

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: 14/23

Date to Members: 06/03/2023

Member's Deadline: 14/04/2023 (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 06 April 2023

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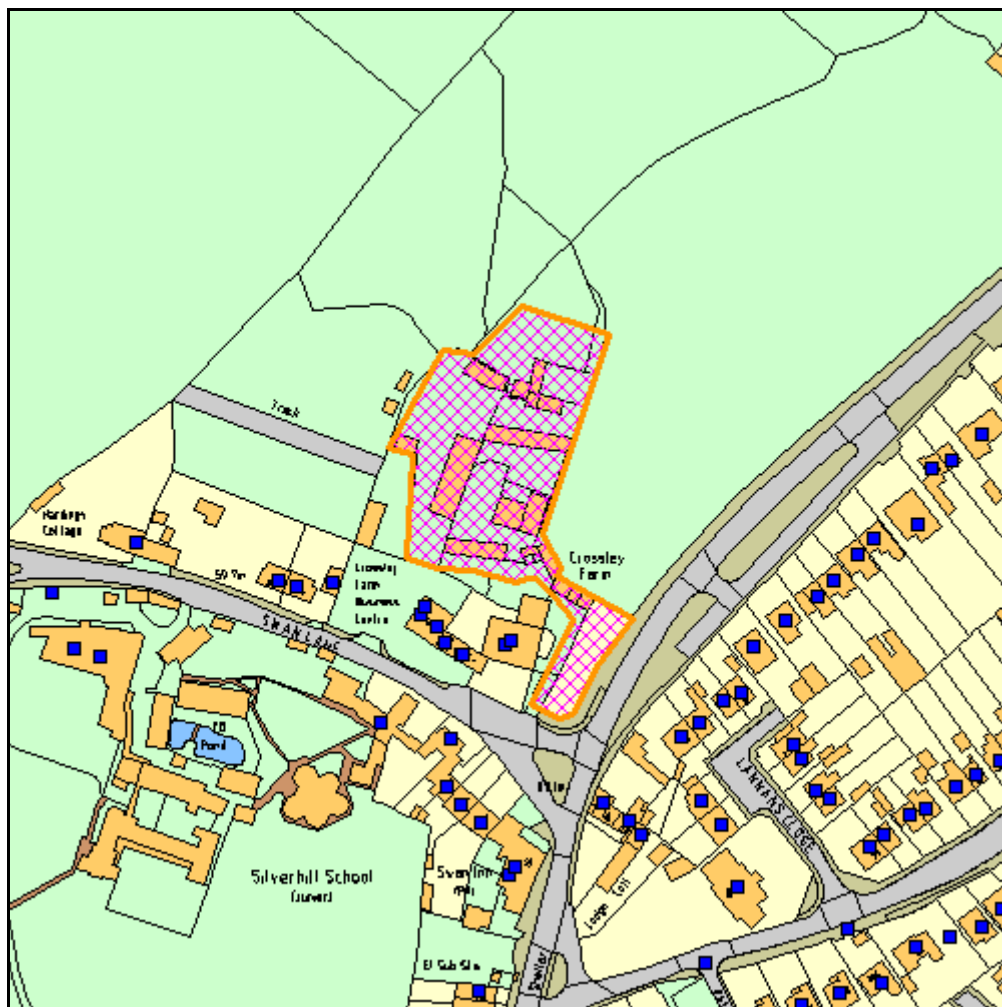
ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	P22/01009/O	Refusal	Land At Crossley Farm Swan Lane Winterbourne South Gloucestershire BS36 1RH	Winterbourne	Winterbourne Parish Council
2	P22/05208/RVC	Approve with Conditions	The Wave Bristol Main Road Easter Compton South Gloucestershire BS35 5RE	Pilning And Severn Beach	Almondsbury Parish Council
3	P22/05769/HH	Split decision See D/N	Rock Lane Farm Rock Lane Stoke Gifford South Gloucestershire BS34 8PQ	Stoke Gifford	Stoke Gifford Parish Council
4	P22/06963/F	Approve with Conditions	Land Next To Northwick Road Pilning South Gloucestershire BS35 4JF	Pilning And Severn Beach	Pilning And Severn Beach Parish Council
5	P22/07119/F	Approve with Conditions	718 Southmead Road Filton South Gloucestershire BS34 7QT	Filton	Filton Town Council
6	P23/00558/HH	Approve with Conditions	696 Southmead Road Filton South Gloucestershire BS34 7QT	Filton	Filton Town Council
7	P23/00727/F	Approve with Conditions	57 Downend Road Downend South Gloucestershire BS16 5UF	Frenchay And Downend	Downend And Bromley Heath Parish Council

Dates and officer deadlines for Circulated Schedule Easter Bank Holidays 2023

Schedule Number	Officers Deadline reports to support	Date to Members	Members deadline	Decisions issued from
14/23	5pm Wednesday 5 th April	9am Thursday 6 th April	5pm Friday 14 th April	Tuesday 18 th April
15/23	5pm Wednesday 12 th April	9am Friday 14 th April	5pm Thursday 20 th April	Friday 21 st April

CIRCULATED SCHEDULE NO. 14/23 -6th April 2023

App No.:	P22/01009/O	Applicant:	Alexander Homes and Developments
Site:	Land At Crossley Farm Swan Lane Winterbourne South Gloucestershire BS36 1RH	Date Reg:	4th March 2022
Proposal:	Demolition of buildings and the erection of 9no. dwellings (Outline) including a new access, with associated parking and landscaping, with layout, scale and access to be determined, all other matters reserved.	Parish:	Winterbourne Parish Council
Map Ref:	365162 181357	Ward:	Winterbourne
Application Category:	Minor	Target Date:	31st March 2023



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 100023410, 2008. N.T.S. P22/01009/O

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 THE CIRCULATED SCHEDULE

This application appears on the Council's Circulated Schedule procedure following the receipt of more than 3no. support comments which are contrary to the officer recommendation below.

1. THE PROPOSAL

- 1.1 This application seeks outline consent for the erection of 9no. dwellings with layout, scale and access to be determined and all other matters reserved.
- 1.2 The application site sits adjacent to the defined settlement boundary, and is within the Bristol/Bath Green Belt.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS2	Green Infrastructure
CS4a	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS9	Managing the Environment and Heritage
CS34	Rural Areas

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP7	Development in the Green Belt
PSP8	Residential Amenity
PSP19	Wider Biodiversity
PSP40	Residential Development in the Countryside

- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007
Technical Advice Note: Assessing Residential Amenity (June 2016)

3. RELEVANT PLANNING HISTORY

- 3.1 P21/06816/PND - Prior notification of the intention to demolish agricultural buildings. – Refused 16.11.2021

3.2 P21/07643/PND - Prior notification of the intention to demolish agricultural buildings. – Approved 27.01.2022

4. **CONSULTATION RESPONSES**

4.1 Winterbourne Parish Council – *“The comments of the Parish Council are Objection. The Parish Council feel this is an over development of the site resulting in insufficient parking based upon 0.2 spaces per property. This will be worse if further development to expand the dwellings in future is approved. Existing lamp post and telegraph poles will need re-sitting as these will cause blind spots for vehicles entering and exiting the development. Once again, in the South Gloucestershire Council climate emergency the Parish Council notes that energy and sustainability opportunities are not being considered as mandatory on new builds.”*

4.2 Ecology – No further surveys required, mitigation, lighting strategy and enhancements are required by condition. A biodiversity net gain assessment should be submitted.

4.3 Drainage – No objection.

4.4 Affordable Housing – *“As this proposal is for 9 homes on a site size of .49ha the threshold for Affordable Housing has not been reached. However, it is noted that the site falls within a wider ownership boundary, namely 2 parcels of blue-line ownership that reduces the overall site size. Please note that in the event any of the land edged in blue shown in this application comes forward for residential development at a later date, the Council will take the whole site, i.e. red and blue edge land, for the purpose of determining whether the scheme falls above or below the site thresholds for the provision of Affordable Housing, in accordance with Policy CS18 of the Core Strategy. Affordable Housing provision for the whole site would then be required to be delivered via any subsequent approval.”*

4.5 Contaminated Land – Desk Study, Intrusive Investigation/Remediation Strategy, Verification Report and unexpected contamination conditions required.

4.6 Landscape – No objection subject to Treey Survey, AIA and Tree Protection Plan, Hard and Soft Landscaping schemes and landscape management plan.

4.7 Transport – No objection

Other Representations

4.8 Local Residents

11 no. objection comments have been received, summarised as:

- Dangerous access
- Layby opposite

- Proposals harm the open nature of the streetscene that acts as a transition to Green Belt land
- Any new buildings should not be taller than the existing
- Insufficient parking
- Too many dwellings
- Overlooking
- Properties should be stone and clay tiles
- Views reduced
- Impact on wildlife
- Inappropriate development in the Green Belt
- Proposals should not be constructed over sewage system
- Should not use farmland for housing
- No pavement

14no. support comments have been received, summarised as:

- Land is derelict
- Proposals would enhance area
- Permitted development rights on land
- New houses will be of high standard
- Good looking development
- Providing the local community with homes
- Inclusion of affordable housing
- Ground source heat pump
- Benefits outweigh the harm
- Good mix of homes
- Efficient use of land
- Buildings will not be used for agriculture again

5. ANALYSIS OF PROPOSAL

Principle of Development

- 5.1 The proposal is sited outside of, but immediately to the north west of the Winterbourne Settlement Boundary, and washed over by the Green Belt. To the south of the site is Crossley Farm Business Centre, residential properties, and Silverhill School.
- 5.2 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. Policies CS5 and CS34 and therefore out of date.
- 5.3 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.

- 5.4 In this proposal, of particular relevance is that the site is sited in a rural area which is identified by the adopted Core Strategy, and the site is situated outside of the defined Settlement Boundary of Winterbourne. 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. PSP 40 also restricts rural development and these policies set the context for which development affecting a rural area must be assessed against.
- 5.5 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.
- 5.6 In the case of this site, it is situated immediately adjacent to the Settlement Boundary, which starts at the south side of Swan Lane at 4 The Warren, and runs along the south-eastern side of Bristol Road. The site entrance is located within 100m of a bus stop, which serves the Y3 and Y6 to Yate, Chipping Sodbury, and Bristol. The 626 service also goes to Wotton-under-Edge and Bristol, and the site is adjacent to an Active Travel Transport route. The bus stops provide a shelter and raised kerb, and are accessed via a well-lit footpath. A convenience store and petrol station is location 230m away, Community Centre 170m away, Post Office 1km away, Public House 50m away, GP Surgery 770m away, Dentist 140m away, Primary School 450m and Senior School 1km, and a Secondary School 550m away. The site can be considered to be in a sustainable location, could not reasonably be called isolated, and the front portion of the site at least would not be read as open countryside. However the site is also in Green Belt, which is overriding in terms of the principle of development.

Green Belt

- 5.7 The site is located within the Bristol/Bath 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 set out in para 138, the purposes of including land within the Green Belt are:
- (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.*
- 5.8 Paragraph 149 of the National Planning Policy Framework (the Framework) sets out that inappropriate development is, by definition, harmful to the GB and should not be approved except in very special circumstances. The framework sets out that some types of development can be considered appropriate if they fall within certain exceptions. The potentially most applicable to this

development are: e) *limited infilling in villages*; and g) *limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*

- *not have a greater impact on the openness of the Green Belt than the existing development; or*
- *not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*

- 5.9 The Core Strategy defines “infill” as being “The development of a relatively small gap between existing buildings, normally within a built up area.”
- 5.10 The development site sits to the rear of Crossley Farm Business Centre. Dwellings are sited to the south west. To the east and north are open fields. The west of the site is open fields and some agricultural buildings, but these are sporadically located. The site does not fill in a relatively small gap between buildings. The proposal of 9 dwellings also goes beyond what could be considered “limited”.
- 5.11 The NPPF also requires limited infilling to be within a village. As already noted, the site is adjacent to but not within the settlement boundary. Recent case law and appeal decisions have determined that whilst a settlement boundary as defined within a Local Plan was a relevant consideration, it would not necessarily be determinative, particularly where the boundary as defined did not accord with the assessment of the extent of the village on the ground.
- 5.12 There are clear visual links with the properties opposite and adjacent, and the site does not appear disconnected from the village, however the proposal must be also be limited infill to be considered appropriate development, the proposal cannot comply with part e) of para 149.
- 5.13 The definition of previously developed land excludes agricultural buildings, so the proposal cannot comply with part g) of para 149. The proposal would therefore constitute inappropriate development in the Green Belt.
- 5.14 As policy CS5 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 includes a requirement that development in the Green Belt will need to comply with the provisions in the Framework, then whether the proposal conflicts with this policy depends on whether very special circumstances exist (as set out in the Framework). Similarly, policy PSP7 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 states that inappropriate development is harmful to the Green Belt and will not be acceptable unless very special circumstances exist.

Effect on openness

- 5.15 A fundamental aim of Green Belt policy is to keep land permanently open. Openness is generally accepted to mean absence of structures or activity.

- 5.16 The proposal is for the demolition of the redundant agricultural buildings on site, and the erection of 2no. semi-detached dwellings and 7no. detached dwellings.
- 5.17 As the proposal is outline only, a detailed comparison of volume cannot be undertaken. In terms of footprint, the total to be demolished is around 930m², with the total proposed around 850m². There is a mixture of single storey and taller buildings on site, and the proposed buildings are all two storey. The proposed built volume would therefore likely be higher than the existing. Combined with this, the proposal would introduce further hardstanding and domestic paraphernalia, all of which would have a significant impact on openness compared with the existing site.

Visual amenity and the character of the area

- 5.18 The existing site contains around 8 sets of agricultural buildings, largely set in a courtyard formation in the central part of the site but also located to the north and south-east. The agricultural buildings are a mixture of designs, with steel portal, dutch barns, and smaller blockwork and timber buildings with gable roofs.
- 5.19 1 Crossley Farm is located at the entrance of the development and consists of a large double gabled rendered building with a more modern two storey rear projection. Adjacent to 1 Crossley Farm is Crossley Farm Business Centre, a stone building with the appearance of a dwelling. Opposite the site entrance there are dwellings and a public house oriented around a small green.
- 5.20 Although the proposal is within a sustainable location and can be considered to be “within the village”, the character of the site is overwhelmingly rural, projecting into the open countryside to the north.
- 5.21 The proposal is only at outline stage, with layout to be determined at this stage. The 2no. dwellings to the front of the site are similar in design to those located opposite on the Bristol Road. The dwellings to the rear are large and detached, but oriented in a similar courtyard layout to the existing agricultural buildings. Although more suburban than the existing agricultural site, with a good design it is considered that the proposals would sit appropriately alongside the existing dwelling and Business Centre.

Landscape

- 5.22 Existing housing development fronts onto either side of Swan Lane, and also, along the east side of the Bristol Road, opposite the site. Agricultural fields adjoin the north and west site boundaries, with a network of public footpaths crossing the wider rural landscape.
- 5.23 The proposed site plan indicates some boundary tree retention and removal. An arboricultural impact report and tree protection plan would be required at reserved matters stage.

- 5.24 Some proposed tree planting has been indicated however a supporting landscape design and mitigation planting would be required at reserved matters. SGC tree strategy (2011-22) has the target of increasing tree cover across South Gloucestershire to 15% (Ref. national DEFRA target of 15% as minimum needed to adapt to a projected changing climate). The proposed hedgerow within the ecology details will need to be shown on the plan.
- 5.25 Proposed Site Plan -3001 Rev. E also indicates some surface finishes. Tegula block paving to the access road and driveways is acceptable but recommend different colours/coloured banding are used to distinguish between public and private land and also 'break-up' the visual expanse of paving. Grass-crete to the visitor parking space and turning area servicing the pump station is not acceptable as it becomes an area of weedy concrete 'pockets' over time. Recommend that grass reinforcement matting is used instead for a more sustainable turf finish.
- 5.26 A detailed boundary and hard landscape scheme will need to be agreed as a condition of any planning permission or at the RM stage
- 5.27 There is no landscape objection, subject to sufficient detail being submitted at Reserved Matters.

Ecology

- 5.28 An Ecological Appraisal (Quantock, January 2021), Bat Survey Report (Quantock, September 2022), updated PRA (Quantock, January 2022) an Ecological Note (Quantock, June 2022), Biodiversity Net Gain information and a Mitigation and Enhancement Plan (March 2023) have been submitted.
- 5.29 The site is not covered by any ecological designations. Habitats on site include scrub, scattered broadleaf trees, neutral grassland, ruderal and amenity grassland.
- 5.30 Buildings 1, 2, 4, 9 and 10 were assessed as having moderate suitability for roosting bats. Buildings 3 and 11 were assessed as being of low suitability. Surveys were undertaken in the 2020 season and found no bats emergence or re-entering the buildings, however the survey 21st August 2020 was undertaken in showers for most of the survey, which would prevent some species emerging at a later time, though it does not impact all bats it can impact bats such as horseshoe bats and brown long eared bats from emerging. The report details in table 1 that there were heavy showers then light showers in Section 2.2. Further survey was undertaken in 2022, and no bats were recorded emerging. No further surveys are required.
- 5.31 The site is within an amber risk zone for Great Crested Newts. Presence of terrestrial habitat has been acknowledged and appropriate mitigation has been recommended.
- 5.32 Swallow nests were recorded in two buildings, as they tend to return to the same nest site each year provisions for swallows are to be created on site.

- There are other nesting opportunities around the site and suitable mitigation has been provided.
- 5.33 The majority of the site is suboptimal for reptiles, however there are areas suitable for low populations and mitigation has been recommended.
- 5.34 No signs of badger were recorded, however there is a possibility that they can use the site to roam.
- 5.35 Hedgehogs have not been detailed within the report which is expected as they are a NERC species and there is suitable habitat for them present. Mitigation during development recommended for badgers is also advised for hedgehogs. Consideration is required post development such as hedgehog holes in proposed fencing.
- 5.36 The site does not offer suitable habitat to support a wide assemblage of notable or rare species. Enhancements have been recommended and this is welcomed.
- 5.37 A Biodiversity Net Gain Assessment has been submitted. The existing site has been calculated as having 2.81 baseline habitat units. The existing trees on site make up 2.21 of the total habitat units. As such, these comprise an important habitat onsite and consideration should be taken to avoid the removal of any of the trees on site. The unmitigated development of the site would cause a net loss of 1.58 habitat units. This includes the loss of all the bramble scrub onsite. As bramble scrub has been classified as having medium distinctiveness, this should be replaced by habitats of the same broad habitat type or higher distinctiveness. In total the on-site, post-intervention has been calculated at 3.10 habitat units. This has achieved a net gain of 10.25% of habitat units. The retention of some of the trees onsite accounts for 1.23 of these on-site, post intervention habitat units, while the additional tree planting proposed for the site contributes 1.52 habitat units. Lawns (0.18 hectares) and areas of hard standing (0.26 hectares) comprise the majority of the site post development.
- 5.38 The existing site has been calculated as having 0.20 baseline hedgerow units due to the lines of trees currently present onsite. As both the lines of trees are being retained and an additional 0.25km of native species rich hedgerows is to be planted post development, the on-site post-intervention hedgerow units have been calculated at 1.87. This has created an 836.83% increase in hedgerow units.
- 5.39 Although both the hedgerow and habitat units provide a greater than 10% net gain, the trading summary has not been satisfied for the habitat units due to the loss of bramble scrub onsite. The bramble scrub currently onsite was fairly patchy and did not appear to provide good connectivity or cover across the site. To attempt to replace the scrub with a habitat with a similar function, native species rich hedgerows will be planted throughout the development site. This will help to increase the connectivity across the site and into the wider landscape. Hedgerows also provide good foraging, commuting, cover and nesting opportunities for a number of protected species. The retention of the line of trees as well as the proposed native tree planting will also enhance the

- connectivity of the site and provide valuable and varied habitats for protected species to utilise.
- 5.40 Further enhancements on the site should include reptile hibernacula, bee bricks and insect towers. These will provide additional habitat for any species present within the local area. Bat and bird boxes will also be placed on existing trees and proposed buildings. The bat boxes should be installed facing a southerly direction, ~3-5m off the ground. These will include improved cavity bat boxes and Schwegler 1FF bat boxes. The bird boxes should be placed away from prevailing winds and should not point south to avoid overheating. These will include Schwegler 2H robin boxes, Schwegler 1B nest boxes and swallow nest boxes. These boxes would provide additional roosting/nesting habitat for bats and birds present within the local area. Further details of other enhancements on site can be found in an accompanying Ecological Mitigation and enhancement plan, produced by Quantock Ecology along with the BNG calculation.
- 5.41 There is no ecological objection, subject to conditions relating to mitigation, a lighting design strategy, and an ecological enhancement plan.

Transport

- 5.42 The proposals for access include a new bellmouth junction from the Bristol Road junction with a 6.8m wide carriageway to provide vehicular and pedestrian to dwellings 1-7. The access from Swan Lane is a 4.8m carriageway which currently provides access to 1 Crossley Farm and the existing agricultural outbuildings. The Swan Lane access will provide access to dwellings 8 and 9 and continue serving 1 Crossley Farm. Internally, a 2.5m wide access with a bollard would be provided, to allow movement for pedestrians and cyclists only between the internal access road from Bristol Road and Swan Lane. As the access from Swan Lane provides access for an existing dwelling, it cannot be restricted to pedestrian only. As the agricultural traffic would no longer use the access, the intensification would be reduced.
- 5.43 A Transport Statement has been submitted which concluded that the proposed access arrangements are safe and appropriate. A further Technical Note was submitted that provided appropriate vehicle tracking.
- 5.44 The proposal provides sufficient parking spaces per dwelling. Limited visitor parking has been provided, however the road width of 6.8m enables additional parking without compromising use.
- 5.45 Each garage for the 4no. bed dwellings will provide EVCP, and these will be externally provided for the 2no. bed dwellings.
- 5.46 There is no Transport objection.

Contaminated Land

- 5.47 There is information to suggest historic use(s) of the site as a former farm and land within 250m of the site such a filled quarry around 200m to the west may

have caused contamination which could give rise to unacceptable risks to the proposed development. In order to ensure that the site is suitable for its proposed use, conditions relating to a desk study, intrusive investigation/remediation strategy, verification report and unexpected contamination will be necessary.

Residential amenity

- 5.48 Properties 1-7 are detached dwellings laid out with large rear gardens providing over the required amount of amenity space set out in PSP43. Due to their positioning, they are not considered to cause overlooking to each other or the existing property, or an overbearing impact. There are no further residential properties surrounding the site that would be impacted by the proposals.
- 5.49 Properties 8 and 9 are located to the front of the site, sited between Bristol Road and the internal access. The two bedroom properties contain small side gardens, measuring 93m³ and 98m²; the required space for this type of dwelling is 50m².
- 5.50 Although the gardens of plots 8 and 9 are of sufficient size, there would be overlooking caused by the first floor windows of 1 Crossley Farm to the garden of plot 8. However, this is at a distance of 12m, and with sufficient screening it is likely that this could be overcome. The boundary treatment to the gardens will need to be carefully considered; the stone wall fronting the Bristol Road should be retained.
- 5.51 There would also be inter-visibility between the front of the properties and 1 Crossley Farm, sited across the access road, which would face each other at a distance of 11-15m. Although a back to back distance of 21m is recommended, it is considered that the front of a property is generally afforded less privacy. Careful consideration will however need to be given to window placement, particularly in the northern elevation of the properties.
- 5.52 Overall, although concerns have been raised in regards to plots 8 and 9, it is not considered that significant harm would be caused in regards to residential amenity.

Planning Balance

- 5.53 The proposal is considered to constitute inappropriate development and is thus, by definition, harmful to the Green Belt, and should not be approved unless very special circumstances can be demonstrated to overcome this harm, together with any other harm.
- 5.54 When considering any planning application, local authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

- 5.55 The applicant has put forward that there is no set or clear guidance that establishes what can be considered as very special circumstances, and that a number of factors can contribute cumulatively. The factors do not necessarily need to be “very special” when considered in isolation, but when combined together could amount to very special circumstances. The LPA agrees with this.
- 5.56 The provision of 9no. dwellings towards the 5YLS, given that the locational policies CS5 and CS34 are out of date, must be given significant weight.
- 5.57 The proposal also includes 2no. affordable housing units. It is noted that there is a serious and significant shortfall in affordable housing, and as such the provision of affordable housing should be afforded substantial weight. However, the affordable housing would be required to be secured by a legal agreement for that weight to be given.
- 5.58 The applicant has proposed that visual improvements to the site would contribute towards the very special circumstances of the case, replacing a rundown farmyard with a contextually designed housing scheme. Indicative illustrations have been provided, and design would be considered at outline stage. Nevertheless, good design and visual improvements would be the standard expected of any proposal coming forward, and as such this can be given limited weight.
- 5.59 The applicant has put forward the case that part of the site could be considered as infilling. This could potentially be the case; however the assessment needs to be made against the whole of the site.
- 5.60 The improvements to ecology are noted, and are clearly a benefit. The applicant has also set out that landscape enhancements would be made. However, these details have not been submitted as part of the outline application and landscape remains to be considered at Reserved Matters stage. Limited weight can therefore be attributed to this.
- 5.61 The applicant has set out that the proposals would not have a greater impact on openness, however as already noted in this report the officer considers that the proposals would have a greater impact on openness. The site is not previously developed land, and as such para 149(g) cannot be engaged.
- 5.62 The applicant also sets out that the proposal would be an effective re-use of land, and that if the land cannot be redeveloped it would not return to agricultural use, however no evidence has been brought forward to establish why it could not be returned to agricultural use. The threat of further disrepair should not be given weight, the site can still be maintained by the applicant and prior approval has already been granted to remove the buildings if the applicant does not wish to maintain them.
- 5.63 The planning statement also sets out an assessment that was made as part of the Joint Spatial Plan, which reviewed the Bristol/Bath Green Belt. Although the JSP was not carried forward and limited weight can be given to this assessment, it should be noted that the cell the land sits within was assessed

as having a major contribution in restricting urban sprawl, and contributed to preventing the merger of towns and villages, maintaining the separation of Bristol and Winterbourne.

- 5.64 It is clear that there are some benefits to the scheme. To summarise. The following weight can be given:
- Significant weight towards the provision of 9no. dwellings
 - Substantial weight towards the provision of 2no. Affordable dwellings (subject to being secured by S106)
 - Moderate weight to ecological improvements
 - Limited weight to landscape improvements
 - Limited weight to the effective re-use of land.
- 5.65 Substantial weight must be given to the harm to the Green Belt, which is caused by inappropriate development and harm to openness. In this case, it is not considered that Very Special Circumstances exist either individually or cumulatively, and thus the harm has not been outweighed.
- 5.66 Turning back to the tilted balance, para 11 states that where the policies which are most important for determining the application are out of date, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. As set out in footnote 7, one of these areas of importance is the Green Belt, and a clear reason for refusal in line with Green Belt policy has been set out.
- 5.67 The proposal represents inappropriate development in the Green Belt, contrary to PSP7 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017 and the National Planning Policy Framework.

Consideration of likely impact on Equalities

- 5.68 The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. As a result of that Act the public sector Equality Duty came into force. Among other things, the Equality Duty requires that public bodies to have due regard to the need to: eliminate discrimination; advance equality of opportunity; and, foster good relations between different groups when carrying out their activities. Under the Equality Duty, public organisations must consider how they could positively contribute to the advancement of equality and good relations. This should be reflected in the policies of that organisation and the services it delivers. The local planning authority is statutorily required to apply the Equality Duty to its decision taking. With regards to the Duty, the development contained within this planning application is considered to have neutral impact.

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 permission is refused.

REASONS FOR REFUSAL

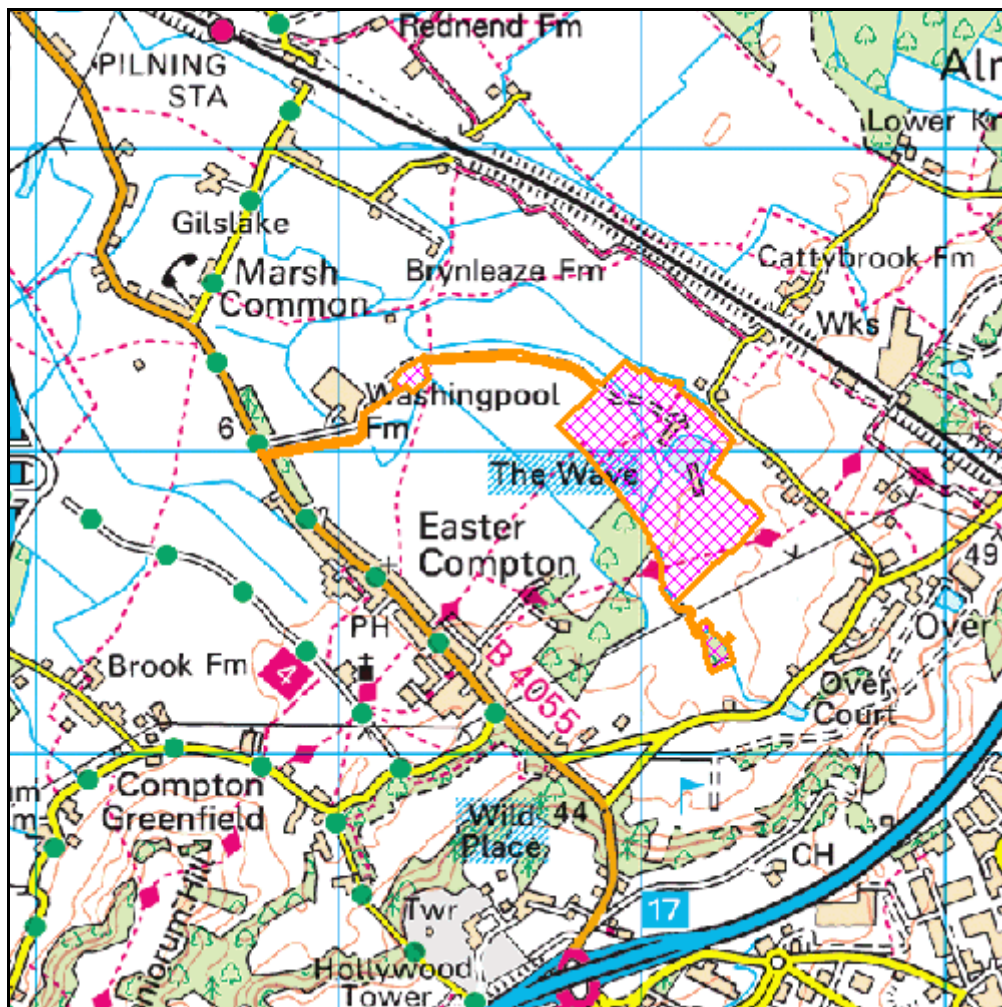
1. The proposal represents inappropriate development in the Green Belt, contrary to PSP7 of the of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017 and the National Planning Policy Framework.

Case Officer: Rae Mepham

Authorising Officer: Suzanne D'Arcy

CIRCULATED SCHEDULE NO. 14/23 -6th April 2023

App No.:	P22/05208/RVC	Applicant:	.The Wave Group Ltd
Site:	The Wave Bristol Main Road Easter Compton South Gloucestershire BS35 5RE	Date Reg:	31st August 2022
Proposal:	Variation of condition no. 38 attached to planning application PT17/1730/RVC to amend drawings and documents	Parish:	Almondsbury Parish Council
Map Ref:	358160 182980	Ward:	Pilning And Severn Beach
Application Category:	Major	Target Date:	25th November 2022



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N.T.S.

P22/05208/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 REPORTING TO THE CIRCULATED SCHEDULE

The application is reported to the Circulated Schedule as there is an objection from Almondsbury Parish Council and there have been 7 objections from interested parties. These are contrary to the Officer recommendation.

1. THE PROPOSAL

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.

The application seeks to vary condition 37 of planning permission PT17/1730/RVC. The original planning permission was granted in 2015 (ref: PT13/4756/F), for the creation of a surfing lake with associated landscaping, ancillary buildings, campsite, ropes and tunnels course, parking and access (sui generis class). The application has been amended through various s73 applications since its original granting. This is set out in full in the planning history.

The application further seeks to discharge condition 12 (landscaping) as several of the structures can be considered under the wording of this condition.

The site is used as a surfing lake, with associated structures. Some of these structures have been erected without the benefit of planning permission and this application seeks to regularise these works. The main variations are as follows;

Works to be regularised

- Gatehouse check-in office and toilets
- Staff Welfare and office buildings
- Campsite structures, including office, storage, bin store, tent platforms and boardwalk structures
- Changing huts, showers, first aid and changing places toilet blocks
- Lake maintenance compound buildings and layout
- Food hut and truck
- Gin hut

Works to be discharged under condition 12

- Kitchen external stores, bin stores and timber enclosures
- Surfboard storage huts
- Temporary skate ramp
- Timber equipped play area
- Viewing area furniture
- Wave sign
- Information signage posts

- Skateboard pump track
- Shoreside surf training area
- Cycle path between site entrance and gatehouse
- Fence to delineate outdoor briefing area

New structures

- Outdoor food and beverage zone
- Ground and first floor external terraces
- Gatehouse luggage store, changes to the gatehouse elevation treatment, car park fence
- Board repair hut

1.5 The site is located within the open countryside and outside any identified settlement boundaries. It is located within the Green Belt and partially within Flood Zone 3. There are three public footpaths that run across the site. As stated above, the surfing lake has been implemented and the site is in use.

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
CS2 Green Infrastructure
CS3 Renewable and Low Carbon Energy
CS4A Presumption in favour of sustainable development
CS5 Location of Development
CS7 Strategic Transport Infrastructure
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS23 Community Infrastructure and cultural activity
CS24 Green Infrastructure, Sport and Recreation Standards
CS34 Rural Areas

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

PSP1 Local Distinctiveness
PSP2 Landscape
PSP4 Designated Local Green Space
PSP7 Development in the Green Belt
PSP8 Residential Amenity
PSP19 Wider Biodiversity
PSP20 Flood Risk, Surface Water and Watercourse Management

2.3 Supplementary Planning Guidance

Development in the Green Belt

3. RELEVANT PLANNING HISTORY

- 3.1 PT13/4756/F - Construction of surfing lake with associated landscaping, ancillary buildings, campsite, ropes and tunnels course, parking and access (sui generis use class) – Permitted 22nd July 2014
- 3.2 PT15/3532/RVC - Variation of conditions 3, 6, 8, 14, 18, 27, 28, 29, 30, 31, 32, 33, 40, 41 and 43 attached to PT13/4756/F to allow the development and use of the 'Ropes and Tunnels Course' phase (Partially Retrospective) prior to the development of the larger scheme – Permitted 24th November 2015
- 3.3 PT15/4853/RVC - Variation of condition 38 attached to planning permission PT15/3532/RVC to amend drawings and documents – Permitted 5th February 2016
- 3.4 PT16/0828/NMA - Non material amendment to PT15/4853/RVC to remove the "lake structure" (ref 855-103A) and substitute the high ropes amendment drawing (Rev C) for the layout and drawing (Rev E) – Approved 15th March 2016
- 3.5 PT17/1730/RVC - Variation of condition 38 attached to planning permission to amend drawings and documents – Permitted 25th August 2017
- 3.6 PT18/3264/NMA - Non-material amendment to planning permission PT17/1730/RVC to substitute approved plans with amended plans 855-WAVB-100-B, 855-WAVB-101-B, 855-WAVB-102-B, 855-WAVB-103, 855-WAVB-104, 855-WAVB-105, 855-WAVB-106 and 855-WAVB-107. – Approved 12th October 2018
- 3.7 PT18/5172/NMA - Non material amendment to PT17/1730/RVC to allow waste management plan and operational management plan to be submitted prior to occupation of the approved development. – Approved 26th April 2019
- 3.8 P19/10527/F - Change of use of hardstanding to form enlarged car park for the surfing lake development. – Withdrawn 3rd October 2019
- 3.9 P20/02386/RVC - Variation of condition 34 (Opening hours) attached to planning permission PT17/1730/RVC (variation of condition 38 attached to planning permission PT15/4853/RVC to amend drawings and documents) to amend opening hours for proposed surfing lake. – Permitted 10th July 2020
- 3.10 P21/00356/F - Installation of solar apparatus comprising 2.97MW ground mounted solar arrays with associated inverters and transformer, 30kW solar car port, 2.5kW solar smart flower, 330kW Flow Machine Energy storage system, and 4x 7kW dual Fast Electric Vehicle charging points, along with associated access, landscaping, security fencing and CCTV. – Permitted 22nd October 2021
- 3.11 P21/06877/RVC - Variation of condition 34 attached to permission P20/02386/RVC to amend the opening hours. Construction of surfing lake with associated landscaping, ancillary buildings, campsite, ropes and tunnels

course, parking and access (sui generis use class) – Permitted 24th March 2022

- 3.12 P21/07126/F - Installation of 4no. 25m lighting columns and 14no. 3m lighting columns to illuminate the existing surf lake. – Permitted 17th March 2023

4. CONSULTATION RESPONSES

4.1 Almondsbury Parish Council

Object to the application, raising the following points;

- Unable to determine from the plans what is proposed
- Request a clearer representation of the applicants intentions, for example through a presentation

4.2 Pilning and Severn Beach Parish Council (adjoining parish)

No comments received

4.3 Olveston Parish Council (adjoining parish)

No comments received

4.4 Other External Consultees

Sport England – Falls outside of Sport Englands remit

Avon Wildlife Trust – No comments received

Environment Agency – No objections

Lower Severn Drainage Board – No comments received

Open Spaces Society - No comment received

Wessex Water – No comments received

4.5 Internal Consultees

Arboricultural Officer – No objections

Conservation Officer – No comment

Urban Design – No comment

Archaeology – Although there are areas of the site that may need to be subject to archaeological work, the main evaluation and excavation work covering the lake and its immediate surroundings has already occurred.

Landscape Architect – No objections, subject to conditions

Other Representations

4.6 Local Residents

6 letters of objection received, raising the following points;

- No objection in principle
- Planning statement is incorrect in relation to CIL
- Lighting columns over 12m would result in an unacceptable level of light pollution
- Concern about light pollution and the impact on wildlife from such large structures
- Why isn't the installation of more smaller lights not sufficient
- Applications have overrode original restrictions
- Substantial alterations to the music licence and bar licence being just two of them

- In this application, it appears a number of conditions have been broken
 - Any not essentially for health and safety should be rejected
 - Inadequate public consultation
 - This would effectively withdraw and replace the original permission that neighbours were enticed to support
 - This changes the entire basis of the original consultation
- 1 letter of support received, raising the following points;
- Wave is a successful local business of national importance
 - Changes would enable them to become better and more sustainable.

5. **ANALYSIS OF PROPOSAL**

- 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.
- 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.
- 5.3 If the Authority decides that planning permission should be granted subject to the same conditions, then the application should be refused.
- 5.4 In assessing this application it is necessary to assess whether the relevant condition, or any variations satisfy the requirements of planning conditions as set out in the National Planning Policy Framework (NPPF). The NPPF requires all planning conditions to pass three tests – that conditions should be:
- i. Necessary to make the development acceptable
 - ii. Directly related to the development
 - iii. Fairly and reasonably related in scale and kind
- 5.5 As the application seeks to make several amendments to the approved plans, this will be assessed in turn below.
- 5.6 Amendments to the Gatehouse and its related toilet block
The existing gatehouse and associated facilities are portacabins in the carpark. It provides little in the way of protection from the elements for staff or visitors to the Wave. The application proposes its replacement with a more permanent structure that would consolidate all the existing buildings. Furthermore, it would provide protection from the elements for users of the building.
- 5.7 The Council has accepted the principal of the location of the gatehouse through the previous applications. Furthermore, it has accepted that the gatehouse is an appropriate facility for outdoor recreation, which is an exception to the forms of inappropriate development in the Green Belt. The test for the acceptability of the proposed structure is whether it would be more harmful to openness than

the existing situation. The proposed building would rationalise the existing situation and would be of a broadly similar scale. It is therefore not considered that the proposal would be harmful to the openness of the Green Belt.

5.8 The impact on the landscape character must now be considered. The proposed building is considered to be of an appropriate scale and size that would not be harmful to the character of the landscape. The proposed building would be clad in horizontal larch, which would sit comfortably within its landscape surrounds. It is therefore not considered that there would be any adverse impacts on the landscape from this proposal.

5.9 Staff Welfare and Office Buildings

The proposed welfare building would be sited adjacent to the existing clubhouse building. It would replace some portacabins that are currently used for this function, though these are not authorised. The proposed buildings would be viewed within the existing envelope of the development. Limb g of NPPF paragraph 149 allows for the “*limited infilling or partial ... redevelopment of previously development land*” provided it would not have a greater impact on the openness of the Green Belt than the existing development. Given its location and context within the site, it is not considered that the proposed building would have an adverse impact on the openness of the Green Belt and therefore would not represent inappropriate development.

5.10 Campsite structures

The principal of the campsite has been established through the previous permission (ref: P21/06877/RVC). Condition 36 of this permission restricts the use of the campsite to 25 tents but provides no further restrictions in terms of size, colour or length of time they can be erected on site. As part of this, platforms and a boardwalk have been erected and the tents are, to all intents and purposes, permanently erected onsite. As stated previously, there is nothing in the condition to prevent this permanent erection.

5.11 As a result of the condition, there could be 25 large marquee style tents erected on the site as the Council currently has no control over the appearance and size of the tents. This proposal would allow the Council to control the size, appearance and location of the tents on the site thus minimising the potential impact on the Green Belt by reason of any inappropriateness.

5.12 The applicant has put forward that the proposed tents and associated structures would not be harmful to the openness of the Green Belt, when viewed in the wider context of the site, and would represent appropriate provision for outdoor recreation, as the camping is a key function of The Wave’s business. Whilst it is accepted that the use of the land for camping in itself would not be harmful, the erection of tents, particularly those on platforms with an associated boardwalk, could have a greater impact on the Green Belt.

5.13 The extant position also needs to be taken into account. When the potential use of the site, in terms of size and appearance of tents, is weighed against the proposed position, it is considered that this outweighs the potential harms caused as it allows the Council to control the appearance and siting of the tents through conditions. The tents are uniform in appearance and size, and the

colour is considered to be acceptable in the landscape location. Furthermore, additional landscape screening has been secured prior to determination, which will further negate to the impact on the Green Belt.

5.14 For the reasons set out above, the tents and associated structures are considered to be acceptable in Green Belt and landscape terms, subject to the use of conditions.

5.15 Changing block and associated structures

As set out in the previous structures, the changing block represents appropriate facilities for outdoor sport and recreation. It is sited within the built envelope of the Wave complex and as such, is not harmful to the openness of the Green Belt. There is no adverse impacts on the open countryside, due to the siting and relationship with the adjacent buildings.

5.16 Lake maintenance compound and buildings

The compound area has been previously approved. It has been constructed not in accordance with the approved details and the applicants are seeking to include a board repair hut. Its location at the rear of the wave pool is considered to be appropriate and the majority is screened from view by the enclosure. The facilities are essential for the operation of the wave pool and would not be visible in the wider landscape, due to its location.

5.17 The proposed board repair hut would be seen in the context of the maintenance area and would not have a harmful impact on the landscape or the Green Belt.

5.18 Food and beverage area, food truck and gin hut

The food and beverage area would be a use of an area of land in the site, adjacent to the clubhouse. It would be used by pop up food trucks. This is considered to be acceptable. The food truck on site is viewed in this context and is screened from the wider landscape by the existing use.

5.19 The gin hut is sited on the upper terrace of the club house and is viewed in the context of the existing club house. It is not harmful to the openness of the Green Belt or the character of the landscape.

5.20 Works as part of the application to discharge condition 12

Condition 12 of the most recent permission (ref: P21/06877/RVC) states that *“notwithstanding the submitted details, within six months of this decision, prior to the commencement of the Further Phases development shown on Drawing No. 855- phase 01 dated July 2015 and agreed in the 'Phasing Plan' under condition 1, full details of both hard and soft landscaping works shall be submitted in writing to the Local Planning Authority for approval and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure including the fencing to the public rights of way; hard surfacing materials including car park surfacing; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, bird hides and information boards); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines indicating lines, manhole); soft landscape works shall include the protection of trees within the*

hedgerows, planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment; schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.”

5.21 This condition was put on to protect the landscape character of the area and requires the submission of various details to discharge the condition. The following details have been submitted, which are considered to be acceptable and in accordance with the requirements of the condition;

- Kitchen external stores, bin stores and timber enclosures
- Surfboard storage huts
- Temporary skate ramp
- Timber equipped play area
- Viewing area furniture
- Wave sign
- Information signage posts
- Skateboard pump track
- Shoreside surf training area
- Cycle path between site entrance and gatehouse
- Fence to delineate outdoor briefing area

5.22 The condition also requires the submission of additional planting information as the previously submitted details have been superseded by the works in this application. A condition will be imposed to ensure that the landscaping is submitted and approved.

5.23 Residential amenity

Due to the nature of the development and its relationship with both the existing use and the adjacent neighbours, there would be no adverse impacts on residential amenity. The application does not seek to amend the opening hours, which are approved under P21/06877/RVC at condition 34. Matters regarding licencing are outside of the planning process and dealt with by separate legislation.

5.24 Other matters

Several of the representations received refer to the lighting and its potential impacts. The lighting does not form part of this application and was approved under P21/07126/F in March 2023. A full assessment of the impacts was undertaken at that point.

5.25 The application has been advertised and consulted in accordance with the Council's adopted Statement of Community Involvement and its statutory obligations. The legislation allows under s73 for planning permissions to be amended and to effectively replace the original permission. Whilst this is the case with this application, it has been fully assessed in line with local and national policy and the relevant material considerations.

5.26 Conditions

As a decision under s73 has the effect of granting a new (revised) planning permission, the other conditions attached to P21/06877/RVC must be reviewed

No	Brief description	Discussion	Action
1	Detailed phasing scheme	Still relevant	Retain
2	Construction compound	Still relevant	Retain
3	Sample of the materials	Still relevant	Retain
4	Boundary treatment	Still relevant	Retain
5	Archaeological watching brief	Still relevant	Retain
6	Surface water drainage	Still relevant	Retain
7	External illuminations	Details for this have been submitted and are now compliance	Amend
8	Protection of both banks of any watercourse	Still relevant	Retain
9	Surface and sub-surface water drainage	Still relevant	Retain
10	Local drainage ditch	Still relevant	Retain
11	Rhine crossing, access bridge or culvert	Still relevant	Retain
12	Hard and soft landscaping	Part of the required details have been submitted in this application	Amend and split to two conditions – one compliance and one requiring additional information of planting
13	Lake edging	Still relevant	Retain
14	Landscape maintenance	Still relevant	Retain
15	Footpath construction	Still relevant	Retain
16	Ecological management plan	Still relevant	Retain
17	CEMP	Still relevant	Retain
18	Air quality assessment	Still relevant	Retain
19	Noise level restriction	Still relevant	Retain
20	Waste management audit	Still relevant	Retain
21	Public footpaths	Still relevant	Retain
22	Construction hours	Still relevant	Retain
23	Bird nesting season	Still relevant	Retain
24	Flood Risk Assessment	Still relevant	Retain
25	Tree protection	Still relevant	Retain
26	Parking, manoeuvring and service areas	Still relevant	Retain
27	Directional signage	Still relevant	Retain
28	Booking system	Still relevant	Retain
29	Travel plan	Still relevant	Retain
30	Waste management plan	Still relevant	Retain
31	Flood warning and evacuation plan	Still relevant	Retain
32	Operational Management plan	Still relevant	Retain
33	No outside storage	Still relevant	Retain
34	Opening hours	Still relevant	Retain

35	No amplified music	Still relevant	Retain
36	Number of tents	Amend to include the plan of the tents and their appearance	Amend
37	Plans	Amended plans have been submitted as part of this application	Amend
38	Cycle parking	Still relevant	Retain
39	Residents Liaison Group	Still relevant	Retain
40	Ancillary use	Still relevant	Retain
41	Security fences	Still relevant	Retain
42	Emergency entrance restriction	Still relevant	Retain

5.27 Consideration of likely impact on Equalities

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

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

6. CONCLUSION

6.1 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 Planning permission be **GRANTED** in accordance with the conditions set out below.

CONDITIONS

1. Detailed Phasing Scheme with key development targets (Compliance Condition)

The development shall be carried out in accordance with the approved phasing scheme, Drawing No. 855-WAVB-APG-XX-YY-DR-A-0012-A-C01 (Phase 2A-Enabling Works), Drawing No. 855-WAVB-APG-XX-YY-DR-A-0013-A-C01 (Phase 2B) and Drawing No. 855-WAVB-APG-XX-YY-DR-A-0014-A-C01 (Phase 2C).

Reason:

To protect the residential amenity of the neighbouring occupiers and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy PSP8 and PSP21 of the South Gloucestershire Local Plan: Policies, Sites and Places (Adopted November 2017).

2. Details of construction compound (Compliance Condition)

The works of construction compound for Phase 2A, 2B and 2C shall be carried out in accordance with the approved details, Phase 2A - Enabling Works Drawing No. 13302-HYD-XX-XX-DR-TP-0101 Revision P1 received on 19 July 2018, and Drawing No. DR-A-0012-A-C01, Phase 2B - Main construction DR-A-0013-A-Rev C01 and Phase 2C - replaced by DR-A-0014-A-Rev C01 received on 29 November 2018. All construction compound shall be removed once the construction is completed.

The Construction Environmental Management Plan (dated October 2015) for Phase 1, shall be implemented in accordance with the approved details.

Reason:

To protect the residential amenity of the neighbouring occupiers and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy PSP8 and PSP21 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

3. Sample of the materials (Compliance Condition)

The development shall be carried out in accordance with the approved details and thereafter retained as such.

The development shall be carried out in accordance with the approved detailed building material sample schedule WAVB-APG-XX-BD-SH-A-0405-D2-P01 and thereafter retained as such.

Reason

To protect the character and appearance of the locality and in accordance with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy PSP1 and PSP44 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

4. Details of Boundary Treatment

Within six months of this decision, prior to the commencement of the Further Phases development shown on Drawing No. 855-phase 01 dated July 2015 and agreed in the 'Phasing Plan' under condition 1, a plan indicating the positions, design, materials and type of boundary treatments to be erected within Phase 2B and 2C shall be submitted to the Local Planning Authority for approval. The boundary treatment shall be fully completed for each phase before the commencement of the operation of any use within that phase. Development shall be carried out in accordance with the approved details for all phases and thereafter retained as such.

Reason

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to protect the residential amenity of the neighbouring occupiers and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy PSP1, PSP2, PSP10 and PSP44 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

5. Archaeological Watching Brief (Compliance Condition)

All works shall be strictly carried out in accordance with the submitted Written Scheme of Investigation for a programme of further archaeological investigation dated February 2018 dated and Post-Excavation Assessment Report, CA Project: 9279 Report 18374 dated June 2019.

Reasons:

In the interest of archaeological investigation or recording, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013 and Policy PSP17 and PSP44 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

6. Details of Surface Water Drainage (Compliance Condition)

The development shall proceed in accordance with the agreed drainage details, which were submitted on 14th November 2018 and thereafter be retained as such.

Reason

To minimise the effect of any flooding which may occur and in accordance with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013), Policy PSP20 and PSP44 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

7. Details of External Illuminations

The external illumination shall be carried out in accordance with the details approved under ref: DOC18/00240.

Reason

To protect the residential amenity of the neighbouring occupiers and in the interest of wildlife habitats and to accord with Policy CS9 of the South Gloucestershire Local

Plan: Core Strategy (Adopted December 2013) and Policy PSP8, PSP19, PSP21 and PSP44 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

8. Details of protection of both banks of any watercourse (Compliance Condition)

The development shall proceed in accordance with the agreed details relating to the protection of both banks of any watercourse, submitted on 19 July 2018 and thereafter be retained as such.

Development shall be carried out in accordance with the submitted document - the Wave Bristol Ecology Management Plan, Elder Ecology, dated 6 July 2018. Eight metres wide strip of land shall be left clear of any building or obstruction along both banks of any watercourse within the site to ensure the stability of the bank or banks may not be endangered thereby, and for maintenance purposes.

The development for Phase 1 shall be carried out in accordance with the supporting letter dated 22 October 2015.

Reason

To protect the watercourse and in accordance with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013), Policy PSP20 and PSP44 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

9. Details of surface and sub-surface water drainage systems (Compliance Condition)

The development shall proceed in accordance with the agreed surface and sub-surface water drainage details, which were submitted on 19 July 2018 and 14 November 2018.

Reason

To protect the watercourse and in accordance with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013), Policy PSP20 and PSP44 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

10. Local Drainage Ditch (Compliance Condition)

No local land drainage ditch within the site shall be filled in or culverted.

Reason

To protect the watercourse and in accordance with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013), Policy PSP20 and PSP44 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

11. Details of Rhine Crossing, Access Bridge or Culvert (Compliance Condition)

The development shall proceed in accordance with the agreed details, which were submitted on 19 July 2018, and thereafter be retained as such. For Phase 1

development, there shall be no rhine crossing, access bridge or culvert crossing the adjacent fields into the woodland.

Reason

To protect the watercourse and in accordance with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013), Policy PSP20 and PSP44 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

12. Ancillary landscape structures

The following details have been approved in relation to landscaping
Kitchen external stores, bin store and timber enclosures - Drawing 1085_WBL_0025
Surfboard Storage - Drawing 1085_WBL_0040
Timber play area - Drawings Touchwood_WAVE-1-00-02, -03, -04 and -05
Viewing area furniture, Wave Sign and Skate ramp

Reason

To protect the landscape character of the locality and in accordance with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policies PSP2, PSP3, PSP19 and PSP44 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

13. Details of Lake Edging (Compliance Condition)

The development shall proceed in accordance with the agreed details relating to the lake edging, which were submitted on 14 November 2018.

Reason

To protect the landscape character of the locality and in accordance with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policies PSP2, PSP3, PSP19 and PSP44 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

14. Schedule of Landscape Maintenance

Within six months of this decision, a schedule of landscape maintenance for that phase for a minimum period of 5 years shall be submitted to the Local Planning Authority for approval. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

Reason

To protect the landscape character of the locality and in accordance with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policies PSP2, PSP3, PSP19 and PSP44 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

15. Details of construction method of the footpath

The development shall proceed in accordance with the approved details relating to footpath transection RPA28, Drawing No. WAVB-LHC-LS-YY-DR-L-0501 Rev P01, received on 19 July 2018 showing the proposed bound gravel footpath outside the protection area of the existing T28, T29 and T30, and thereafter be retained as such.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the tree, and to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013), Policy PSP2, PSP3 and PSP44 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

16. Ecological Management Plan (Compliance Condition)

The development and the requirements of the ecological management plan shall be commenced for all phases prior to the commencement of the operation and carried out in accordance with the approved documents - the Ecology Report submitted on 19 July 2018 and the Construction Environmental Management Plan submitted on 9 November 2018.

For Phase 1 development, the submitted Ecological Management Plan Phase 1 (Ropes and Tunnels Course) dated October 2015 shall be implemented accordingly.

Reason

In the interest of ecology and wildlife habitats of the site and in accordance with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy PSP19 and PSP 44 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

17. Construction and Environmental Management Plan (Compliance Condition)

The development shall proceed in accordance with the agreed Construction and Environmental Management Plan submitted on 9 November 2018.

For Phase 1 Development, the Construction and Environmental Management Plan Phase 1 (Ropes and Tunnels Course) dated October 2015 shall be implemented accordingly.

Reason

In the interests of the residential amenity of the neighbouring occupiers, and in accordance with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013), and Policy PSP8, PSP11 and PSP44 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

18. Details of Air Quality Assessment (Compliance Condition)

The development shall proceed in accordance with the agreed details, which were submitted on 14 November 2018, and thereafter be retained as such.

Reason

In the interest of residential amenity of the neighbouring occupiers and in accordance with Policy CS9 of the South Gloucestershire Local Plan; Core Strategy (Adopted December 2013), and Policy PSP8, PSP21 and PSP44 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

19. Noise Levels Restriction (Compliance condition)

All fixed plant shall be designed in compliance with BS 4142 to ensure rating levels are at least 5db below existing background levels measuring at Washingpool Farm, Ingleside, Overleaze Farm, The Lyndhurst and Wheat Hill Farm.

Reason

In the interest of residential amenity of the neighbouring occupiers and in accordance with Policy CS9 of the South Gloucestershire Local Plan; Core Strategy (Adopted December 2013), and Policy PSP8, PSP21 and PSP44 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

20. Waste Management Audit (Compliance Condition)

Development shall be carried out in accordance with the approved Construction Environmental Management Plan dated 8 August 2018, Reference No. WAVB-HYD-XX-RP-G-4002.

Reason

In accordance with Policy 37 of the South Gloucestershire Minerals and Waste Local Plan (Adopted) 2002, and Policy 1 of the West of England Joint Waste Core Strategy (Adopted) March 2011.

21. Details of public footpaths (Compliance Condition)

Development shall be carried out in accordance with the approved details relating to the public footpaths, which were submitted on 19 July 2018.

Reason

To safeguard the public footpaths and in accordance with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy PSP10 and PSP44 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

22. Construction hours (Compliance Condition)

The hours of working on site during the period of construction shall be restricted to 08.30am to 18.00pm Mondays to Fridays, and 08.30am to 13.00pm Saturdays, and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan (Adopted December 2013) and Policy PSP8 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

23. Bird Nesting Season (Compliance Condition)

Any tree/scrub clearance shall be carried out outside of the bird nesting season (between March to August) unless the appropriate survey are carried out by a qualified ecologist to demonstrate that clearance can be undertaken during this time as agreed in writing with the Local Planning Authority.

Reason:

In the interest of wildlife habitat and in accordance with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

24. Flood Risk Assessment (Compliance Condition)

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated December 2013 produced by Hydrock and the following mitigation measures detailed within the FRA:

(a) Limiting the surface water run-off generated by the 1:100 year critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.

(b) Identification and provision of safe route(s) into and out of the site to an appropriate safe haven.

(c) Finished floor levels of all built development (cafe, shop, and clubhouse) to be set no lower than 7.76 m above Ordnance Datum (AOD) (300mm above the 1:200 year level including an allowance for climate change).

Reason

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to ensure safe access and egress from and to the site, and in accordance with National Planning Policy Framework and Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013), Policy PSP20 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

25. Tree Protection Works (Compliance Condition)

The proposed tree protection works indicated in sections 2 and 3 in the Barrell Tree Consultancy Report shall be strictly carried out.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the tree, and to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and

Policy PSP2 and PSP3 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

26. Parking, Manoeuvring and Services Areas in Washingpool Farm (Compliance Condition)

Prior to the first use of the Further Phases development shown on Drawing No. 855-phase 01 dated July 2015 and agreed in the 'Phasing Plan' under condition 1, the parking, manoeuvring and service areas in Washingpool Farm shall be completed in all respects with the approved plans and retained as such thereafter.

For Phase 1 Development, the submitted Technical Note Reference OCT02/TN/03/Iss3 and Car parking arrangement plan OCT02/T06 Revision A shall be implemented and retained as such until and unless different parking arrangements are agreed in writing in relation to subsequent Phases under this condition.

Reason

To ensure satisfactory parking, turning and servicing areas are provided in the interests of safety and in accordance with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2015 and Policy PSP11 and PSP16 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

27. A Scheme of directional signage (Compliance Condition)

Development shall be carried out in accordance with the approved details of directional signage's, submitted on 30 September 2019, and thereafter be retained as such.

For Phase 1 Development, the submitted Technical Note Reference OCT02/TN/03/Iss3 and Signage Plan Drawing Reference: OCT02/T01 shall be implemented prior to the first use of the Phase 1 hereby permitted, and retained as such until and unless a different signage scheme is agreed in writing in relation to subsequent Phases under this condition.

Reason

In the interests of both highway safety and congestion by providing clear directions for visitors in accordance with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy PSP11 and PSP16 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

28. Booking System (Compliance Condition)

Development shall be carried out in accordance with the approved booking system, submitted on 30 September 2019 and thereafter implemented in accordance with approved scheme.

For Phase 1 Development, the submitted Technical Note Reference OCT02/TN/03/Iss3 and the booking system for the High Ropes and Tunnel Course

shall be implemented and retained as such thereafter prior to the first use of the Phase 1 hereby permitted.

Reason

To reduce congestion and manage vehicle movements in accordance with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2015 and Policy PSP11 and PSP16 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

29. Within six months of this decision, an updated Travel Plan including monitoring measures shall be submitted to and approved in writing by the Local Planning Authority; for the avoidance of doubt the Travel Plan should follow the lines of the submitted Framework Travel Plan, with the exception that within 3 months of opening a travel survey of both staff and visitors is undertaken which will provide the initial base data for future iterations of the Travel Plan. The development shall proceed in accordance with the agreed details.

Prior to the first use of Phase 1 - the 'High Ropes and Tunnels Course' Development, the submitted Travel Plan, Reference OCB02/01/Iss3 dated October 2015 shall be implemented in accordance with the approved details.

Reason

In the interests of highway safety by reducing congestion and in accordance with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and Policy PSP11 and PSP16 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

30. Waste Management Plan (Compliance Condition)

All works shall be carried out in accordance with the approved Waste Management Plan, submitted on 30 September 2019.

The development for Phase 1 shall be carried out in accordance with the supporting letter dated 22 October 2015.

Reason

To protect the residential amenity of the neighbouring occupiers and in the interests of the environment and to accord with Policies CS9 and CS14 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy PSP8, PSP21 and PSP44 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

31. Flood Warning and Evacuation Plan (Compliance Condition)

The development shall proceed in accordance with the agreed Flood Warning and Evacuation Plan dated 19 July 2019 ref.: WAVB-HYD-XX-XX-PR-D-5001 and thereafter be retained as such.

For Phase 1 Development, the submitted Community Flood Plan dated October 2015 shall be implemented in accordance with the approved details.

Reason

(a) To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

(b) To ensure safe access and egress from and to the site.

(c) To reduce the risk of flooding to the proposed development and future occupants, and in accordance with National Planning Policy Framework and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy PSP20 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

32. Operational Management Plan (Compliance Condition)

The development shall proceed in accordance with the agreed Operational Management Plan submitted on 4 February 2020.

Reason

To safeguard the visual and residential amenity of the area and in accordance with Policies CS1 and CS9 of the South Gloucestershire (Adopted December 2013), Policy PSP8 and PSP44 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

33. No outside Storage (Compliance Condition)

No outside storage of material/goods/waste or plant shall take place within the site including the Phase 1 Development (Ropes and Tunnels Course) and the Further Phases development shown on Drawing No.855-phase 01 dated July 2015.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013), and Policy PSP8 and PSP44 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

34. Opening Hours (Compliance condition)

The proposed surfing lake hereby approved shall not be open for use by members of the public outside the hours of 07:00 to 21:00 Mondays to Sundays and Public Holidays.

The ropes and Tunnels Course' hereby approved shall not be open for use by members of public outside the hours of 08.00 to 18.00 Mondays to Saturdays and 08.00 to 17.00 Sundays and Public Holidays.

Reason

To safeguard the residential amenity of the neighbouring occupiers and in the interests of wildlife habitats and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy PSP8, PSP19 and PSP44 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

35. No use of amplified, music system or tannoy (Compliance Condition)

No amplified or other music system or tannoy shall be used within the site including the Phase 1 Development (Ropes and Tunnels Course) and the Further Phases development shown on Drawing No.855-phase 01 dated July 2015.

Reason

To safeguard the residential amenity of the neighbouring occupiers and in the interests of wildlife habitats and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy PSP8, PSP19 and PSP44 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

36. Number of Tents Restriction

The campsite shall only be occupied by no more than 25 tents at any one time. For the avoidance of doubt, no caravans shall be parked within the camping area. No caravans and tents shall be used outside the camping area. The camping field shall be laid out in accordance with the details on drawings 1085_WBL_004, _0070, _0071, _0072, _0073, _0074 and _0075.

Reason

To safeguard the visual and residential amenity of the area and in accordance with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy PSP8, PSP19 and PSP44 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

37. List of approved plans and documents (Compliance Condition)

Development shall be strictly carried out in accordance with the following drawings and documents:

- o 1085_WBL_0001_ SITE CONTEXT MASTERPLAN
- o 1085_WBL_0002_ DEVELOPMENT FRAMEWORK MASTERPLAN
- o 1085_WBL_0003_ MASTERPLAN PLANNING STATUS
- o 1085_WBL_0004_ CAMPING FIELD PLANNING STATUS
- o 1085_WBL_0010_ CHANGING VILLAGE
- o 1085_WBL_0011_ MAINTENANCE YARD
- o 1085_WBL_0025_ EXISTING EXTERNAL KITCHEN STORES
- o 1085_WBL_0026_ EXISTING FOOD HUT
- o 1085_WBL_0027_ EXISTING FOOD TRUCK
- o 1085_WBL_0030_ PROPOSED TERRACE CANOPY GROUND LEVEL
- o 1085_WBL_0031_ PROPOSED TERRACE CANOPY FIRST FLOOR
- o 1085_WBL_0032_ EXISTING TERRACE TARQUINS GIN HUT
- o 1085_WBL_0035_ EXISTING GATEHOUSE PLANS ELEVATIONS
- o 1085_WBL_0036_ PROPOSED GATEHOUSE PLANS ELEVATIONS
- o 1085_WBL_0037_ PROPOSED GATEHOUSE CARPARK WIDER PLAN ELEVATION
- o 1085_WBL_0038_ EXISTING GATEHOUSE WC BLOCKS
- o 1085_WBL_0040_ EXISTING SURF BOARD STORES
- o 1085_WBL_0045_ EXISTING BEACH HUT CHANGING CUBICLES
- o 1085_WBL_0050_ EXISTING CHANGING PLACES FIRST AID

- o 1085_WBL_0055_EXISTING LANDSCAPE WELFARE BUILDING
- o 1085_WBL_0060_EXISTING MAINTENANCE BUILDING
- o 1085_WBL_0061_PROPOSED BOARD REPAIR HUT
- o 1085_WBL_0065_EXISTING CAMPING BLOCK PLANS SECTIONS
- o 1085_WBL_0066_EXISTING CAMPING BLOCK ELEVATIONS
- o 1085_WBL_0070_EXISTING CAMPING FIELD STORAGE
- o 1085_WBL_0071_EXISTING CAMPING FIELD SHACK
- o 1085_WBL_0072_EXISTING CAMPING BIN RECYCLING STORES
- o 1085_WBL_0073_EXISTING CAMPING FIELD TENTS PLANS
- o 1085_WBL_0074_EXISTING CAMPING FIELD TENTS ELEVATIONS
- o 1085_WBL_0075_CAMPING FIELD BUND BOARDWALK SECTIONS
- o 1085_WBL_0080_EXISTING STAFF WELFARE BLOCK PLAN ELEVATIONS
- o Touchwood_WAVE-1-00-02_GA_Overview of Playground
- o Touchwood_WAVE-1-00-03_GA_Barkpit Zone
- o Touchwood_WAVE-1-00-04_GA_Seagull's Tower
- o Touchwood_WAVE-1-00-05_GA_Sandpit Zone

Reason

In the interests of proper planning and to ensure that the development is carried out in accordance with the approved plans in order to comply with the policies 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).

38. Details of cycle parking

Prior to the first use of the Phase 1 Development (Ropes and Tunnels Course), the proposed cycle parking detailed in the submitted Technical Note Reference OCT02/TN/03/Iss 3 dated 13 October 2015 shall be implemented and retained as such thereafter.

Within six months of this decision, full details of the cycle parking for the Further phases shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter retained as such.

Reason

To encourage means of transportation other than the private car, to accord with Policy CS8 of the South Gloucestershire Local Plan: Adopted January 2006 and Policy PSP11, PSP16 and PSP44 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

39. Residents Community Liaison Group (Compliance Condition)

Prior to the first use of the Further Phases development shown on Drawing No. 855-phase 1 dated July 2015 hereby approved, the operator shall establish a residents / community liaison group for the local community.

Reason

In the interests of the safety and security of users of the site and local residents and in accordance with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy PSP44 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

40. Ancillary use (Compliance Condition)

The proposed structures, buildings and campsite, including the cafe, clubhouse (and associated facilities including shop), gatehouse, storage building and lifeguard hut shall be used strictly ancillary to the use of the surfing lake hereby permitted and for no other purposes.

Reason

To safeguard the visual and residential amenity and public highway safety, to accord with Policies CS1 and LC5 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy PSP8, PSP11, PSP16 and PSP44 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

41. Details of security fence and access gates (Compliance Condition)

Within six months of this decision, details of the security fence and any necessary access gates for Public Rights of Way crossing the site for Phase 2B and 2C shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter retained as such.

Reason

In the interests of the visual amenity of the site and the surrounding locality; and in the interests of the amenity of the local Public Rights of Way network and to comply with PSP10 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

42. Emergency Entrance Restriction (Compliance Condition)

The Emergency Entrance from Badger Lane as shown on plan number 855-100 Rev A (as received on 4 May 2017) shall be used only for emergency access to the development hereby approved and shall not be used for general access purposes.

Reason

In the interests of highway safety and amenity and to accord with Policy CS1 of the South Gloucestershire Core Strategy Local Plan (Adopted) December 2013 and Policy CS8 of the South Gloucestershire Local Plan, Policy PSP11 and PSP44 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

43. Notwithstanding the submitted details, within six months of this decision, prior to the commencement of the Further Phases development shown on Drawing No. 855-phase 01 dated July 2015 and agreed in the 'Phasing Plan' under condition 1 and other than those details approved under condition 12, full details of both hard and soft landscaping works shall be submitted in writing to the Local Planning Authority for approval and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure including the fencing to the public rights of way; hard surfacing materials including car park surfacing; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, bird hides and information boards); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines indicating lines, manhole); soft landscape works shall include the protection of trees within the hedgerows, planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment; schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.

Reason

To protect the landscape character of the locality and in accordance with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policies PSP2, PSP3, PSP19 and PSP44 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

44. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

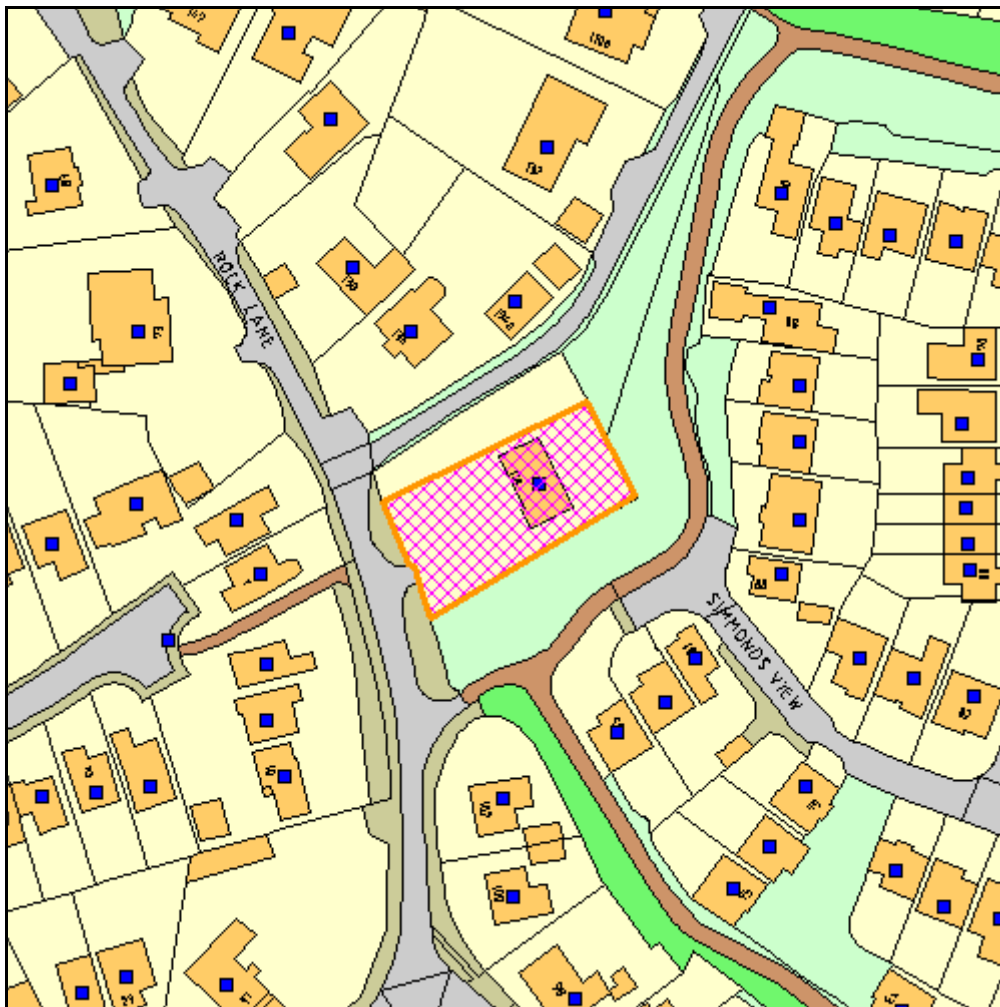
Reason

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

Case Officer: Suzanne D'Arcy
Authorising Officer: David Stockdale

CIRCULATED SCHEDULE NO. 14/23 -6th April 2023

App No.:	P22/05769/HH	Applicant:	Mr Rakesh Singh
Site:	Rock Lane Farm Rock Lane Stoke Gifford South Gloucestershire BS34 8PQ	Date Reg:	6th October 2022
Proposal:	Erection of two storey rear extension, first floor side extension, and garage conversion to provide additional living accommodation. Erection of front porch and detached garage. Erection of perimeter wall with gate to front.	Parish:	Stoke Gifford Parish Council
Map Ref:	362798 180057	Ward:	Stoke Gifford
Application Category:	Householder	Target Date:	7th April 2023



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P22/05769/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.

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

3 objection comments from Local Residents have been received contrary to Officer recommendation.

1. THE PROPOSAL

- 1.1 Planning permission is sought for: the erection of a two storey rear extension, first floor side extension and garage conversion to provide additional living accommodation; erection of front porch; erection of detached garage; and erection of perimeter wall with gate to front at Rock Lane Farm, Rock Lane, Stoke Gifford, BS34 8PQ.
- 1.2 The application site comprises a two storey detached dwelling, with attached side garage, located within the defined Bristol northern fringe settlement boundary. Planning permission has previously been granted for the erection of a two storey rear extension (ref. P20/00712/F). Permission has also been granted for the erection of 1no. detached dwelling to the side of the existing dwelling (ref. P22/02098/F).
- 1.3 Revised plans have been received during the course of the application to: reduce the depth of the proposed rear extension; set the proposed side extension back from the front elevation and down from the ridge line of the existing dwelling; reduce the scale of the proposed detached garage; and reduce the height of the proposed wall to the front of the dwelling. A 14 day re-consultation was carried out.
- 1.4 Works on site have already commenced, with large foundation trenches dug for the two storey rear extension and perimeter wall.

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
CS2	Green Infrastructure
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
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

Household Design Guide SPD (Adopted) March 2021

Trees and Development Sites SPD (Adopted) April 2021

3. RELEVANT PLANNING HISTORY

3.1 P23/00436/RVC

Variation of condition 6 (to alter the landscaping by changing the boundary treatments) and 7 (to include an additional plan) attached to permission P22/02098/F. Erection of 1no. Dwelling with associated works.
Under Consideration

3.2 P22/02098/F

Erection of 1no. dwelling with associated works.
Approve with Conditions (24/08/2022)

3.3 P21/07812/RM

Erection of 1no. dwelling with associated works with landscaping to be approved (Approval of Reserved Matters to be read in conjunction with outline permission P19/17241/O).
Approve with Conditions (18/03/2022)

3.4 P20/00712/F

Erection of a two storey rear extension to form additional living accommodation.
Approve with Conditions (28/02/2020)

3.5 P19/11483/O

Erection of 2 detached dwellings (Outline)
Refusal (17/10/2019)

3.6 P19/11484/O

Erection of 1 detached dwelling (Outline)
Approved with Conditions (10/10/2019)

3.7 P19/4769/O

Erection of 2 detached dwellings (Outline)

4. **CONSULTATION RESPONSES**

4.1 Stoke Gifford Parish Council

No objection - If permission is granted a condition restricting working hours should be included.

4.2 Archaeology Officer

Archaeological watching brief condition required.

4.3 Sustainable Transport Team

No objection. An EV charging point should be secured by condition.

4.4 Tree Officer

Additional information required. The proposed garage is within the root protection areas of the boundary trees. An Arboricultural report in accordance with BS:5837:2012 for the protection of the existing trees is therefore required.

4.5 Local Residents

3no. objection comments from local residents have been received making the following points:

- There appears to have been a land grab into the wooded area surrounding the site.
- Trees within the wooded area surrounding the site have been damaged and would be further damaged by the proposal.
- The proposed perimeter wall would block light to neighbouring properties.
- Construction noise until late was disruptive for neighbours.
- The proposed garage is ahead of the building line.
- The proposed 2 metre high boundary wall is excessive and not in keeping with the area.
- The proposal would overlook neighbouring properties.
- The proposal would represent an overdevelopment of the site.

2no. general comments from local residents have been received making the following points:

- The proposed perimeter wall could look obtrusive so the existing vegetation and trees should remain in place.
- The wall construction, style and stone type should be in keeping with the surrounding area.
- This area of Rock Lane is almost unique in its 'country lane' aspect with mature verges, hedgerows and trees. If you stand at either end of the lane where the property is cited, you will immediately get this impression and is known to be valued by so many residents of Stoke Gifford. The neighbouring plot has already decimated a natural corridor of mature hedgerows that was full of nesting birds in spring and acted as a 'green corridor' for local wildlife. Continued erosion of this important and biodiverse aspect would further alter the unique charm and atmosphere of Rock Lane and the adjoining pathways. The hedges at the front

aspect running along Rock Lane should be retained along with those and the trees running alongside the pathway otherwise we will lose important biodiversity and a unique area of the village will start to slide towards replicating an intense new development.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application seeks permission for: the erection of a two storey rear extension, first floor side extension and garage conversion to provide additional living accommodation; erection of front porch; erection of detached garage; and erection of perimeter wall with gate to front at an existing residential property. Policy PSP38 of the Policies, Sites and Places Plan permits development within established residential curtilages subject to an assessment of design, amenity, transport and other considerations. The development is acceptable in principle but will be determined against the analysis set out below.

- 5.2 The proposed works can be split into two distinct groups that could proceed independently of each other. The first group is 'works to the existing dwelling'. This consists of the erection of a two storey rear extension, first floor side extension and garage conversion to provide additional living accommodation and the erection of front porch. The second group is 'other works'. This consists of the erection of a detached garage and the erection of a perimeter wall with gate to front. These groups will be assessed independently of each other below.

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.

Works to the existing dwelling

- 5.4 The proposed two storey rear extension would have a depth of 5 metres, an eaves height to match the existing dwelling, and a ridge line set approximately 0.4 metres down from the ridge line of the existing dwelling. The proposal would be finished in materials to match the finish of the existing dwelling. Whilst the proposal would extend further at first floor level than the 4 metres recommended in the Household Design Guide, this would not be detrimental to visual amenity of the site as the approved dwelling to the north (ref. P22/02098/F) would have a rear element of a similar depth.
- 5.5 The proposed first floor side extension would be wholly above the existing single storey attached garage. The proposal would have an approximate width of 3.4 metres with an eaves height to match the existing dwelling. The front elevation of the proposal would be set back from the front elevation of the existing dwelling by 0.3 metres and its ridge line would be set down from the ridge line of the existing dwelling. The proposal would be finished in materials

- to match the finish of the existing dwelling. The proposal would appear appropriately subservient to, and in keeping with, the existing dwelling.
- 5.6 The proposed garage conversion would involve the replacement of the existing garage door with a window and walling. The external finish would match the external finish of the existing dwelling. The proposal is acceptable.
- 5.7 The proposed front porch would have an approximate depth of 1.6 metres, width of 3.5 metres, eaves height of 2.6 metres and maximum height of 3.7 metres. The proposal would be finished in materials to match the finish of the existing dwelling. The proposal is acceptable.
- 5.8 The proposed 'works to the existing dwelling' are considered acceptable. A condition would be included with any consent ensuring the external finishes would match the external finish of the existing dwelling. A condition would also be included removed household Permitted Development Rights for extensions, outbuildings, hard standing and means of enclosure. This is in the interest of protecting the visual amenity of the site.

Other works

- 5.9 The proposed detached garage would sit entirely forward of the front elevation of the existing dwelling and would cover an area of approximately 56.8 square metres. The proposal would have an approximate width of 8.5 metres, depth of 6.7 metres, eaves height of 2.6 metres and maximum height of 3.65 metres. The proposal would be topped with a double duel pitched roof.
- 5.10 The existing dwelling is set significantly back in the site, approximately 22 metres from the public highway. This lack of built form adjacent to Rock Lane contributes greatly to the character and appearance of the both the site and its context. When traveling down Rock Lane from the north, the character is of a narrow country lane that opens up when it reaches the application site and the planting beyond. This contrast makes a significant positive contribution to the character and amenity of Rock Lane and the wider area.
- 5.11 The proposed detached garage, due to its sitting forward of the front elevation of the existing dwelling and scale, would greatly erode this openness and would cause significant harm to the character and amenity of both the site and its context. When traveling down Rock Lane from the north, the once open character with planting beyond would be replaced by dominant and overbearing built form.
- 5.12 The proposed perimeter wall with gate to front has been revised during the course of the application. The original plans indicated a 2 metre high wall with 0.7 metre high black railings above to the front, rear and south side of the site. This was revised to show a 1 metre high wall to the front of the site and a 2 metre high wall to the rear and south side. The black railings have been removed. There are multiple examples of similar boundary walls within the surrounding area so the design principle is considered acceptable. A condition would need to be attached to any consent securing detailed design of the proposed walls and a sample panel of the materials proposed to be used. A detailed landscaping plan would also need to be secured by condition.

- 5.13 The proposed detached garage would fail to reach the highest possible standards of design and site planning and would cause significant harm to the character and amenity of both the site and its context.
- 5.14 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.
- 5.15 The application dwelling is located within a generous plot, away from neighbouring properties. The nearest existing neighbouring properties are approximately 20 metres to the north, 30 metres to the east, 25 metres to the south, or 35 metres to the west. The approved dwelling to the north (ref. P22/02098/F) is currently under construction and once complete would become the closest neighbouring property to the application dwelling.
- 5.16 Due to the significant separation distances, the proposed works would not have any unacceptable impacts on the residential amenity of the current or future occupiers of the existing neighbouring properties surrounding the site. The proposed first floor north side facing windows would have the potential to overlook the future occupiers of the dwelling currently under construction. A condition would be included with any consent ensuring that these are obscure glazed and non-opening below 1.7 metres above floor level. A condition would also be included removed household Permitted Development Rights for extensions, outbuildings, hard standing and means of enclosure. This is in the interest of protecting the residential amenity of neighbouring properties.
- 5.17 On the basis of the assessment set out above, it is not considered that the proposed works would result in any unacceptable impacts on the amenity of neighbours.
- 5.18 Highway Safety and Transport
Policy PSP16 of the Policies, Sites and Places Plan sets out the Councils minimum parking standards. The proposed development would increase the number of bedrooms in the property from 4 to 5 so under the Councils minimum parking standards the minimum number of on-site parking spaces requires at the property would be 3. There is sufficient space to the front of the dwelling to meet this minimum requirement.
- 5.19 The existing access would be maintained along with the existing visibility splays. These are sufficient to ensure highway safety.
- 5.20 The Sustainable Transport Team have requested a condition securing the provision of an EV charging point. This is not considered proportional as the application is for household extensions and not a new dwelling.

5.21 Archaeology

Policy CS9 of the Core Strategy and Policy PSP17 of the Policies, Sites and Places Plan seek to protect, and where appropriate, enhance or better reveal the significance of heritage assets and their surroundings. This includes below ground heritage assets. Rock Lane Farm is in the medieval settlement of Stoke Gifford. There is an area of medieval/post-medieval ridge and furrow within and next to the settlement, part of which is located on this property's land. Therefore, it is recommended that an HC11 condition for a programme of archaeological work be applied to any consent granted in order that a watching brief be undertaken.

5.22 The foundations for the proposed two storey rear extension have already been dug as part of the previous approval (ref. P20/00712/F). It is therefore not considered proportional to require an archaeological watching brief for these works. However, were the proposed detached garage or perimeter wall with gate to front to be approved an archaeological condition would be required.

5.23 Trees

Policy PSP3 of the Policies, Sites and Places Plan seeks to minimise the loss of existing vegetation on a site that is of importance in terms of ecological, recreational, historical or landscape value. PSP3 goes on to state that development proposals should, where appropriate, include the protection of trees.

5.24 The application site is surrounded to the east and south by dense planting, including a number of substantial trees that as a group make a significant positive contribution to the character and amenity of the surrounding area.

5.25 No Arboricultural assessment or tree protection plan has been submitted with this application. The proposed detached garage and perimeter wall would be within the Root Protection Areas of these trees so have the potential to detrimentally impact the health of the trees. As no supporting information has been submitted, it is not possible to undertake a full and meaningful assessment of the impact of the proposed detached garage and perimeter wall on the trees directly adjacent to the site. Therefore, the Local Planning Authority cannot be assured that the development would not result in harm.

5.26 During the course of the application a large trench was dug along the proposed route of the perimeter wall severing the roots of the adjacent trees. Whilst there is a Common Law right to cut back encroaching branches and roots, this does not extend to compromising the health of the trees. This matter is currently being dealt with by the Council's Tree Team separate of this planning application. Replacement trees are likely to be required.

5.27 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.

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

5.29 Other Matters

A number of matters raised from the consultation responses have not been addressed in the main body of this report. These will be considered below:

5.30 Concerns have been raised that a land grab has occurred into the wooded area surrounding the site. The plans appear to show the correct ownership boundary but any permission granted shall not be construed as granting rights to carry out works on, or over, land not within the ownership, or control, of the applicant.

5.31 Concerns have been raised regarding construction noise and construction hours. In order to protect the residential amenity of neighbouring properties, in accordance with the provisions of the National Planning Policy Framework, a working hours condition would be included with any consent.

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 **issue a split decision** 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 a **SPLIT-DECISION** is issued as follows:

The erection of a detached garage and perimeter wall with gate to front is **REFUSED** for the reasons included on the decision notice.

-and-

The erection of a two storey rear extensions, first floor side extension, garage conversion, and front porch is **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 two storey rear extension, first floor side extension, garage conversion, and front porch hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below:

1000 A - Site Location Plan and Existing Block Plan (Received 30/09/2022)

70893/03/002 A - Existing Plans and Elevation (Received 30/09/2022)

1200 C - Proposed Block Plan and Perimeter Wall Elevation (Received 24/02/2023)

1225 B - Proposed Floor Plans (Received 24/02/2023)

1255 C - Proposed Elevations (Received 24/02/2023)

1270 F - Proposed Section A-A (Received 24/02/2023)

1271 E - Proposed Section B-B (Received 30/09/2022)

Reason

To define the terms and extent of the permission.

3. The materials to be used in the construction of the external surfaces of the two storey rear extension, first floor side extension, garage conversion, and front porch hereby permitted shall match those used in the existing building.

Reason

To ensure a satisfactory standard of external appearance of the development 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 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.

4. Prior to the use or occupation of the two storey rear extension hereby permitted, and at all times thereafter, the proposed first floor windows on the north elevation shall be glazed with obscure glass to level 3 standard or above with any opening part of the window being above 1.7m above the floor of the room in which it is installed.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policy PSP8 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.

5. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, AA, B, D, E, and F), or any minor operations as specified in Part 2 (Class A), shall be carried out without the prior written consent of the Local Planning Authority.

Reason

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to protect the residential amenity of the neighbouring occupiers and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP1, PSP8 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.

- 6. The hours of working on site during the period of construction shall be restricted to:

Monday - Friday.....7:30am - 6:00pm

Saturday.....8:00am - 1:00pm

No working shall take place on Sundays or Public Holidays.

The term working shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policy PSP8 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.

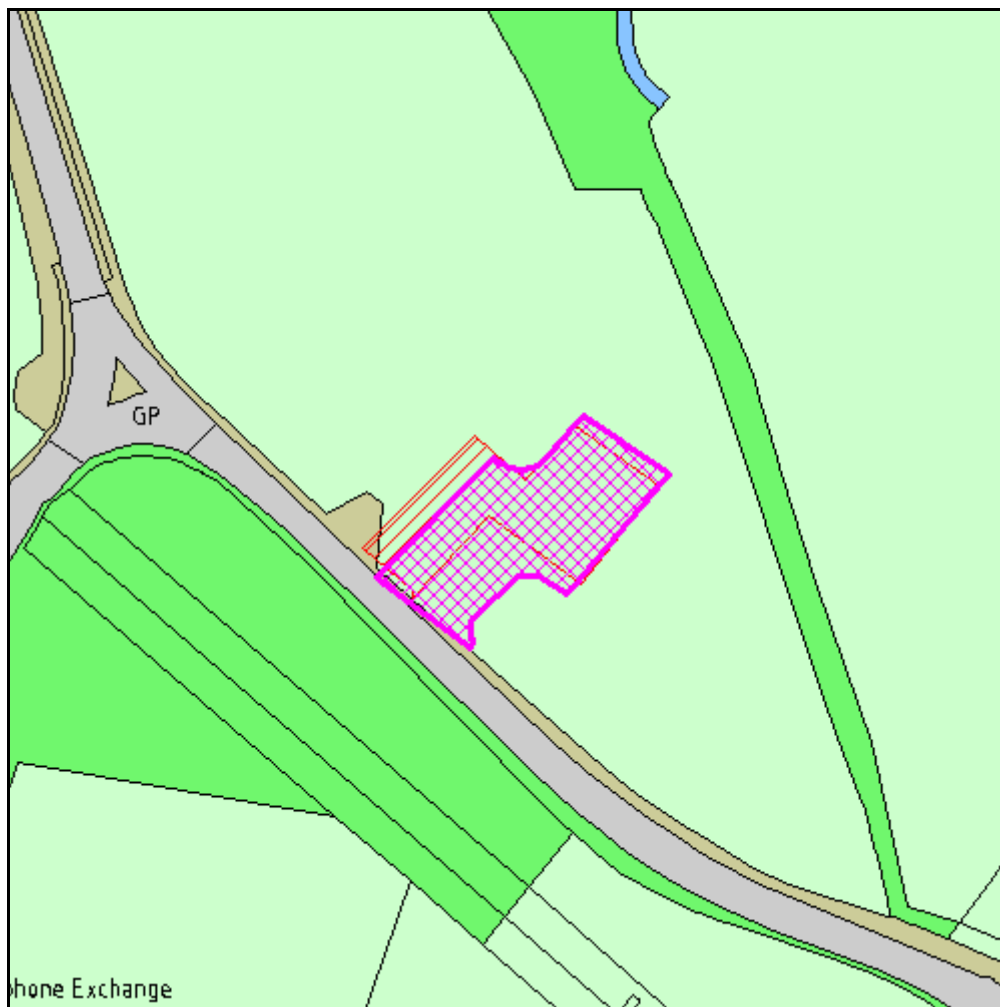
CONDITIONS

- 1. The proposed detached garage would fail to reach the highest possible standards of design and site planning, by virtue of its siting and scale. The proposal would sit forward of the front elevation of the existing dwelling, eroding the existing open character within the site adjacent to Rock Lane, causing significant harm to the character and amenity of both the site and its context. The proposed development therefore fails to comply with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP1 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.
- 2. Insufficient information, in the form of an Arboricultural Assessment and Tree Protection Plan, has been provided with the application to enable a full and meaningful assessment of the impact of the proposed detached garage and perimeter wall on the trees directly adjacent to the site. These trees make a significant positive contribution to the character and amenity of the surrounding area. Therefore, the Local Planning Authority cannot be assured that the development would not result in harm. The proposal is therefore contrary to Policy CS1, CS2 and CS9 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; the Trees and Development Sites SPD (Adopted) April 2021; and the provisions of the National Planning Policy Framework.

Case Officer: Oliver Phippen
Authorising Officer: Suzanne D'Arcy

CIRCULATED SCHEDULE NO. 14/23 -6th April 2023

App No.:	P22/06963/F	Applicant:	Mr Bernard McDonagh
Site:	Land Next To Northwick Road Pilning South Gloucestershire BS35 4JF	Date Reg:	16th January 2023
Proposal:	Creation of separate access to Plot 2. Re-siting of existing mobile home and static caravan. Provision of enlarged day room.	Parish:	Pilning And Severn Beach Parish Council
Map Ref:	355724 185312	Ward:	Pilning And Severn Beach
Application Category:	Minor	Target Date:	10th March 2023



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100023410, 2008. **N.T.S.** **P22/06963/F**

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

Reason for Referring to the Circulated Schedule

This application has been referred to the Circulated Schedule following the receipt of an objection from Pilning & Severn Beach Parish Council, the concerns raised being contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The application site is located to the East of Pilning, adjacent to, but beyond the settlement boundary and within the Bristol/Bath Green Belt. The application site is accessed from its southern boundary from Bank Road. The site is bounded to the North-West by Northwick Road. Along the northern and eastern boundaries of the site is a series of agricultural fields, the M4 Motorway is located 280m North and the South Wales main railway line runs 430m to the south of the site.
- 1.2 A full planning permission P20/21006/F was recently granted for the change of use of the land to provide a gypsy/traveller site containing two pitches. Each pitch comprising a touring caravan, a mobile home and a Day Room with installation of associated hard-standing, with the pitches being accessed from a single shared access off Bank Rd. The consent is in the process of being implemented.
- 1.3 This current application relates to the south-eastern pitch only i.e. Pitch 2 and seeks to revise the access arrangements, so that each pitch would have its own individual access. The previously approved access would serve Pitch 1 with the new access serving Pitch 2. It is also proposed to revise the layout of Pitch 2 whereby the touring caravan would be re-located to the western corner of the site; the Day Room to the northern part of the site and the mobile home to the eastern edge of the site. It is also proposed to construct a larger day room to that previously approved.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework (NPPF) July 2021
NPPF accompanying document Planning Policy for Traveller Sites (PPTS) August 2015
Ministerial Statement by the Rt. Hon. Brandon Lewis MP 2 July 2013.
National Planning Practice Guidance (NPPG) March 2014
- 2.2 Development Plans
South Gloucestershire Local Plan : Core Strategy (Adopted) Dec 2013
CS1 - High Quality Design

- CS4A - Presumption in Favour of Sustainable Development
- CS8 - Improving Accessibility
- CS9 - Managing the Environment and Heritage
- CS21 - Gypsy and Traveller Accommodation
- CS34 - Rural Areas

The South Gloucestershire Council : Policies, Sites and Places Plan (Adopted)
Nov. 2017

- PSP1 - Local Distinctiveness
- PSP2 - Landscape
- PSP7 - Development in the Green Belt
- PSP8 - Residential Amenity
- PSP11 - Transport Impact Assessments
- PSP16 - Parking Standards
- PSP17 - Heritage Assets and the Historic Environment
- PSP19 - Wider Biodiversity
- PSP20 - Flood Risk, Surface Water and Watercourse Management
- PSP21 - Environmental Pollution and Impacts

2.3 Supplementary Planning Guidance

The South Gloucestershire Design Check List SPD Adopted August 2007
 Development in the Green Belt SPD Adopted June 2007
 South Gloucestershire Landscape Character Assessment (SPD) (Revised and Proposed for Adoption Nov. 2014) - Site lies within LCA 20: Pilning Levels
 South Gloucestershire Council Residential Parking Standards Approved 2013.
 South Gloucestershire Council Waste Collection: guidance for new developments (SPD) Adopted Jan 2015
 South Gloucestershire Council - 'Gypsy and Traveller Accommodation Assessment (GTAA) 2017 Explanatory Note'

Relevant Case Law

- 2.4 Case law is clear that there is a duty on both the Local Planning Authority (LPA) and Secretary of State to treat the best interests of the child as a primary consideration, and that no other consideration is inherently more important (see AZ v SSCLG & South Gloucestershire Council [2012] and Collins v SSCLG [2013]).

3. RELEVANT PLANNING HISTORY

- 3.1 P20/21006/F - Change of use from agricultural to the stationing of 2 no. touring caravans and 2 no. mobile homes (Sui Generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) with the erection of 2 no. dayrooms and installation of hardstanding.
 Approved 11th Feb. 2021

The following relates to an adjacent site:

- 3.2 PT16/4188/F - Change of use of land to gypsy and traveller caravan site to facilitate the stationing of 1no. mobile home, 1no. touring caravan and erection of 1no. amenity unit and associated works.

Refused 15th July 2016 for reasons of inappropriate development in the Green Belt; no very special circumstances.

Appeal APP/P0119/W/16/3165761 allowed 9th August 2017 in the best interests of the child.

4. CONSULTATION RESPONSES

4.1 Pilning and Severn Beach Parish Council

Pilning & Severn Beach Parish Council objects to the application for the following reasons:

The application is changing the site from the one traveller site as originally granted to two separate and independent sites.

In doing so it changes the layout and types of buildings in the original consent whilst only explicitly applying for a change to the entrance.

This application includes the building of a new significantly large permanent day room which was not in the original consent (only a small utility room) and is not clearly identified in this application.

Highways

The two proposed entrances are close together and adjacent to the busy junction of Bank Road and Northwick Road, a second entrance will impact road safety.

Green belt

This is green belt land and the visual amenity of the green belt will be impaired by the new building and layout. A second access to the site is unacceptable with regard to green belt.

Current site

The existing site is non-compliant with the original planning application and approval and is in breach of conditions re the storage of materials and vehicles. Landscaping and tree planting have not been carried out as per the conditions of approval.

Parish wide issues

The parish already has in Bank Road towards the school a traveller's site with 17 caravans on it. There are two approved sites already on this field (one off Northwick Road and one of Bank Road). There is an illegal site in Northwick and another application has been made for a new site on the south side of Bank Road. The community already has more than its fair quota of traveller sites therefore no more should be approved.

Neighbourhood plan

Under the Pilning & Severn Beach Neighbourhood Plan, there is intention to build new housing in Pilning. New building in Pilning is constrained by the main railway line to the south and east and the A403 to the west. This site is close to the centre of the village and is under evaluation by Locality as one of a limited

number of sites for new housing development and is the only potential site which is not in Flood Zone 3.

This application for creating a separate traveller site will limit options for the Neighbourhood Plan and should not be considered until the outcome of the Neighbourhood Plan is established.

4.2 Other Consultees

Highway Structures

No response

Lead Local Flood Authority

No objection

Planning Policy

No response

Sustainable Transport - Transportation DC

There is no transportation objection to this proposal, subject to a condition requiring the first 6m to be hard surfaced and not draining onto the public highway.

The Landscape Officer Natural & Built Environment Team

No objection

Other Representations

4.3 Local Residents

1no. local resident has objected to the proposal. The concerns raised are summarised as follows:

- The site lies in the Green Belt.
- NPPF para. 149c advises that additions or extensions which are disproportionate to the original building are not acceptable.
- The proposed dayroom is over 5 times the area of the existing dayroom.
- The proposed development does not fall within the scope of the exceptions mentioned within the NPPF.
- The proposed development (dayroom) is designed as a dwelling/bungalow and it is clear that the intention is to use this as living/housing space in the future.
- The second access to the site is unnecessary, close to a bend and thus dangerous and potentially harmful to habitats and wildlife.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The acceptance in principle of the use of the site as a 2-pitch gypsy/traveller site was previously established with the grant of planning permission P20/21006/F. This current application maintains the status quo but merely proposes to introduce a separate access to Pitch 2 over land in the applicant's

- control. Other than that, the actual gypsy site would not be enlarged and no additional pitches would be created. The rest of the proposed development relates to the layout of Pitch 2 and the scale of the respective day room.
- 5.2 Notwithstanding the comments of the Parish Council, there is currently no adopted Neighbourhood Plan for Pilning. The site is a privately owned, authorised gypsy site and as such is protected under Core Strategy Policy CS21 and is not available for housing development. Whilst the future Neighbourhood Plan is still being considered, it currently carries no weight in the determination of this current application.
- 5.3 It was established under P20/21006/F that the site met the criteria listed under Policy CS21 for gypsy sites. However, in the case of proposals which come forward in the Green Belt, national policy is clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- Green Belt Issues**
- 5.4 The application site is located within the Bristol and Bath Green Belt. Policy CS5 and CS34 of the Core Strategy and policy PSP7 of the Policies, Sites and Places Plan support the protection of the Green Belt from inappropriate development. The NPPF attaches great importance to the Green Belt – with the fundamental aim of preventing urban sprawl and keeping land open in nature. In order to achieve this, there is a general presumption against inappropriate development in the Green Belt. Any type of development in the Green Belt is considered inappropriate, unless it falls into a predefined exception category or very special circumstances override the presumption against inappropriate development. Very special circumstances will not be found unless the harm to Green Belt and any other harm is clearly outweighed by the benefits of the proposal.
- 5.5 It was acknowledged under P20/21006/F that the provision of a gypsy/traveller site is not listed as an exception category for development in either Paragraph 145 or 146 (now 149 & 150) of the NPPF. As such, the development was considered to be an inappropriate form of development in the Green Belt. The development was therefore, by definition, harmful to the Green Belt and could not be approved except in very special circumstances.
- 5.6 The applicants duly demonstrated that very special circumstances did exist to overcome the harm by reason of inappropriateness and any other harm. The very special circumstances related to *inter alia* the unmet need for gypsy sites in South Gloucestershire, the lack of a 5-year land supply of deliverable sites, the personal circumstances of the applicant and his family and most importantly, the best interests of the children. The planning permission granted was made personal to the occupants of the respective pitches and their resident dependants.
- 5.7 The fundamental aim of the Green Belt is to prevent urban sprawl and keep land permanently open. Openness has both visual and spatial qualities.

Spatial Impact on the Openness of the Green Belt

- 5.8 There are three elements to the proposal, these being:
- The relocation of the mobile home and touring caravan on Pitch 2.
 - The introduction of a separate access to Pitch 2.
 - The re-location and enlargement of the Day Room on Pitch 2.
- 5.9 In terms of the spatial impact, the re-located mobile home and touring caravan would have no additional impact, given that they are already located within the confines of the originally approved site. Furthermore, the additional access would have no spatial impact as such, but the enlarged Day Room clearly would.
- 5.10 The originally approved Day Room was little more than a utility block measuring 4.8m long x 3.414m wide and being 3.8m to roof ridge and 2.5m to eaves. The proposed enlarged Day Room would measure 12.0m long x 7.0m wide and being 4.3m to roof ridge and 2.2m to eaves. Clearly what is now proposed is considerably larger and as such would have a greater spatial impact on the openness of the Green Belt.
- 5.11 It is noted that in NPPF para.149 one of the exceptions listed is:
- 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.
- 5.12 As a general rule, an addition of up to 30% of the volume of the original building is acceptable. In this case however the 'original building' has not yet been constructed and in any case the increased volume would be considerably more than 30% i.e. in the region of five times that of the originally approved utility block. Your officer therefore concludes that there would be a spatial harm to the openness of the Green Belt and that the scheme is inappropriate within the Green Belt.

Visual Impact on the Openness of the Green Belt

- 5.13 In terms of visual impact, the additional access would to some extent be an additional encroachment into the open countryside but not significantly so.
- 5.14 The re-located mobile home and touring caravan would not have any additional visual impact over and above that of the original permission.
- 5.15 The proposed Day Room, would be more visible due to its increased size but not significantly so given its location within the confines of the originally approved gypsy site.
- 5.16 The site itself is for most part enclosed by field hedgerow boundaries, although a number of these are unmanaged and in a poor condition with significant invasion by bramble, including the road frontage hedge. Additional landscaping secured by condition under P20/21006/F will however provide enhanced screening. In terms of actual harm, the proposals would be visible from the adjoining section of the Northwick Road and Bank Road, with possible glimpses from a public footpath route lying further east.

- 5.17 Whilst of a limited nature, there would also be some additional visual harm to the openness of the Green Belt.
- 5.18 The enlarged Day Room and new access would be contrary to one of the purposes of including land in the Green Belt as they would represent additional encroachment into the countryside. The contained nature of the site however, would limit this to causing limited harm. Nevertheless, the Framework states that substantial weight should be given to any harm to the Green Belt.

The Extent of Any Other Harm

Impact on the Character and Appearance of the Area and the Open Countryside

- 5.19 It was established under P20/21006/F that the site lies in the open countryside but is not 'away' from the existing settlement, lying in very close proximity to Pilning and its services. Notwithstanding the existing gypsy/traveller sites in Bank Road and Northwick Rd., it was considered that the small size and limited occupancy of the development would not dominate the community of Pilning generally. This remains the case for the current proposal as no additional occupants would result as a consequence of the proposal.
- 5.20 The Council's Landscape Architect noted that the original proposals would be visible from the adjoining section of the B4055 Northwick Road and Bank Road, with possible glimpses from the public footpath route lying further east. There would be a discernible, but not substantial, visual impact on the openness of the Green Belt. Any visual harm caused initially due to the open frontage would be mitigated by appropriate landscaping secured by condition (see DOC21/00151/F). The landscape is not a 'valued' one as referred to in the Framework and having regard to the acceptability of a countryside location close to facilities in both the Framework and in Policy CS21, the weight to be afforded the visual effect of the proposal was considered to be limited. This concurred with the Inspector's view regarding the development on the adjoining site.
- 5.21 Even allowing for the increased scale of the proposed Day Room, given the single-storey and enclosed nature of the development as a whole, there would be only limited impact on the character and appearance of the area.

Transportation Issues

- 5.22 The site lies within easy reach of services, being adjacent to the village of Pilning, the proposal is therefore not remote and is considered to be sustainable from a transportation viewpoint. The Council's Transportation Officer raises no objection to the additional access subject to a condition to ensure that the access is hard surfaced (bound material) into the site for a minimum distance of 6 metres. There would be adequate parking provision to serve the development. The numbers of vehicles and occupiers would be limited. The cumulative impacts of the proposal on highway safety would not be severe and as such, there are no objections on transportation grounds.

Impact on Residential Amenity

- 5.23 The nearest residential properties i.e. Fairfield House and Turville, lie to the North-West on the opposite side of Northwick Road. They are far more divorced from the application site than the existing gypsy site allowed on appeal under PT16/4188/F; the application site in fact lies opposite a telephone exchange and is also beyond the elevated junction of Brook Road and Northwick Road.
- 5.24 In his appeal decision letter for PT16/4188/F the Inspector noted that buildings for agriculture or forestry would not be inappropriate in this Green Belt location. The Inspector also noted that both properties, Fairfield House and Turville, had limited outward views and in any case loss of view is not a material consideration in the determination of planning applications.
- 5.25 There would be no additional impact on residential amenity to result from overbearing impact, loss of light or loss of privacy from overlooking; adequate amenity space would be retained to serve the proposal. Officers therefore conclude that the scheme would not unacceptably prejudice the amenities of existing and new neighbouring residential occupiers.

Environmental Issues

- 5.26 Foul disposal is proposed to a Package Treatment Plant and surface runoff to an existing watercourse. Due to the elevated nature of the land in this location, the application site lies within Flood Zone 1. Due however to the proximity of Flood Zone 3, a Flood Emergency Plan (FEM), was secured by condition under P20/21006/F (see DOC21/00151).
- 5.27 The site has not been undermined for coal and is not subject to excessive levels of noise, dust or smell. It has however been alleged that there are substantial depths of made ground at this site, caused by an historical use as a tip. In order to ensure that the site is suitable for its proposed use and in accordance with The National Planning Policy Framework, the Council's Environmental Protection Officer recommended a condition to secure site investigations for the presence of contamination and measures in mitigation, should any be found. The condition has been partly discharged under DOC21/00151.
- 5.28 As is normally the case with gypsy sites and In order to allay local resident concerns, the original permission P20/21006/F was subject to a raft of conditions to control *inter alia*, commercial activities, outside storage and the parking of commercial vehicles and the number of caravans.

Ecological Issues

- 5.29 An Ecological Appraisal (Quantock, December 2020) was submitted with the original application P20/21006/F. The Council's Ecologist was satisfied that no further surveys were required, and there were no objections on ecological grounds. Ecological mitigation and enhancements were secured by way of conditions (see DOC21/00151).

Other Matters

Personal Circumstances and Justification for the Proposed Development

- 5.30 In support of this application, letters have been received from both the applicant's NHS Health Visitor and from the Manager of the Council's Corporate Traveller Unit. Both documents contain sensitive information about the applicant Bernard McDonagh, his partner Annie Mongan and there 8no. children (since the approval of P20/21006/F one of the daughters has given birth, now making 9no. children two of which are infants). As such, these documents are not in the public realm, however copies can be provided to Members upon request to the Planning Case Officer or Planning Manager.
- 5.31 Clearly the Day Room as originally approved is too small for a family of this size and this has had implications for the health of the family. The NHS Health Visitor states that it would be beneficial for the family to have a space where they can all come together for meals, social opportunities, and to communicate and support one another as a family unit. Annie also reports that she would like to use the space to enable home schooling of her older children which will therefore benefit the children's educational attainment greatly. It will also provide a space where the children can play together, discuss their days and have positive family interactions as a large cohesive family unit. For mealtimes, Annie reports that having the larger kitchen / dining space will make life easier as she will be able to cook one meal and everyone can eat at the same time together, as opposed to multiple mealtimes spread across the evening.
- 5.32 The applicants wish to employ a home tutor in order to educate the children, whilst still being committed to their culture. A Day Room offering 2 studies would alleviate the issues they are currently experiencing, where the children are unable to learn/concentrate due to the general use of the building.

Green Belt and Planning Balance

- 5.33 The use of the site as a Gypsy/Traveller site for the applicant and his family is not in question here, all that needs to be considered is the impact that the revised access, layout and enlarged Day Room would have.
- 5.34 It is acknowledged that the Day Room would result in some spatial harm to the openness of the Green Belt but this would not be substantial. The revised site layout and access would have only minimal harm. There is no other harm. Nevertheless, substantial weight must be given to any harm to the Green Belt and the PPTS requires that greater protection is given to the Green Belt.
- 5.35 The PPTS states that subject to the best interests of the child, personal circumstances and unmet need, are unlikely to clearly outweigh the harm to the Green Belt and any other harm. However, in a very recent appeal decision (APP/P0119/W/21/3289677 - Land at Bristol Road) which related to an existing Gypsy Site, the Inspector at para. 27 of his Decision Letter stated:

"The undisputed need for further sites for Gypsies and Travellers nationally, regionally and sub-regionally attracts significant weight. In South Gloucestershire, the unmet need for sites, the absence of a five-year supply, the limited prospect of a meaningful remedy anytime soon, the persistent record of policy failure, and the immediate unavailability of suitable alternative sites each amount to considerations of substantial weight."

5.36 The Inspector also attributed significant weight to the personal circumstances of the appellant's family, specifically the benefits of a settled base for the children present on the site, with particular reference to their educational needs.

5.37 In concluding at para.32 the Inspector stated:

"I have balanced the harm to the Green Belt including the loss of openness against these considerations. In doing so I recognise that the PPTS states that subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh the harm to the Green Belt and any other harm so as to establish very special circumstances. But the word unlikely does not mean never, and it is also common ground that it is not always necessary to rely on personal circumstances when granting permission in the Green Belt."

5.38 In this current case it is quite evident that the interests of the children would be best served by having a larger Day Room as proposed. This combined with the considerations of need etc. are considered to clearly outweigh any harm to the Green Belt and as such the very special circumstances required have been demonstrated to justify the proposed development.

Consideration of likely impact on Equalities

5.39 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 considerations to be reflected into the design of policies and the delivery of services.

5.40 With regards to the above this planning application is considered to have a neutral impact on equality. Equalities have been given due consideration in the application of planning policy as discussed in this report.

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

7. **RECOMMENDATION**

7.1 That planning permission be GRANTED subject to the conditions listed below.

CONDITIONS

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

Reason

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

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

Existing Block Plan Drawing No. PL01 received 12th Dec. 2023

Existing Site Plan Drawing No. PL03 received 12th Dec. 2023

Proposed Plans and Elevations Drawing No. PL06 Rev B received 12th Dec. 2023

Proposed Block Plan Drawing No. PL02 Rev B received 5th April 2023

Proposed Site Plan Drawing No. PL04 Rev B received 5th April 2023

Site Location Plan Drawing No. PL05 Rev A received 5th April 2023

Reason:

To define the terms and extent of the permission.

3. Prior to its first use, the first 6 metres of the revised access to pitch 2 shall be surfaced in a bound and compacted material.

Reason:

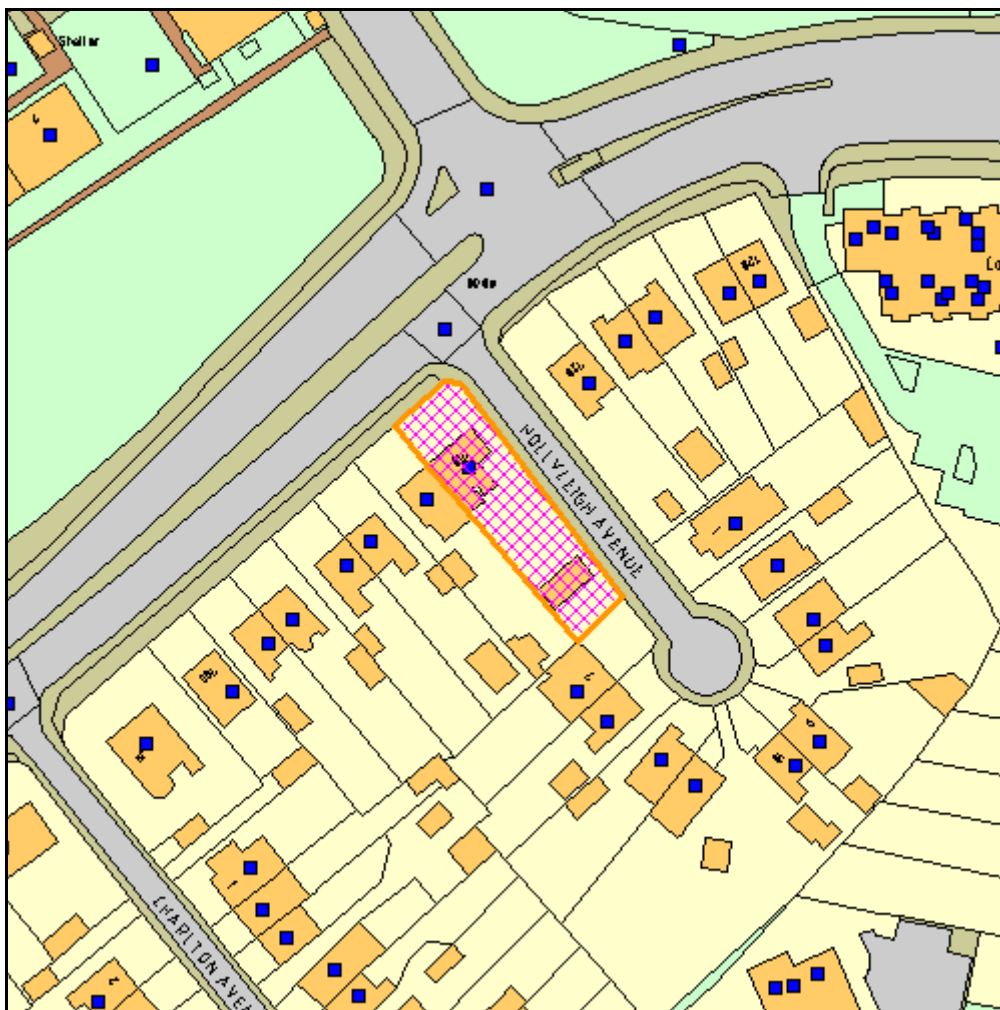
To prevent loose material, dust and debris being dragged onto the public highway, in the interests of public safety, in accordance with Policy PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (adopted November 2017).

Case Officer: Roger Hemming

Authorising Officer: Suzanne D'Arcy

CIRCULATED SCHEDULE NO. 14/22 -6th April 2023

App No.:	P22/07119/F	Applicant:	Mr Mike Fiebig South West Estates Management Ltd
Site:	718 Southmead Road Filton South Gloucestershire BS34 7QT	Date Reg:	29th December 2022
Proposal:	Demolition of garage. Erection of single storey 2no. bedroom/2no.person detached annexe to enlarge existing large House in Multiple Occupation (HMO) (Sui Generis) to an overall 10no. person HMO.	Parish:	Filton Town Council
Map Ref:	359932 178944	Ward:	Filton
Application Category:	Minor	Target Date:	19th April 2023



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100023410, 2008.

N.T.S.

P22/07119/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 CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule following the receipt of an objection from Filton Town Council and objections from more than 3no. (13no.) local residents; the concerns raised being contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 The application relates to no.718 Southmead Road, Filton, a semi-detached property that was formerly a dwelling house Class C3 but is now a large HMO (*sui generis*). The front garden comprises hardstanding with parking for two vehicles. The rear garden comprises lawn and patio, with a detached garage to the rear and a further parking space.
- 1.2 Works comprising the installation of an enlarged rear dormer, the erection of a two-storey side/rear extension and a single-storey rear extension have recently been completed (planning permission P22/02678/RVC), and, related to this, the Council granted planning permission for the change of use of the dwelling (C3) to an 8-bed, large house in multiple occupation HMO (*sui generis*) (ref: P22/04955/F). All building works have been signed off by Building Control and are now substantially complete.
- 1.3 In this current application it is proposed to demolish the existing rear garage and replace it with a single-storey annexe, comprising 2no. bedrooms, to increase the capacity of the property to a 10-bed HMO for up to 10no. persons. The occupants of the annexe would have full access to the main building, and the annexe would not be self-contained, and would not include cooking, utility room or communal living facilities.
- 1.4 The annexe would have the same floor area as the existing garage, although a small increase in footprint (from 35, to 39sqm) is required to achieve suitable levels of insulation. A dual-pitched roof building is proposed, measuring 2.4 metres to the eaves, and 4.27 metres to the ridge. A palette of render and tiles (to match the host dwelling) is proposed, with white uPvc fenestration. Windows are proposed to the front elevation only, facing towards the host dwelling.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework (NPPF) July 2021
National Planning Policy Guidance (NPPG)

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS4A Presumption in Favour of Sustainable Development

CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS15 Distribution of Housing
CS16 Housing Density
CS17 Housing Diversity
CS18 Affordable Housing
CS25 Communities of the North 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
PSP19 Wider Biodiversity
PSP20 Flood Risk, Surface Water, and Watercourse Management
PSP21 Environmental Pollution and Impacts
PSP38 Development within Existing Residential Curtilages, including Extensions and New Dwellings
PSP39 Residential Conversions, Subdivision, and HMOs
PSP43 Private Amenity Space Standards

2.3 Supplementary Planning Guidance

Trees on Development Sites SPG (Adopted) Nov. 2005.
South Gloucestershire Design Checklist (Adopted) 2007)
South Gloucestershire SPD: Residential Parking Standards (Adopted) 2013
Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide SPD – (Adopted) March 2015
South Gloucestershire Council Waste Collection: guidance for new developments SPD (Adopted) Jan 2015
Householder Design Guide SPD Adopted March 2021
South Gloucestershire Council SPD : Houses in Multiple Occupation (Adopted) 4th Oct. 2021.
Green Infrastructure: Guidance for New Development SPD (adopted April 2021)
Trees and Development Sites: Guidance for New Development SPD (adopted April 2021)

3. RELEVANT PLANNING HISTORY

- 3.1 P20/21783/F - Installation of enlarged rear dormer, erection of two storey side/rear extension and single storey rear extension to provide additional living accommodation. Erection of two storey, detached building with external staircase to form garage and annexe ancillary to the main dwellinghouse.

Split decision: 29/01/2021

Part refusal: two storey detached building

Part approval: rear dormer, two storey side/rear extension and single storey rear extension.

- 3.2 P21/04083/F - Demolition of existing side garage and erection of two-storey side extension and single storey front and rear extensions to form additional living accommodation. Alterations to existing parking layout. Approved with conditions: 16/07/2021
- 3.3 P21/03067/NMA - Non-material amendment to planning permission P20/21783/F to increase the size of the single storey rear extension. Refused: 28/05/2021
- 3.4 P22/02678/RVC - Variation of condition 2 attached to permission P20/21783/F to alter the approved plans. Installation of enlarged rear dormer, erection of two-storey side/rear extension and single storey rear extension to provide additional living accommodation.
Approved with conditions: 05/07/2022
- 3.5 P22/04955/F - Change of use from 1no. dwellinghouse (Class C3) to a large 8 bedroom House in Multiple Occupation (HMO) for up to 8 people (Sui generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).
Approved 11th Nov. 2022

4. CONSULTATION RESPONSES

4.1 Filton Town Council

Object on the following grounds:

1. Overdevelopment - PSP states that a development should not have a negative impact on the local area, the concern of local residents to the impact of the overdevelopment of this property clearly shows the increase will be negative. No action has been taken by the developer to mitigate this.

2. Insufficient parking - The approval with conditions of the previous application on this site (P22/04955/F) clearly states:

"2. The off-street parking facilities (for all vehicles, including cycles) and access shown on the plan hereby approved shall be provided before the building is first occupied as an 8 person HMO, and thereafter retained for that purpose."

The un-dimensioned submission shows 2 parking spaces at the rear - one of these is existing and included in the previous application and is being double counted for this application.

The second space is not viable as the gap between the existing garage and hedgerow is circa 3 metres in width (two parking spaces require 2.4m x2 = 4.8m in width).

Loss of the hedgerow would only achieve circa 0.5m - still inadequate and a significant loss in biodiversity habitat.

Therefore the required 5 spaces are not demonstrated.

3. Loss of biodiversity - this property has already seen a devastation to the mature garden space, which has been destroyed by the building works.

- A loss of the front garden to hardstanding for parking (also increasing rainfall runoff and resultant negative impact to local flood risk).

- The further removal of green space with an additional parking space and proposed removal of the hedgerow that they neglect to show on the drawings,

- this further compounds the environmental detriment of this development - a loss of approx. 33% of the green space on this property! and not the net gain that policy requires.

This is in direct conflict with the SGC Environmental policy: Climate and Biodiversity Emergencies and associated planning policies (Household design guide SPD March 2021 - among others).

4. Insufficient internal amenity space - the covering letter is at pains to stress these are not self-contained units - unfortunately the existing internal amenity space (kitchen and living room) is already undersized for similar properties in the area (conflicting with householder design guide to be "in-keeping"). The addition of two further bedrooms and their residents increases the loading by 25% leaving this undersized to cater for 10 persons especially at peak times.

5. Sewerage and water supply. These houses were designed as family properties (e.g 4 persons) this proposal seeks to increase this to 250% - 2.5 times the design loading of the sewer network, no survey has been undertaken to ensure that the pipework can cope with this loading or contact with Wessex Water to check. Similarly the extra bathrooms will reduce water pressure capacity for the surrounding area, which the ageing pipework infrastructure may not be able to handle.

These points highlight that this property cannot cope with the additional capacity of this annex

4.2 Other Consultees

Highway Structures

No response

Lead Local Flood Authority

No objection

Sustainable Transport - Transportation DC

Associated with this planning application are 5 car parking spaces, 1 of which is within a garage with 2 located at the front of the property and 2 to the rear of the property. This complies with policy in relation to the number of car parking spaces for a 10 bed HMO. Added to this there is a new cycle store proposed that is indicatively capable of providing parking for 10 cycles, although no details of the actual cycle store are proposed I am happy for this element to be conditioned in the event that additional details are not forthcoming.

Subject to provision of EVCP for all the car parking areas then there is no transportation objection to this proposal.

Details of the cycle store and a revised plan showing the rear car parking spaces dimensioned, was subsequently submitted.

Other Representations

4.3 Local Residents

Objections have been received from 13no. local residents. The concerns raised are summarised as follows:

- Overdevelopment.
- Negative impact on local area.
- Insufficient parking provision.
- Loss of bio-diversity.
- Insufficient internal amenity space.
- Insufficient sewer and water infra-structure.
- Similar application P20/21783/F previously refused.
- Design not in-keeping.
- Unclear Site Plan.
- Would be overlooked from no.2 Hollyleigh Av.
- Adverse impact on boundary wall and hedge of no.2 Hollyleigh Av.
- Insufficient external amenity space.
- Increased air pollution.
- Insufficient waste storage.
- Increased noise and anti-social behaviour.
- Could be as many as 20 occupants.
- Increased traffic on narrow cul-de-sac.
- Loss of garden.
- Facilities cannot be accessed internally.
- Prevent access for emergency vehicles.
- Small HMO already in cul-de-sac.
- Buses are not as frequent as stated.
- Filton Town Centre is 1000m away.

5. ANALYSIS OF PROPOSAL

Principle of Development

- 5.1 This application stands to be assessed predominantly against policy PSP39 of the Policies, Sites and Places Plan (adopted November 2013). PSP39 is the Council's principle policy covering the creation of HMO's. For clarity, a C3 dwellinghouse can be converted to an HMO for up to 6 people under permitted development rights (unless there is an Article 4 Direction) and PSP39 covers 'larger HMOs' which do not fall under any use class and are '*Sui Generis*', which translates to 'of their own kind'.
- 5.2 PSP39 permits HMOs where they do not impact on the character and amenities of the area in which they are located; do not prejudice the amenity of neighbours; provide adequate amenity space; provide refuse storage and servicing and; provide parking in accordance with parking standards. Planning permission P22/04955/F previously established the acceptance in principle of the use of this property as an 8no bedroom HMO for up to 8no. persons. The current application merely seeks to intensify the authorised use of the property as a large HMO by providing 2no. additional bedrooms to accommodate up to 2no. additional people i.e. 1no per bedroom. The logical approach in this case is therefore to deliberate on the addition of 2 additional rooms in the proposed annexe, taking in to account the cumulative impact.

Houses in Multiple Occupation SPD

- 5.3 The SPD relates to the conversion of C3 residential dwellings, rather than the intensification of existing HMOs. In respect of the sandwiching assessment, there are no HMOs in the immediate vicinity (the situation remains unchanged since the previous approval for the 8 bedroom HMO).
- 5.4 With regards to additional explanatory guidance 2 there is 1 existing licensed HMO property within the 100m radius, out of a total of 82 dwellings, this amounts to 2.3% when no. 718 is licensed as a large HMO, which is significantly below the 20% threshold.
- 5.5 The site falls within Census Output Area (COA) Filton E00075310. The COA contains 165 dwellings (2011 Census figures), resulting in a 10% threshold of 16.5. Currently there are 6 licensed HMOs in the COA (3.6%), indicating that the area is below HMO capacity. Once the current site is licensed (as per the extant consent currently being implemented), this figure will increase to 4.2%, which will still be below the 10% threshold. In any event, these figures have been included for background information as the SPD relates to the conversion of C3 residential dwellings, rather than the intensification of existing HMOs.

Can a detached outbuilding be part of the HMO accommodation?

- 5.6 Before assessing whether or not the proposed 10no bedroom HMO is acceptable, it would be prudent to establish the acceptability or otherwise of using a detached outbuilding as part of the HMO. The use of a detached annexe within the curtilage of the main building, as part of the HMO, is a slightly unusual arrangement. A similar arrangement was however approved under P20/07642/F (495 Filton Av.) and subsequently under an appeal in relation to P21/07108/F (12 Fifth Av). Generally, an HMO contains all the living accommodation and bedrooms within the main building. However, the SGC standards for licensable HMOs do make provisions for what it refers to as 'bedsit accommodation', which it defines as accommodation occupied by person(s) living independently as others in the HMO. 'Unit of living accommodation' is defined under the same document as part of the HMO occupied by a single household, this includes (inter alia), bedsitting rooms. Therefore, whilst licensing is outside the remit of the planning system, it is of note that the Council's private sector housing officers have no objection to the use of the garage as part of the HMO, which is confirmed in the relevant HMO licensing detail.
- 5.7 A *sui generis* use could cover a specialist accommodation type, such as a larger HMO utilising a detached outbuilding. Whilst the outbuilding could be used independently day-to-day, it would remain part of the same planning unit as the main building in that it would be licensed as part of the same address and more crucially, would share amenity space, parking, refuse facilities, main kitchen, utility room and communal space inside the main building. This assessment is particularly relevant to objections which have described the proposal as a 'new dwelling', which it isn't and is instead part of the HMO site. Any attempt to sub-divide the planning unit would require its own planning permission and doing so without, would be in breach of planning control and leave the applicant open to enforcement action. Following the above, it is concluded that the outbuilding could reasonably form part of the HMO. As such,

it now stands to be assessed against the usual criteria for such a development.

Amenities and character of the area

- 5.8 In terms of character of the area, the proposal relates to a specialist type of residential accommodation, an HMO, in an established and mature residential location. The North Fringe of Bristol Urban Area is a location which contains both a University (UWE) and multiple large employment sites (MOD, Airbus, Rolls Royce, etc.) and as such, it is not unreasonable to expect a demand for accommodation for single occupiers. In a residential area such as this it is generally expected to find a variety of housing types and the addition of 2 bedrooms to the existing *sui generis* HMO would have little if any impact on the character of the area overall.
- 5.9 Policy CS1 requires development to respect the character of the site and its context. Policy PSP38 relates to extensions and new buildings within existing residential curtilages. It states that development will be acceptable where it respects the appearance of the street and surrounding area, preserves residential amenity, does not prejudice highway safety, nor private amenity space.
- 5.10 The roof of the outbuilding would be visible from the street i.e. Hollyleigh Avenue, above the boundary treatment, however, it would replace an existing garage of similar scale and be domestic in appearance, and therefore raises no issues with regards to the streetscene. The building has been designed to be in-keeping with the host dwelling. There are outbuildings of similar proportions in the locality, including at 8 Hollyleigh Avenue, where the Council approved a 60sqm, 4-metre-high garage in 2016 (ref: PT16/5031/F). Whilst this garage is in the rear garden, it is nevertheless visible from the street.
- 5.11 PSP39 does not itself go in to detail regarding amenities and should be read alongside PSP8, the Council's principle policy covering residential amenity. PSP8 permits development where it does not prejudice the amenities of or create unacceptable living conditions for both neighbours and occupiers of the development. Unacceptable impacts include (but are not limited to) loss of privacy/overlooking; overbearing/dominant impacts; loss of light/outlook and; noise or disturbance.
- 5.12 The proposal primarily concerns the replacement of the existing detached single-storey garage, to the rear of the property, with a single-storey annexe of similar scale and on much the same foot-print as the existing garage. Issues of overbearing impact and loss of light/outlook are not considered to be impacts that will arise in respect to neighbours. However, with occupants living in the building as part of the HMO, other issues (privacy and noise) need to be considered.
- 5.13 In terms of noise, the building is detached, with windows in one elevation only, facing the host dwelling. The replacement building would be single-storey only and appropriately scaled, similar to the garage building it would replace. The site is well enclosed by high fences, walls and the hedge to the south-east. Officers do not consider that 2 additional occupants as part of the HMO would present an unacceptable level of noise or disturbance, given that it would be a

residential use in an established residential setting, with suitable separation distances between neighbouring residential units. Issues of noise and anti-social behaviour, should they arise, could be dealt with through environmental protection legislation. In conclusion, the intensification of the use would not give rise to significant harm to the amenity of neighbours.

- 5.14 With regards to the outbuilding itself, it would be positioned to the rear of the site, adjacent to the boundary with 716 Southmead Road. It would lie 15 metres from the ground floor windows of no. 716 (existing conservatory) and 19 metres from first floor windows, and at this distance the roof (visible above the boundary fence) could not be considered overbearing. There would be no loss of privacy to no.716 due to overlooking and similarly, the separation distance to the upper floor windows at no.716 would ensure the amenity and privacy of future occupants of the annexe. The orientation of the annexe, with the narrowest elevation addressing the boundary, would ensure that there is no material change to the existing amenity to the rear of the garden at no.716. Any overlooking of the annexe from no.2 Hollyleigh Avenue would be from a very acute angle only.
- 5.15 Concern has also been raised by local residents in regard to the living standards of the future occupiers of the annexe, specifically due to the size of the rooms. The nationally described space standards offer a guide to what is acceptable, the proposal provides 10.53sq.m per room, which exceeds the required bedroom floor area of 7.5 square metres for a single room. In addition, all bedrooms would be provided with an en-suite and there would also be a communal kitchen/living area, 30.5 square metres in size in the main dwelling. This is a reasonable size for an HMO living arrangement. The room sizes and living conditions would also be the subject of the HMO licence, which would ensure that the internal space would not be detrimental to the living conditions of future occupants.

Amenity Space

- 5.16 Whilst there is no policy standard for HMO accommodation with regards to private amenity space, the PSP43 standard for a 1 bed flat of 5 square metres provides a suitable reference point and this should be provided per room. Officers consider this approach to be acceptable in this case. As the HMO would have 10 bedrooms, 50 square metres of amenity space would be required using this approach. Not including the ground area of the parking, bins or bike store, officers calculate that there is around 157sqm of usable rear garden, which is more than adequate for a 10- bed HMO.

Refuse storage and servicing

- 5.17 The refuse and recycling bins location, to the side of the main dwelling, were approved under the previous consent (P22/04955/F). These facilities are considered to be adequate to serve a 10-person HMO.

Parking and access

- 5.18 As per policy PSP16 an HMO should provide 0.5 spaces per bedroom, meaning 5no spaces should be provided for what would now become a 10 bedroom HMO for up to 10no. persons. The previously approved (P22/04955/F) scheme for an 8 bedroom HMO already benefits from 4no

parking spaces, with 1 space in the integral garage within the main dwelling, 2 spaces in the front garden and 1 space to the south-eastern side of the existing rear detached garage; the rear garage being used for cycle storage.

- 5.19 In the current proposal, the proposed replacement outbuilding would provide 2no. additional bedrooms, to be occupied by two additional persons in total i.e. 1 per room. This requires one additional car parking space i.e. $2 \times 0.5 = 1$, which would be provided next to the existing parking space to the south-east of the outbuilding/annexe, adjacent to the boundary with no.2 Hollyleigh Avenue. A revised block plan has been submitted clearly demonstrating that there is room for two parking spaces of 2.4m x 4.8m to be located to the south-east of the proposed outbuilding/annexe.
- 5.20 To compensate for the loss of the existing rear garage/bike store, cycle storage for 10 bicycles (one per bedroom) would be provided within a dedicated, secure store to be located the rear of the annex. Details of the cycle store have now been provided. The existing gated access points would be retained to Hollyleigh Avenue.
- 5.21 The site is within a highly sustainable location, within easy walking distance of Filton Town Centre. There are bus stops on both Southmead Road and Gloucester Road North, providing multiple, services into Bristol City Centre and to UWE and Cribbs Causeway. In addition, the site is conveniently located on the extensive Bristol Cycle Network.
- 5.22 The Council's Transportation Officer raises no objection to the proposed parking and access arrangements. Suitable conditions would ensure the provision, prior to the first occupation of the annexe, of the additional parking and cycle storage facilities and an EVCP for the additional parking space.
- 5.23 The case officer does sympathise with resident concerns regarding parking, particularly within Hollyleigh Avenue. However, in the absence of an objection from the Transportation Officer, there would be very little chance of sustaining and defending a refusal reason on highways grounds at an appeal. It should also be noted that the onus is on drivers to park in a lawful and safe manner. Any such concerns about parking would fall outside the remit of the planning system and would be a matter for the relevant enforcement agencies.

Landscape

- 5.24 The application relates to a residential back garden only. It is noted that a landscape scheme was secured under P22/04955/F and is yet to be implemented. The applicant has confirmed that the existing rear lawn would be retained as also would be the leylandii hedge and wall on the boundary with no.2 Hollyleigh Avenue. There are therefore no landscape objections.

Ecology

- 5.25 Concerns have been raised about the loss of garden space and wildlife habitat as a result, on this site. Those matters were however addressed under the previously approved scheme P22/04955/F. In the current scheme there would in fact be no further loss of habitat; the applicant's agent has confirmed that the rear lawn and leylandii hedge would be retained. There is no lawn to the south

of the existing rear garage, where the additional parking space would be located, as evidenced by the submitted photo available to view on the public website.

Environmental Issues

- 5.26 The site lies in Flood Zone 1 and is not prone to flooding. The location has not been undermined for coal. The site is in a residential area and is not exposed to excessive levels of noise, dust or vibration. The council's drainage engineer has raised no objection to the proposal.

Sustainability

- 5.27 Policy PSP6 requires development proposals to minimise end-user energy requirements over and above those required by the current building regulations, through energy reduction and efficiency measures, and to ensure the design and orientation of roofs will assist the potential siting and efficient operation of solar technology. The southeast facing roof-slope to the host dwelling and annexe could be utilised for solar technology in the future.

5.28 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.

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

Other Matters

- 5.30 - The previously refused application P20/21783/F related to a larger 2-storey outbuilding.
- The HMO would be restricted to 10 occupants only.
 - There has been no double counting of parking spaces.

Overall Planning Balance

- 5.31 The scheme would provide only two additional bedrooms to an existing large HMO. This is considered to be a relatively small intensification of the already approved use of the property.
- 5.32 The proposal would provide affordable accommodation for individuals in a highly sustainable location where such accommodation is needed.
- 5.33 The scheme would provide a policy-compliant level of amenity space, car parking and cycle parking and refuse storage facilities. As such it would be in full compliance with local and national planning policy. The proposed

outbuilding would be domestic in appearance and would maintain the character and appearance of the area.

- 5.34 There is little or no adverse impact to result from the proposal. As such the public benefits clearly outweigh the limited harm and planning approval should be granted without delay.

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

7. RECOMMENDATION

- 7.1 That planning permission be GRANTED subject to the conditions listed below.

CONDITIONS

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

Reason

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

2. Prior to the first occupation of the outbuilding/annexe as part of the 10no bedroom HMO hereby approved; all off-street car parking and cycle storage as shown on the Proposed Block Plan Drawing No. 3946.PL3.02 Rev A received 15th March 2023, must be fully implemented and operable so as to ensure the provision of a total of 5no. off street car parking spaces and storage for 10 cycles to serve the HMO. These facilities shall be maintained and retained as such thereafter for their intended purpose of providing off-street parking and storage for vehicles and cycles respectively, as associated with the lawful use of the property known as 718 Southmead Rd as a 10 bedroom HMO.

Reason

In the interests of ensuring that the approved level of parking and cycle storage is provided for the 10 bedroom HMO and to comply with the requirements of Policies PSP16 and PSP11 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (adopted) November 2017 and the provisions of the National Planning Policy Framework.

3. Prior to the first occupation of the annexe hereby approved as part of the 10 bedroom HMO; 1no. electric vehicle charging point with a minimum capacity of 7 Kw 32 amp shall be provided for the additional parking space provided as indicated on the

Proposed Block Plan Drawing No. 3946.PL3.02 Rev A received 15th March 2023 .
The EVCP so provided shall be retained and maintained as such thereafter.

Reason

To promote sustainable travel and to accord with Policy CS8 of the South Gloucestershire Local Plan ; Core Strategy (Adopted) Dec. 2013

4. The hours of working on site during the period of demolition and construction, shall be restricted to 07.30hrs to 18.00hrs Mon to Fri; and 08.00hrs to 13.00hrs Sat, and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policies PSP8 and PSP21 of The South Gloucestershire Local Plan : Policies Sites and Places Plan (Adopted) 8th Nov. 2017

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

Site Location Plan Drawing No. 3946.PL03.01 received 22nd Dec. 2022

Existing and Proposed Plans and Elevations Drawing No. 3946.PL03.03 Rev A received 22nd Dec. 2022

Existing House Plans Drawing No. 3946.PL03.04 received 22nd Dec. 2022

Existing and Proposed Block Plans Drawing No. 3946.PL03.02 Rev A received 15th March 2023

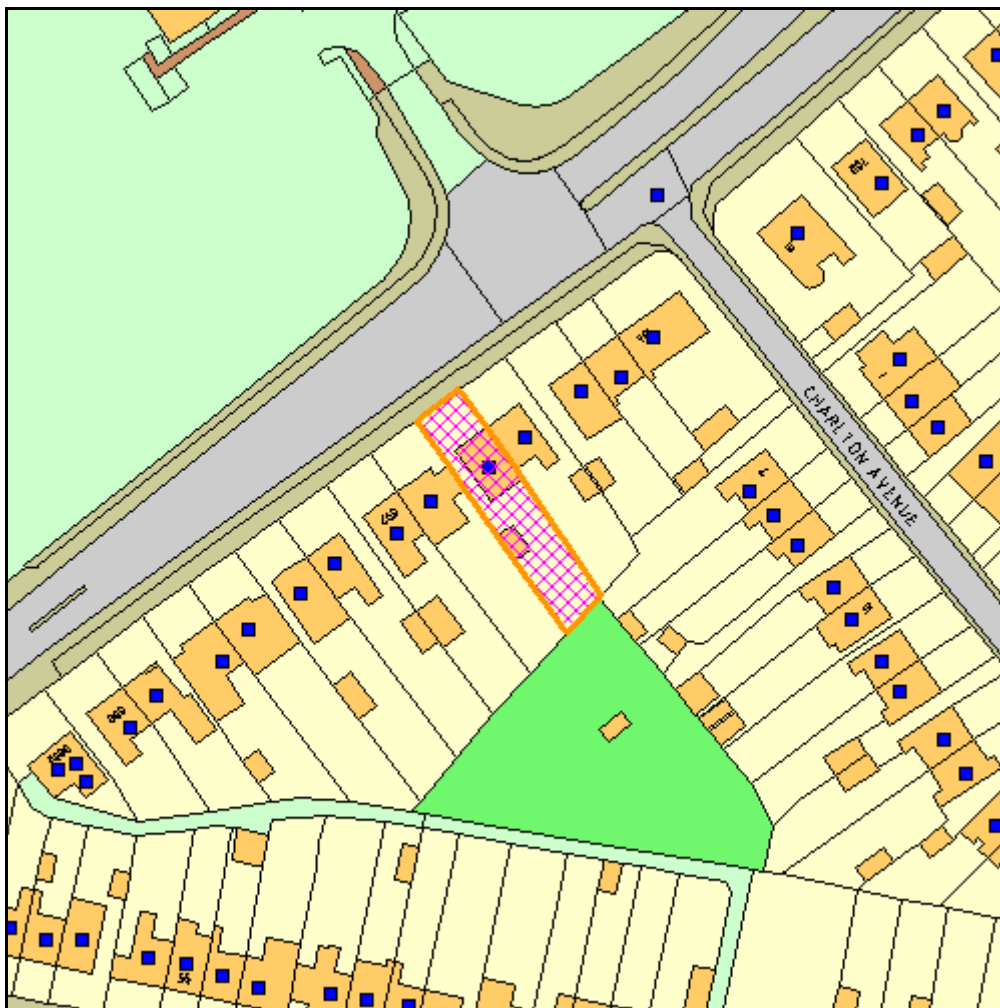
Reason

For the avoidance of doubt.

Case Officer: Roger Hemming
Authorising Officer: Helen Ainsley

CIRCULATED SCHEDULE NO. 14/22 -6th April 2023

App No.:	P23/00558/HH	Applicant:	Mr P Karki
Site:	696 Southmead Road Filton South Gloucestershire BS34 7QT	Date Reg:	14th February 2023
Proposal:	Erection of single storey rear extension to form additional living accommodation. Erection of detached incidental outbuilding.	Parish:	Filton Town Council
Map Ref:	359828 178860	Ward:	Filton
Application Category:	Householder	Target Date:	7th April 2023



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P23/00558/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.

REASON FOR REFERRING TO CIRCULATED SCHEDULE

The application appears on the circulated schedule as a response has been received from the town council which could be construed as an objection where the officer recommendation is for approval.

1. THE PROPOSAL

- 1.1 Planning permission is sought for the erection of a single storey rear extension and erection of a detached incidental outbuilding (a garden room).
- 1.2 The application site is a semi-detached dwelling within the North Fringe of Bristol Urban Area.
- 1.3 Of note in this instance is that a single storey rear extension has been approved on the site by virtue of P21/03955/F. A detached garden room in the same location as proposed has also been granted a certificate of lawfulness by virtue of P22/05622/CLP. The key difference between the previously approved extension and the currently proposed extension is the roof which is now proposed to be flat as opposed to pitched.

2. POLICY CONTEXT

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS25	Communities of the North Fringe of Bristol
CS29	Communities of the East Fringe of Bristol

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

PSP1	Local Distinctiveness
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP20	Flood Risk, Surface Water, and Watercourse Management
PSP38	Development within Existing Residential Curtilages
PSP43	Private Amenity Space Standards

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

3. RELEVANT PLANNING HISTORY

- 3.1 P22/05622/CLP (approved 20/10/2022):
Erection of 1 no. incidental outbuilding.
- 3.2 P21/03955/F (approved 25/11/2021):
Erection of a single storey rear extension to form additional living accommodation.
- 3.3 PT10/3329/F (withdrawn 25/01/2011):
Alterations to roofline including insertion of window to side elevation and juliette balcony to rear elevation to facilitate loft conversion.
- 3.4 PT14/2333/F (approved 31/07/2014):
Erection of single storey rear and side extension to provide additional living accommodation
- 3.5 PT11/2149/CLP (approved 13/09/2011):
Application for certificate of lawfulness for the proposed alterations to roof and installation of rear dormer to facilitate loft conversion.

4. CONSULTATION RESPONSES

- 4.1 Filton Town Council
Objection:
- Extension shall not be occupied at any time other than for purposes ancillary to the main dwelling.
- Loss of biodiversity – request green roof be used on the extension at least but preferably on both builds.
- 4.2 Archaeology Officer
No comment.
- 4.3 Residents
No comments have been received

5. ANALYSIS OF PROPOSAL

- 5.1 The proposal seeks to erect a single storey rear extension and detached incidental garden room.
- 5.2 Principle Of Development
PSP38 of the South Gloucestershire Council Policies, Sites and Places Plan (adopted November 2017) permits development within existing residential curtilages (including extensions) in principle where they do not harm the

design, visual amenity and residential amenity of the locality or prejudice highway safety or the provision of adequate private amenity space. PSP38 is achieved through CS1 of the South Gloucestershire Council Core Strategy (adopted December 2013), which requires development to demonstrate the highest standards of design and site planning by demonstrating that siting, form, scale, height, massing, detailing colour and materials are informed by respect and enhance the character, distinctiveness and amenity of both the site and its context. Additional guidance on achieving good design for householder developments is set out in the Household Design Guide supplementary planning document (SPD), which was formally adopted in March 2021. The development is acceptable in principle, subject to the following detailed consideration.

5.3 Design and Visual Amenity

The host dwelling is a semi-detached two storey property with gabled off roof (originally hipped) and parking to the front. Elevations are comprised of roughcast render. The proposed extension would be single storey, to the rear, with a maximum depth of 5.3 metres. The height would be c.3.2 metres, and the roof would be flat. The proposed garden room would be to the rear of the garden with a ridge height of c.4 metres, height to the eaves of c.2.7 metres, length of c.6.5 metres and width of c.7.6 metres, with elevations clad with light grey Cedral weatherboard cladding.

5.4 The proposed extension is similar in design to that already approved but is slightly less deep and has a flat roof as opposed to pitched. Given that a larger extension has been found acceptable in design terms, there can be no objection to the current, smaller, extension in terms of scale. The key difference is the use of a flat roof which does not present any concerns given that flat roofs are used on the existing dwelling and are something of a common feature on neighbouring dwellings in terms of single storey extensions.

5.5 The proposed garden room would be a modest structure to the rear of the garden, of a design commensurate with its incidental use. There is accordingly no objection to this element which broadly follows that approved under P22/05622/CLP.

5.6 Residential Amenity

PSP8 permits development where it does not prejudice the residential amenity of both occupiers of the development and of neighbouring dwellings through the creation of unacceptable impacts. Such unacceptable impacts include loss of privacy, overlooking, loss of light, loss of outlook and overbearing/dominant impacts.

5.7 The single storey rear extension would not result in any overlooking or intervisibility issues. In terms of overbearing and overshadowing, the scale being less than what already has approval means that there stands to be no amenity concerns in terms of overbearing/overshadowing.

5.8 The garden room would be single storey and not liable to result in any overbearing, overlooking or overshadowing issues and given its incidental use, would not result in any noise or disturbance issues.

5.9 Parking and Transportation

PSP16 requires developments to provide levels of parking based upon the number of bedrooms at a dwelling. Where an increase is proposed, proposals should demonstrate that adequate off-street parking can be provided to accommodate increase in demand.

5.10 The development would not add any sleeping accommodation to the property and moreover, the host dwelling already benefits from 3no. Parking spaces, which is the maximum requirement under PSP16. There is therefore no objection in terms of parking.

5.11 Private Amenity Space

The property would continue to benefit from in excess of the PSP43 requirement for a 4+ bed dwelling and is therefore acceptable in this regard.

Impact on Equalities

5.12 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.

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

5.14 Other Matters

Loss of biodiversity and green roof – this is noted. The development would take place in a residential garden and is a type of development generally experienced in a suburban location within an established residential curtilage. Whilst a green roof would be acceptable, one is not proposed nor was one required as part of the previous approval and there is no policy basis on which to insist that one is incorporated.

A request is also noted that a condition is applied to limit the use of the extension to ancillary purposes only. This would not be necessary as the extension would form an integral part of the host dwelling. In terms of the garden room, by reason of scale and incidental nature, such a condition would not be necessary either and any use as an independent unit or subdivision of the host dwelling would require planning permission in its own right (and any such unauthorised use/development would be liable for enforcement action).

6. **CONCLUSION**

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

7. **RECOMMENDATION**

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

CONDITIONS

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

Reason

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

2. Development shall be implemented in accordance with the following plans:

D016 - block plan
D005 - existing elevations
D003 - existing first floor plan
D002 - existing ground floor plan
D004 - existing second floor plan
D006 - existing section plan
D001 - existing site plan
D010 - proposed elevations plans
D009 - proposed first floor plan
D008 - proposed ground floor plan
D013 - proposed outbuilding elevations plan
D012 - proposed outbuilding floor plan
D014 - proposed outbuilding section plan
D011 - proposed section
D007 - proposed site plan
D015 - site location plan
As received 10th February 2023

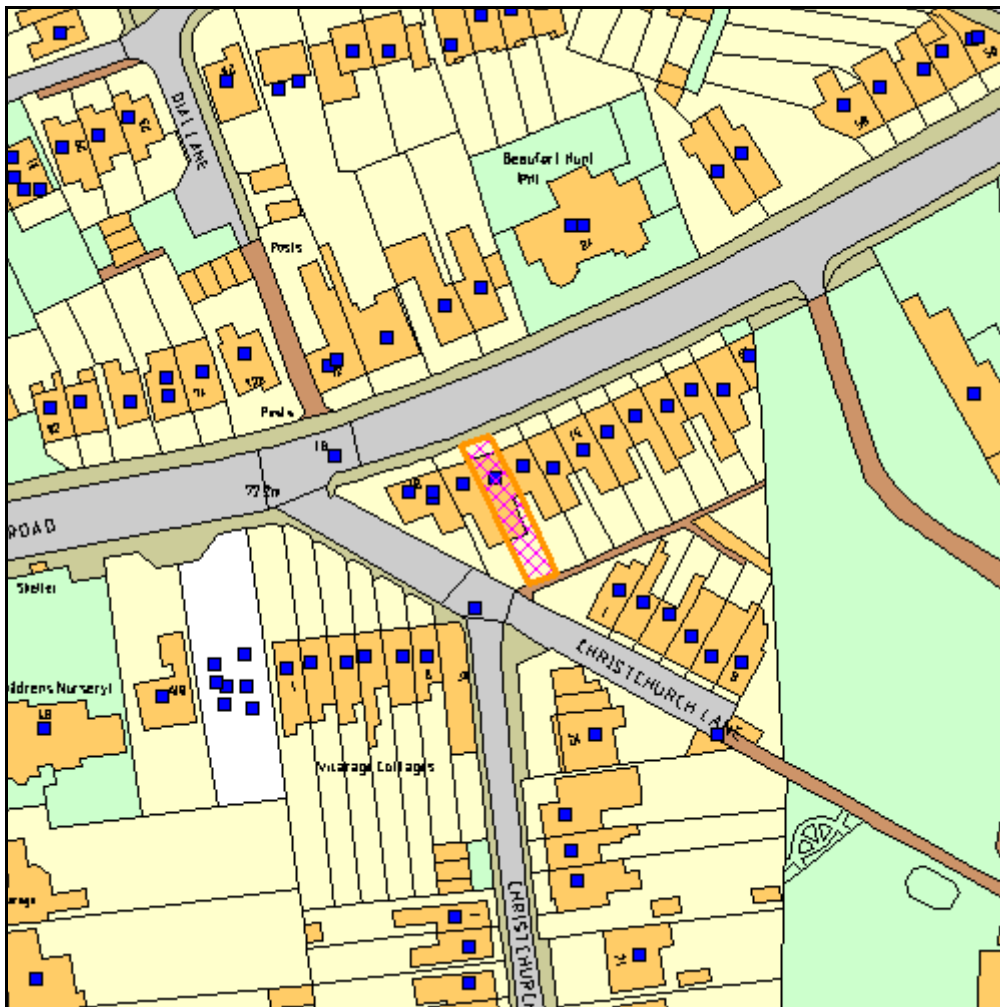
Reason

To define the exact terms of the permission.

Case Officer: Alex Hemming
Authorising Officer: Suzanne D'Arcy

CIRCULATED SCHEDULE NO. 14/23 -6th April 2023

App No.:	P23/00727/F	Applicant:	Innova Property
Site:	57 Downend Road Downend South Gloucestershire BS16 5UF	Date Reg:	24th February 2023
Proposal:	Change of use from a dwellinghouse (C3) to a large house in multiple occupation for up to 8 people (sui generis), including the installation of a rear dormer roof extension.	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	364856 176526	Ward:	Frenchay And Downend
Application Category:	Minor	Target Date:	18th April 2023



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P23/00727/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.

CIRCUALTED SCHEDULE

This report appears on the Circulated Schedule following objections contrary to Officer recommendation.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the Change of use from a dwellinghouse (C3) to a large house in multiple occupation for up to 8 people (sui generis), including the installation of a rear dormer roof extension.
- 1.2 The application site is 57 Downend Road, Downend, a two-storey Victorian mid-terraced villa. An application for a certificate of proposed lawfulness P23/00471/CLP was considered separately for change of use to a small HMO plus some exterior alterations.
- 1.3 During the course of this application a parking survey was requested and presented to the LPA.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework
National Planning Guidance

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS25	Communities of the North Fringe of Bristol

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

PSP1	Local Distinctiveness
PSP8	Residential Amenity
PSP10	Active Travel Routes
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP38	Development within Existing Residential Curtilages
PSP39	Residential Conversions, Subdivision, and HMOs

- 2.3 Supplementary Planning Guidance
South Gloucestershire Household Design Guide (Adopted) 2021
South Gloucestershire SPD: Residential Parking Standards (Adopted) 2013
Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide
SPD – (Adopted) March 2015
South Gloucestershire Council Waste Collection: guidance for new
developments SPD (Adopted) Jan 2015

3. **RELEVANT PLANNING HISTORY**

- 3.1 P23/00471/CLP Installation of L shaped rear dormer and 3no.
rooflights to front elevation to facilitate loft conversion. Change of use from a
dwellinghouse (Class C3) to small house in multiple occupation for up to 6
people (Class C4).
Approved 8.3.23

4. **CONSULTATION RESPONSES**

- 4.1 Filton Town Council
OBJECTION , as previously stated when we dealt with the CPL on 23 February
2023, on the following grounds:
- Over development
- No parking provided.

Statutory

- 4.2 DM Transport:
Original Comments: No parking provided onsite – contrary to PSP16. Evidence
of availability of on street parking during evenings and weekends is needed in
the first instance.

Updated comments:
Parking survey is accepted.
No objection subject to conditions

Other Representations

- 4.3 Local Residents

Two letters of objection have been received from local residents.
The comments are summarised as:

- Increasingly difficult to park outside own property
- Existing HMOs in the area often parking disrespectfully and causing difficulties for utilities to get by
- Frequently blocked in by other cars
- Overdevelopment – neighbours have had their loft dormer refused

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The proposal is within an existing urban area where residential development is encouraged under both local and national planning policies. The proposal is considered to be acceptable in principle, subject to other material considerations.

Houses in Multiple Occupation

5.2 The applicant seeks permission for the Change of use from a dwellinghouse (C3) to a large house in multiple occupation for up to 8 people (sui generis), including the installation of a rear dormer roof extension.

5.3 Policy PSP39 makes the following provisions :

Where planning permission is required for Houses in Multiple Occupation (HMOs), these will be acceptable, provided that they would

- 1) not impact on the character and amenities of the area within which they are located; and
- 2) not prejudice the amenity of neighbours; and
- 3) provide adequate amenity space; and
- 4) refuse storage and servicing; and
- 5) provide parking in accordance with the Council's parking standards

5.4 In addition, Policy PSP8 maintains that development proposals will only be acceptable provided that they do not 'have unacceptable impacts on residential amenity of occupiers of the development or of nearby properties'. Unacceptable impacts could result from noise or disturbance, amongst other factors, which could arise from HMOs functioning less like traditional single households on a day-to-day basis.

5.5 Prejudicing the amenity of neighbours can arise at a localised level when developments of such HMO uses are inappropriately located, or become concentrated, particularly at an individual street level.

5.6 The Houses in Multiple Occupation Supplementary Planning Document (SPD) (Adopted) 2021 has been produced for change of use applications for proposals from C3 to large HMOs. The SPD provides a way of using available data (licensed HMOs) to provide tangible and substantiated evidence regarding the concentration of HMOs and overall housing mix within the locality of the proposal. The SPD is a useful tool for considering whether the impact and housing mix would be acceptable.

5.7 As set out in Policy CS17, providing a wide variety of housing type and sizes to accommodate a range of different households, will be essential to supporting mixed communities in all localities.

5.8 Policy CS17 does not define what is meant by 'mixed communities' in all localities. Instead, it acknowledges that implementation of this policy, and PSP39, will be made on a case basis through the development management process. Therefore, the HMO SPD aims to acknowledge that some

intensification, if carried out sensitively, and where it would not adversely affect the character of an area, can contribute to the local mix and affordability of housing, viability of local services, vitality of local areas and contribute to the Council's housing delivery targets.

5.9 Sandwiching

A Supplementary Planning Guidance document on HMO's has been adopted which provided guidance on the consideration of applications for HMO's. The SPD provides a way of using available data (licensed HMOs) to provide tangible and substantiated evidence regarding the concentration of HMOs and overall housing mix within the locality of the proposal. Additional Explanatory Guidance 1 sets out that the following factors should be taken into account when determining if the proposal would prejudice the amenity of adjacent neighbours:

- Whether any dwelling house would be 'sandwiched' between two licensed HMOS, or,
- Result in three or more adjacent licensed HMO properties.

5.10 In the case of the current application site, the property would not be sandwiched between two licensed HMOs, or result in three or more adjacent licensed HMO properties in this road.

5.11 As there are localities which are already experiencing concentrations of HMOs, the SPD requires consideration of existing localities that are already experiencing levels of HMOs which harm the ability to support mixed communities and preventing impact on character and amenities, and applications which would result in a level of HMOs that could contribute towards harmful impacts.

5.12 Additional Explanatory Guidance 2 sets out that the following factors should be taken into account when determining if the proposal would contribute to harmful impacts in respect of a mixed community and the character and amenity of an area:

- An additional HMO in localities where licensed HMO properties already represent more than 10% of households, or,
- More than 20% of households within a 100m radius of the application property.

5.13 According to the Council's mapping system the Census output area for the site indicates an existing 1.5% licenced HMO capacity. There are 2 no. HMOs within a 100m radius of the property giving a total of 2.4% of households in the area.

5.14 The proposal is therefore acceptable in terms of the number of HMOs in the area.

Character and visual amenity

- 5.15 The application site is located within a residential area adjacent to a busy road in Downend. It is part of a terrace of houses with very small front gardens and no off-street parking. Rear gardens are also of a small size and a footpath runs along the rear boundaries of this terrace.
- 5.16 Under The Householder Design Guide SPD (Adopted March 2021), flat-roofed box dormers are not usually considered appropriate. It is acknowledged that while permitted development allowances have enabled flat roofed dormers to appear in great numbers across South Gloucestershire, they do not represent good design and do not comply with the requirements of the Council's design policies and so in most cases they are not acceptable forms of development. Had the scheme been assessed under adopted policy it would have been refused on design grounds.
- 5.17 However, the applicant has submitted a certificate of lawfulness for the alterations to the exterior of the dwelling and the change of use to a small HMO. Permitted development allows for many changes to properties without the need for planning permission meaning as long as the proposed development accords with the permitted development regulations, the owner can proceed. Prior to this the owner will have informed the LPA of their intention by means of a certificate of proposed lawfulness application whereby the LPA is merely required to check that the scheme accords with the permitted development regulations.
- 5.18 There is no consideration of planning merit, the application is based on the facts presented. The submission is not an application for planning permission and as such the Development Plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful, on the balance of probabilities, the Local Planning Authority must grant a certificate confirming that the proposed development is lawful.
- 5.19 Case law has shown that where the development proposed under such a certificate has a high probability of going ahead as the alternative to a full planning application then this is given significant weight in the determination of the full application.
- 5.20 In this instance the certificate has already been determined and shown to be in accordance with permitted development regulations. It is highly likely that the developer would proceed with the alterations to the property using permitted development rights (which would include the change of use from the existing dwelling to a small HMO).
- 5.21 Although Officers have concerns regarding the proposed rear dormer in terms of its overall design and appearance, because it complies with permitted development rights then no objection can be raised using adopted policies or supplementary planning policies such as the Householder Design Guide.

Residential amenity:

- 5.22 With regards to the proposed dormer given the position of the property in relation to the closest neighbours to the south there is unlikely to be any issues of overlooking or inter-visibility. The same can be said with regards to adjacent neighbours who would not experience any additional adverse impact over and above that already present from the rear windows of the property.
- 5.23 With regards to amenity space there is no policy that sets out the standard for HMOs. Given that HMOs would be occupied by individuals, it is therefore not unreasonable to apply the same standard of amenity space requirement as stipulated for a one bed flat. This requires 5sqm of private space. For 8 individuals, this equates to 40sqm of garden/amenity space. Plans show that this amount of space would not be achieved as the private usable outside space would only be around 25sqm.
- 5.24 Officers note that the covering letter submitted by the applicant states the amount of amenity space would be around 47sqm this is disingenuous as it has included the area where the large cycle shed (for 8 bikes) would be positioned and has included the 'corridor' leading from the back door into the yard. Pathways such as this are excluded from amenity space calculations as they are not capable of functioning as quality and usable amenity space – they are merely a means of getting from one area to another.
- 5.25 The amount of amenity space allocated to this proposed 8 bed HMO is therefore only 25sqm. This is unfortunate as it limits the use of the outside space for activities such as sitting in, hanging out washing or growing flowers/vegetables all of which activities promote healthy wellbeing for individuals. However, it must be noted that the house itself as a C3 use would have a smaller garden than required under policy PSP43. A 3 bed house requires 60sqm and so the house already falls short of what would be required of a family home. There is no opportunity for extending this amenity space and it is very similar to other properties along this terrace. For this reason it would be unreasonable to refuse the application.
- 5.26 Furthermore it is noted that the site is in a sustainable location where many shops are located and close to Downend Cricket Ground and other public outside recreational areas are nearby such as a footpath link to the Frome Valley walkway around 200 metres away and the King George V playing fields on Westerleigh Road about 700 metres away and for reason of provision of places to exercise, some weight is given in favour of the proposal.
- 5.27 On balance the proposal complies with amenity policy and can be supported.

Transport

- 5.28 The existing residential property has 3 bedrooms which is proposed to be extended and then be converted for use as an HMO property with 8-bedrooms.
- 5.29 According to Policy PSP16 (parking standards), the parking requirement for a 3- bed dwelling is for 2 car parking spaces. Parking standards for an HMO is based on 0.5 space per bedroom. An 8-bed HMO means a requirement of 4 spaces.

- 5.30 The site has no parking on site, resulting in a current under-provision of 2 spaces (based on a three1bedroom house). However, it is a material consideration that the Council has recently issued a certificate of lawfulness for the use of the house as a 6-bed small HMO (ref: P23/00471/CLP), which would require 3no. parking spaces. Based on this, there would be an increase in requirement of a single parking space.
- 5.31 The result of the survey (recently carried out and submitted by the applicant) demonstrates that there is sufficient on-street car parking capacity particularly given that the proposal only generates the need for one additional parking space over and above the current situation. The surveys were undertaken on Sunday 26th March morning and Monday 27th March in the evening. The result of the survey noted that within 200 metres from the application site that the available spaces (during the survey period) being between 39 and 46 spaces (average 43 spaces) on the weekend morning survey, and 56 spaces on the weekday evening survey. The Transportation officer is content with the findings.
- 5.32 Cycle parking will be provided in the form of 8 secure places, this is in compliance with the requirement set out in PSP16. A condition is recommended to ensure that cycle storage is provided prior to the first occupation of the building as a house in multiple occupation.
- 5.33 Waste/recycling is provided to accord with policy and the SPD. It will be provided at an appropriate location to the front of the property. A condition will be applied to ensure that this is provided prior to the first use of the building as a house in multiple occupation.
- 5.34 In summary, the evidence supplied indicates that the proposal would not result in significant harm being caused to the local highway network or highway safety.
- 5.35 The proposal therefore complies with transportation policies and is acceptable.
- 5.36 Impact on Equalities
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. As a result of that Act the public sector Equality Duty came into force. Among other things, the Equality Duty requires that public bodies to have due regard to the need to: eliminate discrimination; advance equality of opportunity; and, foster good relations between different groups when carrying out their activities.
- 5.37 Under the Equality Duty, public organisations must consider how they could positively contribute to the advancement of equality and good relations. This should be reflected in the policies of that organisation and the services it delivers.
- 5.38 The local planning authority is statutorily required to apply the Equality Duty to its decision taking. With regards to the Duty, the development contained within this planning application is considered to have neutral impact.

6. CONCLUSION

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

7. RECOMMENDATION

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

CONDITIONS

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

Reason

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

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

As received by the LPA on 21.2.23:

Location plan - PL01

Block plans - existing and proposed - PL2. 02

Combined existing plans - PL02.03

As received by the LPA on 6.3.23:

Proposed plans and elevations - PL02.04 A

Reason:

For the avoidance of doubt.

3. The cycle storage provisions as shown on the submitted and approved plans shall be provided prior to the first use as an 8 person HMO and retained for those purposes thereafter.

Reason

To encourage means of transportation other than the private car, to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

4. The refuse storage provisions, as shown on the submitted and approved plans shall be provided prior to the first use as an 8 person HMO and retained for those purposes thereafter.

Reason

In the interests of highway safety, and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, The South Gloucestershire SPD: Waste Collection: guidance for new developments (adopted) 2015 and the National Planning Policy Framework.

Case Officer: Anne Joseph

Authorising Officer: Helen Ainsley