

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: 36/23

Date to Members: 08/09/2023

Member's Deadline: 14/09/2023 (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 listed below a-f where a representation is received within the notification period which is contrary to the officers recommendation from the Parish or Town Council within whose boundary the proposal lies wholly or in part.

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

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

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

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

c. All applications for non-material amendments

d. All applications to discharge planning conditions

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

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

Additional guidance for Members

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

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

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

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

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

A template for referral is set out below:

Referral from Circulated Schedule to Development Management Committee

1. Application reference number:

2. Site Location:

3. Reasons for referral:

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

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

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

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

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

Date:

To be emailed to MemberReferral@southglos.gov.uk

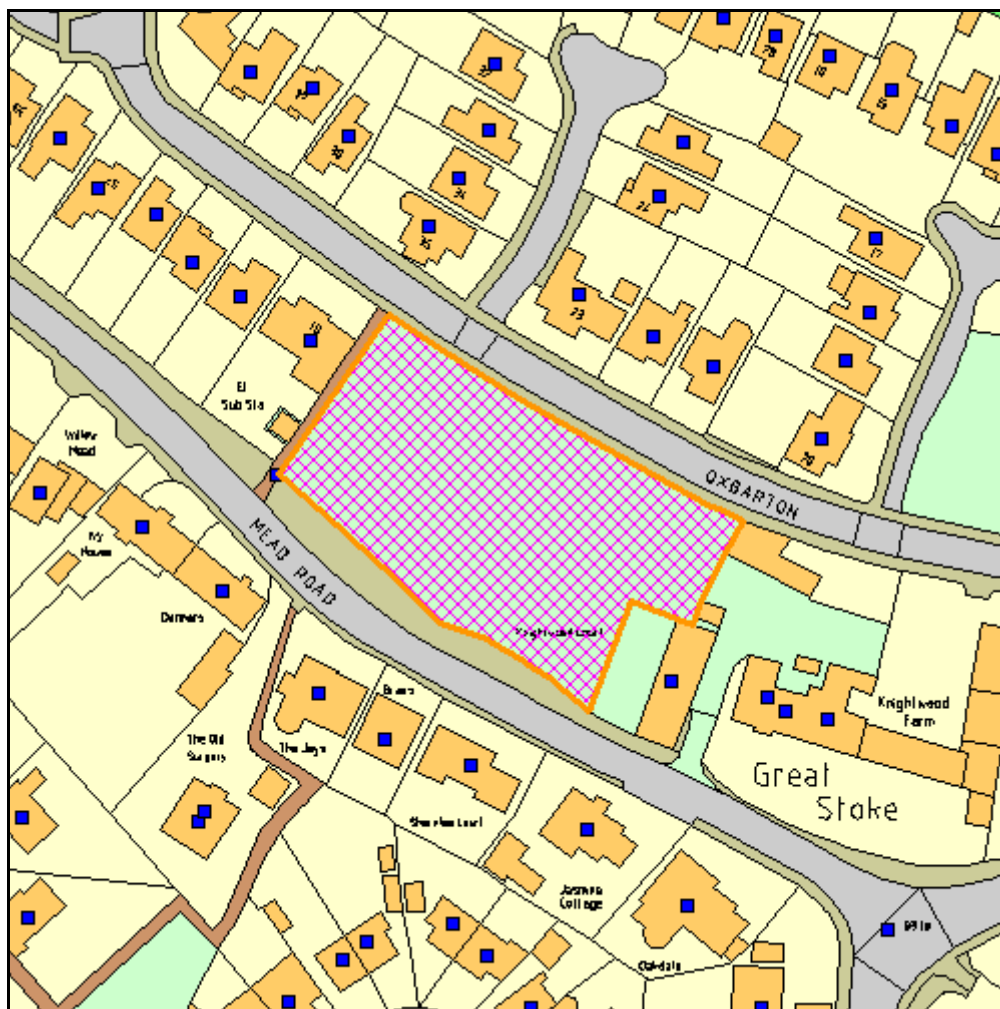
CIRCULATED SCHEDULE 08 September 2023

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ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	P22/03115/F	Approve with Conditions	Land Adjacent To Knightwood Farm The Orchard Mead Road Stoke Gifford South Gloucestershire BS34 8PS	Stoke Gifford	Stoke Gifford Parish Council
2	P23/00872/F	Approved Subject to Section 106	Land At Laurell Hill Cribbs Causeway Almondsbury South Gloucestershire BS10 7TU	Charlton And Cribbs	Almondsbury Parish Council
3	P23/01957/F	Approve with Conditions	104 Station Road Filton South Gloucestershire BS34 7JJ	Filton	Filton Town Council
4	P23/01970/RVC	Approve with Conditions	Land At Abbotsbury Harry Stoke Road Stoke Gifford South Gloucestershire BS34 8QH	Stoke Gifford	Stoke Gifford Parish Council
5	P23/02019/ADV	Advert Approve with Conditions	Land At Clayhill Drive Yate South Gloucestershire	Yate North	Yate Town Council
6	P23/02105/F	Approve with Conditions	Land To The Rear Of 5 St Marys Way Yate South Gloucestershire BS37 7AR	Yate Central	Yate Town Council
7	P23/02221/F	Approve with Conditions	Land At 27 Fouracre Avenue Downend South Gloucestershire BS16 6PD	Frenchay And Downend	Downend And Bromley Heath Parish Council

CIRCULATED SCHEDULE NO. 36/23 -08th September 2023

App No.:	P22/03115/F	Applicant:	DJPNR Newland Rennie
Site:	Land Adjacent To Knightwood Farm The Orchard Mead Road Stoke Gifford South Gloucestershire BS34 8PS	Date Reg:	16th June 2022
Proposal:	Erection of 6no. dwellings with landscaping, access, parking and associated works.	Parish:	Stoke Gifford Parish Council
Map Ref:	362505 180522	Ward:	Stoke Gifford
Application Category:	Minor	Target Date:	18th September 2023



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100023410, 2008.

N.T.S.

P22/03115/F

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

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

5no. objection comments have been received contrary to Officer recommendation.

1. THE PROPOSAL

- 1.1 Planning permission is sought for the erection of 6no. dwellings with landscaping, access, parking and associated works on Land adjacent to Knightwood Farm, The Orchard, Mead Road, Stoke Gifford, BS34 8PS.
- 1.2 The application site comprises an undeveloped plot of land in Stoke Gifford covering an area of approximately 2,400 square metres. The site sits in-between Oxbarton to the north and Mead Road to the south. Surrounding the site on all sides is late 20th century housing set out in long sweeping estates typical of the era. The centre north of the site is dominated by a large Walnut tree protected with a TPO. The locally listed buildings at Knightwood Farm sit to the east of the site. The site is located within the defined Bristol northern fringe settlement boundary.
- 1.3 During the course of the application revised plans were received to alter the proposed site layout and proposed external materials. Addition archaeological information was also received. A full re-consultation was carried out.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework July 2021

National Planning Practice Guidance

Planning (Listed Buildings and Conservation Areas) Act 1990

Planning (Listed Buildings and Conservation Areas) Regulations 1990 (as amended)

2.2 Development Plan

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

CS1 High Quality Design

CS4A Presumption in Favour of Sustainable Development

CS5 Location of Development

CS8 Improving Accessibility

CS9 Managing the Environment and Heritage

CS15 Distribution of Housing

CS16 Housing Density

CS17 Housing Diversity

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

PSP1 Local Distinctiveness

PSP3	Trees and Woodland
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water and Watercourse Management
PSP43	Private Amenity Space Standards

- 2.3 Supplementary Planning Guidance
 Design Checklist SPD (Adopted) August 2007
 Residential Parking Standard SPD (Adopted) December 2013
 Assessing Residential Amenity TAN (Endorsed) 2016
 Trees and Development Sites SPD (Adopted) April 2021

3. RELEVANT PLANNING HISTORY

- Application Site*
- 3.1 None
- Adjoining Site (Plot 1 Knightwood Farm)*
- 3.2 P23/01483/NMA
 Non Material Amendment to planning application P22/03630/F to make alterations to windows and doors.
 Approve Non Material Amendment (19/06/2023)
- 3.3 P22/03630/F
 Demolition of existing outbuildings. Erection of 1no. new self-build dwelling with associated works.
 Approve with Conditions (28/09/2022)

4. CONSULTATION RESPONSES

- 4.1 Stoke Gifford Parish Council
 No objection subject to the inclusion of a condition restricting working hours.
- 4.2 Archaeology Officer
 No objection subject to the inclusion of conditions.
- 4.3 Conservation Officer
 No comments, defer to Case Officer.
- 4.4 Ecology Officer
 No objection subject to the inclusion of conditions.
- 4.5 Flood and Water Management Team
 No objection subject to the inclusion of a condition.
- 4.6 Highway Structures
 No comment.

- 4.7 Landscape Officer
No objection subject to the inclusion of conditions.
- 4.8 Strategic Housing Enabling
An informative should be included with any consent.
- 4.9 Sustainable Transport Team
No objection subject to the inclusion of conditions.
- 4.10 Tree Officer
The submission of an Arboricultural Method Statement is required.
- 4.11 Wessex Water
No objections subject to the inclusion of an informative.
- 4.12 Local Residents
4no. general comments from local residents have been received making the following points:

Design and Visual Amenity

- The proposed plans appear to be in keeping with the area.

Residential Amenity

- Working hours should be limited by condition.

Highway Safely and Transport

- Developers should be required to clean up at the end of the day.
- What is happening regarding the double yellow lines that have been approved for the entrance into Oxbarton?
- Concerns that Oxbarton cannot support construction traffic.
- Mead Road cannot support access to the site.
- Mead Road is part of a dedicated cycle route from Bradley Stoke to Parkway station.

Other Issues

- What consideration has been given to the family of foxes?
- The TPO tree needs to be protected.
- Consideration should be given to the protection, care and rejuvenation the hedge line along Mead Road.

5no. objection comments from local residents have been received making the following points:

Residential Amenity

- The master bedroom window of Plot 1 would look directly into a neighbouring property's garden.

Highway Safely and Transport

- The number of dwellings proposed would add pressure to already scarce parking in the area.
- Oxbarton does not have the capacity to support additional traffic.

- The proposed access would impede on existing driveways.

Other Issues

- The Ecological Survey has not identified and recognised the presence of a family of foxes that live in the field and adjoining hedge.
- The site is one of the last green wildlife sanctuaries in the local area. Home to foxes and bats.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Planning permission is sought for the erection of 6no. dwellings at a site in Stoke Gifford. Policy CS5 of the Core Strategy outlines the locations at which development is considered appropriate. CS5 dictates that most new development in South Gloucestershire will take place within the communities of the north and east fringes of the Bristol urban area, and within defined settlement boundaries. The application site is situated within the area defined as the north fringe of the Bristol urban area. As such, based solely on the location of the site, the principle of the development is acceptable.

- 5.2 The development is acceptable in principle under the provisions of Policy CS5, and it is acknowledged that the provision of 6no. new dwellings towards housing supply would have a modest socio-economic benefit. However the impacts of the development proposal must be further assessed against relevant policy in order to identify any potential harm.

5.3 Heritage Assets

Paragraph 194 to 208 of the National Planning Policy Framework sets out how Local Planning Authorities should assess applications that impact heritage assets. Paragraph 203 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Policy CS9 of the Core Strategy and Policy PSP17 of the Policies, Sites and Places Plan support this.

- 5.4 The application site form part of the setting of the locally listed buildings at Knightwood Farm that sit to the east of the site. The locally listed buildings include the former Farmhouse (now split into Upper House and Lower House) and the adjacent barn. These locally listed buildings are predominantly viewed from Mead Road but can also be seen in views from Oxbarton. The surrounding late 20th centre residential development has entirely eroded any connection to the historic agricultural landscape which once surrounded Stoke Gifford. The application site offers little benefit to the setting of the locally listed buildings and therefore the proposed development would not cause any identifiable harm to the setting or character of the non-designated heritage assets.

- 5.5 There is a duty placed on the Council under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 when planning permission for any

works to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. It is considered that full consideration has been given to these duties and the proposal is considered acceptable in this regard.

5.6 Archaeology

Policy CS9 of the Core Strategy and Policy PSP17 of the Policies, Sites and Places Plan also seek to protect underground heritage assets and archaeology.

5.7 The Historic Environment Record suggests that the application site has archaeological potential. A program of archaeological evaluation have taken place on site with the results showing that most of the site is blank. However, medieval archaeology (albeit ephemeral) was identified. Whilst the feature, in itself, is not overly important, the pottery from it does suggest medieval settlement close by. Whilst the trenches were blank (except the one that produced pottery) and whilst Officers accept that the report concludes that the site has low archaeological potential, the potential medieval archaeology needs to be properly recorded.

5.8 The evaluation has shown that the archaeology on site is not of national significance so there is no reason to object to the application. However, due to the potential for some medieval archaeology to be present nearby, including on the application site, it is recommended that conditions are attached to any consent to monitor the construction activity and record any archaeology that might come from this (a watching brief).

5.9 Design and Visual Amenity

Policy CS1 of the Core Strategy and Policy PSP1 of the Policies, Sites and Places Plan seek to ensure that development proposals are of the highest possible standards of design. This means that developments should have appropriate: siting, form, scale, height, massing, detailing, colour and materials which are informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context.

5.10 The proposed development consists of the erection of 6no. two storey detached dwellings with landscaping, access, parking and associated works. The site would be laid out in a horseshoe configuration around the existing TPO protected Walnut tree. Access would be provided from Oxbarton. There would be no access to the site from Mead Lane and the existing hedgerow would be retained and strengthened. The surrounding area, specifically along Oxbarton, is characterised by similar two storey detached dwelling at a similar density to what is proposed.

5.11 Plots 1 and 5 are proposed to be 4no. bedroom 'L' shaded dwellings with open front porches. Plot 2 is proposed to be a 4no. bedroom dwelling with an inset front porch. Plots 3 and 4 are proposed to be 3no. bedroom dwelling with enclosed front porches. Plot 6 is proposed to be a 4no. bedroom dwelling with an inset front porch. All proposed dwellings are to be finished in 'Old Farmhouse' red brick with interlocking roof tiles and anthracite grey uPVC windows. The surrounding area is characterised by a mix of house styles and materials with no clear uniformity.

- 5.12 During the course of the application revised plans were received to alter the proposed external materials. Whilst this change was made visually on the proposed plans, the now superseded materials notes were accidentally left. A condition should therefore be included with any consent stating that notwithstanding the approved plans, all new dwellings shall be finished in 'Old Farmhouse' facing brick.
- 5.13 The proposed development would be accessed from and front Oxbarton. The existing TPO protected Walnut tree would be retained and would sit centrally in the development. The existing 1.8 metre high close boarded fence boundary treatment with Oxbarton would be largely removed, except for the rear garden sections of Plots 1 and 6, and replaced by new shrub planting and a 0.6 metre high picket fence. The proposed boundary treatment can be considered a visual improvement over the existing situation.
- 5.14 In order to protect the visual amenity of the site and its context a condition should be included with any consent removing household permitted development rights.
- 5.15 Trees and Planting
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.
- 5.16 The proposed development would not encroach on the root protection area of the existing TPO protected Walnut tree. A condition should be included with any consent requiring the submission of an Arboricultural Method Statement including an arboricultural watching brief for the installation of the cellular confinement.
- 5.17 New tree planting is proposed across the site including within the rear gardens of the each plot and within the existing hedgerow along Mead Road. A condition should also be included with any consent requiring the submission of a 5 year landscape maintenance schedule covering the establishment of all new planting.
- 5.18 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.
- 5.19 The proposed development has been sympathetically designed to minimise its impact on the residential amenity of neighbouring properties. Concern has been raised that the proposed first floor window in the side (left) elevation of

- Plot 1 would overlook the rear garden of the neighbouring property to the north at 20 Oxbarton. This concern has been noted but it is considered that due to the presence of the road in-between and the approximate separation distance of 16 metres, no unacceptable loss of residential amenity would occur.
- 5.20 A condition should be included with any consent requiring the proposed first floor windows in the side (right) elevation of Plots 1 and 5; side (left) elevation of Plot 2; and side (left) elevation of Plot 6 be obscure glazed and non-opening below 1.7 metres above floor level.
- 5.21 Policy PSP43 of the Policies, Sites and Places Plan outlines the Councils minimum standards for private amenity space for new residential units. PSP43 states that private amenity space should be: functional and safe; easily accessible from living areas; orientated to maximise sunlight; of a sufficient size and functional shape to meet the needs of the likely number of occupiers; and designed to take account of the context of the development, including the character of the surrounding area.
- 5.22 PSP43 required 3 bedroom dwelling to provide a minimum of 60 square metres and 4 bedroom dwelling a minimum of 70 square metres of private amenity space. Plots 2 and 3 will have 3 bedrooms each, Plots 1, 4, 5 and 6 will have 4 bedrooms each. All proposed plots would meet this minimum requirement.
- 5.23 In order to protect the residential amenity of neighbouring and future occupiers a condition should be included with any consent removing household permitted development rights.
- 5.24 Highway Safety and Transport
Vehicular access to the proposed development would be provided from Oxbarton. A 'Proposed Visibility Splays' plan has been submitted showing that safe access to and from the site can be achieved. There are no objections to the proposed access. Oxbarton is standard two way residential road. The increased vehicle movements to and from the site that the proposed development would bring would not have any unacceptable impacts on highway safety or transportation.
- 5.25 In terms of parking, Policy PSP16 of the Policies, Sites and Places Plan sets out the Councils minimum parking standards. PSP16 requires 3 and 4 bedroom dwellings to provide a minimum 2 off-street parking spaces that conform to the minimum size requirements. For developments of 5 or more dwellings, an additional 0.2 spaces per dwelling for use by visitors should be provided. For this development that equates to 1.2 additional spaces, rounded down to 1 additional space.
- 5.26 Each proposed dwelling would be provided with 2 size compliant spaces and 2 additional spaces for use by visitors would be provided. The proposed development meets the minimum requirements of PSP16.
- 5.27 On the basis that sufficient on-site parking is provided, it is not considered that the development would directly lead to additional vehicles parking on the highway. However for the avoidance of doubt, a condition should be attached

to any consent requiring the 14 parking spaces shown on the plans to be provided prior to the first occupation of the new dwellings, and thereafter retained as such.

5.28 In the interest of protecting highway safely a condition should be included with any consent requiring the submission of a Construction Traffic Management Plan.

5.29 Drainage

There are no drainage objections in principle. A condition should be included with any consent requiring the submission surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection.

5.30 Ecology

A Preliminary Ecological Appraisal (Smart Ecology, July 2021) and Reptile Survey Report (Smart Ecology, September 2021) has been submitted in support of this application. The site is not covered by any ecological designation. Habitats on site include: broadleaved trees; scattered scrub; species-poor hedgerow with trees; and tall ruderal.

Bats

5.31 The habitat on site was assessed as being of low potential being isolated in an urban setting. The trees may have potential roost features, however ivy and dense vegetation may have obscured features. This is not a significant constraint as the trees will be retained.

Great Crested Newts

5.32 The site provides suitable terrestrial habitat for Great Crested Newts and other amphibians. There are two waterbodies within 500m of the site, one was assessed as being of average suitability and the second waterbody, however both waterbodies are separated from the site by roads and houses.

Birds

5.33 The trees and hedgerow provide nesting opportunities for birds.

Reptiles

5.34 The site provided suitable reptile habitat and further reptile surveys were undertaken and reptiles are likely to be absent. Suitable mitigation has been recommended as presence cannot be fully ruled out.

Badgers

5.35 Some areas could not be fully assessed for badger signs due to dense vegetation, however no mammal tracks of note were recorded, therefore the likelihood is low. If a set is discovered at any point during development, works are to cease immediately, and Natural England / the project ecologist consulted.

Hedgehogs

- 5.36 There are some areas suitable for hedgehogs, RAMs recommended for reptiles will provide some safety for hedgehogs if they are present. If hedgehogs are found during works, they are to be moved with gloves to a quiet area with similar habitat.

Ecology Conclusion

- 5.37 Sufficient survey effort has been undertaken supported by appropriate mitigation. Sufficient enhancements have also been recommended. A plan has been provided detailing the location and models of the ecological enhancements and this is acceptable. Conditions should be included with and consent requiring strict accordance with the mitigation measures and ecological enhancements provided in the Preliminary Ecological Appraisal (Smart Ecology, July 2021) and Reptile Survey Report (Smart Ecology, September 2021). A condition should also be included controlling external lighting.

5.38 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.

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

5.40 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:

- 5.41 Concerns have been raised about working hours during construction. A condition should be included with any consent restricting working hours.

- 5.42 Concerns have also been raised regarding foxes occupying the site. This has not been addressed in the Ecology section of the report as foxes are not a protected species. Although foxes are not a protected species, they are protected against any abuse or ill treatment.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

CONDITIONS

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

Reason

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

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

Received 06/06/2022

7274/26/001 - Existing Street Scene

7274/26/002 - Existing Site Sections

SWS052190TOPO - Existing Site Survey

Received 15/06/2022

7274-26 110 A - Plot 3 and 4 Proposed Floor Plans

7274-26 120 B - Plot 1 and 5 Proposed Floor Plans

7274-26 130 - Plot 2 Proposed Floor Plans

7274-26 131 - Plot 2 Proposed Elevations

7274-26 132 - Plot 2 Proposed Sections

7274-26 133 - Plot 6 Proposed Floor Plans

7274-26 134 - Plot 6 Proposed Elevations

7274-26 135 - Plot 6 Proposed Sections

7274/26/001 C - Site Location and Existing Block Plan

Received 06/07/2023

7274-26 111 B - Plot 3 and 4 Proposed Elevations

7274-26 112 B - Plot 3 and 4 Proposed Sections

7274-26 121 C - Plot 1 and 5 Proposed Elevations

7274-26 122 C - Plot 1 and 5 Proposed Sections

7274-26/101 H - Proposed Block Plan and Street Scene

7274-26/103 A - Root Zone Encroachment Calculations

7274-26/105 J - Proposed Drairage Plan

7274-26/108 C - Proposed Visibility Splays

Reason

To define the terms and extent of the permission.

3. Notwithstanding the approved plans, all dwellings hereby approved shall be finished in 'Old Farmhouse' facing brick.

Reason

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

4. The first floor windows in the side (right) elevation of Plots 1 and 5; side (left) elevation of Plot 2; and side (left) elevation of Plot 6, hereby approved, shall at all times 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 and future occupiers and to accord with Policy PSP8 of the South Gloucestershire Local Plan: Polices, 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, C D, E, F, G and H), or any minor operations as specified in Part 2 (Class A), other than such development or operations indicated on the plans hereby approved, shall be carried out without 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 and future occupiers and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP1 and PSP8 of the South Gloucestershire Local Plan: Polices, Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework.

6. Prior to first occupation of the new dwellings hereby approved, the vehicle access and 14 parking spaces shown on the approved plans shall be provided. The 14 parking spaces that thereafter be retained as such.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP11 and PSP16 of the South Gloucestershire Local Plan: Polices, Sites and Places Plan (Adopted) November 2017; the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013; and the provisions of the National Planning Policy Framework.

7. Prior to the commencement of the development hereby approved, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

In the interest of highway safety and the amenity of the area, and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP11 and PSP16 of the South Gloucestershire Local Plan: Polices, Sites and Places Plan (Adopted) November 2017; the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013; and the provisions of the National Planning Policy Framework.

8. Prior to the commencement of the development hereby approved, an Arboricultural Method Statement including an arboricultural watching brief for the installation of the cellular confinement shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure a satisfactory standard of external appearance and to protect the amenity of the TPO protected Walnut tree, and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP1 and PSP2 of the South Gloucestershire Local Plan: Polices, 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.

9. 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 ensure a satisfactory standard of external appearance and to protect the amenity of the TPO protected Walnut tree, and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP1 and PSP2 of the South Gloucestershire Local Plan: Polices, 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.

10. Prior to the commencement of development a schedule of landscape maintenance 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 ensure a satisfactory standard of external appearance and to protect the amenity of the TPO protected Walnut tree, and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP1 and PSP2 of the South Gloucestershire Local Plan: Polices, 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.

11. Prior to the commencement of development a programme of archaeological investigation and recording for the site shall be submitted to and approved by the Local Planning Authority. Thereafter, the approved programme shall be implemented in all respects, unless the Local Planning Authority agrees in writing to any variation.

Reason

To protect any potential underground heritage assets and archaeology and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework.

12. The development shall not be brought into its intended use until (i) the results of the programme of archaeological investigation and post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation and (ii) that the provision for analysis, publication and dissemination of results (where necessary and based upon the significance of the archaeology found), and archive deposition, has been confirmed in writing to, and approved by, the Local Planning Authority.

Reason

To protect any potential underground heritage assets and archaeology and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework.

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

For the avoidance of doubt, the following details shall be submitted when discharging the above conditions:

- A detailed development layout showing the location of surface water proposals including the exact location of any soakaways.
- Results of percolation tests and infiltration calculations to demonstrate that the proposal is suitable for this site. Percolation / Soakage test results in accordance with BRE Digest 365 and as described in Building Regs H - Drainage and Waste Disposal.
- Evidence that the soakaway is appropriately sized in accordance with BRE Digest 365 Soakaway Design.
- Soakaways must be located 5 Metres from any structure including the Public Highway.
- No surface water discharge will be permitted to an existing foul sewer without the expressed approval of the sewage undertaker.

Reason:

In the interest of sustainable drainage, and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP20 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework.

14. The development shall proceed in strict accordance with the Mitigation Measures and Ecological Enhancements provided in the Preliminary Ecological Appraisal (Smart Ecology, July 2021) and Reptile Survey Report (Smart Ecology, September 2021).

Reason

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

15. Prior to installation, the location and specification of all proposed external lighting shall be submitted to and approved in writing by the Local Planning Authority. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason

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

16. 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.

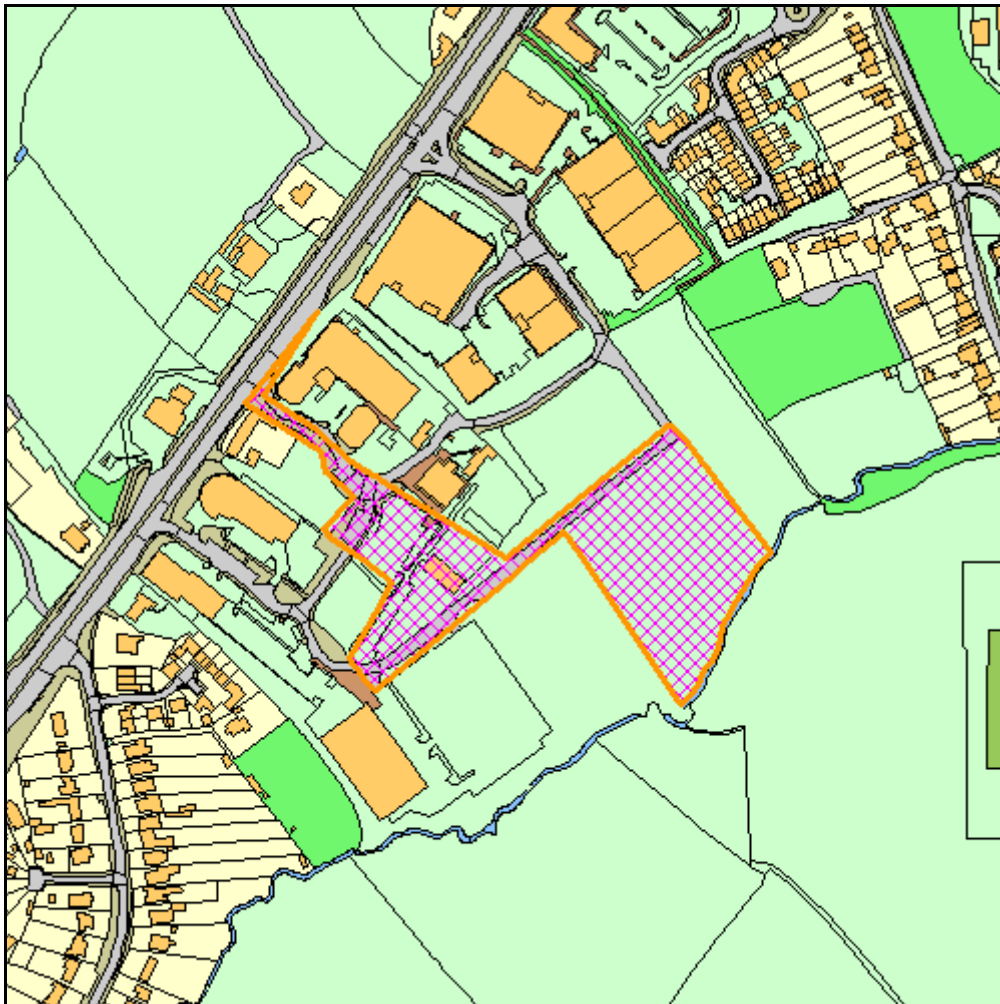
Reason

To protect the residential amenity of the neighbouring and future occupiers and to accord with Policy PSP8 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework.

Case Officer: Oliver Phippen
Authorising Officer: Marie Bath

CIRCULATED SCHEDULE NO. 36/23 -08th September 2023

App No.:	P23/00872/F	Applicant:	Dick Lovett Ltd
Site:	Land At Laurell Hill Cribbs Causeway Almondsbury South Gloucestershire BS10 7TU	Date Reg:	8th March 2023
Proposal:	Erection of 1 no. building to be used as car show room and workshop (Sui Generis) with associated car parking, access roads, and landscaping. Re-cladding of existing storage shed.	Parish:	Almondsbury Parish Council
Map Ref:	357294 180356	Ward:	Charlton And Cribbs
Application Category:	Major	Target Date:	29th September 2023



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N.T.S.

P23/00872/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 because it requires a new S106 Agreement.

1. THE PROPOSAL

- 1.1 The application site forms part of the Dick Lovett car dealership campus, located at Cribbs Causeway, approximately 8km North of the Centre of Bristol and approximately 0.5km south of Junction 17 of the M5 motorway.
- 1.2 This application seeks a full planning consent for the erection of a new 'Service Factory' building and associated car parking in addition to reworking on the site road and parking; consent is also sought for the over-cladding of an existing storage shed known as 'The Barn'.
- 1.3 The proposal is on the central and east area of the car retail development. This application forms part of a wider masterplan for the Dick Lovett Campus and aims to consolidate existing uses for the current site by providing a service factory to the rear of the site, with alterations to the existing agricultural building 'The Barn' in the centre of the campus.
- 1.4 The replacement of the existing Porsche dealership building is the subject of a separate application P23/00993/F, which should be read in conjunction with this application.
- 1.5 The proposed Service Factory would have numerous functions. Firstly it would act as a space the surrounding dealerships can work from when refurbishments are taking place. This will ensure business continuity on the campus whilst minimising the construction times. When not in use as a temporary dealership, the building would function as an overflow showroom and workshop space. Finally, there is a need for a centralised battery repair unit for the group to handle vehicle battery repair for all the Dick Lovett dealerships across the south west.
- 1.6 The application is supported by the following documents:
 - Acoustic Assessment by ACA Acoustics ref: 230116-R001A dated 24th Feb. 2023
 - Arboricultural Impact Assessment & Method Statement ref: DS/62323/AC dated 28th March 2023
 - Tree Protection Plan & Arboricultural Method Statement Drawing No. TC1 received 28th March 2023
 - Car Park Lighting Layout received 01st March 2023
 - Ecological Impact Assessment Issue V2 by Ethos dated Feb. 2023
 - Biodiversity Net Gain Assessment by Ethos Issue V1 dated April 2023

- Shadow Habitats Regulations Assessment Issue 1 by Ethos dated April 2023
- Design & Access Statement incl. Energy Statement by Pier Architecture Ltd.
- CEMP Phase One – Site road alterations and car park plan – received 22nd March 2023
- Workplace Travel Plan Issue 3 by Cole Easdon dated May 2023 received 5th May 2023
- Transport Assessment Issue 4 by Cole Easdon dated May 2023 received 24th May 2023
- Service Centre – Construction Environmental Management Plan (CEMP) by Beard Feb. 2023

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework July 2021
National Planning Policy Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS2 Green Infrastructure
CS4A Presumption in Favour of Sustainable Development
CS5 Location of Development
CS6 Infrastructure and Developer Contributions
CS7 Strategic Transport Infrastructure
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS12 Safeguarded Areas for Economic Development
CS13 Non Safeguarded Economic Development Sites
CS14 Town Centres and Retail
CS23 Community Infrastructure and Cultural Activity
CS25 Communities of the North Fringe of Bristol Urban Area
CS26 Cribbs Patchway New Neighbourhood

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

PSP2 Landscape
PSP3 Trees and Woodland
PSP5 Undesignated Open Spaces within Urban Areas and Settlements
PSP8 Residential Amenity
PSP11 Transport Impact Management
PSP16 Parking Standards
PSP17 Heritage Assets and the Historic Environment
PSP19 Wider Biodiversity
PSP20 Flood Risk, Surface Water and Watercourse Management
PSP21 Environmental Pollution and Impacts
PSP26 Enterprise Areas

- 2.3 Supplementary Planning Guidance
Cribbs Patchway New Neighbourhood Development Framework SPD
The South Gloucestershire Design Check List (SPD) Adopted Aug 2007.
The South Gloucestershire Council Waste Collection: guidance for new Developments (SPD) Adopted Jan. 2015
Planning and Noise Specific Guidance Note 1 March 2015
Trees and Development Sites: Guidance for New Development SPD (adopted April 2021)
South Gloucestershire Landscape Character Assessment SPD (Revised and Proposed for Adoption November 2014) - Site lies within Patchway & Filton Landscape Character Area (area 15)
Green Infrastructure: Guidance for New Development SPD (adopted April 2021)
Sustainable Urban Drainage; Guide for New Development SPD

3. RELEVANT PLANNING HISTORY

The Dick Lovett complex has a long and varied planning history. The most relevant and recent applications are listed as follows:

- 3.1 P95/0051/145 - Development of 2.52 hectares of land (6.2 acres) for the erection of used car sales office, workshops, canopy and car parking. Construction of new vehicular and pedestrian access.
Approved 14th July 1995
- 3.2 PT02/2706/F - Erection of car showrooms and associated offices, service workshops, parking and landscaping.
Approved 5th Nov. 2003
- 3.3 PT10/1949/F - Erection of replacement single-storey building to form car body repair centre and PD1 use with car parking, car storage and associated works.
Approved 19th Nov. 2010
- 3.4 PT11/3298/F - Erection of BMW Motorrad showroom including sales and service areas and associated works (sui generis).
Approved 29th Dec. 2011
- 3.5 PT12/0593/F - Erection of BMW Motorrad showroom including sales and service areas and associated works (Sui Generis).(Re_submission of PT11/3298/F)
Approved 18th April 2012
- 3.6 PT14/029/SCR Mixed use development on 3.15ha of land comprising offices (Use Class B2) Storage (Use Class B8) car showrooms (sui generis) and all associated ancillary facilities. Outline application including access with all other matters reserved. Screening Opinion for PT14/2646/O.
EIA not required 11.09.2014
- 3.7 PT14/2646/O - Mixed use development on 3.15ha of land comprising offices (Use Class B2) Storage (Use Class B8) car showrooms (sui generis) and all

associated ancillary facilities. Outline application including access with all other matters reserved. Approved 11th Sept. 2014

3.8 PT15/1415/RM - Erection of a new car dealership including workshop, compound and a new car park including appearance, landscaping, layout and scale. (Approval of Reserved Matters to be read in conjunction with Outline Planning Permission PT14/2646/O).

Approved 31st July 2015

3.9 P23/00993/F - Demolition of existing building. Erection of 1 no. building for form car dealership with car parking, landscaping and associated works. Decision pending.

4. CONSULTATION RESPONSES

4.1 Almondsbury Parish Council
No comment

4.2 Other Consultees

Sustainable Transport - Transportation DC

No objection subject to conditions to secure accesses, internal road and footway layout, car (including Electric Vehicle Charging Points and ducting) and cycle parking arrangements; implementation of Travel Plan and subject to completion of a U/U S106 Legal Agreement to secure a Travel Plan monitoring fee of £5,000 jointly for this application and planning application P23/00993/F.

Wessex Water
No response

Highway Structures
No response

MST Avon Fire And Rescue
No response

Police Community Safety
No objection

Economic Development
No response

Arts And Development
No comment

Lead Local Flood Authority

No objection subject to a condition to secure a SUDS drainage scheme.

Environmental Policy And Climate Change Team

It is considered that to allow proper assessment of the future energy use and resulting carbon dioxide emissions further details should be provided.

Further details have now been provided to officer satisfaction.

The Landscape Officer Natural & Built Environment Team

No objection subject to a standard compliance condition.

The Ecology Officer Natural & Built Environment Team

No objection subject to conditions to secure mitigation measures and a LEMP.

Avon Wildlife Trust

No response

Public Health And Wellbeing

No response

Planning Policy

No response

The Tree Team

No objection subject to a condition to ensure that the development is carried out in full accordance with the Tree Protection Plan and Arboricultural Method Statement.

The Archaeology Officer Natural & Built Environment Team

No objection subject to standard conditions.

Env Protection

The acoustic report is noted which properly assesses the activity; there is no sustainable noise objection.

The council annually visits to enforce a Part B permit to control any potential air emissions from any car spraying and repairs etc.

National Grid

There are no National Gas Transmission gas assets affected in this area.

The Environment Agency

No objection subject to conditions to ensure that the development is carried out in accordance with the FRA and remediation of contamination if found.

Other Representations

4.3 Local Residents

No responses received.

5. ANALYSIS OF PROPOSAL

Principle of Development

- 5.1 One of the overarching objectives of the planning system is to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support

growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure (NPPF para. 8 page 7). As such, significant weight should be placed on the need to support economic growth through the planning system.

- 5.2 The site lies within the Filton Enterprise Area as identified on the South Gloucestershire Local Plan Policies Map. Policy PSP26 states that:

Development proposal(s) within the three Enterprise Areas, identified on the Policies Map, will be acceptable where they:

- 1) Safeguard future economic prosperity; and
- 2) Provide for integrated development while avoiding conflicts between neighbouring land-uses; and
- 3) Make appropriate provision towards education, skills development and training and towards enabling communities and local businesses to access jobs and supply opportunities; and
- 4) Contribute towards the provision of physical and social infrastructure in line with the City Region Deal; and
- 5) Provide new high quality, people orientated, public space(s) and public realm, which enhance the environment for existing businesses and support the attraction of inward investment; and
- 6) Make appropriate provision towards the sustainability of sites, the wider Enterprise Area and surrounding communities.

- 5.3 The supporting text to Policy PSP26 states at para. 7.9:

The six point policy criteria for acceptable proposal(s) in the Enterprise Areas can be achieved by:

1. Safeguarding future economic prosperity – through the nurturing and expansion of existing businesses, and the attraction of inward investment, relevant to the specialisms and economic sectors within each Enterprise Area

- 5.4 **The proposal is considered to accord with the above and as such is acceptable in principle.**

Design Issues

- 5.5 The application site is bound on two sides by development of commercial/industrial nature, the majority of which is owned by Dick Lovett. To the north-east a new housing estate is under construction and to the south-east the Henbury Trym bounds the site with Filton Airfield beyond.
- 5.6 The surrounding context has three distinct character areas which include residential, large industrial/commercial and car dealerships.

- 5.7 The proposed Service Factory would sit to the South-West of the site on an undeveloped parcel of land to the East of the Dick Lovett Campus. As part of the site infrastructure works, the Service Factory would be positioned just off the central axis of a new proposed tree lined avenue, maintaining clear views to the Henbury Trym and countryside beyond. The application site is located on the east side of the Dick Lovett Campus which contains five motor dealerships, a body-shop and associated buildings. This provides the basis to inform the design proposals, including the building location, content of the scheme, its form, density and impact on surrounding properties.
- 5.8 The proposed Service Factory would be a standard portal frame building with an asymmetric roof. The battery repair unit would be separated from the main building but linked via a roof canopy.
- 5.9 This application also seeks approval for the over-cladding of the existing agricultural Barn, which is situated centrally on the site and provides overflow storage for Motorrad.
- 5.10 The proposed layout for the Service Factory creates a ground floor car showroom with reception area, offices, customer lounge and WC's. The first floor provides a large open plan office space with smaller offices, staff kitchen and WC's. The workshop provides 24 bays, unit repair/parts issue, an office for the workshop manager and washing/changing facilities for staff. There is also a separate battery repair unit that is connected to the building via an external roof canopy. Maintaining this separation is necessary from a fire safety perspective.
- 5.11 The form, appearance and design of the Service Factory is influenced by the existing nearby ancillary buildings, which includes timber composite cladding, an asymmetric gabled roof and full height glazing.
- 5.12 The use of a traditional form with a contemporary twist and muted material palette will help the Service Factory to blend seamlessly into the surrounding countryside context. Large expanses of glazing on the front elevation enable the customer a glimpse into the showroom and ties in with the character of the surrounding buildings.
- 5.13 The elevations of the workshop element are more subtle, which contrast and promotes the front elevation as the key focal point. This is achieved through the use of aluminium dark grey (RAL 7021) composite cladding panels, which is a material that is consistent across the campus.
- 5.14 The materials and colours proposed have been chosen as follows:
- Composite dark wood cladding
 - Dark grey aluminium composite cladding (RAL 7021)
 - Dark grey rainwater goods (RAL 7021)
- 5.15 Given the character, setting and context of the existing campus, this design is considered to be appropriate.

Landscape Issues

- 5.16 The site contains existing tree and shrub planting associated with the current showroom development. The wider development site is existing grassland leading down to the northern boundary of the Henbury Trym corridor.
- 5.17 The key landscape considerations for the development of the site include;
- Integration of the new buildings and car park with the wider landscape
 - Retention and enhancement of existing vegetation and impact on the Henbury Trym SNCI
 - Landscape & visual impact of the proposals within the wider landscape
 - Proposed planting to provide screening, enhance the new buildings and maximise biodiversity
 - Compliance with CPNN SPD
- 5.18 The site is covered by the CPNN SPD which sets out the key principles required to achieve a sustainable development in compliance with the NPPF and the Core Strategy policies. The SPD key principles with regard to landscape are:-
- The requirement for Green and Blue Infrastructure GI and BI throughout the CPNN site should be well designed and connected, creating a robust, multifunctional landscape in accordance with CS2 and the Forest of Avon objectives.
 - Well designed, integrated SuDS provision throughout the development.
 - Creation of an ecological buffer along the Henbury Trym, a minimum of 50m wide. This area is to be sensitively designed to ensure the ecological corridor is protected and enhanced.
 - High quality public and private landscape to provide an attractive and functional setting to development.
 - Existing landscape features (such as trees, hedgerows, watercourses etc) retained and enhanced throughout the development to inform the layout and provide a basis for a strong landscape framework.
- 5.19 The Henbury Trym and associated riparian corridor is an SNCI, designated for the wildlife and habitat importance of the river corridor and forms the primary ecological corridor within the area. The CPNN SPD requires; 'the area to be sensitively designed to ensure the ecological corridor is protected and enhanced, including enhancement of the existing streamside vegetation and the retention/restoration of existing ponds within this area and/or the creation of new wildlife ponds within the landscaping as 'stepping stones' for fauna to use as aquatic habitat or dispersal'. A 50m ecological buffer was stated within the SPD to provide protection from development; the buffer shown on these proposals is consistent with the line of development on the northern bank. The majority of the required 50m buffer is to be reserved on the southern side of the Trym, as part of the Fishpool Hill and Brabazon developments.
- 5.20 A tree survey has been submitted together with a Tree Protection Plan, which confirms the retention of all the vegetation along the Henbury Trym corridor. The Tree Protection Plan shows fencing to be erected to protect all this streamside vegetation and the Landscape Plan shows an additional landscape buffer along this boundary, consistent with the 10m minimum buffer established

with previous applications on the northern bank of the Trym. The revised AIA and Tree Protection Plan, confirm that the existing tarmac and kerbs would now be retained, protecting trees T9,10 and 11, which is welcome.

- 5.21 The proposed planting scheme concentrates on maximising biodiversity and includes mainly native species and also 2820.5 sq.m. of wildflower meadow and 1340.3 sq.m. of native hedging. A substantial number of new trees have been included in a comprehensive scheme of landscaping encompassing the whole site. Overall, new tree planting will be at a ratio of approximately 2 to 1, which will mitigate losses while introducing new trees in the eastern part of the site where there are none at present.
- 5.22 Subject to a standard landscape compliance condition there are no objections on Landscape or Tree grounds.

Ecology

- 5.23 An Ecological Impact Assessment (EclA) report (Ethos Environmental Planning, February 2023) has been submitted. No designated sites are located within the site. Only a native hedgerow and the adjacent brook are considered to be of principle importance.

Species protected under the Conservation of Habitats & Species Regulations 2017 ('European Protected Species) and Wildlife & Countryside Act 1981 (as amended):

Bats

- 5.24 The existing former agricultural building on site was assessed as having negligible potential to support roosting bats. No potential roosting features were identified within the line of trees. Opportunities for roosting features for bats were identified within the trees along the Henbury Trym Brook corridor although this falls outside of the development boundary. Bat activity was assessed as moderate` highlighting the importance of the southern boundary, Henbury Trym Brook.

Great Crested Newts

- 5.25 There are no water body's onsite. The majority of the habitat is neutral grassland managed to a short sward. Opportunities for terrestrial great crested newt were identified along the Brook. Records of great crested newt are present within the surrounding area. Therefore a precautionary approach to site clearance works are recommended.

Species protected under the Wildlife and Countryside Act 1981 (as amended):

Birds

- 5.26 Ground nesting birds were assessed as likely absent due to disturbance and suboptimal habitats. Only the scrub, hedgerows and mature trees (along Henbury Trym) were identified as having potential to support nesting birds of common and widespread species.

Reptiles

- 5.27 Previous surveys identified a small population of slow worm on site and a translocation was undertaken in 2012. A further two slow worms were recorded and translocated in 2014. A large proportion of the grassland is managed and unsuitable to support reptiles. However the southern boundary along Henbury Trym brook is more suitable to support reptiles and is the location of the translated reptiles.

Badgers protected under the Badger Act 1992:

- 5.28 No evidence of badger activity was observed on site.

Species of principle importance (Priority Species) Section 41 Natural Environment and Rural Communities (NERC) Act and Local Biodiversity Action Plan Species:

Hedgehog

- 5.29 Hedgehog were recorded in previous surveys and opportunities for hedgehog are still available but limited to the boundary within the Henbury Tryme brook corridor.

- 5.30 Suitable mitigation for protected species has been included within the report. Protection of important habitats and species is recommended to be secured through the implementation of the CEMP and for the long term the implementation of a LEMP. Ecological enhancements include inclusion of tussocky grassland planting, bird, bat and insect boxes and inclusion of hibernacula. These matters can be secured by condition.

Transportation Issues

- 5.31 Vehicles, pedestrians and cyclists currently access the site via Cribbs Causeway. There is also a public footpath which crosses the Henbury Trim into the site. An in/out system from Cribbs Causeway is currently in place and appears to work well. The road access through the industrial estate to the north is for egress for BMW customers only. A primary focus of the proposal is to seek an improved flow of traffic within the site, an increased amount of parking both for customers and car storage and an increased provision of electric vehicle charging points.

- 5.32 It is proposed that, upon entering the site via Cribbs Causeway, the customer journey would begin upon a central tree lined avenue, which would split off to the different car dealerships around the site. To create this avenue, a new link road is proposed between the existing storage barn and Motorrad, which would lead the customer to the Service Factory.

- 5.33 This application consists of a 2-storey service / factory / showroom building 2,905sq.m. GFA with an adjacent car park with 279 spaces. 235 of these are proposed to be for operational storage and display of vehicle for sale or servicing. The remaining 44 spaces are proposed for customers. The car park would also provide overflow parking for the other dealerships and car storage when other dealerships are being refurbished.

- 5.34 Staff parking for the additional 30 staff members predicted would be accommodated within the communal car parking area to the south, east and north of the building called 'The Barn'. Although there appears to be a lot of car parking spaces, there is no specific Council car parking standard for car dealerships. The Transport Assessment has set out the operational needs of the Applicant which encompasses the wider car dealership campus.
- 5.35 20 AC / DC Electric Vehicle Charging Points (EVCP's) are proposed. The proposed proportion of EVCP car parking spaces is consistent with the Council's current guidance percentage of 20% of all commercial spaces not counting the sales / storage spaces. 4 staff cycle parking spaces are proposed.
- 5.36 A Travel Plan has been submitted with the purpose of encouraging and promoting sustainable travel. The Council is obliged to monitor Developer Travel Plans and the cost of this is £1,000 per year for 5 years to cover the combined Travel Plans for this site and the Porsche site (see P23/00993/F). This would need to be secured in a Unilateral Undertaking.

Off-site traffic impacts and access.

- 5.37 Having considered the submitted Transport Assessment and TRICS database, as well as the existing access arrangements, officers are satisfied that the existing access arrangements would be able to accommodate the increase in traffic generated by the proposal. There would not be any significant impact on the surrounding highway network.

Access by sustainable means.

The site is connected to good pedestrian, cycle and public transport facilities on the A4018 where signal-controlled junctions provide walking and cycling access to northbound bus stops and the new development under construction west of the A4018. Pedestrian footway access from the A4018 to the new building is via the private Cribbs Causeway Road between the Mini and Porsche showrooms. Cyclists would be able to comfortably use the on-site private road network.

Internal Layout.

All the access roads off the A4018 are private. There are some changes to the existing layout including new footway links.

Servicing.

Swept path track plots have been submitted for a light panel van and a small waste collection vehicle entering, turning and leaving the proposed car park and service factory.

- 5.38 Subject to the above being secured by condition/S106, there are no transportation objections.

Impact on Residential Amenity

- 5.39 Given the existing uses of the site, the scale and nature of the proposal and the distance to the nearest residential properties, there would be no adverse impact on residential amenity.

Sustainability Issues

- 5.40 The D & A Statement incorporates an Energy Statement. The energy statement, contained within the Design and Access statement, sets out the intention for the proposal to go significantly above building regulations and states that the layout of the development has been designed to ensure that solar PV can be added at a later date, as per Policy PSP6.

- 5.41 The Energy Statement highlights the following:

Part L - The use of PV panels to the roof and provision of increased insulation to far exceed the minimum requirements and LED lighting will help to improve the energy efficiency of the building.

Part F – Due to the nature of the building operating as a car showroom and workshop, mechanical ventilation is necessary to ensure that an adequate means of ventilation is provided.

Part O - Although there is glazing to the west and south elevations of the building, the majority of this benefits from solar shading provided by the cladding design.

- 5.42 Further details relating to these issues have now been satisfactorily submitted.

Environmental Issues

Noise

- 5.43 A Noise Assessment has been submitted in support of this application. ACA Acoustics have specified a maximum permissible rating level for any future mechanical plant associated with the development. Allowing for plant not exceeding these levels, calculated rating levels for the new plant would be at least 5dBA below background sound level during operating times of the proposal, when assessed at 1m from the closest noise-sensitive properties in accordance with BS 4142:2014+A1:2019.

- 5.44 The Council's EHO considers the report properly assesses the proposed activity and there is no noise objection.

Emissions

- 5.45 The Council annually visits the site to enforce a Part B DEFRA permit to control any potential air emissions from any car spraying and repairs etc.

Drainage Issues

- 5.46 A Flood Risk Assessment & Drainage Strategy has been submitted in support of this application. The majority of the development site lies within Flood Zone 1 (Low Risk) with a small proportion to the south being located within flood Zones 2 and 3. NPPF PPG Flood Risk and Coastal Change (Table 3: Flood Risk Vulnerability and Flood Zone Compatibility) confirms that less vulnerable

developments such as car parks and general industry and storage are appropriate within Flood Zones 1, 2 and 3.

- 5.47 The proposed showroom and workshop and the majority of the proposed car park will be located within Flood Zone 1. Only a small number of car parking spaces and the battery repair storage/wash bay area will be located within Flood Zones 2 and 3. Flooding from all sources is considered to be low; the sequential test is therefore considered to be met.
- 5.48 The proposed finished floor level for the service centre is 41.80mAOD. This will provide a 1.32m freeboard over the 100yr + 26% climate change flood level. There is a small section of the lower car park located within flood zone 3 (160m²). To replace this lost floodplain storage, it is proposed to lower an equivalent extent of land downstream of the site and outside of the floodplain.
- 5.49 Due to the impermeable nature of the clay geology and presence of made ground, infiltration SuDS are not deemed suitable for the disposal of surface water. Therefore an attenuation based strategy is proposed to discharge surface water from the development into the Henbury Trym river located to the south of the site. There will be two attenuation tanks, one being located beneath the new car park at the Service Factory and the other beneath the new car park.
- 5.50 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 considerations to be reflected into the design of policies and the delivery of services.
- 5.51 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.

Planning Balance

- 5.52 The proposal would consolidate the long established uses within the Dick Lovett campus. The development is appropriately located within the Filton Enterprise Area. The proposal supports the economic prosperity and growth of the area, providing up to 30 new full-time posts. The scheme provides increased tree cover, biodiversity net gain and improved traffic flow through the site. There are no substantial reasons to refuse this proposal which is considered to be sustainable development that should be approved 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 (1) That authority be delegated to the Executive Director of Place Department to grant planning permission, subject to the conditions set out on the Decision Notice and the applicant first voluntarily entering into an Agreement under Section 106 of the Town & Country Planning Act 1990 (as amended) to secure the following:

(i) A financial contribution of £5,000 (£1,000 per year for 5 years) to the Council toward its cost of monitoring the combined Travel Plan for this site and the Porsche Site (see P23/00993/F).

The reasons for this Agreement are:

(i) To mitigate the increased numbers of employees and cars travelling to the site to promote sustainable forms of transport, and to accord with Policies PSP11 and PSP16 of the South Gloucestershire Local Plan : Policies, Sites and Places Plan (Adopted) 8th Nov. 2017 and Policy CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec.2013.

7.2 It is recommended that the Head of Legal and Democratic Services be authorised to check and agree the wording of the Agreement.

7.3 It is recommended that should the Agreement not be completed within 6 months of the date of any consent being granted; that delegated authority be given to the Director of Environment and Community Services to refuse the application.

CONDITIONS

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

Reason

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

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

Location Plan Drawing No. 0067-100 Rev A received 8th March 2023

Campus Master Plan Drawing No. 0067-101 Rev C received 24th May 2023

Service Factory Floor Plans Drawing No. 0067-102 received 01st March 2023
Service Factory Elevations Drawing No. 0067-104 received 01st March 2023
The Barn As Existing Drawing No. 0067-105 received 01st March 2023
The Barn Proposed Plans Drawing No. 0067-106 received 01st March 2023
Existing Site Plan Drawing No. 0067-110 received 01st March 2023
Site Plan with Existing Porsche Drawing No. 0067-112 received 01st March 2023

Drainage Strategy Sheet 1 Drawing No. 9030/501/01 Rev A received 1st March 2023
Drainage Strategy Sheet 2 Drawing No. 9030/501/02 Rev A received 1st March 2023
Drainage Strategy Sheet 3 Drawing No. 9030/501/03 Rev A received 1st March 2023
Drainage Strategy Sheet 4 Drawing No. 9030/501/04 Rev A received 1st March 2023

Landscape Plan Drawing No. 1004_LANDP002 Rev 05 received 26th June 2023
Landscape Schedules and Specifications Plan Drawing No. 1004_LANDP003 Rev 05 received 26th June 2023

Reason

To define the terms and extent of the permission.

3. The development hereby approved shall be carried out in full accordance with the submitted Arboricultural Impact Assessment & Method Statement by Treecall Consultants Ltd. dated 28th March 2023 Ref: DS/62323/AC received 28th March 2023 and Tree Protection Plan & Arboricultural Method Statement Drawing TC01 Ref: DS/62323/AC dated 24th Feb. 2023 and received 28th March 2023.

Reason

To protect the health of existing trees and vegetation and 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, and Policies PSP2 and PSP3 of The South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) Nov. 2017.

4. The hours of working on site during the period of 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 Policies Sites and Places Plan (Adopted) 8th Nov. 2017 and the requirements of the NPPF.

5. The development shall not be brought into use until the accesses, internal road and footway layout, car (including Electric Vehicle Charging Points and ducting) and cycle parking arrangements have been provided in accordance with the submitted details in the Transport Assessment Issue 4 by Cole Easdon, received 24th May 2023.

Reason

In the interest of highway safety and to promote sustainable forms of travel and to accord with Policy CS8 of The South Gloucestershire Local Plan : Core Strategy adopted Dec 2013 and Policies PSP11 and PSP16 of The South Gloucestershire Local Plan : Policies. Sites and Places Plan adopted Nov. 2017 and the NPPF.

6. Upon the first occupation of the development hereby approved, the submitted Revised Travel Plan Issue 4 by Cole Easdon received 24th May 2023, shall be implemented in accordance with the details and timetable therein.

Reason

To promote sustainable forms of travel and to accord with Policy PSP11 of the South Gloucestershire Local Plan : Policies Sites and Places Plan (Adopted) 8th Nov. 2017 and Policy CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013.

7. All soft landscape works shall be carried out in the first available planting season following completion of the built development and in full accordance with the approved Landscape Plan (JPS Landscape Design dwg.no.1004/Rev 005) and Plant Schedules and Specification (JPS dwg.no.1004/Rev 005).

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, Policy PSP2 of the South Gloucestershire Policies, Sites and Places Plan (adopted) Nov. 2017 and the National Planning Policy Framework July 2023.

8. Prior to the commencement of ground works a programme of archaeological investigation and recording for the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved programme shall be implemented in all respects, unless the Local Planning Authority agrees in writing to any variation.

Reason

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 the National Planning Policy Framework.

This is a pre-commencement condition to ensure that archaeological remains are not sterilised by the development without having first been recorded.

9. The development shall not be brought into its intended use until (i) the results of the programme of archaeological investigation and post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation and (ii) that the provision for analysis, publication and dissemination of results (where necessary and based upon the significance of the archaeology found), and archive deposition, has been confirmed in writing to, and approved by, the Local Planning Authority.

Reason

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 the National Planning Policy Framework.

10. The development shall proceed in strict accordance with the Mitigation and Enhancement Measures provided in the Ecological Impact Assessment (Ethos Environmental Planning, February 2023); the Service Factory Bristol - Construction Environmental Management Plan (CEMP) by Beard Feb 2023 and follow the lighting plan (iGuzzini Illumination UK, 02.02.22).

Reason

In the interests of protected species and the bio-diversity of the location, to accord with Policy PSP19 of The South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) Nov. 2017 and Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013.

11. Prior to the first occupation of the development hereby approved, a landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority. The LEMP shall be written in accordance with BS42020. The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details. The LEMP is also to include ecological enhancement plan detailing location and specification of the ecological enhancements detailed within the Ecological Impact Assessment (Ethos Environmental Planning, February 2023)

Reason

In the interests of protected species and the bio-diversity of the location, to accord with Policy PSP19 of The South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) Nov. 2017 and Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013.

12. The development hereby approved shall be carried out in full accordance with the following approved Drainage Plans:

Engineering Layout Service Centre Sheet 1of 3 / Drwg. No. 9030-22-01 / Rev. A / Dated 17-08-23

Engineering Layout Service Centre Sheet 2of 3 / Drwg. No. 9030-22-02 / Rev. A / Dated 17-08-23

Engineering Layout Service Centre Sheet 3of 3 / Drwg. No. 9030-22-03 / Rev. A / Dated 17-08-23

Engineering Layout Electric Island Sheet 1of 2 / Drwg. No. 9030-02-01 / Rev. A / Dated 16-08-23

Engineering Layout Electric Island Sheet 2of 2 / Drwg. No. 9030-02-02 / Rev. A / Dated 16-08-23
Construction Details Service Centre Sheet 1of 2 / Drwg. No. 9030-26-01 / Rev. - / Dated July 2023
Construction Details Service Centre Sheet 2of 2 / Drwg. No. 9030-26-02 / Rev. - / Dated July 2023
Construction Details Electric Island Sheet 1of 2 / Drwg. No. 9030-06-01 / Rev. - / Dated July 2023
Construction Details Electric Island Sheet 2of 2 / Drwg. No. 9030-06-02 / Rev. - / Dated July 2023
Flood Risk Assessment & Drainage Strategy / Issue No. 4 / Dated June 2023
MicroDrainage Network Model - Service Factory / Received 18-8-23
MicroDrainage Network Model - Electric Island / Received 18-08-23

Reason

In the interests of flood risk to accord with Policies CS1 and CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted), Policy PSP20 of The South Gloucestershire Local Plan : Policies Sites and Places Plan (Adopted) 8th Nov. 2017 and the requirements of the NPPF.

13. The development shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) (ref 'Flood Risk Assessment & Drainage Strategy - Proposed Service Factory, Cribbs Causeway, Bristol', ref. 9030 Issue 4 dated June 2023, Cole Easdon) and the following mitigation measures it details:
- The finished floor level of the proposed service centre building shall be set no lower than 41.80 metres above Ordnance Datum (AOD), as detailed in section 3.8.
 - Ground level lowering will be provided as detailed in section 3.9 and shown on plan 9030/504(A) in Appendix 1.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason

To reduce the risk of flooding to the proposed development and prevent increases in flood risk elsewhere and to accord with CS5 of The South Gloucestershire Local Plan : Core Strategy adopted Dec. 2013; Policy PSP20 of The South Gloucestershire Council Local Plan : Policies, Sites and Places Plan (Adopted) Nov. 2017 and the requirements of the NPPF.

14. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the LPA. The remediation strategy shall be implemented as approved.

Reason

To prevent pollution of the water environment and to accord with Policy PSP21 of The South Gloucestershire Council Local Plan : Policies, Sites and Places Plan (Adopted) Nov. 2017.

15. The development hereby approved shall operate in full accordance with the recommendations contained within the submitted Acoustic Assessment of Proposed New Mechanical Services Equipment at a Car Servicing Centre by ACA Acoustics Ref: 230116-R001A dated 24th Feb. 2023 and received 1st March 2023.

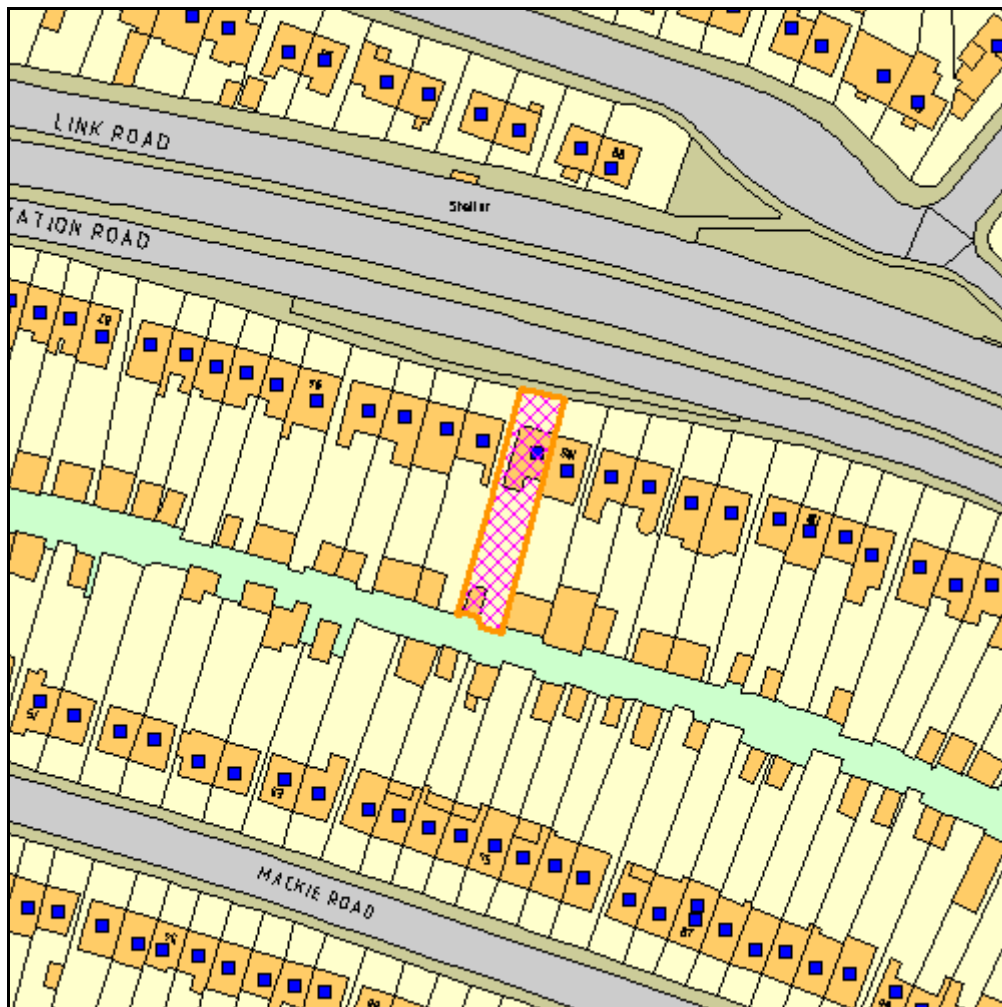
Reason

To prevent excessive noise outbreak and to accord with Policy PSP21 of The South Gloucestershire Council Local Plan : Policies, Sites and Places Plan (Adopted) Nov. 2017.

Case Officer: Roger Hemming
Authorising Officer: Marie Bath

CIRCULATED SCHEDULE NO. 36/23 -08th September 2023

App No.:	P23/01957/F	Applicant:	Jaman Properties Ltd
Site:	104 Station Road Filton South Gloucestershire BS34 7JJ	Date Reg:	30th June 2023
Proposal:	Change of use from a single household dwelling house (C3) to a large dwelling house in multiple occupation for up to 7 people (sui generis)	Parish:	Filton Town Council
Map Ref:	360750 179007	Ward:	Filton
Application Category:	Minor	Target Date:	19th September 2023



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N.T.S.

P23/01957/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 Filton Town Council and more than 3no. (5no.) objections from local residents; the concerns raised being contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The application relates to an existing, 3-bedroom, semi-detached dwelling house (Class C3). It lies to the south of Station Road, which runs alongside the A4174 Ring Road. There is an access lane to the rear which leads to the eastern end of Station Road, near to its junction with Filton Avenue.
- 1.2 The front garden comprises concrete hardstanding and soft landscaping, enclosed by a blockwork boundary wall. The rear garden comprises lawn and a patio area, with a vehicular access on to the rear lane. There is a detached single garage at the rear of the site.
- 1.3 The proposed development is for the Change of use from a residential dwelling to a large dwelling house in multiple occupation for up to 7 people (sui generis). The dwelling is currently being extended under Permitted Development Rights with a single-storey rear extension, a hip-to-gable roof extension and a rear roof extension to facilitate the change of use to a small dwelling house in multiple occupation in the C4 Use Class, with works anticipated to be completed by the Autumn (ahead of the adoption of the Article 4 Direction for Filton, restricting the change of use from C3 to C4, which comes into force 10th January 2024).
- 1.4 A license has recently been granted to occupy the house as a 6 person HMO.
- 1.5 Once completed, the dwelling would comprise six bedrooms, ground floor study, lounge/kitchen/diner, three bathrooms and 134sqm of gross internal floor-space. To facilitate the change of use to a 7-bed, large dwelling house in multiple occupation, the ground floor study room would be converted to a seventh bedroom.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework July 2021
National Planning Policy Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

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
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

3. **RELEVANT PLANNING HISTORY**

3.1 None

Recent Appeal Decisions Relevant to this Application

3.2 12 Fifth Avenue, Filton, BS7 0LP
 P21/07108/F - Demolition of existing outbuilding, erection of detached two storey building with other associated works to facilitate a change of use from a class C4 (up to 6 person) house of multiple occupation to a 9-person house of multiple occupation (class sui generis) as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended).
 Refused 18th Feb. 2022
 Appeal APP/P0119/W/22/3293909 allowed 21st July 2022

3.3 15 Braemar Crescent, Filton, BS7 0TD
 P21/07154/F - Change of use from residential dwelling (C3) to an eight_bedroom large house in multiple occupation (Sui Generis) for up to eight

people including erection of side/rear extension and loft conversion/dormer, vehicle parking, bin storage and cycle parking.
Refused 22nd Feb. 2022 (officer overturn).
Appeal APP/P0119/W/22/3297910 allowed with Costs Awarded against the Council 15th Sept. 2022.

4. CONSULTATION RESPONSES

4.1 Filton Town Council

Object - There are approximately 110 properties within 100 m radius. (the drawings included are incorrect). There are approximately 11 HMOs within this 100 m radius. SPD is 10% of properties so 11 out of 110 reaches that and 20% of population which again is exceeded.

If the planning application is successful Filton Town Council would like to see the grass verge left in place as much as possible and only a single vehicle entry space removed

4.2 Other Consultees

Transportation D.M.

No objection subject to a condition to secure the car and cycle parking provision prior to first use.

Economic Development

No response.

Planning Policy

No response

Other Representations

4.3 Local Residents

5no local residents have objected to the proposal. The concerns raised are summarised as follows:

- Too many HMO's in the area.
- Will result in further noise, rubbish in gardens and rats.
- Already rubbish in the road from HMO's.
- Increased fly-tipping in lanes.
- Increased on-street parking.
- More than 7no. people will occupy.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

5.2 The South Gloucestershire Local Plan: Core Strategy was adopted by the

Council on 11th December 2013. By virtue of Section 38(6) of the Planning and Compulsory Purchase Act, the starting point for determining any planning decision will now be the Core Strategy, as it forms part of the adopted Development Plan and is generally compliant with the National Planning Policy Framework July 2021 (NPPF). The Policies, Sites & Places Plan was adopted in Nov. 2017 and also now forms part of the Development Plan.

- 5.3 The revised NPPF (para.11) reiterates that; at the heart of the Framework is the presumption in favour of sustainable development. At para. 11c the NPPF states that development proposals that accord with an up-to-date development plan should be approved without delay.
- 5.4 Furthermore, The South Gloucestershire Local Plan Core Strategy adopted (Dec 2013) Policy CS4 replicates the NPPF in enforcing the presumption in favour of sustainable development. In accordance with the NPPF para. 38, Core Strategy Policy CS4A states that; when considering proposals for sustainable development, the Council will take a positive approach and will work pro-actively with applicants to find solutions so that sustainable development can be approved wherever possible.
- 5.5 Chapter 9 of the NPPF promotes sustainable transport and states that development should only be prevented on transport grounds where the residual cumulative impacts of development are 'severe'.
- 5.6 It is noted that the NPPF puts considerable emphasis on delivering sustainable development and not acting as an impediment to sustainable growth, whilst also seeking to ensure a high quality of design and good standard of amenity for all existing and future occupants of land and buildings.
- 5.7 Policy PSP39 within the adopted Policies, Sites and Places Plan (2017) states that, where planning permission for an HMO is required, this will be acceptable, provided that it would not prejudice the amenity of neighbours. The supporting text states that the term "neighbours" should be taken to mean properties adjacent to, and surrounding, the application site, which have a reasonable potential to be directly affected by harmful impacts arising from the proposal(s).
- 5.8 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.
- 5.9 Prejudicing the amenity of neighbours can arise at a localised level when developments of such HMO uses are inappropriately located, or become over concentrated, particularly on an individual street level.
- 5.10 At this point officers wish to stress that currently a residential property in Use Class C3 can be converted to a small HMO (Use Class C4) for 4-6 people, without the need for planning permission. HMO's however require planning permission once they exceed 6 people. Large HMO's, formed from seven

unrelated residents or more, become *sui generis* i.e. “*class of its own*”. (see para. 4.1 of the recently adopted HMO SPD).

- 5.11 It should also be noted that the definition of an HMO for a mandatory licence is different to that for a planning application. A **large HMO** in the context of the HMO Licensing Regulations relates to properties that are rented to **5 or more people** who form more than 1 household, and where some or all tenants share toilet, bathroom, or kitchen facilities and at least 1 tenant pays rent (or their employer pays it for them). You must have a licence if you're renting out a **large HMO** in England but HMOs rented to 4 or less people who form more than one household are exempt.
- 5.12 It should also be noted that Licensing of HMOs is separate from planning permission. It does not automatically follow that a licence would be issued for an HMO that has planning consent or vice versa; the criteria for granting these are different.
- 5.13 The Council has recently adopted a Supplementary Planning Document (SPD) for Houses in Multiple Occupation. The SPD requires HMOs to provide a good standard of accommodation, consider issues of noise disturbance (between adjoining communal rooms and bedrooms), and to support mixed and balanced communities.
- 5.14 The SPD includes two additional explanatory guidance notes. The first of these relates to sandwiching (defined as proposals for HMOs that sandwich a C3 residential dwelling between two HMOs, or the creation of 3 or more adjacent HMOs), and the harmful impact this may have on the amenity of neighbours. The second states that harm **may** (my emphasis) result when an HMO change of use would result in more than 10% of dwellings within the Census Output Area, or more than 20% of dwellings within a 100 metre radius, being HMO properties.

Additional Explanatory Guidance Note 1

- 5.15 Additional Explanatory Guidance 1 in the Houses in Multiple Occupation SPD pg.13, 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.
- 5.16 In the case of the current application site, whilst there are licensed HMO's at nos. 72 & 88 Station Rd.; the proposed large HMO at no. 104 Station Rd. would not result in a dwelling being sandwiched between two licensed HMOs, or result in three or more adjacent licensed HMO properties.
- 5.17 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. Sub-division of existing dwellings and non-residential properties to form flats or HMOs can make a valuable contribution suitable for smaller households and single people, as part of these mixed communities. The SPD recognises that HMOs meet a variety of needs for

private rented housing, ranging from young professional 'house-shares' and students wanting to live off campus, as well as providing a vital source of housing supply for people on lower incomes. For many people, HMOs provide a practical and affordable housing option that meets their housing needs.

- 5.18 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 by 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.
- 5.19 As there are localities which are already experiencing high 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.

Additional Explanatory Guidance Note 2

- 5.20 Additional Explanatory Guidance 2 – HMO SPD pg.14 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.
- 5.21 For the purposes of this assessment, a 'locality' is defined by a statistical boundary known as a Census Output Area. **In the case of no.104 Station Rd., HMO properties currently represent 7.4% of households within the locality (10 licensed HMO's out of 136 properties, this includes no.104 which is already licensed). This level of density is well below the 10% threshold set by the SPD whereby there may be an adverse impact on the character and amenity of the area.**
- 5.22 **Within a 100m radius there are 92 properties, 7 of which are licensed HMOs (which includes no.104), or 7.6% i.e. well below the 20% threshold set by the SPD.**
- 5.23 The proposed change of use to a large HMO is not contrary to policies PSP39, PSP8 and CS17 and the SPD. The 10% threshold is however an arbitrary number and recent appeal decisions (see para. 3.2 & 3.3 above) suggest that each application should be considered on its own merits and that decision takers should consider the relative level of harm to the character and appearance of the area, having regard to its effect on community balance and housing mix.

- 5.24 The fact that the existing property can already operate as a small HMO, with 4-6 persons in occupation, under permitted development rights, is a material consideration of significant weight. A recent Court of Appeal judgment upheld a High Court ruling that such PD rights can properly be taken into account as a fall-back position (*Mansell v Tonbridge and Malling BC* [2017] EWCA Civ 1314).
- 5.25 The reality of the situation is therefore that if this application were refused, there is every likelihood that, the dwelling would be occupied as a 6 person licensed HMO rather than a single family household. The proposed change of use would merely allow the building to be occupied as a large HMO by only one additional person. The net increased impact on the character and appearance of the area would therefore be minimal.

Scale & Design

- 5.26 The materials used in the external works match the existing, and the dormer has been designed both to comply with permitted development rights (PDR), and to sit comfortably within the roof slope. Whilst it is acknowledged that the Council's Household Design Guide (HDG) does not normally support hip-to-gable extensions, it is noted that both 41 and 49 Mackie Grove have been similarly extended, and in this context, a hip-to-gable extension would not be out of character. Furthermore, the works to the roof can be carried out under PD.
- 5.27 With regards to the rear dormer extension, the HDG states that flat-roofed dormers should be set back 300mm from the sides and ridge, and 500mm from the eaves. Whilst setbacks are provided, these are less than the HDG recommends. Once more though, that the works could be undertaken using PDR is a strong material consideration, and the HDG does contain the caveat that it only applies where development requires express planning permission.

Residential amenity

- 5.28 Policy PSP43 sets out minimum standards for private amenity space, however there is **no** set standard for HMOs. Using this policy as a reference, a 1no. bed flat should have access to a minimum for 5 sq.m. amenity space. Using this standard, 7 x 1 bed. flats would require 35 sq.m. amenity space. The proposal provides approximately 166sq.m of amenity space in the rear garden. This would be more than sufficient for sitting out or drying clothes should future occupants wish to do so.
- 5.29 The proposal is situated within a dense urban area. There is adequate space within the front garden for refuse storage. The proposed bike sheds would be modest in scale and located to the front of the house, so there would be minimal impact on visual amenity in this regard.
- 5.30 The requirement for a mandatory HMO licence for a large HMO will ensure that the property would be well managed, and that the amenity of neighbours is not prejudiced. Whilst a common concern with regards to HMO conversions is an increase in noise and disturbance, any additional noise that may result from the proposed increased accommodation i.e. only one extra person, would be relatively small, and issues of noise and anti-social behaviour, should they

arise, would in any event be dealt with through environmental protection legislation.

- 5.31 Officers noted at the time of their site visit, there were no obvious signs of there being other HMO's in the vicinity of the site.

Transportation and Highways

- 5.32 The Council Policy PSP16 parking standard for HMO's is 0.5 parking space per bedroom, rounded up to the nearest whole number of spaces. Therefore a 7-bed HMO requires 4 spaces. The Policy states that these can be provided on-site or alternatively on-street where there is a suitable width of carriageway.
- 5.33 The change from a 6 person HMO to a 7 person HMO requires an additional 0.5 car parking spaces rounded up to 1 space in addition to that which is currently provided on the site. The existing house currently has a single sub-standard garage as the only on-site parking. The original proposal included 2 car parking spaces to the front of the dwelling and 2 in the rear garden accessed via the adopted backway.
- 5.34 As the proposal is only required to provide a minimum of 1 extra space the parking to the front or rear would fulfil this requirement. The 2 parking spaces to the front however required a double width driveway across the 3m wide grass verge. Streetcare have stated that they are unlikely to permit a crossover which removes the wide grass verge which would encourage parking across the footway. The front parking spaces have therefore been removed from the proposal.
- 5.35 It is a material consideration that the property could, under PD rights, already operate as a 4-6 bed HMO with the existing parking provision of 1 space. The proposed two car parking spaces to the rear of the property provide sufficient car parking to accommodate the demand generated by the increase in the number of bedrooms to 7 from the 6 bedrooms currently being constructed under permitted development rights. There will therefore be sufficient parking provision to meet the requirement of PSP16 (as set out above). Officers also noted that at the time of their site visit (Tuesday mid-day) there were numerous on-street parking spaces available.
- 5.36 Adequate cycle storage would also be provided within the rear garden for at least 8no. bikes. Adequate and accessible bin storage would also be appropriately located to the front of the house.
- 5.37 The site lies within a highly sustainable location, within easy walking distance of Filton Town Centre, the UWE campus, and multiple large employers. There are bus stops on Filton Avenue, providing multiple, regular (every 5-15 minutes) services into Bristol City Centre and towards Frenchay and Cribbs Causeway. In addition, the site is conveniently located on the extensive Bristol Cycle Network.

Other matters

- 5.38 Article 4 Directions are a means to restrict permitted development rights. There are currently no Article 4 Directions relating to HMOs in place within South Gloucestershire but one is due to be introduced to the Filton Area in Jan. 2014.
- 5.39 The scheme should not set a precedent as each application is determined on its individual merits.

Consideration of likely impact on Equalities

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

Planning Balance

- 5.41 It is acknowledged that the proposal would make a positive contribution to the housing shortage, providing additional housing suitable for smaller households and single people in an area where there is a high demand for such accommodation. Whilst this weighs in favour of the proposal, the amount of additional accommodation provided (net 1no. person above what is allowed under PD rights) would be relatively small and therefore carries only minimal weight in the overall planning balance.
- 5.42 The site is a sustainable location and adequate car and cycle parking provision would be available to address the additional traffic generated by the proposal. Officers consider that, on balance, there would be no unacceptable impacts on highway safety. The residual cumulative impacts on the road network would not be 'severe'; this however would be expected of any submission and therefore carries neutral weight in the overall planning balance assessment. There would be no significant adverse impact on visual amenity but this is a requirement of any proposal and also carries neutral weight.
- 5.43 The proposal would not result in 'sandwiching' of an existing residential dwelling (C3) with licensed HMO's and would not exceed the 10% density threshold quoted in the HMO SPD and as such would not have an 'adverse impact on residential amenity and the character of the area', especially in terms of the ability to support mixed communities.
- 5.44 The HMO SPD is a recently adopted Supplementary Planning Document. Whilst it is for guidance purposes only, it does support the existing Development Plan Policies, most notably policies PSP8, PSP39 and CS17. As such, it is a material consideration and officers attach significant weight to the document and to the thresholds set therein that relate to the density of HMO's.
- 5.45 The percentage of known **licensed** HMO properties within the locality (census output area) is only 7.4% which includes no.104. Within a 100m radius, the percentage would amount to only 7.6%. The percentage of licensed HMO's within the 100m radius is therefore below the 20% threshold and well below

10% within the wider locality. Although this proposal would not run counter to the threshold for the locality set out within the SPD, it is still necessary to demonstrate what harm would be caused to the character and appearance of the area, especially having regard to the fall-back situation in this case.

- 5.46 From what officers saw during their site visit, there was no clear physical evidence of the problems usually associated with high levels of intensified properties, such as inadequate refuse storage arrangements or poorly maintained frontages and illegal parking.
- 5.47 The proposed development would provide an acceptable level of living conditions for up to 7no. occupants, including internal and external amenity space, refuse storage as well as vehicle and cycle parking. There are no officer concerns over highway safety or neighbour's living conditions with respect to noise, disturbance and anti-social behaviour.
- 5.48 Consequently, it follows that the proposed scheme would not necessarily add to or result in any of the problems usually associated with high levels of intensified HMO properties in a locality.
- 5.49 There would be no unacceptable harm to the character or appearance of the area. The proposed development would not therefore be materially at odds with the aims of Policy CS17 of the CS, Policies PSP8 and PSP39 of the PSPP or the guidance set out in the adopted SPD.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 That planning permission 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 off-street parking provisions (i.e. 2no. spaces), bin store and cycle storage facilities, as shown on the Existing and Proposed Block Plans Drawing No.

4152.PL.05 Rev E received 18th August 2023, shall be provided prior to the first use of the property as a 7 person HMO and retained for those purposes thereafter.

Reason

To ensure the satisfactory provision of parking facilities, cycle storage facilities and appropriate waste facilities and in the interest of highway safety, to promote sustainable transport and to accord with Policies PSP16 and PSP39 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

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

Existing Plans and Elevations Drawing No. 4152.PL.06 Rev B received 23rd June 2023

Proposed Plans and Elevations Drawing No. 4152.PL.07 Rev B received 23rd June 2023

Location Plan Drawing No. 4152.PL.01 Rev A received 23rd June 2023

Existing and Proposed Block Plans Drawing No. 4152.PL.05 Rev E received 18th Aug. 2023

Reason

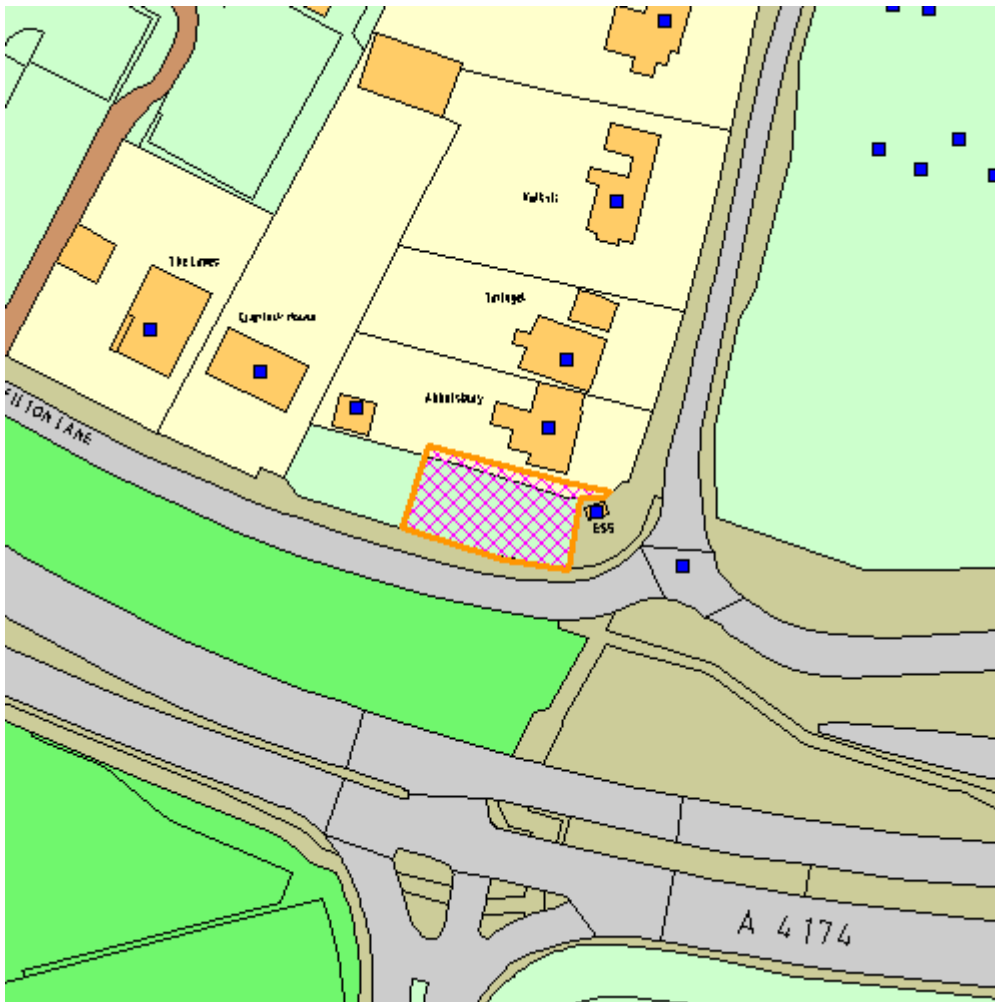
To define the terms and extent of the permission.

Case Officer: Roger Hemming

Authorising Officer: Helen Ainsley

CIRCULATED SCHEDULE NO. 36/23 -08th September 2023

App No.:	P23/01970/RVC	Applicant:	Mr Tom Coleman David Cahill Design Consultants Ltd
Site:	Land At Abbotsbury Harry Stoke Road Stoke Gifford South Gloucestershire BS34 8QH	Date Reg:	25th July 2023
Proposal:	Variation of condition 9 attached to P22/04124/F to substitute drawing numbers 3451/3a and 3451/2 with drawing numbers 3451/3c and 3451/2e. Erection of 1 no. detached dwelling with access and associated works (Class C3, as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended)) (resubmission of P22/01069/F).	Parish:	Stoke Gifford Parish Council
Map Ref:	361973 178640	Ward:	Stoke Gifford
Application	Minor	Target	18th September 2023
Category:		Date:	



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 CIRCUALTED SCHEDULE

The application appears on the Circulated Schedule because a response has been received from the Parish Council which, whilst not expressly objecting, could be construed as such, and the officer recommendation is to the contrary.

1. THE PROPOSAL

- 1.1 This planning application is made under Section 73 ("s73") of the Town and Country Planning Act 1990 (as amended) ("the Act"). Applications made under this section of the Act seek to develop land without compliance with conditions previously attached to the relevant planning permission.
- 1.2 The applicant is seeking to vary condition 9 of planning permission P22/04124/F to facilitate a change in design. The key change is the addition of a rear ground floor projection to the dwelling.
- 1.3 The application site formed part of the side garden of Abbotsbury, a two-storey, detached, 1950's house, located on the junction of Filton Lane and Harry Stoke Lane. The existing property (Abbotsbury) has both side and rear extensions and is currently used as a 6-bedroom House in Multiple Occupation (HMO) (Class C4). The application site is located within the North Fringe of Bristol Urban Area and is not subject to any other restrictive planning constraints or designations.
- 1.4 The application originally sought to change the rendered areas to brick, however, this has been omitted and so has been omitted from the description and the revised plans have been updated in the description also to ensure that the correct drawing revisions are referred to. As this does not fundamentally change what has been applied for and relates to the removal of an item, no further re-consultation has been necessary as nobody would be disadvantaged.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework
National Planning Practice Guidance
- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design

CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS25	Communities of the North Fringe of Bristol

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

PSP1	Local Distinctiveness
PSP3	Trees and Woodland
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP20	Flood Risk, Surface Water, and Watercourse Management
PSP21	Environmental Pollution and Impacts
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
Affordable Housing and ExtraCare SPD (Adopted) May 2014
CIL and S106 SPD (Adopted) March 2015
Waste Collection SPD (Adopted) January 2015 (updated March 2017)
Trees and Development Sites SPD (Adopted) April 2021

3. RELEVANT PLANNING HISTORY

- 3.1 DOC22/00445 (discharge decided 09/03/2023):
Discharge of condition 2 (desk study/contamination) attached to planning permission P22/04124/F. Erection of 1 no. detached dwelling with access and associated works (Class C3, as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended)) (resubmission of P22/01069/F).
- 3.2 P22/04124/F (approved 21/10/2022):
Erection of 1 no. detached dwelling with access and associated works (Class C3, as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended)) (resubmission of P22/01069/F).

4. CONSULTATION RESPONSES

Stoke Gifford Parish Council

- 4.1 No objection to material changes but would like any changes to cladding to be similar to neighbouring properties.

Significant rear extension seems odd to be requested via an RVC. Concerns about the amenity impact on the neighbour in terms of impacts on their conservatory. Can these aspects be fully assessed according to policies PSP8, PSP38 and HH Design SPD.

- 4.2 Sustainable Transport

- No comment.
- 4.3 Tree Officer
Updated proposed plan shows 3 trees to be retained whereas approved tree report shows 2. 3rd tree which is not to be retained needs to be removed from the proposed plan.
- 4.4 Highway Structures
No comments have been received.
- 4.5 Environmental Protection
No comments have been received.
- 4.6 LLFA
No objection.
- 4.7 Archaeology
No comment.
- 4.8 Wales and West Utilities
Information provided.
- 4.9 Planning Enforcement
No comments have been received.
- 4.10 Local Residents
No comments have been received.

5. ANALYSIS OF PROPOSAL

Principle of Development

- 5.1 Applications made under s73 of the Act seek permission for the development of land without compliance with conditions subject to which a previous planning permission was granted. With applications made under s73, the Local Planning Authority shall consider only the conditions subject to which planning permission was granted; the principle of development is therefore established.
- 5.2 If the Local Planning Authority decides that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, the Authority should grant permission accordingly. If the Authority decides that planning permission should be granted subject to the same conditions, then the application should be refused
- 5.3 This application seeks to vary condition 9, the approved plans condition, which states:

Development shall be implemented in accordance with the following plans:

3451/1 - Existing site plan

3451/4 - Location plan
As received 25th July 2022

3451/3 A - Plans and elevations
As received 2nd August 2022

3451/2 - Proposed site plan
As received 9th August 2022

Reason

For the avoidance of doubt and to define the exact terms of the permission.

- 5.4 The variation would see the plans highlighted in **bold** above replaced with revisions C and E, respectively. This change would see the form of the dwelling altered at ground floor to the rear, as a single storey ground floor projection would be added. Comments of the Parish Council are noted in terms of this being unusual. An s.73 allows the variation of the approved plans condition. The approved scheme has the following description:

Erection of 1 no. detached dwelling with access and associated works (Class C3, as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended)) (resubmission of P22/01069/F).

- 5.5 The change proposed relates to the design of the dwelling. However, the resultant development would still be covered by the approved development description (this is noted because s.73 cannot be used to vary the development description). Accordingly, there is no reason procedurally as to why this change cannot be made via the s.73 route.

- 5.6 Further to the above, the main issues to consider are impacts on design and impacts on the amenity of neighbours as a result of the change.

5.7 Design and Amenity

The main change to the design is the addition of a 4-metre-deep ground floor projection to the rear of the property, which would span the rear elevation width and would have a flat roof (height 2.7 metres). The resultant appearance of the dwelling would remain the same to the front and the rear would have the appearance of having a modest extension added at ground floor, with the ground floor projection falling within what would be permitted dimensionally as an addition to the consented dwelling under the terms of the GPDO (permitted development).

- 5.8 The change to the design does not pose any material concerns with the ground floor projection being of an appropriate scale so as to not appear over-sized (being under the maximum depth parameters within the HH Design SPD). The flat roof would be acceptable given its use on a ground floor element and that flat roofs are not alien to the area. The ground floor projection is also of a typical design that could be expected of a ground floor extension. Concern was raised initially regarding changing the facing material to brick. However, this has been omitted which is welcomed as render is the predominant facing material on the immediate neighbouring dwellings.

- 5.9 In terms of amenity, no new openings are proposed other than ground floor openings to the rear of the ground floor projection and to the South side of the ground floor projection, facing away from the neighbouring properties. There would therefore be no changes in terms of overlooking or privacy consideration.
- 5.10 Comments are noted regarding impacts on the amenity of the neighbour (Abbotsbury). In terms of the amenity space of the neighbour, the change would not have any unacceptable impacts given the siting and generous proportion of Abbotsbury's retained amenity space. There are limited openings to the side of Abbotsbury facing south towards the site. Other than a ground floor secondary window on the rear wing of Abbotsbury, there is a modest conservatory. The South elevation of the conservatory would be c.2.6 metres from the side of the new dwelling.
- 5.11 The alignment of the two-storey part in relation to the conservatory would not change. The main difference is the addition of the rear projection at ground floor. This would have some impact on the conservatory, beyond the approved situation. However, in context, there is an existing 1.8 metre fence and so it would only be the part that sits above the fence visible from the conservatory on Abbotsbury. Given the low height of the rear projection, it would not result in any unacceptable degree of impact on the conservatory in terms of outlook, light and overbearing. The conservatory would also retain its Westerly aspect unhindered. It is also noted at this point that the ground floor projection could be added as an extension to the dwelling under PD, given that whilst PDRs were removed for part 3 class L (C4 HMO use), there is no restriction relating to extensions. As however the ground floor projection would become part of the 'original dwelling' if approved through this application, it would be necessary to remove permitted development rights as otherwise in theory a further 4 metres could be added under permitted development (8 metres potentially under the householder prior notification process). Subject to this, there are no considered amenity issues with the amendments in reference to PSP38, PSP8 or the Householder Design Guide SPD.
- 5.12 Highways
The amendment would have no material impact on the parking or access arrangements. However, relevant conditions should be carried over relating to parking provision.
- 5.13 Arboriculture
Comments of the Tree Officer are noted. The proposed site plan has been corrected to align with the approved arboricultural report.

Other Conditions

- 5.14 As a decision under s73 has the effect of granting a new (revised) planning permission, the other conditions attached to xxx must be reviewed

<i>No.</i>	<i>Brief Description</i>	<i>Discussion</i>	<i>Action</i>
1	Time implementation	Development	Remove

<i>No.</i>	<i>Brief Description</i>	<i>Discussion</i>	<i>Action</i>
		implemented	
2	Contamination	Part A and B have been discharged by virtue of DOC22/00445. Condition 2 should be amended to remove parts A and B, however measures agreed under B will need to be applied to the additional footprint which should be covered in the revised condition wording.	Vary
3	Remove HMO PDRs	The reason for applying this condition has not changed and it should be retained.	Retain
4	Acoustic fence (pre-occupation)	The reason for applying this condition has not changed and it should be retained. Plan referenced should be updated to reflect revised site plan.	Vary
5	Tree protection compliance	The reason for applying this condition has not changed and it should be retained.	Retain
6	Parking provision (pre occupation)	The reason for applying this condition has not changed and it should be retained. Plan referenced should be updated to reflect revised site plan.	Vary
7	Working hours	The reason for applying this condition has not changed and it should be retained.	Retain
8	Obscure glazing	The reason for applying this condition has not changed and it should be retained.	Retain
9	Plans condition	Variation discussed above is acceptable, subject to imposition of new condition (removal of HH PDRs)	Vary

<i>No.</i>	<i>Brief Description</i>	<i>Discussion</i>	<i>Action</i>
10	Removal of householder PDRs (Class A – extensions and alterations)	New condition, necessitated by the variation of condition 9.	Add new condition.

Impact on Equalities

5.15 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.

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

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 It is recommended that planning permission be **GRANTED** for the proposed variation, subject to the following conditions:

CONDITIONS

1. Remediation/mitigation measures approved under DOC22/00445 in relation to P22/04124/F shall be implemented in full in relation to the revised dwelling design prior to first occupation.

C) Verification Report - Prior to first occupation, where works have been required to mitigate contaminants (under condition B attached to P22/04124/F) a report providing details of the verification undertaken, demonstrating that all necessary

remediation works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.

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

Reason

To ensure that risks posed by contamination are understood, and mitigation undertaken where appropriate to ensure that the site is suitable for the proposed use and will remain so, in accordance with PSP21 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017 and the relevant parts of the National Planning Policy Framework.

2. 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 under Part 3, Class L (small HMOs to dwellinghouses and vice versa) shall take place at any time and the dwelling shall be used only as a dwellinghouse under Class C3 of the Use Classes Order, unless agreed otherwise on an application determined by the local planning authority.

Reason

To protect the character and amenities of the area and to ensure a mixed and balanced community in an area where there is an already high concentration of houses in multiple occupation as determined in the refusal of P22/01069/F, in accordance with PSP39 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017, CS17 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and; the Houses in Multiple Occupation (HMO) SPD (Adopted) October 2021.

3. The dwellinghouse shall not be occupied until a continuous 2.4 metre high acoustic fence in the location as shown on plan 3451/2e (proposed site plan, received 23rd August 2023) has been provided, which shall be retained thereafter.

Reason

To protect the amenities of future occupiers and preserve garden amenity in light of the nearby A4174 Ring Road, in accordance with PSP8 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017.

4. The development shall proceed in strict accordance with the tree protection measures as set out in the submitted arboricultural report submitted in relation to P22/04124/F (Silverback, September 2022, as received 13th September 2022).

Reason

To ensure that off site trees adjacent are suitably protected during development and to accord with PSP3 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017.

5. Prior to first occupation, the parking, pedestrian and vehicular access arrangements as indicated on plan 3451/2e (proposed site plan, as received 23rd August 2023) shall be provided in full, and shall be retained thereafter.

At least one of the parking spaces shall be provided with at least one electric vehicle charging point rated at 7kw, 32amp minimum, which shall be installed to an operational standard prior to first occupation of the dwellinghouse.

Reason 1

In the interests of highway safety and to ensure sufficient parking is provided in accordance with PSP11 and PSP16 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017.

Reason 2

To ensure provision is made for sustainable travel and to accord with CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

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 amenities of neighbours during construction and to accord with PSP8 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017.

7. Prior to the use or occupation of the dwellinghouse hereby permitted, and at all times thereafter, the proposed 2no. first floor bathroom/en-suite windows on the North side 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 amenities of neighbours and to accord with PSP8 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017.

8. 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 (Class A - enlargement, improvement or other alteration of a dwellinghouse) ,

other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority

Reason

To preserve the amenity of neighbouring occupiers by allowing the LPA to retain control over any future additions in accordance with PSP8 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017.

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

3451/1 - Existing site plan
3451/4 - Location plan
As received 25th July 2022

3451/3c - proposed plans and elevations
3451/2e - proposed site plan
As received 23rd August 2023

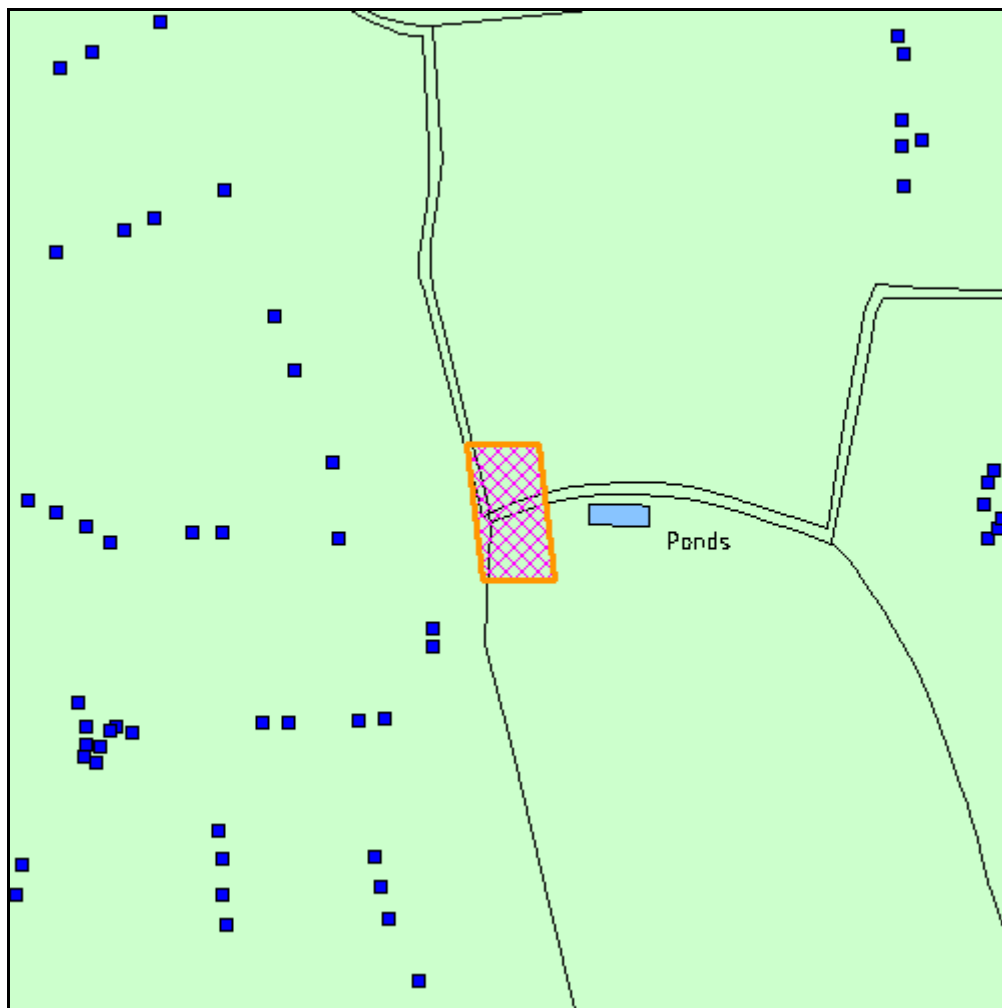
Reason

For the avoidance of doubt and to define the exact terms of the permission.

Case Officer: Alex Hemming
Authorising Officer: Helen Ainsley

CIRCULATED SCHEDULE NO. 36/23 -08th September 2023

App No.:	P23/02019/ADV	Applicant:	Bellway Homes (SW)
Site:	Land At Clayhill Drive Yate South Gloucestershire	Date Reg:	4th July 2023
Proposal:	Display of post mounted non illuminated static sign	Parish:	Yate Town Council
Map Ref:	371956 183894	Ward:	Yate North
Application Category:	Minor	Target Date:	28th August 2023



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100023410, 2008. **N.T.S.** **P23/02019/ADV**

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

This application has been referred to Circulated Schedule as the Officer's recommendation is, in part, contrary to that of Yate Town Council.

1. **THE PROPOSAL**

- 1.1 Advertisement consent is sought for the erection of a post mounted non illuminated static sign at Clayhill Drive, Yate.
- 1.2 The application site as defined by the redline boundary broadly aligns with the extent of phase 1 of the North Yate New Neighbourhood masterplan. The siting of the proposed advertisement itself within this extensive site relates to a grass verge to the northwest of a T-junction situated upon the edge of a green infrastructure corridor that runs throughout this partially implemented new neighbourhood. To the south and east of the proposed advertisement are a mix of newly constructed two-storey dwellinghouses and three storey apartment blocks, to the north is a construction site.
- 1.3 The application site is situated within the settlement boundary of Yate and is designated for the development of North Yate New Neighbourhood. The application site contains a grouping of trees that benefit from a Tree Protection Order and the site is also designated as a mineral safeguarding area.

2. **POLICY CONTEXT**

2.1 National Guidance

- i. National Planning Policy Framework 2023
- ii. National Planning Practice Guidance
- iii. Town and Country Planning Act 1990
- iv. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended)

2.2 Development Plans

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

CS1 High Quality Design

CS4a Presumption in Favour of Sustainable Development

CS8 Improving Accessibility

CS30 Yate and Chipping Sodbury

CS31 North Yate New Neighbourhood

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

PSP1 Local Distinctiveness

PSP11 Transport Impact Management

2.3 Supplementary Planning Guidance

- i. Shopfronts and Advertisements SPD (Adopted) April 2012

3. **RELEVANT PLANNING HISTORY**

- 3.1 The application site forms a constituent part of the North Yate New Neighbourhood and has an extensive and complex planning history. For the purposes of brevity and clarity, only the approved outline and reserved matters applications are included below.
- 3.2 **PK17/4260/RM** Laying out of landscape and infrastructure (Phase 0) including primary and secondary streets, utilities, services, foul and surface water drainage, hard and soft landscaping. (Approval of reserved matters including appearance, landscaping, layout and scale to be read in conjunction with Outline Planning Permission PK12/1913/O superseded by PK16/2449/RVC). **Approved with Conditions** 21st May 2018.
- 3.3 **PK12/1913/O** Mixed use development across 100.76 hectares of land comprising up to 2,450 new dwellings (Use Class C3), extra care housing (Use Class C2), 4.63 hectares of employment land (Use Class B1,B2) provision of a local centre, two primary schools, together with the supporting infrastructure and facilities including: new vehicular and pedestrian accesses, public open space and landscaping and proposal to underground the electricity powerlines. Outline application including access with all other matters reserved. **Approved with Conditions S106 signed.** 17th July 2015.

4. **CONSULTATION RESPONSES**

4.1 Yate Town Council

Objection. Consideration needs to be taking to the properties opposite. Sign needs to be angled further round so minimum impact on visual amenity of adjoining dwellings is so they only see profile thin edge. Time limit on the retention. This is intrusive in an important open space corridor so must be there the minimum time possible - say 1 year.

4.2 Transportation Development Control

No objection.

4.3 Neighbouring Residents

No response.

5. **ANALYSIS OF PROPOSAL**

Principle of Development

- 5.1 In accordance with The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) and the guidance contained in paragraph 136 of the NPPF, the only aspects of advertisements

that are subject to control relate to the interests of amenity and public safety, taking account of cumulative impacts.

- 5.2 The regulations clarify that factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest; factors relevant to public safety include the safety of persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military); whether the display of the advertisement in question is likely to obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; whether the display of the advertisement in question is likely to hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

Visual Amenity

- 5.3 The proposed post mounted signage would comprise of five distinct advertisement panels. The topmost panel would measure 1.22 metres in height and span 1.65 metres in breadth whilst the remaining four panels would each have a height of 0.42 metres and share an identical breadth. These are to be arranged in a vertical manner with a gap of 0.2 metres between each one, with the lowest panel raised 0.91 above ground level and the topmost panel reaching a maximum height of 4.57 metres.
- 5.4 By virtue of the siting of this proposal, the signage would be framed by the greenery of significantly taller trees situated beyond it when viewed from the south and east, whilst the three storey apartments to the east would appear much taller from vantage points from the west. Views toward the rear of the signage from within the green corridor would be largely obscured on account of the existing vegetation. As such, notwithstanding its considerable height, the visual intrusion of such signage would be reasonably contained within its immediate setting. Its orientation, skewed approximately 45 degrees from the alignment of Clayhill Drive, responds positively to its positioning to the northwest of a T-junction that will form a primary thoroughfare of the completed North Yate New Neighbourhood.
- 5.5 An objection has been raised by Yate Town Council regarding the visual impact of this signage upon the occupants of the properties situated immediately opposite, requesting that the orientation of the signage is revised to present only the 'thin edge' to these properties. The only views that would look upon the face of this signage are from the most proximate block of apartments, gained from the southernmost ground floor window and the two balconies above. These would be approximately 12 metres from the proposed signage, separated by an estate road and partially obscured by a young tree. This separation distance is not uncommon for advertisements and the fact it is partially obscured and orientated at an oblique angle, facing 45 degrees away from these properties, is sufficient to ensure that it would not have an unacceptable impact. Furthermore, should the advertisement be orientated as suggested by Yate Town Council, it would be substantially less visible for those travelling along Clayhill Drive and would also present its unfurnished rear to those entering this T-junction from the north. This altered alignment would also

have a near identical impact to that of the proposed scheme when viewed from habitable rooms and balconies of the three apartments to the north of the block opposite. These outcomes are less optimised than the proposed arrangement, which notwithstanding the comments of Yate Town Council, is deemed broadly acceptable with regards to its visual impact upon the nearby properties.

- 5.6 The general characteristics of the locality are presently defined largely by the ongoing building operations that are occurring in close proximity to the proposed siting of the signage. The site visit revealed that whilst many of the residential properties to the south and east have been completed and are now occupied, vehicle traffic was primarily construction related and properties to the north remain unfinished with temporary fencing and hoardings associated with the construction process present on either side of Clayhill Drive. As such, whilst this form of advertisement would not be acceptable as a permanent feature within the completed new neighbourhood, for the duration of the building operations and associated marketing of the development to which it relates, its impact upon visual amenity would not be so severe as to sustain a refusal.
- 5.7 Its scale, form and content is akin to that which is afforded deemed consent under Class 3C of Part 1 of Schedule 3 of The Town and Country Planning (Control of Advertisements) (England) Regulations (as amended). The key distinction is that this specific signage is to be situated outside of the land to which the building operations occur, such that its removal upon the conclusion of the building operations as part of making good the site cannot be guaranteed. The application form does specify that advertisement consent is only sought until 1st July 2025 and a time limit condition requiring its removal once the relevant building operations have finished is both appropriate and necessary. It is noted that Yate Town Council have sought to reduce this time limit to only 1 year. As the extent of the timescales for the relevant building operations remain unclear, whilst the detriment to visual amenity from the signage would accumulate in magnitude the longer it remains in situ beyond the conclusion of building operations, as the general characteristics of the locality evolve into that of a fully occupied residential neighbourhood, the 1 year limit recommended by Yate Town Council is deemed to be more appropriate. Should the relevant building operations extend beyond this time frame, a variation of condition application to extend this permission can be submitted and considered on its merits.

Public Safety

- 5.8 Concerning public safety, the principal concern in this instance relates to the impact upon the safety of motorists and pedestrians entering and exiting the adjacent T-junction. The Transportation Development Control Officer has been consulted and determined that no aspect of the proposed signage would create any highways or transportation issues that could affect public safety. As such, the siting of the signage is accepted and subject to the standard conditions for the display of advertisements, this scheme is considered to have no detrimental impact upon public safety.

Consideration of likely impact on Equalities

- 5.9 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.
- 5.10 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 220 of the Town and Country Planning Act 1990 and Regulation 3 of the Advertisement Regulations 2007, 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** consent has been taken having regard to the policies and proposals in the development plan set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 It is recommended that advertisement consent is GRANTED subject to the conditions detailed on the decision notice.

CONDITIONS

3. This advertisement consent shall be implemented in accordance with the details provided in the application form and the following plans:

The Location Plan
Block Plan
Signage Detail

All plans received by the local planning authority on 3rd July 2023.

Reason:

For the eradication of doubt as to the parameters of the development hereby permitted.

4. Notwithstanding the advertisement period detailed in the application form, this advertisement consent shall expire 1 year after the date of the decision notice.

Reason:

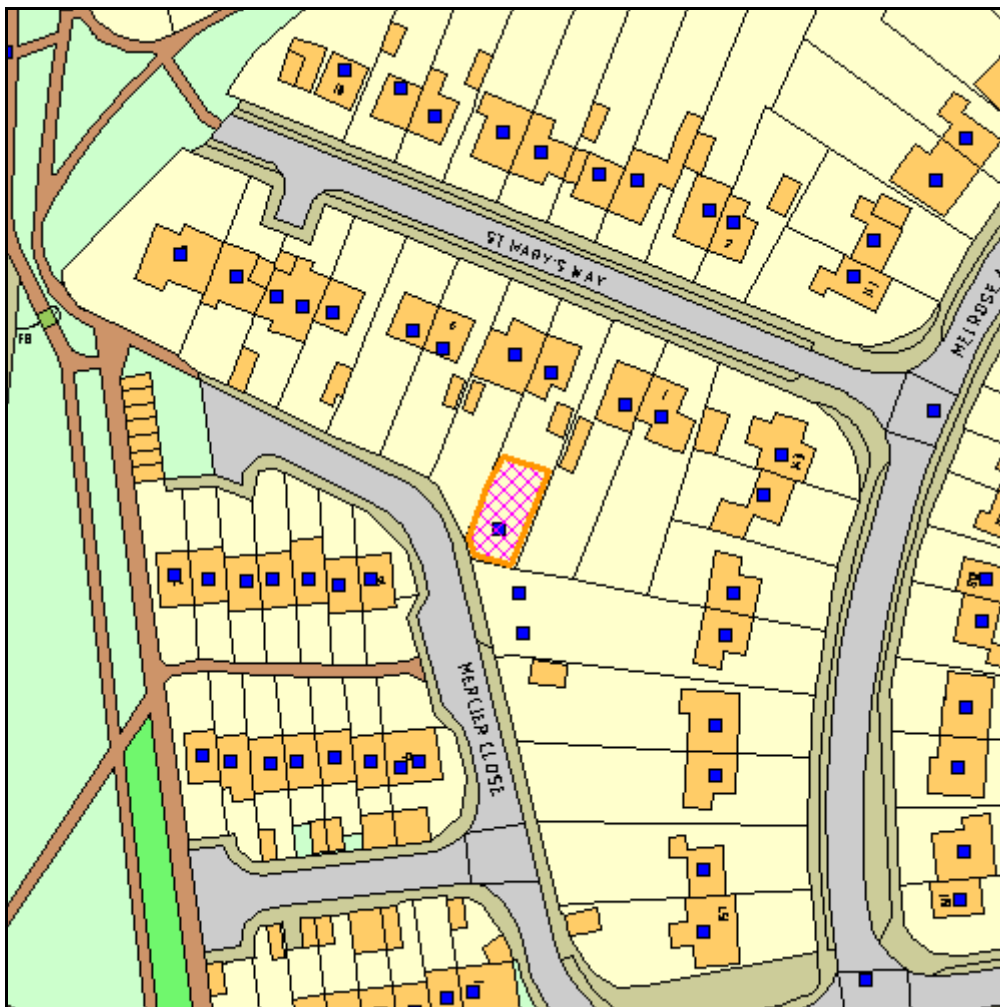
To ensure that this advertisement is only present for the duration of related building operations and would not result in an unwarranted detrimental impact upon the amenity of the area as it evolves into a new neighbourhood, as required under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and paragraph 136 of the NPPF.

Case Officer: Steffan Thomas

Authorising Officer: Suzanne D'Arcy

CIRCULATED SCHEDULE NO. 36/23 -08th September 2023

App No.:	P23/02105/F	Applicant:	Tom Worrall
Site:	Land To The Rear Of 5 St Marys Way Yate South Gloucestershire BS37 7AR	Date Reg:	13th July 2023
Proposal:	Erection of 1no. detached dwelling with access, parking, screening and associated works (amendment to previously approved scheme P21/04019/F).	Parish:	Yate Town Council
Map Ref:	371811 182838	Ward:	Yate Central
Application Category:	Minor	Target Date:	18th September 2023



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N.T.S.

P23/02105/F

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

REASON FOR REFERRING TO CIRCULATED SCHEDULE

This application appears on the Council's Circulated Schedule procedure following an objection from the Parish Council contrary to the findings of this report and the officer recommendation.

1. THE PROPOSAL

- 1.1 This application seeks full planning permission for the erection of 1no. detached dwelling with access, parking, screening and associated works (amendment to previously approved scheme P21/04019/F).
- 1.2 The site lies within the established built-up residential area of Yate and forms part of the residential curtilage to the rear (south) of No.5 St Mary's Way, a two storey semi-detached dwellinghouse.
- 1.3 The application site has relevant planning history. In 2017 one detached dwelling was submitted, and subsequently withdrawn. A resubmission was received in 2017 which was refused. A further application for one detached dwelling was submitted and granted consent in 2021. A comparison of these submissions will be made within this report.
- 1.4 Since the application was initially submitted and consultations were received, revised drawings have been accepted by the Local Authority. Changes comprise reconfiguration of the dwellings fenestration arrangement, including relocation of the entrance door which is complimented by the erection of a front porch. Given the only comment received by the local community was from the Parish Council, of which was regarding loss of privacy to neighbouring dwellings. Officers feel that the revised scheme would reduce the potential impact on neighbours and therefore a reconsultation was not considered necessary.

2. POLICY CONTEXT

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)

CS1	High Quality Design
CS4a	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS15	Distribution of Housing
CS16	Housing Density

CS17 Housing Diversity

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
PSP37	Internal Space and Accessibility Standards for Dwellings
PSP38	Development within Existing Residential Curtilages
PSP43	Private Amenity Space Standards

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted August 2007)
Residential Parking Standards (Adopted December 2013)
Waste Collection: Guidance for New Developments (Adopted 2019)
National Design Guide (2019)
Householder Design Guide (Adopted March 2021)

3. RELEVANT PLANNING HISTORY

3.1 **P21/04019/F**. Erection of 1no. detached dwelling with access, parking, screening and associated works. **Approve with Conditions**. 25/10/2021.

3.2 **PK17/4915/F**. Erection of 1no detached dwelling with access and associated works (re-submission of PK17/1642/F). **Refusal**. 13/12/2017.

Refusal reason

The proposed new dwellinghouse by virtue of its siting, design, scale and massing is considered to result in a cramped and incongruous form of development which does not respect or enhance the character of the area, is out of keeping with the surrounding estate and as such does not achieve the sufficient highest possible standards of design and site planning required by Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) 2013. The limited amenity space is a symptom of this cramped and crowded arrangement. The application is therefore contrary to the requirements of Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and PSP8 and PSP43 of the South Gloucestershire Policies Sites and Places Local Plan (Adopted) November 2017.

3.3 **PK17/1642/F**. Erection of 1no detached dwelling, access and associated works. **Withdrawn**. 07/07/2017.

4. CONSULTATION RESPONSES

4.1 Highway Structures
No comment.

4.2 Lead Local Flood Authority
No objection in principle subject to the imposition of informative.

4.3 Sustainable Transport – Transportation DC
No transport objection.

Recommend the imposition of conditions.

4.4 Yate Town Council
Objection.

There will be an impact on surrounding properties to this realignment.

By rotating the approved dwelling through 90 degrees, this layout would result in serious overlooking of number 7 as the upstairs windows would face directly into the garden of number 7, less than 4m from the garden.

The consented design now has windows on the upper floor overlooking the neighbouring gardens. The upper windows, being a velux roof light, overlook the application property and two corner windows looking out onto the road. This results in 3 velux roof lights overlooking number 3's garden and two full windows and a roof light overlooking number 7.

The massing and impact of the new dwelling is increased in that the consented dwelling, the upper floor has a dormer and roof lights, whereas the proposed scheme has a full set of windows, rather than a dormer.

4.5 Local Residents
No comments received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Due to the passing of time, Policy CS5 of the Adopted Core Strategy is considered to be out of date. Therefore, as per Para 11 of the NPPF, the locational policy which is the most important for the determination of this specific planning application is out-of-date hence, the tilted balance applies. In accordance with the NPPF, in this instance this means that planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

5.2 As the site is within the residential curtilage of an existing dwelling, PSP38 of the Policies Sites and Places Plan (PSPP) is also relevant. PSP38 submits that in urban areas and defined rural settlements, development within existing residential curtilages (including new dwellings), and residential extensions elsewhere, will be acceptable where they are of an acceptable design; do not prejudice the amenity of neighbours; provide adequate parking and provide adequate private amenity space. As established above, the proposed development is acceptable in principle, subject to the following considerations.

5.3 Site History

Application ref. PK17/1642/F was submitted in 2017 for the erection of 1no. detached dwelling. This dwelling measured (approx.) 9.4 metres wide, 5.2 metres deep, 3.2 metres to the eaves and 6.3 metres to the ridgeline. The

- dwelling was 1 and a half storey and orientated east-west. This application was subsequently withdrawn due to concerns relating to scale, orientation and design not considered to integrate adequately or sit well within the context of the plot and the surrounding area.
- 5.4 Application ref. PK17/4915/F (resubmission) for the erection of 1no. detached dwelling was refused in 2017. The dwelling a reduced version of the previously withdrawn application, measuring (approx.) 7.1 metres in width, 5.2 metres in depth, 3 metres to the eaves and 6 metres to the ridgeline. This application was refused as it would seek to create a new planning unit within an area containing rear gardens and ancillary structures. The proposal as a dwelling would appear incongruous in the street, creating visual harm to the street scene and layout of the area.
- 5.5 Application ref. P21/04019/F for the erection of 1no. detached dwelling was granted consent in 2021. The dwelling measuring (approx.) 7.5 metres wide, 6.6 metres deep, 3 metres to the eaves and 6.8 metres to the ridgeline. The dwelling was a dormer bungalow and orientated south-north on the site. Paramount to the determination of this application was the granting of permission for 2no. dwellings on an adjacent plot of land (ref. PK18/2319/F). This provided further context and a pattern of development within the locality which sees housing frontages on this side of Mercier Close. As 3 years has not passed since the granting of permission, the consent remains valid and forms a material consideration when determining the current application.
- 5.6 Design and Visual Amenity
Policy CS1 of the Core Strategy and policy PSP38 of Policies, Sites and Places Plans seeks to ensure that development proposals are of the highest possible standards of design. This means that developments should be informed by, respect, and enhance the character, distinctiveness and amenity of both the application site and its context.
- 5.7 The site proposed to be developed forms part of the rear garden for No.5 St Marys Way, however, the new dwelling would relate to and be accessed from Mercier Close. The surrounding estate generally features pitched roofs with gable-ends. A combination of pebble-dash, render, brick and hanging tiles are present.
- 5.8 The proposed dwelling would be rotated through 90 degrees compared to that previously approved and be a two-storey structure as opposed to a dormer bungalow. The re-orientation is noted to avoid an existing drainage area. As per the previous refusal (ref. PK17/4915/F) officers raised concern that the dwelling would be facing west onto neighbouring garden with no connection to the street. During the course of the application to address officers concerns, amended drawings have been received. The dwellings fenestration arrangement has been altered, most significantly the repositioning of the entrance door. Whilst the general form of the building has not changed, apart from the addition of a modest porch to the south elevation. By relocating the dwellings access point results in the south elevation to become the dwellings principle elevation, improving the dwellings relationship with the street.

- 5.9 As noted in the report above, the application site has permission for the erection of a detached dormer bungalow, as such this forms a material consideration when determining the current proposal. Whilst the scale, form, layout and overall design largely differs from the ongoing consent. As established within the officers report for ref. PK17/4915/F, the granting of permission on land adjacent provides context and a pattern of development for the site to be considered against and would make an additional individual dwelling, as proposed, much less incongruous. Whilst therefore this does not establish a precedent, and each application must remain to be dealt with on its own individual merits and set of circumstances, it does provide for a pattern of development within the locality which sees housing frontages on this side of the street scene.
- 5.10 Whilst this side of the road is for the most part made up of the rear end of curtilages from properties fronting St Marys Way, the general street scene, layout and orientation of properties and curtilage garages is rather mixed. On this basis and in this context the current proposals would not create any demonstrable harm to any established or strong street scene, layout or patterns of development.
- 5.11 It is not considered that the general predominance of semi-detached and terraced dwellings in the area automatically renders the consideration of a slightly smaller, detached dwelling unacceptable, and given the context and layout of the area no particular built rhythm or context would be significantly disrupted by the proposal. It could be said that the amended scheme in terms of form is better reflective of its context, given the prominence of two-storey structures and lack of dormers. Furthermore, in terms of materials, the proposal appears to give some recognition of locality due to the combination of render and brick external finish.
- 5.12 Overall, the application is acceptable in design terms and is broadly in accordance with policies CS1 and PSP38.
- 5.13 Residential Amenity
Policy PSP8 of the Policies, Sites and Places Plan relates specifically to residential amenity in which it states development proposals are acceptable, provided that they do not create unacceptable living conditions or result in unacceptable impacts on the residential amenities of occupiers of the development or of neighbouring properties. These are outlined as follows (but not restricted to): loss of privacy and overlooking; overbearing and dominant impact; loss of light; noise or disturbance; and, odours, fumes or vibrations.
- 5.14 The site is located towards the rear end of the existing residential plot and is flanked on both sides by the middle and bottom end of neighbouring gardens. It is noted that the amended scheme has been rotated through 90 degrees, such that there would be a greater length of mass along the shared boundary, in particular No.3 St Mary's Way given that the dwelling has also been repositioned to the sites north-east corner. However, the dwelling under this application, although would be 2 storey, the ridgeline would rise to a height of (approx.) 6.2 metres, which is actually around 0.6 metres lower than the consented 1.5 storey dormer bungalow.

- 5.15 It is acknowledged that whilst the ridge would be lower, the eaves would be (approx.) 1.4 metres higher. Nevertheless, as the dwelling has been re-orientated, such that the roof plane runs south-north, from eaves level the massing would hip away from the boundary, helping to reduce its physical presence. Therefore whilst recognised the consented bungalow is only single-storey from eaves height, the orientation of the building is such that the full height solid gable-end would be facing neighbouring properties.
- 5.16 Officers note that some overshadowing would occur into adjacent properties rear gardens, however by reason of the above, this would be of no more significance than that of the consented bungalow. Neighbours No.3 and 7 St Mary's Way benefit from large, lengthy gardens with only the bottom half of the garden to be affected.
- 5.17 Turning attention to the host dwelling, the adopted Householder SPD states that where a window to a primary room faces onto the blank elevation of another building, a separation distance of 12 metres should be maintained. Where a separation distance of 12 metres or over is achieved, it is unlikely that development would provide insufficient levels of natural light or outlook. A separation distance of (approx.) 14 metres would sit between the new dwelling and No.5's rear elevation.
- 5.18 As a result of the proposed additional fenestration, loss of privacy and overlooking must also be assessed. The only first floor windows are to the side (west) and front elevation. The side window is noted on the plans to be obscure glazed. A condition would be attached to any favourable decision notice stating that this window shall be obscure glazed and restrictive in its opening. The front window would have views onto the highway. It is noted that 4no. skylights are proposed within the roof structure to the side elevations, however due to the nature of skylights, views would be limited. All other windows are positioned at ground floor level, which would be screened by the proposed boundary treatment.
- 5.19 Supplementary to this, policy PSP43 sets out that residential units, are expected to have access to private external amenity space that is: functional and safe; of a sufficient size in relation to number of occupants; and be easily accessible. With regards to the provision of amenity space, the proposed 2-bed property would be provided with (approx.) 50 sq. metre of private garden space. Whereas around 83 sq. metres would remain serving the existing 3-bed host dwelling. The private amenity space associated with both properties would therefore met or be in excess of the councils design standards, complying with policy PSP43.
- 5.20 Transport (Access and Parking)
PSP11 requires developments that create a demand for travel to provide appropriate, safe, accessible, convenient and attractive access for all mode trips arising to and from the proposal. Residential development should be located on safe, useable walking and/or cycling routes that are an appropriate distance from key services and facilities. Additionally, Policy PSP16 sets out the Council's criteria for parking specifications. It states that parking space

provision per dwellinghouse is proportionate to bedroom number. Cycle parking is also required, in accordance with schedule A of PSP16.

5.21 The site is located within an existing built-up area. Accordingly, the site can be considered to be in accordance with the location requirements of PSP11. The existing parking arrangement for the host property No.5 St Mary's Way would not be affected by the development. Two parking spaces are proposed for the new 2-bed residential unit, which exceeds the Council's minimum parking standard. The principle of a proposed access on this side of the road is acceptable. There are no transportation objections to the proposed development. Conditions would be attached to any favourable decision notice to ensure that the crossover is implemented acceptably and that the proposal shall not be occupied until the parking arrangements have been completed in accordance with the submitted details and two covered and secure cycle parking spaces have been provided.

5.22 Drainage

The Lead Local Flood Authority have reviewed the submitted documents and are in acceptance of the level of detail provided. However, reiterate the proposals proximity to a public foul water sewer which may affect the layout of the development. As such propose the imposition of an informative regarding public sewer location.

5.23 Other Matters

It is found appropriate that in order to safeguard neighbouring amenity and ensure adequate residential amenity space remains, permitted development rights which would enable the property to be extended should be removed.

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

7. **RECOMMENDATION**

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

CONDITIONS

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

Reason

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

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

(Received 11th July 2023)

Location Plan

(Received 31st August 2023)

Site Plan (02)

Block Plan (02)

Plans and Elevations (03)

Reason

To define the terms and extent of the permission.

3. Prior to the use or occupation of the proposed development hereby permitted, and at all times thereafter, the proposed window on the side (west) elevation serving 'bedroom 1' 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 privacy and amenity of neighbouring occupiers, and to accord with Policy PSP38 of the South Gloucestershire Local Plan: Policies Sites & Places Plan (Adopted) November 2017; and the National Planning Policy Framework.

4. The development shall not commence until a vehicle crossover to Mercier Close has been constructed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason

In the interest of highway safety and to accord with Policy PSP11.

5. The development shall not be occupied until the car parking facilities have been provided in accordance with the submitted details. These arrangements shall

subsequently be retained in situ unless agreed in writing by the Local Planning Authority.

Reason

In the interest of highway safety and satisfactory parking provision and to accord with PSP11 and PSP16 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017.

6. The proposed development hereby permitted shall not be occupied until two covered and secure cycle parking spaces and a bin store have been provided for the new dwelling. These shall subsequently be retained in situ unless agreed in writing by the Local Planning Authority.

Reason

To ensure appropriate waste serving and cycle storage and to accord with PSP11 and PSP16 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017.

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

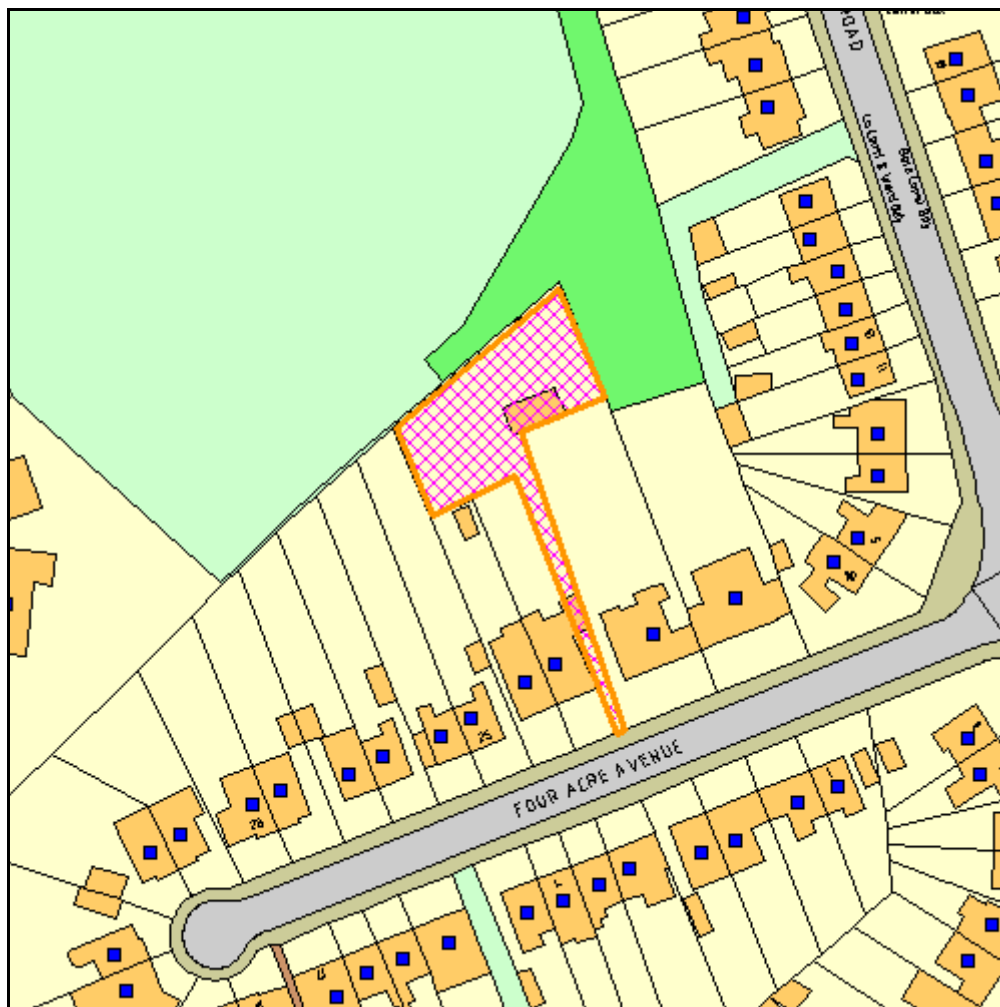
Reason

To safeguard neighbouring amenity and to ensure a satisfactory standard of private amenity space, to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policies PSP38 and PSP43 of the Policies, Sites and Places Plan (Adopted) 2017; and the National Planning Policy Framework.

Case Officer: Chloe Summerill
Authorising Officer: Marie Bath

CIRCULATED SCHEDULE NO. 36/23 -08th September 2023

App No.:	P23/02221/F	Applicant:	Micciche
Site:	Land At 27 Fouracre Avenue Downend South Gloucestershire BS16 6PD	Date Reg:	27th July 2023
Proposal:	Demolition of existing storage building and garage to form new access and erection of 1no. new dwelling with associated works (re-submission of P22/03662/F, approved on appeal)	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	365365 177741	Ward:	Frenchay And Downend
Application Category:	Minor	Target Date:	19th September 2023



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N.T.S.

P23/02221/F

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

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

The application appears on the circulated schedule because more than 3no. responses from interested parties have been received that are contrary to the officer recommendation. A response has also been received from the Parish Council which is contrary to the officer recommendation.

The application is circulated now to meet current timescales, however, the public re-consultation following the adjustment to the development description is still live (this closes on the 8th September). Should any *materially new* issues be raised before the consultation ends on the 8th, the new issues will be addressed and the report re-circulated at the next opportunity.

1. THE PROPOSAL

- 1.1 Planning permission is sought for demolition of existing storage building and garage to form new access and erection of 1no. dwelling with associated works.
- 1.2 This application is a re-submission of P22/03662/F, which was **approved** on appeal, the decision for which remains extant. This application seeks to make minor amendments to the roof form of the approved dwelling. However, the scheme in all other respects remains the same as what has already been approved by the Planning Inspectorate. During consideration, a comparison plan has been submitted to compare the approved and proposed building.
- 1.3 The application site is a backland plot, which currently forms part of the residential curtilage of 27 Fouracre Avenue, a semi-detached dormer bungalow on a cul-de-sac within the East Fringe of Bristol Urban Area.
- 1.4 The description has been amended during consideration to refer to the fact the application is an amendment to an approved scheme. A public re-consultation has conducted.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework 2023
National Planning Practice Guidance

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development

CS8	Improving Accessibility
CS29	Communities of the East Fringe of Bristol

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

PSP1	Local Distinctiveness
PSP3	Trees and Woodland
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP19	Wider Biodiversity
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

Residential Parking Standard SPD (Adopted) December 2013

CIL and S106 SPD (Adopted) March 2015

Waste Collection SPD (Adopted) January 2015 (updated March 2017)

Trees and Development Sites SPD (Adopted) April 2021

3. RELEVANT PLANNING HISTORY

3.1 P22/03662/F (refused 05/09/2022 / Appeal Allowed 12/04/2023):
Demolition of existing storage building and garage to form new access and erection of 1no new dwelling with associated works. (re-submission of P21/07519/).

3.2 P21/07519/F (refused 27/01/2022):
Demolition of existing storage building and garage. Erection of 1no new dwelling with access and associated works.

This decision was not subject to appeal, and was for a two storey dwelling.

4. CONSULTATION RESPONSES

4.1 Downend and Bromley Heath Parish Council
Objection – vehicle access and egress concerns. Concerns 27 Fouracre Avenue main door opens directly onto new dwelling's drive.

4.2 Emersons Green Town Council
No comment.

4.3 Transport
No objection. Condition recommended.

4.4 Highway Structures
No comments have been received.

4.5 Drainage (LLFA)

Query method of surface water disposal.

4.6 Tree Officer

Initial comments: arboricultural report has not been updated to reflect the changes. Further information is needed.

Further comments: no objections.

4.7 Local Residents

6no. responses have been received in objection, summarised as follows:

- Increased traffic
- Unsafe access
- Density of vehicles will be increased
- Construction will cause disruption and pollution
- Impact on drains
- Impact on adjacent properties and gardens
- Neighbouring trees may impact the property
- Design is vague and could lend itself to a multi let situation
- Impact on area that the school uses
- No.27's entrance is onto the access drive
- How would building equipment be delivered?
- Visitors would leave their cars on the road
- Parking area would be next to my garden
- Impact on wildlife
- Construction would disrupt the school pupils
- Contactor parking would cause disruption
- Impact on pedestrian safety due to access
- Inappropriate siting in garden away from building line

5. ANALYSIS OF PROPOSAL

- 5.1 Planning permission is sought for demolition of existing storage building and garage to form new access and erection of 1no. dwelling with associated works.

Principle of Development

- 5.2 This application seeks to amend a scheme that was given consent on appeal. As the proposals relate to amending an extant approval, the development is acceptable in principle. Several responses are noted raising concerns about the development. However, these concerns relate to the merits of the scheme as a whole, the acceptability of which has already been determined by appeal and is therefore not up for consideration again in this application. The only issue that the Council is entitled to consider in effect is the changes being proposed to the scheme, which relate to minor alterations to the roof form. The following will consider the proposed changes only in terms of their acceptability.

5.3 Design and Visual Amenity

The proposed changes related to the Northern part of the roof, which as approved had a hip end. The proposed changes would see a gable end added

- instead to the northern end of the roof, and the dormer sections would be extended to the North. The change is stated to provide additional space on the upper floor.
- 5.4 The revision to the roof structure is a minor change that would bring the Northern roof section in line with the Southern roof sections which are also gabled. This would not result in any material design issues and in some respects represents a design improvement. The commensurate extension of the dormer is also a minor change which would again not render the approved design unacceptable. The minor changes to the roof form are accordingly acceptable in reference to PSP1, CS1 and PSP38.
- 5.5 Residential Amenity
The changes would not result in any additional massing near to the boundary with the residential neighbours to the South. The only additional opening proposed would be in the extended dormer to the West, which would not have any greater impacts than the approved situation in terms of overlooking. The amendment would therefore have no material impacts on the schemes acceptability in terms of residential amenity under the terms of PSP8.
- 5.6 Transport
The change would not alter the access or parking arrangement which have **already been approved** by virtue of the appeal decision. The changes proposed would not have any material impact on parking or access arrangements which remain the same, and there would be no changes to the level of parking required. The amendment therefore does not alter the schemes acceptability in terms of parking or access with reference to PSP11, PSP16 and CS8.
- 5.7 It is noted that the highways officers recommend an EV charging point condition. However, the inspector in their decision relating to P22/03662/F was clear that planning decisions should not duplicate other regulations and as EV charging is dealt with through building regulations, such a condition would not be necessary.
- 5.8 Drainage
Comments of the LLFA are noted. As an amendment to the approved scheme, consideration is confined only to the changes in roof form, with surface drainage having been addressed previously.
- 5.9 Arboriculture
No changes to the footprint are proposed and so the previous consideration with regards to arboricultural impacts stands. Should the amendment be granted, a compliance condition should be applied to ensure that works proceed in accordance with the submitted arboricultural report.
- 5.10 Conditions
As the scheme is a resubmission to amend an approved scheme, it is necessary to ensure conditions are carried over, where required. The below is in addition to the usual plans and time implementation condition (1 and 2 per the Inspectors decision letter).

<i>No.</i>	<i>Brief Description</i>	<i>Discussion</i>	<i>Action</i>
3	Provide access and parking.	This condition remains relevant and should be carried over.	Carry over.
4	Tree report compliance.	This condition remains relevant and should be carried over.	Carry over.
5	Working hours.	The location of the site is such that due to it being surrounded by residential dwellings, this condition remains necessary in the interest of protecting neighbouring residential amenity during construction.	Carry over.
6	Removal of householder permitted development rights (windows, dormers, roof lights on South roof slope).	This condition applied in the interest of preserving residential amenity and the circumstances have not materially changed.	Carry over.

Impact on Equalities

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

Other Matters

- 5.13 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.
- 5.14 Vagueness of plans and possible 'multi-let situation' – the plans are suitably detailed to allow informed assessment of the scheme as a single dwelling. Any further use beyond what has been approved would either need to comply with

the relevant permitted development requirements or would require planning permission, if not covered by permitted development.

6. **CONCLUSION**

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to **grant** permission has been taken having regard to the policies and proposals in the 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** subject to the following conditions AND subject to no new issues being raised in the re-consultation.

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:

3200C – elevation(side) proposed
3001B – proposed block plan
3200D – proposed elevations
3101D – proposed first floor plan
3100B – proposed ground floor plan
3000D – proposed site plan
3102B – roof plan – proposed
1300 – section – existing
1000 – site plan – existing
1001 – site/block plan – existing
SLP A – the location plan
As received 25th July 2023

Reason

To define the exact terms of the permission.

3. Prior to first occupation of the dwelling hereby approved, the access, parking, and bin/recycling storage arrangements shall be implemented in full accordance with

approved plan 3000 D (proposed site plan, received 25th July 2023) and shall be retained thereafter.

Reason

In the interest of highway safety and satisfactory parking provision and to accord with PSP11 and PSP16 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017.

4. The development hereby approved shall proceed in strict accordance with the tree protection measures set out in the submitted arboricultural report (Silverback, November 2021).

Reason

To ensure that retained trees are adequately protected during construction and to accord with PSP3 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017.

5. 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 preserve the amenity of neighbours during construction and to accord with PSP8 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017.

6. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no windows, dormer windows or rooflights, other than those expressly authorised by this permission, shall be constructed on the roof slope of the south elevation of the dwelling hereby approved.

Reason

To preserve the residential amenity of neighbours by allowing the LPA to retain control over certain additions/alterations and to accord with PSP8 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2

Case Officer: Alex Hemming
Authorising Officer: Marie Bath