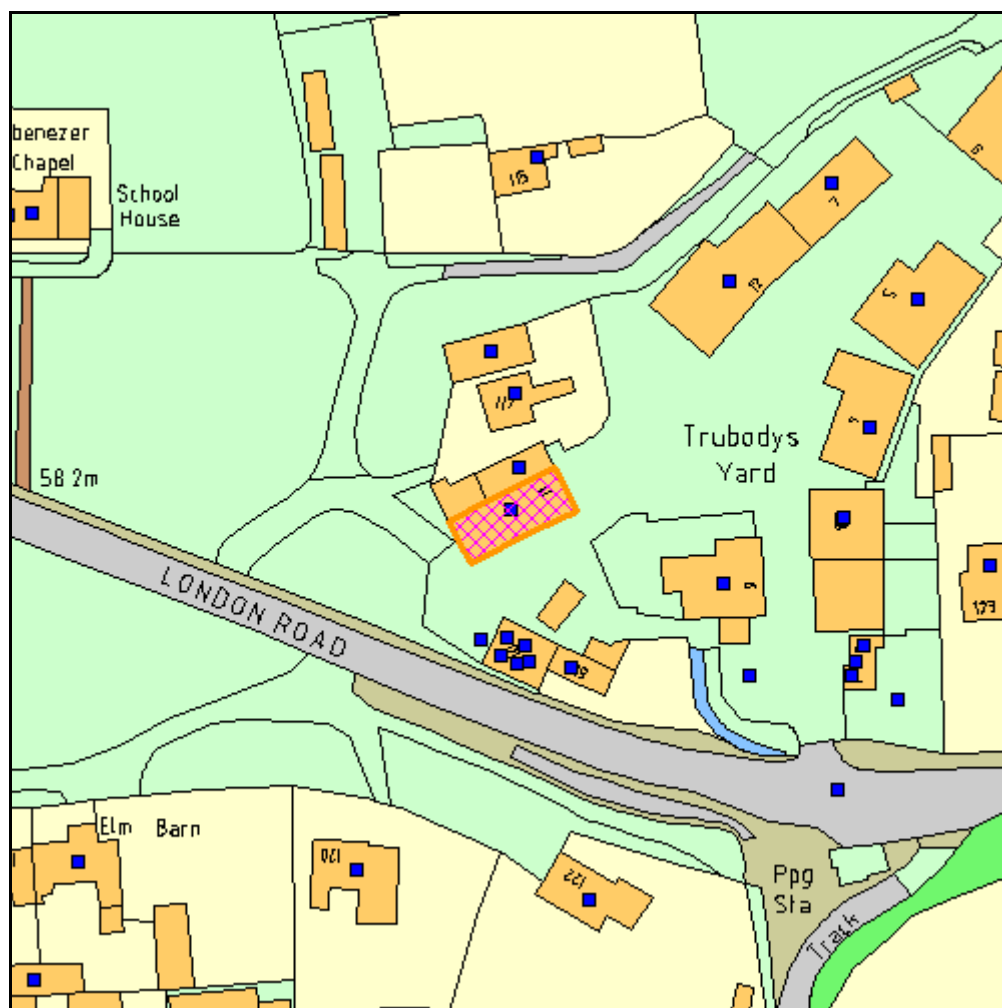
Reason:

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

Case Officer: Steffan Thomas
Authorising Officer: Marie Bath

CIRCULATED SCHEDULE NO. 22/23 -2nd June 2023

App No.:	P23/01113/RVC	Applicant:	Acar 68 Meat Ltd
Site:	Unit 11 Trubodys Yard 121 London Road Warmley South Gloucestershire BS30 5NA	Date Reg:	28th March 2023
Proposal:	Variation of condition 1 attached to permission PK14/3892/F to allow working on bank holidays from 8:00-12:00. Change of use from Light Industrial (Class B1) to Storage and Distribution (Class B8) as defined in Town and Country Planning (Use Classes) Order 1987 (as amended). (Retrospective).	Parish:	Siston Parish Council
Map Ref:	368240 173237	Ward:	Boyd Valley
Application Category:	Minor	Target Date:	22nd May 2023



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 100023410, 2008. N.T.S. P23/01113/RVC

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

REASON FOR REFERRING TO CIRCULATED SCHEDULE

The application appears on the Circulated Schedule because a response has been received from the Parish Council and in excess of 3no. responses have been received from interested parties that are contrary to the officer recommendation.

1. THE PROPOSAL

1.1 This planning application is made under Section 73 (“s73”) of the Town and Country Planning Act 1990 (as amended) (“the Act”). Applications made under this section of the Act seek to develop land without compliance with conditions previously attached to the relevant planning permission.

1.2 The applicant is seeking to vary condition 1 of planning permission PK14/3892/F, to allow working on bank holidays from 08:00 – 12:00.

1.3 PK14/3892/F permitted:

Change of use from Light Industrial (Class B1) to Storage and Distribution (Class B8) as defined in Town and Country Planning (Use Classes) Order 1987 (as amended). (Retrospective).

1.4 The site forms part of Trubodys Yard, which was granted consent originally to operate as light and general industrial uses. Historic consent K6138 (approved 1989) granted this, subject to a section 52 legal agreement (s.52 agreements being the old version of an s.106 legal agreement).

1.5 The s.52 agreement limits operational hours on site to 08:00-18:00 Monday – Friday; 08:00-14:00 Saturdays; and no working on Sundays or bank holidays. It is however noted that the s.52 agreement refers only to B1 (now class E) and B2 uses only and does not include B8. Unit 11 to which this application relates appears to have been permitted originally for B1 use. The building is now in B8 use as determined by PK14/3892/F, and so is not considered to fall under the control of the s.52 agreement. This on the basis of the unit entering what can be considered a new ‘planning chapter’.

1.6 The application site is located within the Open Countryside and Green Belt. Access is via an access track from the A420 across Bridgegate Common.

2. POLICY CONTEXT

2.1 National Guidance
National Planning Policy Framework
National Planning Practice Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS13	Non-Safeguarded Economic Development Sites
CS34	Rural Areas

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP7	Development in the Green Belt
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP21	Environmental Pollution and Impacts
PSP27	B8 Storage and Distribution Uses
PSP28	Rural Economy

2.3 Supplementary Planning Guidance

Development in the Green Belt SPD (Adopted) June 2007

Landscape Character Assessment SPD (Adopted) November 2014

3. RELEVANT PLANNING HISTORY

- 3.1 PK14/3892/F (approved 18/12/2014):
Change of use from Light Industrial (Class B1) to Storage and Distribution (Class B8) as defined in Town and Country Planning (Use Classes) Order 1987 (as amended). (Retrospective).

Relevant condition (1):

The hours of operation shall be restricted to 8am to 6pm Mondays to Fridays, 8am to 2pm Saturdays and no working shall take place on Sundays or Bank Holidays.

Reason

To protect the amenity of adjacent occupiers, to accord with policy E6 of the South Gloucestershire Local Plan (Adopted January 2006)(Saved Policies) and the provisions of the National Planning Policy Framework.

- 3.2 PK02/3772/REP (approved 23/01/2003):
Erection of B1 workshop unit. (Renewal of planning permission P97/4123 dated 10 December 1997)
- 3.3 P97/4123 (approved 10/12/1997):
Erection of B1 workshop unit, retention of alterations to existing Unit 5, retention of covered parking structure, retention of revised parking, revised landscaping layout adjacent to Unit 1. (Renewal of Planning Permission K6138/1 dated 1/4/92).

- 3.4 P90/4453 (withdrawn 31/07/1990):
Wall mounted panel.
- 3.5 K6138/1 (refused 29/04/1991):
Erection of B1 workshop unit; retention of alterations to existing unit 5; retention of covered parking structure; retention of revised parking; revised landscaping layout adjacent to unit 1.
- 3.6 K6138 (approved 03/08/1989):
Change of use from builders merchant & cement mortar works to light industrial use & general ind. use (revised plans).

4. **CONSULTATION RESPONSES**

- Siston Parish Council
- 4.1 Objection to change of use from light industrial to distribution centre due to location near common land and proximity to residential properties and wildlife.
- In addition, object to the extended working hours into bank holidays due to noise, traffic and pollution which would have impacts on residents.
- Consultees
- 4.2 Sustainable Transport
No objection.
- 4.3 The Listed Buildings Officer
No comment.
- 4.4 Landscape Officer
No comment.
- 4.5 Economic Development
No comments have been received.
- 4.6 Drainage (LLFA)
No objection.
- 4.7 Planning Enforcement
No comments have been received.
- 4.8 Biodiversity Assets and Commons Manager
Objection due to impact on the Council owned Bridgegate Common. Increase in hours for any business should not be allowed as it will lead to increased vehicles parking on and damaging the common. Any permission should be conditional on the estate proving that all businesses have sufficient parking and manoeuvring space.
- 4.9 Local Residents
4no. responses have been received in objection, summarised as follows:

- Only peace is on Sundays and bank holidays
- Increased number of deliveries causes noise and air pollution
- This application would breach condition 1 of PK14/3892/F
- Reason for this condition has not changed.
- Change to B8 has resulted in damage to the common and track
- Hard to understand why unit 11 does not use the main yard entrance for Trubodys Yard.
- Current arrangement has impact on the A420
- Already operating on Bank Holidays
- Echo comments made by Commons Manager
- Neighbouring properties not informed.
- Small unit no longer viable for growing business
- Bollards installed on the Common have been damaged by vehicles already
- Vehicles damage the Common
- Fear that a vehicle will crash into my home
- Why cant they unload in the yard?
- Sundays and bank holidays are only reprieve from the yard
- Will set a precedent
- Reference to gym is not relevant as they do not operate on Sundays or Bank Holidays
- B8 is not appropriate in this location
- Lorries have an impact on highway safety
- Business should move to a more suitable location

5. **ANALYSIS OF PROPOSAL**

Principle of Development

- 5.1 Applications made under s73 of the Act seek permission for the development of land without compliance with conditions subject to which a previous planning permission was granted. With applications made under s73, the Local Planning Authority shall consider only the conditions subject to which planning permission was granted; the principle of development is therefore established. It is noted that comments are made on the appropriateness of a B8 use in this location. This is not up for consideration as this has already been established and planning permission granted. This application seeks only to vary a condition attached to PK14/3892/F. A grant of this application would not breach condition 1 as it stated by interested parties. This is because a grant would have the effect of amending this condition.
- 5.2 If the Local Planning Authority decides that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, the Authority should grant permission accordingly. If the Authority decides that planning permission should be granted subject to the same conditions, then the application should be refused
- 5.3 This application seeks to vary condition 1 attached to PK14/3892/F. Condition 1 currently reads:

The hours of operation shall be restricted to 8am to 6pm Mondays to Fridays, 8am to 2pm Saturdays and no working shall take place on Sundays or Bank Holidays

Reason

To protect the amenity of adjacent occupiers, to accord with policy E6 of the South Gloucestershire Local Plan (Adopted January 2006) (Saved Policies) and the provisions of the National Planning Policy Framework.

- 5.4 The proposed variation would allow operation of the unit on bank holidays between the hours of 8am and 12pm. Accordingly, the revised condition, should the variation be granted, would read as:

The hours of operation shall be restricted to 8am to 6pm Mondays to Fridays, 8am to 2pm Saturdays, 8am to 12pm on Bank Holidays and no working shall take place on Sundays.

- 5.5 The stated reasons for the variation are to allow the business to respond to increased demand which necessitates longer operating hours.

Analysis

- 5.6 As discussed above, the principle of B8 use is not up for debate in this instance as that use is already established. Whilst there is a s.52 agreement covering working hours, Unit 11 does not fall within either of the used stated within that agreement and so the s.52 agreement is unlikely to apply and what has occurred instead can be regarded as a new 'planning chapter' for Unit 11 which is now in B8 use.

- 5.7 As set out in the NPPF and reflected in the PPG, planning conditions must only be used where they meet the following tests:

1. Necessary;
2. Relevant to planning;
3. Relevant to the development to be permitted;
4. Enforceable;
5. Precise; and
6. Reasonable in all other respects.

- 5.8 A planning condition of the nature of condition 1 is considered to meet the tests in principle and is indeed not an uncommon condition to be applied to a planning permission for a commercial/industrial use. Clearly condition 1 was applied for a reason, and so the consideration rests on whether the variation would affect or undermine the reason for the condition, and whether the reason still exists. Principally, the matters to consider are impacts on amenity, and also highway safety.

- 5.9 Amenity

The change would allow operation for 4 hours (between 8am and 12pm) on bank holidays, of which there are normally 8 per year. This is a total of 32

- additional hours across a year. It is noted that the report for the PK14 consent did not raise any concerns with a B8 use, and the limitation of the hours was done it appears to reflect the requirement of the s.52 agreement covering Trubodys Yard. The closest residential dwellings are 117 London Road and The Barn (due North of Unit 11), and 119 London Road, which sits to the South, and abuts the A420.
- 5.10 There would be some increase in noise on the additional bank holiday hours, however overall given that permission was granted for B8 use, this suggests that a B8 use is not inappropriate in this location. The hours proposed are limited to 4 hours, which as stated would occur on 8 days of the year, with Sundays (which occur on a weekly basis) having no operation and there would be no operation after 12pm on bank holidays. The hours proposed of 8am-12pm are not considered to be antisocial hours and appear reasonable, with less hours than would normally be permitted on a normal Saturday, for instance. It is therefore the case that officers do not consider the variation to present any significant unacceptable impacts in terms of noise or disturbance above and beyond the existing situation. Additional vehicles visiting on these days, which would presumably use the same arrangements as used on the remaining days of the year, may result in some increase in pollution. However, this would be negligible in context of the site, which is not within an AQMA and sits immediately adjacent to the A420, a main arterial road which itself produces a certain level of noise and pollution from passing traffic.
- 5.11 Highway Safety
Concerns are noted regarding impacts on highway safety. In the first instance, it should be borne in mind that this application is not able to consider the wider matters of access and servicing, which were dealt with at the time the PK14 consent was determined. The consideration instead rests on whether the premises operating an extra 4 hours on each of the 8 bank holidays throughout the year would have any material highway safety impacts. It is therefore noted that the Councils transport officers do not raise any objection.
- 5.12 Comments of the Commons Manager are noted. The access and servicing arrangements are not being amended as part of this application, with the site using an existing access across the Common. The key consideration, as above, is whether a further 8 days per year (4 hours per day) would have any significant additional impacts. In this context, officers do not consider the development to be unacceptable as it is unlikely to result in any significant or material increase in the magnitude of impacts. In any event, the Council as the landowner is able to address damage being caused through civil means and this would be a matter between the Council and offending party. In planning terms however, there are not considered to be sufficient grounds on which to refuse the application for additional bank holiday morning working, with many of the concerns appearing to relate to the wider operation of the Yard and premises which has already been established.

Other Conditions

- 5.13 As a decision under s73 has the effect of granting a new (revised) planning permission, the other conditions attached must be reviewed, however in this case there are no other conditions.

<i>No.</i>	<i>Brief Description</i>	<i>Discussion</i>	<i>Action</i>
1	Operating hours	As discussed above, the variation is acceptable.	Vary

Impact on Equalities

- 5.14 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.
- 5.15 With regards to the above this planning application is considered to have a neutral impact on equality.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 It is recommended that planning permission be **GRANTED** for the proposed variation.

CONDITIONS

- The hours of operation for Unit 11 Trubodys Yard shall be restricted to 8am to 6pm Mondays to Fridays, 8am to 2pm Saturdays, 8am to 12pm on Bank Holidays and no working shall take place on Sundays.

Reason

To protect the amenities of neighbouring occupiers in accordance with PSP8 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017.

Case Officer: Alex Hemming

Authorising Officer: Helen Ainsley

CIRCULATED SCHEDULE NO. 23/22 -2nd June 2023

App No.:	P23/01162/R3F	Applicant:	Gloucestershire Council - Property Services
Site:	Barrs Court Primary School Stephens Drive Barrs Court South Gloucestershire BS30 7JB	Date Reg:	30th March 2023
Proposal:	Installation of an external plant compound for new Air Source Heat Pump units serving proposed new heating system to replace existing gas boiler central heating system.	Parish:	Oldland Parish Council
Map Ref:	365785 172149	Ward:	Longwell Green
Application Category:	Minor	Target Date:	16th June 2023



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100023410, 2008.

N.T.S.

P23/01162/R3F

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 REPORTING TO THE CIRCULATED SCHEDULE

This report/recommendation is referred to the Circulated Schedule in accordance with procedure given that the application has been submitted by South Gloucestershire Council itself.

1. THE PROPOSAL

- 1.1 Planning permission is sought for the installation of an external plant compound for new Air Source Heat Pump units serving proposed new heating system to replace existing gas boiler central heating system at Barrs Court Primary School, Stephens Drive, Barrs Court.
- 1.2 The application site comprises an existing primary school. The application site is located within the defined Bristol eastern fringe settlement boundary. The proposed plant compound would measure 7.5 x 4.8 metres with a height of 2.5 metres and would house 3no. air source heat pumps. The proposed installation would be located within the existing school car park and not part of the existing playground area.
- 1.3 During the course of the application an existing and proposed parking plan was submitted, it was not considered necessary to carry out a re-consultation.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework July 2021
National Planning Practice Guidance

2.2 Development Plan

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
CS23	Community Infrastructure and Cultural Activity

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP6	Onsite Renewable and Low Carbon Energy
PSP8	Residential Amenity

PSP11	Transport Impact Management
PSP16	Parking Standards
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water and Watercourse Management
PSP22	Unstable Land

- 2.3 Supplementary Planning Guidance
Design Checklist SPD (Adopted) August 2007
Assessing Residential Amenity TAN (Endorsed) 2016

3. **RELEVANT PLANNING HISTORY**

- 3.1 None relevant.

4. **CONSULTATION RESPONSES**

- 4.1 Oldland Parish Council
No objections.
- 4.2 Ecology Officer
No objection.
- 4.3 Environmental Policy and Climate Change Team
Support.
- 4.4 Flood and Water Management Team
No objection.
- 4.5 Sustainable Transport Team
Additional information requested.
- 4.6 The Coal Authority
No objection subject to the inclusion of an informative.
- 4.7 Local Residents
No responses received.

5. **ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development
Policy CS23 of the Core Strategy seeks to ensure the Council will work with partners to provide additional, extended or enhanced community infrastructure. The existing school falls within the description of community infrastructure. The development is acceptable in principle but will be determined against the analysis set out below. Furthermore, Policy PSP6 of the Policies, Sites and Places Plan explains that all development will be encouraged to minimise end user requirements and states that the Council will take a positive account of and support development that provides for renewable and low carbon energy measures.

- 5.2 Design and Visual Amenity
Policy CS1 of the Core Strategy and Policy PSP1 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 have appropriate: siting, form, scale, height, massing, detailing, colour and materials which are informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context.
- 5.3 The proposal has been carefully assessed and has found to be in compliance with these policies.
- 5.4 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.
- 5.5 The proposal has been carefully assessed and has found to be in compliance with these policies.
- 5.6 Highway Safety and Transport
The submitted existing and proposed parking plan indicates that 1no. existing parking space would be lost to make way for the proposed development. It is not considered that any negative impacts of the loss of this parking space would outweigh the positive impacts of the proposed development providing renewable and low carbon energy measures.
- 5.7 Coal Mining
The application site falls within a defined coal mining Development High Risk Area. The Coal Authority records indicate that within the application site and surrounding area there are coal mining features and hazards, which need to be considered in relation to the determination of this planning application, specifically actual shallow coal mine workings. Voids and broken ground associated with such workings can pose a risk of ground instability and may give rise to the emission of mine gases.
- 5.8 Generally, in cases where development is proposed within the Development High Risk Area it is recommended that the applicant obtains coal mining information for the application site and submits a Coal Mining Risk Assessment to support the planning application. However, when considering the nature of the proposal, the Coal Authority does not consider that a Coal Mining Risk Assessment would be proportionate in this particular instance and do not object to this planning application. Whilst the supporting document presents itself as a Coal Mining Risk Assessment, it is a Coal Mining Report, which provides only baseline data.

5.9 Notwithstanding the above, and the interests of public safety it is recommended that, should planning permission be granted for this proposal, an Informative Note within the Decision Notice should be included.

5.10 Trees and Ecology

There is an existing Local Wildlife Site adjacent to the proposed development. The proposed installation would be installed onto an area of existing hardstanding so there would be adverse impact on adjacent trees or wildlife.

5.11 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.

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

6. CONCLUSION

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

6.2 The recommendation to **grant** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

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

CONDITIONS

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

Reason

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

2. The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below:
The Location Plan (Received 24/03/2023)
Block Plan of the Site (Received 24/03/2023)
Proposed Base Plan (Received 24/03/2023)
Proposed Elevations (Received 24/03/2023)
Existing and Proposed Parking Plan (Received 21/05/2023)

Reason

To define the terms and extent of the permission.

Case Officer: Oliver Phippen

Authorising Officer: Helen Ainsley