

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: 06/23

Date to Members: 10/02/2023

Member's Deadline: 16/02/2023 (5.00pm)

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

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

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

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

NOTES FOR COUNCILLORS

– formal arrangements for referral to committee

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

c. All applications for non-material amendments

d. All applications to discharge planning conditions

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

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

Additional guidance for Members

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

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

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

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

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

A template for referral is set out below:

Referral from Circulated Schedule to Development Management Committee

1. Application reference number:
2. Site Location:
3. Reasons for referral:

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

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

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

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

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

Date:

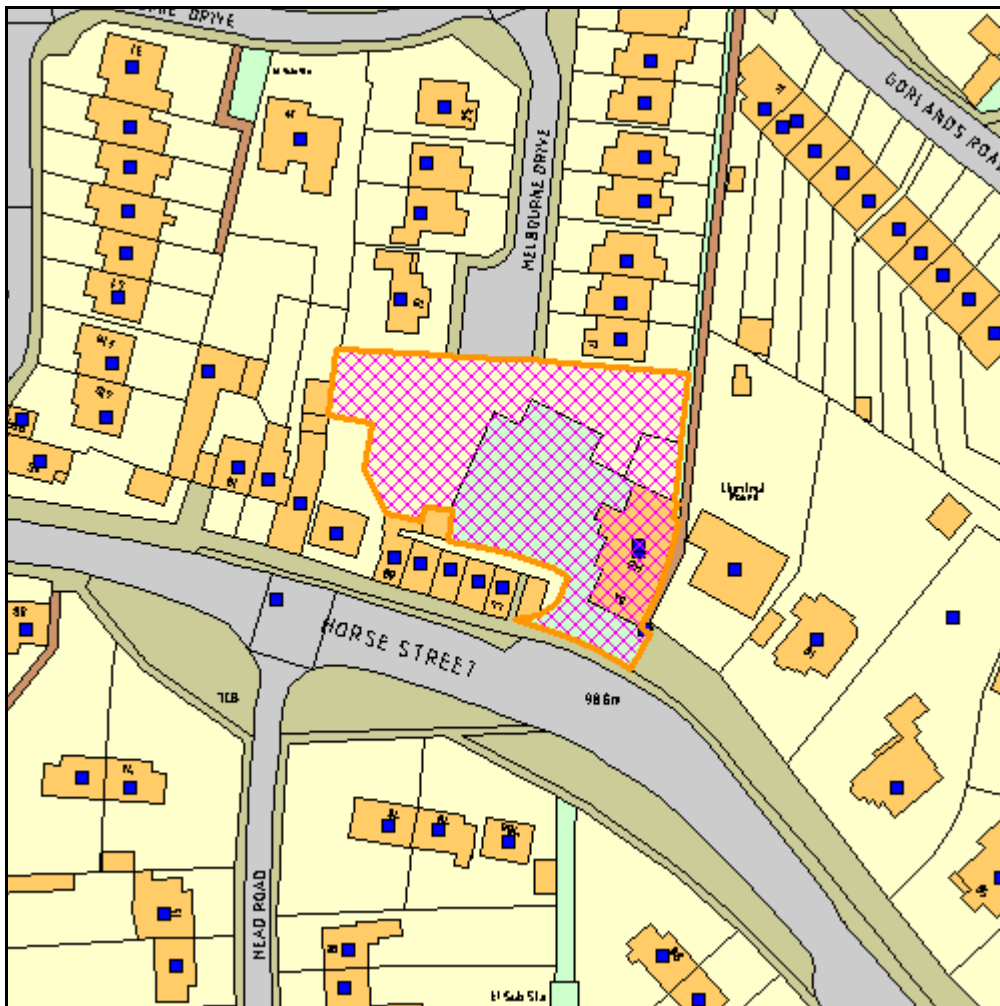
To be emailed to MemberReferral@southglos.gov.uk

CIRCULATED SCHEDULE - 10 February 2023

ITEM NO.	APPLICATION NO.	RECOMMENDATION	LOCATION	WARD	PARISH
1	P22/05813/F	Approve with Conditions	The Boot Inn 79 Horse Street Chipping Sodbury South Gloucestershire BS37 6DE	Chipping Sodbury And Cotswold Edge	Sodbury Town Council
2	P22/06386/F	Approve with Conditions	Land At The Willows Mill Lane Upton Cheyney South Gloucestershire BS30 6NH	Bitton And Oldland Common	Bitton Parish Council
3	P22/06771/HH	Approve with Conditions	10 Webbs Heath Siston South Gloucestershire BS30 5LZ	Boyd Valley	Siston Parish Council
4	P22/06925/F	Approve with Conditions	Land At And Northwest Of 676 Southmead Road Filton South Gloucestershire BS34 7RD	Filton	Filton Town Council

CIRCULATED SCHEDULE NO. 06/23 - 10th February 2023

App No.:	P22/05813/F	Applicant:	Mr Phil Hoddinott Admiral Taverns
Site:	The Boot Inn 79 Horse Street Chipping Sodbury South Gloucestershire BS37 6DE	Date Reg:	11th October 2022
Proposal:	Erection of Pergola to car park entrance with freestanding planters and festoon lighting to the front garden	Parish:	Sodbury Town Council
Map Ref:	373175 182100	Ward:	Chipping Sodbury And Cotswold Edge
Application Category:	Minor	Target Date:	20th February 2023



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 100023410, 2008. **N.T.S.** **P22/05813/F**

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

REASON FOR APPEARING ON CIRCULATED SCHEDULE

This application appears on the Council's Circulated Schedule procedure due to the receipt of objections from Sodbury Town Council and more than 3no. local residents, contrary to the officer recommendation below.

1. THE PROPOSAL

- 1.1 This application is for the erection of a pergola to the car park entrance and freestanding planters with festoon lighting to the front garden to provide a seating area.
- 1.2 The application site relates to an existing Public House and its associated curtilage. It is situated within the well-established residential area of Chipping Sodbury, but outside Conservation Areas.
- 1.3 The application has been revised since originally submitted to address concerns raised by Transport and Public Rights of Way, with appropriate consultation carried out.

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
CS23	Community Infrastructure and Cultural Activity

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
PSP34	Public Houses
PSP35	Food and Drink Use

- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted 2007)
Planning and Noise Specific Guidance Note 1 (March 2015)

3. RELEVANT PLANNING HISTORY

- 3.1 P22/06532/NMA - Non-material amendment to planning permission P21/07839/F to remove chimneys and replace timber windows with grey UpVC. Dormer cheeks to be grey composite board instead of Zinc. – Approved 14.12.2022
- 3.2 P21/07839/F - Erection of 2 no. semi-detached dwellings with associated parking and landscaping, and reconfiguration of the public house car park and beer garden. – Approved 29.04.2022
- 3.3 P21/05454/F - Erection of 1 no. canopy to form covered external drinking area. – Approved 21.01.2022
- 3.4 P85/1328 - Erection of single storey extension to provide additional bar and toilet facilities at ground floor level, re-arrangement of domestic accommodation at first floor level. – Approved 24.04.1985
- 3.5 N2033/1 - Erection of single storey extension to public house to form enlarged bar, new toilets and additional storage space; construction of extension to existing car park. - Refused

4. CONSULTATION RESPONSES

- 4.1 Sodbury Town Council – “*OBJECTION on the grounds that the local community will be impacted by increased noise and disturbance due to enlarged, covered outside space and increased customer noise.*”
- 4.2 Transport – No objection subject to items being removable and the removal of astroturf. A highways licence may be required.
- 4.3 Public Rights of Way – No objection
- 4.4 Drainage – No objection

Other Representations

4.5 Local Residents

7no. objection comments have been received, summarised as:

- Increased use of outside space
- Increased noise levels
- Concerns regarding antisocial behaviour
- Existing noise concerns
- Boules pitch and existing pergola do not have planning permission
- Consecutive applications
- Previous breaches of hours of use for outside area
- Errors in previous reports
- Lighting is overbearing and dominant
- No noise attenuation
- Licence not adhered to

- Planters out of keeping
- Loss of land due to construction of dwellings
- Total seating capacity of 77 is too much

5. **ANALYSIS OF PROPOSAL**

Principle of Development

- 5.1 Policy CS23 of the Core Strategy generally supports the existing community and cultural activities. Policy PSP35 of the PSPP states that development proposal for food and drink uses will be acceptable provided that, individually or cumulatively, any impact would not harm the character of the area, residential amenity and/or public safety. The proposal is for a roofed pergola to replace an existing pergola and sail, and for the installation of timber planter boxes and festoon lighting to an existing seating area. The development is acceptable in principle but will be determined subject to the following detailed assessment.

Existing situation

- 5.2 The proposed pergola is located to the side of the public house where an existing pergola and sail are located. The planters are located to the front of the public house adjacent to the road.
- 5.3 The sail forms part of the approved plans under P21/05454/F. The existing pergola does not appear in any planning history searches but aerial imagery shows that it was erected between 2006 and 2008. The location of the existing pergola is within the curtilage of the public house so no change of use has occurred. As the pergola has been in place for over four years, it is beyond the point where enforcement action could be taken and must be considered lawful.
- 5.4 The planters and festoon lighting are sited to the front of the public house, which is entirely highways land. No change of use to seating for the public house has been applied for, however aerial images show that the area has been used for outdoor seating since the early 90's. As the use has been in place for over ten years, it is beyond the point where enforcement action could be taken and must be considered lawful in terms of planning legislation. It is however not clear whether a licence from streetcare has been attained, and the applicant must be aware that gaining planning permission does not guarantee a licence would be granted.

Design and visual amenity

- 5.5 Policy CS1 states that development proposals will only be permitted where the highest possible standards of design and site planning are achieved. It states that proposals are required to demonstrate that they: enhance and respect the character, distinctiveness and amenity of both the site and its context; and, have an appropriate density with an overall layout that is well integrated with existing development.
- 5.6 The proposed pergola to the side entrance measures 3.6m in width, 13.5m in length at its longest point, and 3m to the ridge. The pergola has a shallow

pitched roof and would be constructed from tannalised soft wood with an Axiome bronze polycarb roof.

- 5.7 The proposal is a light weight structure which is relatively sympathetic to the character of the host building, and replaces an existing structure and sail of a similar size. The structure would be visible from the public realm but does not appear out of character or dominant.
- 5.8 The planters to the front measure 0.5m in height and would be constructed from reclaimed timber. The proposed advertisements would be removed. Also proposed are 2.3m high scaffold poles to suspend festoon lighting. This would be immediately visible from the public realm, but again are lightweight and would be in character with the principle elevation of a public house. As such, it is considered that the potential impact would not be so significant to be harmful to the character of the host building or the locality. Therefore, there is no objection from design and visual perspective.

Transport and highways

- 5.9 The site is located within a built-up area and already in commercial use. The proposal does not impact upon on-site car parking, and the proposals are unlikely to generate a significant number of additional trips.
- 5.10 The proposals to the front of the site are on land which forms part of the public highway. Tables and other paraphernalia are already located here, which have the useful effect of preventing vehicles from parking on the narrow strip of land. Details of the planters show that they can be removed with relative ease, and the proposed astroturf has now been removed from the plans. They therefore do not have an unacceptable impact on the highway network.
- 5.11 The applicant is reminded however that a licence must be applied for.

Public rights of way

- 5.12 Footpath LSO/21 runs up the path to the east of the site and is accessed from the highway where the planters are to be located. The planters initially partially blocked this access, however they have now been moved west, leaving 1.6m access. Given that vehicles could limit access to the public footpath by parking on the highway and given the narrow access point between the pub and the neighbours wall, a 1.6m is considered reasonable to access the footpath. This 1.6 metres must not include the camber of the existing grass bank. As such no objection is raised.

Residential amenity

- 5.13 A significant amount of concern has been raised in regards to disturbance from the public house, and how this would be intensified by the proposals.
- 5.14 Policy PSP8 explains that development proposal will be permitted provided they do not create unacceptable living conditions or result in unacceptable impacts on residential amenities. These are outlined as follows (but are not

restricted to): loss of privacy and overlooking; overbearing and dominant impact; loss of light; noise or disturbance; and, odours, fumes or vibrations.

- 5.15 In terms of the physical structure, given the height, scale and location and replacement of structures of similar sizes, it is not considered that it would have significant adverse impact upon the amenity of the nearby residents in terms of overlooking or overbearing impact.
- 5.16 In terms of noise and nuisance, it is noted that a number of residential properties are situated to the proximity to the site and there is already an existing outside drinking and seating serving the establishment. The Council's Environmental Protection Team confirmed that they have received complaints regarding noise at this premises. The proposed pergola is open and offers no noise attenuation. It should however be noted that the outside seating area replaces an existing one, of similar size, and both the side and front outside seating areas are lawful in planning terms. There is therefore no reason that the proposal would increase the use of the outside areas, and therefore not increase the noise disturbance that is being reported by local residents.
- 5.17 It is however considered reasonable to repeat conditions previously applied, restricting the proposal to only be open to customers between noon and 10pm and no amplified or other music playing outside the premises after 10pm. Subject to compliance with the above condition, it is considered that the scheme would comply with policy PSP8 of the adopted PSPP. It is noted that objections have been made regarding compliance with the condition, however it does not appear that the planning enforcement team have been contacted in regards to this.
- 5.18 Concerns have been raised in regards to the festoon lighting, however this is low level, does not require planning permission in itself, and is something regularly found within residential areas. It is not considered that the lighting, or the poles, would significantly impact upon residential amenity.

Other matters

- 5.19 It is of importance to note that concerns regarding the individuals' behaviours is essentially a management issue for the brewery itself with control exercised from the Local Authority through the Environmental Protection should a noise nuisance ever occur. Also, the concerns relating to the devaluation of individual property would not be material planning consideration.

Consideration of likely impact on Equalities

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

could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services. With regards to the above, this planning application is considered to have a neutral impact on equality.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 That the application be APPROVED subject to the following 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 pergola hereby permitted shall be only open to customers between 12.00pm and 22.00pm Monday to Sunday.

Reason

To protect the amenities of local residents and accord with Policy PSP8 of the South Gloucestershire Local Plan: Policies, Sites and Place Plans (Adopted November 2017).

3. No amplified or other music shall be played outside the existing public house building or within the covered external drinking area hereby approved at all time.

Reason

To protect the amenities of local residents and accord with Policy PSP8 of the South Gloucestershire Local Plan: Policies, Sites and Place Plans (Adopted November 2017).

4. The planters as shown on Proposed Layout 002 F shall retain an unimpeded 1.6m access to footpath LSO/12 at all times.

Reason

To ensure adequate access to the Public Right of Way is retained in accordance with PSP10 of the South Gloucestershire Local Plan: Policies, Sites and Place Plans (Adopted November 2017).

5. Development hereby approved shall be carried out in accordance with the following drawings:

04 Oct 2022		BLOCK PLAN
04 Oct 2022		FLOOR PLAN - EXISTING
04 Oct 2022		THE SITE PLAN
10 Oct 2022		AMENDED ELEVATIONS - EXISTING
10 Oct 2022		AMENDED ELEVATIONS - PROPOSED
06 Dec 2022		TABLES
06 Dec 2022	0044 - D01	PROPOSED PLANTER BOXES
30 Jan 2023	0044/22 F	PROPOSED LAYOUT

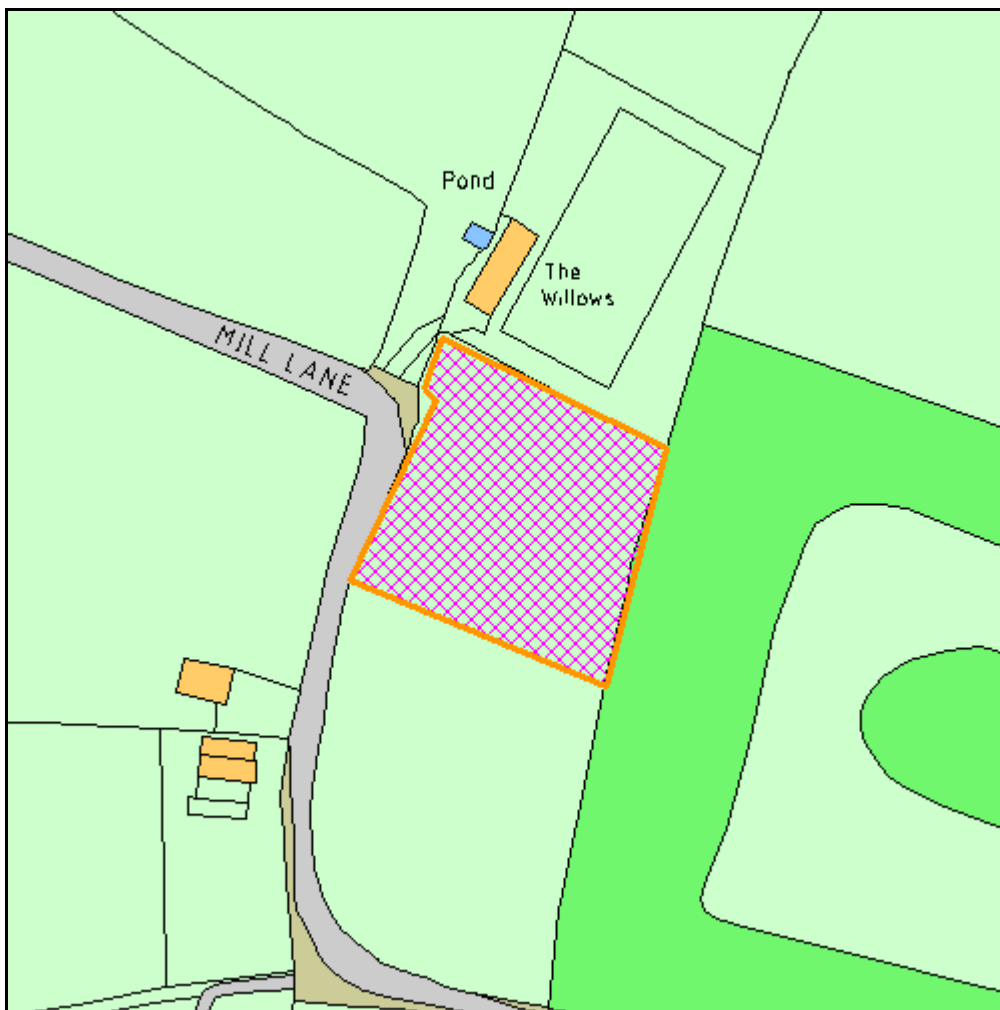
Reason

To define the terms and extent of the permission.

Case Officer: Rae Mepham
Authorising Officer: Marie Bath

CIRCULATED SCHEDULE NO. 06/23 - 10th February 2023

App No.:	P22/06386/F	Applicant:	Miss Emma Stone
Site:	Land At The Willows Mill Lane Upton Cheyney South Gloucestershire BS30 6NH	Date Reg:	9th December 2022
Proposal:	Change of use of land from equestrian (Sui Generis) to equestrian and dog care (Sui Generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) (retrospective) (resubmission of P21/07719/F).	Parish:	Bitton Parish Council
Map Ref:	369149 170044	Ward:	Bitton And Oldland Common
Application Category:	Minor	Target Date:	20th February 2023



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100023410, 2008.

N.T.S.

P22/06386/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

Officer recommendation is contrary view of Bitton Parish Council.

1. THE PROPOSAL

- 1.1 Planning permission is sought retrospectively for the change of use of land from equestrian (Sui Generis) to equestrian and dog care (Sui Generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) on Land at The Willows, Mill Lane, Upton Cheyney, BS30 6NH.
- 1.2 The original proposal description included the “*erection of 1no. wooden field shelter*”. During the course of the application this has been removed from the proposal description because the field shelter in question is on skids and therefore mobile and not a permanent structure.
- 1.3 The application site comprises a field in a lawful equestrian use. The site lies off the east side of Mill Lane where it bends west pass The Willows. The site is within the Bristol and Bath Green Belt, Cotswolds Area of Outstanding Natural Beauty, and Upton Cheyney Conservation Area. Monarchs Way follows Mill Lane past the site. A stable block and horse riding arena lie to the north of the site, within the same ownership.
- 1.4 This application is a re-submission of previously refused application P21/07719/F. The previous application was refused solely due to a lack of information. A ‘Supporting Statement’ has been submitted in support of this application that clearly sets out how and when the site would be used.
- 1.5 The submitted ‘Supporting Statement’ sets out that the site would be used for dog walking between the hours of 08:30 and 14:00 daily for up to 12 dogs at a time. All dogs would arrive at the site in one van after being picked up from their owners’ homes. The dogs would then leave the site in one van to be dropped back to their owners’ homes.

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
CS34	Rural Areas

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP7	Development in the Green Belt
PSP8	Residential Amenity
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
PSP28	Rural Economy
PSP30	Horse Related Development

2.3 Supplementary Planning Guidance

Upton Cheyney Conservation Area Advise Note no.7 C
 Development in the Green Belt SPD (Adopted) June 2007
 Design Checklist SPD (Adopted) August 2007
 Revised Landscape Character Assessment SPD (Adopted) November 2014
 Cotswolds AONB Management Plan 2018-2023
 Assessing Residential Amenity TAN (Endorsed) 2016
 Trees and Development Sites SPD (Adopted) April 2021

3. RELEVANT PLANNING HISTORY

3.1 P21/07719/F

Change of use of land from equestrian (Sui Generis) to equestrian and dog care (Sui Generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended), and erection of 1no. wooden field shelter (retrospective).
 Refusal (14/10/2022)

Refusal Reason 1

Insufficient information has been provided with the application to enable a full and meaningful assessment of the impacts of the proposed development on the openness of the Green Belt or the purposes of including land within in. Therefore, the Local Planning Authority cannot be assured that the development would not result in harm. The proposal is therefore contrary to Policy CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP7 and PSP28 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; the Development in the Green Belt SPD (Adopted) June 2007; and the provisions of the National Planning Policy Framework.

Refusal Reason 2

Insufficient information has been provided with the application to enable a full and meaningful assessment of the impacts of the proposed development on the significance and special character of the Conservation Area. Therefore, the Local Planning Authority cannot be assured that the development would not result in harm. The proposal is therefore contrary to 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.

Refusal Reason 3

Insufficient information has been provided with the application to enable a full and meaningful assessment of the impacts of the proposed development on the visual amenity of the site and on the natural and scenic beauty of the Cotswolds Area of Outstanding Natural Beauty. Therefore, the Local Planning Authority cannot be assured that the development would not result in harm. The proposal is therefore contrary to Policy CS1, CS9 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP1 and PSP2 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; the Revised Landscape Character Assessment SPD (Adopted) November 2014, the Cotswolds Management Plan; and the provisions of the National Planning Policy Framework.

Refusal Reason 4

Insufficient information has been provided with the application to enable a full and meaningful assessment of the impacts of the proposed development on the residential amenity of the current and future occupiers of neighbouring properties. Therefore, the Local Planning Authority cannot be assured that the development would not result in harm. The proposal is therefore contrary to Policy PSP8 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; the Assessing Residential Amenity TAN (Endorsed) 2016; and the provisions of the National Planning Policy Framework.

Refusal Reason 5

Insufficient information has been provided with the application to enable a full and meaningful assessment of the impacts of the proposed development on highway safety. Therefore, the Local Planning Authority cannot be assured that the development would not result in harm. The proposal is therefore contrary to Policy PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework.

3.2 PK00/1849/F

Change of use of agricultural land to land used for the keeping of horses.
Erection of a stables and tack room.
Approve with Conditions (24/08/2000)

Condition 6

At no time shall the stables for the associated land be used for livery, riding school or other business purposes whatsoever.

Reason

In the interest of highway safety.

3.3 PK00/1283/CLE

Application for Certificate of Lawfulness for existing use of land as pony/horse paddocks.

Refusal (23/06/2000)

4. CONSULTATION RESPONSES

4.1 Bitton Parish Council

Objection - The proposed use is unsuitable within the Cotswolds AONB and the proposal would generate additional traffic creating a highway safety concern. Have the appropriate licences been sought to run the proposed business?

4.2 Conservation Officer

Defer to Case Officer.

4.3 Environmental Protection

No objection. Conditions should be considered.

4.4 Flood and Water Management Team

No objection.

4.5 Landscape Officer

No objection.

4.6 Sustainable Transport Team

No objection. Conditions should be considered.

4.7 Local Residents

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

- The application has been refused and no material change has been made.
- Concerns regarding noise, dogs escaping, adjacent watercourse, danger to horses using Mill Lane; and disturbing wildlife.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy PSP28 of the Policies, Sites and Places Plan supports sustainable new development which promotes a strong rural economy in rural areas. In the case of new uses, proposals for business development outside the defined urban areas and settlement boundaries will be acceptable where:

- a) *for buildings, there are no existing suitable underused buildings reasonably available and capable of conversion without major or complete reconstruction; and*
- b) *the proposed building is reasonably necessary for the purposes of the use and is clearly designed for that purpose; and*
- c) *the development relates well to settlements or existing groups of buildings; and*
- d) *the development makes efficient use of the land in relation to its location, layout, accessibility and surroundings; and*
- e) *the volume and nature of any goods sold would not have a significant adverse effect on shopping facilities available in nearby settlements; and*
- f) *the proposal(s) is of a scale which is consistent with its function, use and rural location.*

Development in the Green Belt is inappropriate, other than for the exceptions specified in the National Planning Policy Framework, or where very special circumstances can be demonstrated.

- 5.2 The proposed change of use of land would comprise an area immediately to the south of the existing stables block and horse riding arena. The proposal would relate well to the existing core of the site, making efficient use of the land and be of a scale which is consistent with its function, use and rural location.
- 5.3 The applications site is within the Bristol and Bath Green Belt so whilst it may comply with the requirements of PSP28, it needs to be further assessed against relevant Green Belt policy and the provisions of the National Planning Policy Framework.
- 5.4 Green Belt
The application site is located within the Bristol and Bath Green Belt, where development is restricted. Paragraph 147 of the NPPF sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances that outweigh harm to Green Belt Openness together with any other harm. Paragraph 149 and 150 outline forms of development that are not considered inappropriate. One of these forms of development is the 'material changes in the use of land' provided that it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.
- 5.5 The previous application identified that the proposed change of use of land from 'equestrian' to 'equestrian and dog care' has the potential to materially alter how the site is used with increased vehicle movements to and from the site, and increased vehicle parking both on the site and on the adjacent highway.
- 5.6 The submitted 'Supporting Statement' clearly sets out how and when the site would be used. The site would be used for dog walking between the hours of 08:30 and 14:00 daily for up to 12 dogs at a time. All dogs would arrive at the site in one van after being picked up from their owners' homes. The dogs would then leave the site in one van to be dropped back to their owners' homes.

- 5.7 There would therefore be no extensive parking requirement as clients would not need to access the site. Given the information set out within the 'Supporting Statement', it is not considered that the proposed change of use of land would have any detrimental impacts on the openness of the Green Belt or conflict with the purposes of including land within it. Conditions to control how and when the site would be used should be included with any consent.
- 5.8 The proposed development falls within the exception categories of the NPPF and is not inappropriate development.
- 5.9 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 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 202 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 5.10 Policy CS9 of the Core Strategy and Policy PSP17 of the Policies, Sites and Places Plan seek to ensure that development within or affecting the setting of a conservation area will: preserve or, where appropriate, enhance those elements which contribute to their special character or appearance; and pay particular attention to opportunities to enhance negative parts of conservation areas and to draw on local character and distinctiveness.
- 5.11 The application site is located within the Upton Cheyney Conservation Area. The previous application identified that the proposed change of use of land from 'equestrian' to 'equestrian and dog care' has the potential to materially alter how the site is used with increased vehicle movements to and from the site, and increased vehicle parking both on the site and on the adjacent highway.
- 5.12 The submitted 'Supporting Statement' clearly sets out how and when the site would be used. The site would be used for dog walking between the hours of 08:30 and 14:00 daily for up to 12 dogs at a time. All dogs would arrive at the site in one van after being picked up from their owners' homes. The dogs would then leave the site in one van to be dropped back to their owners' homes.
- 5.13 Given the information set out within the 'Supporting Statement', it is not considered that the proposed change of use of land would lead to any harm to the significance or special character of the Upton Cheyney Conservation Area. The site is largely screened from Mill Lane by hedgerow and the proposed use would remain in keeping with the existing rural character of the site. Conditions to control how and when the site would be used should be included with any consent.
- 5.14 There is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the

preservation or enhancement of the character of the surrounding conservation area. It is considered that full consideration has been given to these duties and the proposal is considered acceptable in this regard.

- 5.15 Design and Visual Amenity (including Landscape)
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. Policy CS34 seeks to protect, conserve and enhance the rural areas' distinctive character, beauty, wildlife, landscape, biodiversity and heritage.
- 5.16 Paragraph 176 of the National Planning Policy Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty. The scale and extent of development within AONBs should be limited with planning permission being refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest.
- 5.17 Policy PSP2 of the Policies, Sites and Places Plan seeks to ensure that great weight is given to the conservation and enhancement of the natural and scenic beauty of the landscape whilst taking account of the biodiversity interest and the historic and cultural heritage. Where development is proposed in a location which would affect the setting of the AONB it must be demonstrated that it would not adversely impact upon the natural beauty of the AONB.
- 5.18 The application site is located within the Cotswolds Area of Outstanding Natural Beauty. The previous application identified that the proposed change of use of land from 'equestrian' to 'equestrian and dog care' has the potential to materially alter how the site is used with increased vehicle movements to and from the site, and increased vehicle parking both on the site and on the adjacent highway.
- 5.19 The submitted 'Supporting Statement' clearly sets out how and when the site would be used. The site would be used for dog walking between the hours of 08:30 and 14:00 daily for up to 12 dogs at a time. All dogs would arrive at the site in one van after being picked up from their owners' homes. The dogs would then leave the site in one van to be dropped back to their owners' homes.
- 5.20 Given the information set out within the 'Supporting Statement', the development does not comprise major development within the AONB. Further, it is not considered that the proposed change of use of land would have any detrimental impacts on the visual amenity of the site, its context, or the natural and scenic beauty of the Cotswolds AONB. The site is largely screened from Mill Lane by hedgerow and the proposed use would remain in keeping with the existing rural character of the site. Conditions to control how and when the site would be used should be included with any consent.

5.21 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.

5.22 The nearest residential property to the application site is Upton Fields approximately 170 metres to south-east. Beyond this there are a number of other residential properties and then the village of Upton Cheyney. There are also a number of residential properties to the west of the site, approximately 250 metres along Mill Lane.

5.23 The previous application identified that the proposed change of use of land from 'equestrian' to 'equestrian and dog care' has the potential to materially alter how the site is used with increased vehicle movements to and from the site, and increased vehicle parking both on the site and on the adjacent highway. The proposal also has the potential to materially increase the noise generated by the site.

5.24 The submitted 'Supporting Statement' clearly sets out how and when the site would be used. The site would be used for dog walking between the hours of 08:30 and 14:00 daily for up to 12 dogs at a time. All dogs would arrive at the site in one van after being picked up from their owners' homes. The dogs would then leave the site in one van to be dropped back to their owners' homes.

5.25 Given the information set out within the 'Supporting Statement', it is not considered that the proposed change of use of land would have any unacceptable detrimental impacts on the residential amenity of the current or future occupiers of the neighbouring properties. This is due to the sites remote location, and the proposed uses limited scale and operation at non-unsociable hours. Conditions to control how and when the site would be used should be included with any consent.

5.26 Highway Safety and Transport

Policy PSP11 of the Policies, Sites and Places Plan seeks to ensure that proposals do not generate traffic that would have an unacceptable effect on highway and road safety.

5.27 The previous application identified that the proposed change of use of land from 'equestrian' to 'equestrian and dog care' has the potential to materially alter how the site is used with increased vehicle movements to and from the site, and increased vehicle parking both on the site and on the adjacent highway.

5.28 The submitted 'Supporting Statement' clearly sets out how and when the site would be used. The site would be used for dog walking between the hours of 08:30 and 14:00 daily for up to 12 dogs at a time. All dogs would arrive at the

- site in one van after being picked up from their owners' homes. The dogs would then leave the site in one van to be dropped back to their owners' homes.
- 5.29 Contrary to the concerns of the Parish Council, given the information set out within the 'Supporting Statement', it is not considered that the proposed change of use of land would have any unacceptable impacts on highway and road safety. This is due to the limited scale of the proposed uses, and the lack of clients visiting the site. Conditions to control how and when the site would be used should be included with any consent.
- 5.30 Ecology
Policy PSP19 of the Policies, Sites and Places Plan and national policy seeks to protect biodiversity and protected species. The application site is currently in lawful use for the keeping of horses with limited ecological value. The site is bound by hedgerow that would be unaffected by the proposed change of use. It is therefore considered that the proposed change of use of land from 'equestrian' to 'equestrian and dog care' would not have any unacceptable impacts on biodiversity or protected species.
- 5.31 Flood Risk and Drainage
Policy CS9 of the Core Strategy seeks to reduce and manage the impact of flood risk through location, layout, design, choice of materials and the use of Sustainable Drainage Systems. Policy PSP20 of the Policies, Sites and Places Plan seeks to incorporate Sustainable Drainage Systems to reduce surface water runoff and minimise the flood risk, supported by an appropriate surface water drainage strategy; and ensure that surface water drainage proposals are designed to not increase off-site flood risk.
- 5.32 The proposed change of use of land from 'equestrian' to 'equestrian and dog care' would not materially alter the flood risk of the site or its surroundings.
- 5.33 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.
- 5.34 With regards to the above this planning application is considered to have a neutral impact on equality.
- 5.35 Other Matters
The objection comments received from local residents have raised a number of concerns that have not been addressed in the main body of this report. These will be considered below.

- 5.36 It has been raised that the application was previously refused and no material change has been made. The previous application was refused solely due to a lack of information. The submitted 'Supporting Statement' provides clarity on how and when the site would be used. This application is therefore materially different to what was previously refused.
- 5.37 Concerns have been raised regarding dogs escaping and danger to horses using Mill Lane. The security of the site would be a licencing issue and for the owners to ensure.
- 5.38 The Parish Council have questioned whether the appropriate licences have been sought to run such a business. This is not a planning consideration and would be for the owners to ensure.

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/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below:
Site Location Plan (Received 09/12/2022)
Block Plan (Received 23/11/2022)
Supporting Statement (Received 11/11/2022)

Reason

To define the terms and extent of the permission.

2. The maximum number of clients dogs being looked after at the site shall not exceed 12 (twelve) at any one time.

Reason

To control the scale of operations on site in the interest of protecting the openness of the Green Belt, significance of designated heritage assets, visual amenity of the site, natural beauty of the Cotswolds AONB, and residential amenity of neighbouring

occupiers and to accord with Policy CS1, CS9 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP1, PSP2, PSP7, PSP8 and PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework.

3. No clients dogs shall be looked after at the site other than within the following periods:

Monday to Saturday (not including Bank Holidays)..... 08:30 - 14:00.

Reason

To control the scale of operations on site in the interest of protecting the openness of the Green Belt, significance of designated heritage assets, visual amenity of the site, natural beauty of the Cotswolds AONB, and residential amenity of neighbouring occupiers and to accord with Policy CS1, CS9 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP1, PSP2, PSP7, PSP8 and PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework.

4. All dogs shall be delivered to and collected from the site by the operator. For the avoidance of doubt, no dogs shall be delivered to or collected from the site by clients.

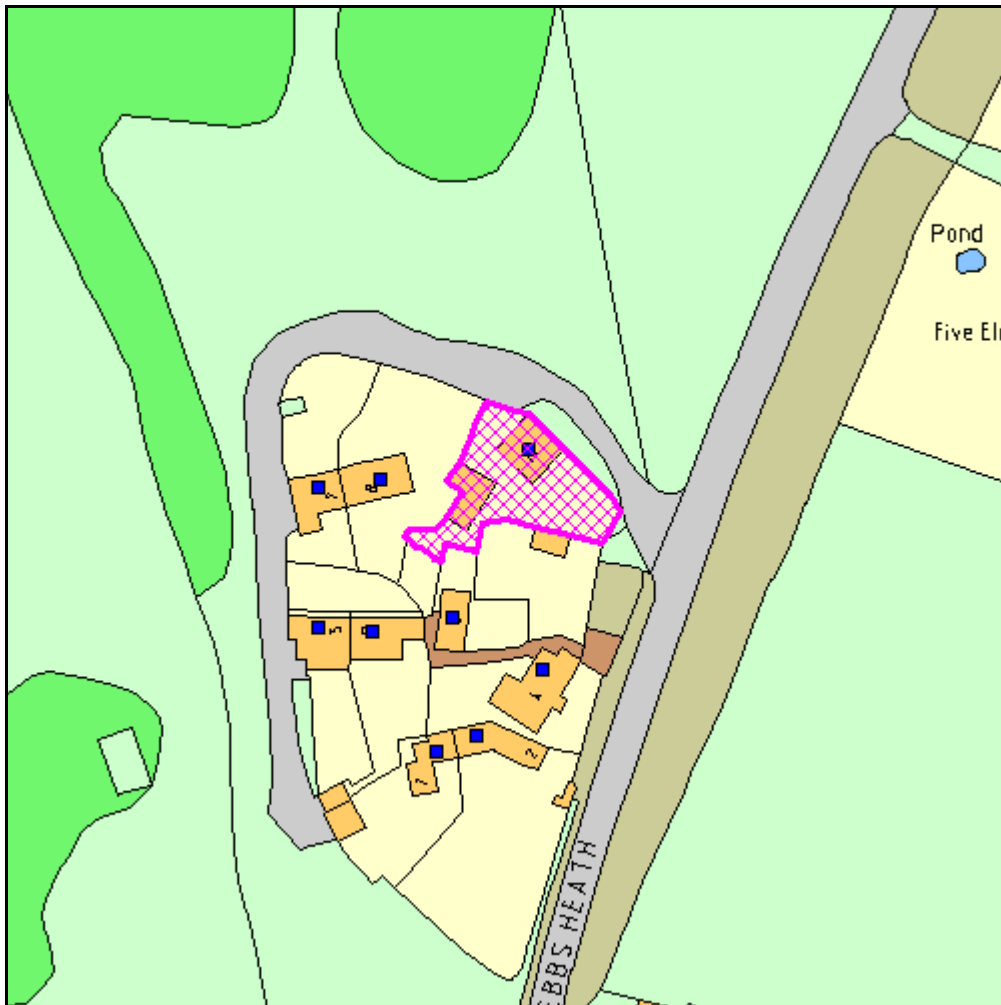
Reason

To control the scale of operations on site in the interest of protecting the openness of the Green Belt, significance of designated heritage assets, visual amenity of the site, natural beauty of the Cotswolds AONB, residential amenity of neighbouring occupiers, and highway safety and to accord with Policy CS1, CS9 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP1, PSP2, PSP7, PSP8, PSP11, PSP16 and PSP17 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: Helen Ainsley

CIRCULATED SCHEDULE NO. 06/23 - 10th February 2023

App No.:	P22/06771/HH	Applicant:	Mr Dudley Summersfield
Site:	10 Webbs Heath Siston South Gloucestershire BS30 5LZ	Date Reg:	2nd December 2022
Proposal:	Conversion of existing garage to annexe ancillary to main dwelling.	Parish:	Siston Parish Council
Map Ref:	368074 173740	Ward:	Boyd Valley
Application Category:	Householder	Target Date:	17th February 2023



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

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

Contrary view of Siston Parish Council.

1. THE PROPOSAL

- 1.1 Planning permission is sought for the conversion of existing garage to annexe ancillary to main dwelling at 10 Webbs Heath, Siston.
- 1.2 The application site comprises a two storey detached dwelling with a large detached garage/outbuilding. The application site is located outside any defined settlement boundary within the Open Countryside and Bristol and Bath Green Belt.
- 1.3 Revised plans have been received during the course of the application to alter the internal layout and fenestration. The erection of a new detached outbuilding has also been removed from the plans.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework July 2021
National Planning Practice Guidance

2.2 Development Plan

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

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS34	Rural Areas

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

PSP1	Local Distinctiveness
PSP7	Development in the Green Belt
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP38	Development within Existing Residential Curtilages
PSP43	Private Amenity Space Standards

2.3 Supplementary Planning Guidance

Development in the Green Belt (Adopted) June 2007
Design Checklist SPD (Adopted) August 2007
Residential Parking Standard SPD (Adopted) December 2013

3. **RELEVANT PLANNING HISTORY**

3.1 None

4. **CONSULTATION RESPONSES**

4.1 Siston Parish Council
Objection - although it is an existing structure, it is a new dwelling on Green Belt land.

4.2 Sustainable Transport Team
Further information required.

4.3 Local Residents
No responses received.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development
The application seeks permission for the conversion of existing garage to annexe ancillary to main dwelling at an existing residential property. Policy PSP38 of the Policies, Sites and Places Plan permits development within established residential curtilages subject to an assessment of design, amenity and transport. The development is acceptable in principle but will be determined against the analysis set out below.

5.2 Annexe Test
For a proposal to be considered an annexe it should only contain ancillary accommodation to the main dwelling and have some form of function and physical reliance upon the main dwelling. Whilst this proposal has all the elements of principle living accommodation, it would share an access, parking and private amenity space with the host dwelling – as such a functional reliance is provided. Due to the shared provision of facilities and its location in close proximity of the host property, the proposed annex would not be suitable (with regards to the policies of the LDP) or attractive in its own right as an independent dwelling. As such, the proposed unit can be considered to form an annex that is ancillary to the host dwelling. For the avoidance of doubt, a condition would be attached to any decision, preventing the proposed annexe being used as a separate dwelling.

5.3 Green Belt
The application site is located in part of the Bristol and Bath Green Belt, where development is restricted. Paragraph 149 of the NPPF sets out that local planning authorities should regard the construction of new buildings as inappropriate development in the Green Belt. There are a number of exceptions to this, which are set out within paragraphs 149 and 150 of the NPPF. The most relevant exception for this application is considered to be; ‘the re-use of

- buildings provided that the buildings are of permanent and substantial construction’.
- 5.4 The existing building would not be extended and no new buildings are proposed. The proposed development would involve the re-use of an existing building that is of permanent and substantial construction. Therefore, the proposal falls within the exception categories of the NPPF and is not inappropriate development.
- 5.5 Design and Visual Amenity
Policy CS1 of the Core Strategy and Policy PSP1 and PSP38 of the Policies, Sites and Places Plan seek to ensure that development proposals are of the highest possible standards of design. This means that developments should have appropriate: siting, form, scale, height, massing, detailing, colour and materials which are informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context.
- 5.6 The proposed development would alter the fenestration of the building. The existing garage doors would be removed and replaced with windows and a door. An existing side window would be replaced with a French door and the rear window would be removed. The proposed works would be finished in materials to match the finish of the existing building.
- 5.7 On the basis of the assessment set out above, it is not considered that the proposed development would detract from the appearance of the building or negatively impact the visual amenity of the street scene or character of the area.
- 5.8 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.
- 5.9 The proposal has been carefully assessed and has found to be in compliance with these policies. The existing window on the south-west elevation would be removed as part of this application and a condition would be included with any consent to ensure no new windows were inserted in this elevation.
- 5.10 On the basis of the assessment set out above, it is not considered that the development proposal would result in any unacceptable impacts on the amenity of neighbours.
- 5.11 Highway Safety and Transport
Policy PSP16 of the Policies, Sites and Places Plan sets out the Councils minimum parking standards. The proposed development would increase the number of bedrooms at the property by 1 and would remove the parking provided by the existing garage. The existing driveway at the site has sufficient

space to provide at least 3no. off-street parking spaces. The proposed development therefore complies with the minimum requirements set out in PSP16.

5.12 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.

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

CONDITIONS

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

Reason

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

2. The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below:
001 D - Existing and Proposed Combined Plans (Received 07/02/2023)
002 D - Site Location and Block Plans (Received 07/02/2023)

Reason

To define the terms and extent of the permission.

3. The annexe ancillary to the main dwelling hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 10 Webbs Heath, Siston, BS30 5LZ.

Reason

The application has been assessed on the basis that it is ancillary accommodation. Use as a separate dwelling would first require further assessment by the Local Planning Authority of the potential implications in terms of visual amenity, privacy and amenity of neighbouring occupiers, and parking arrangements. This is to accord with Policy CS1 and CS5 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP1, PSP8, PSP11 and PSP38 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017, and the provisions of the National Planning Policy Framework.

4. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Reason

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

5. No windows shall be inserted at any time in the south-west elevation of the annexe hereby approved.

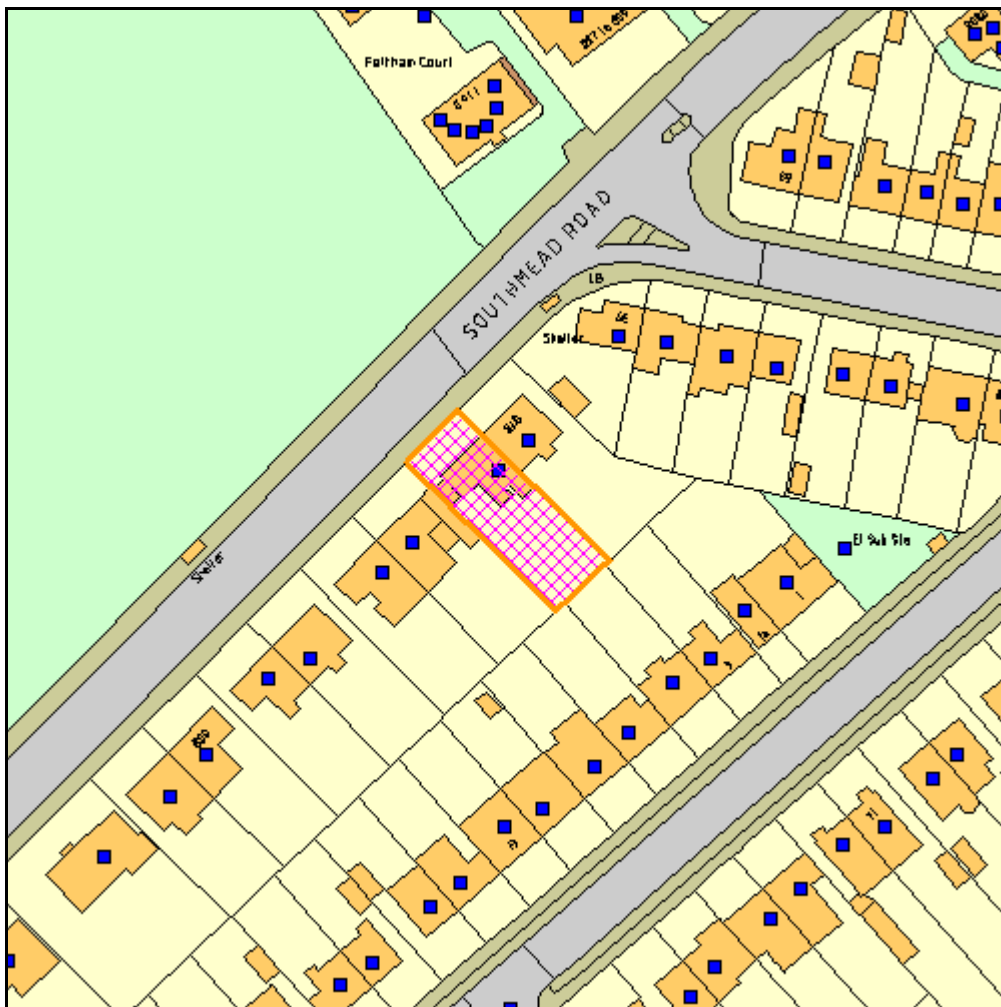
Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

Case Officer: Oliver Phippen
Authorising Officer: Marie Bath

CIRCULATED SCHEDULE NO. 06/23 - 10th February 2023

App No.:	P22/06925/F	Applicant:	Mr Patryk Templin
Site:	Land At And Northwest Of 676 Southmead Road Filton South Gloucestershire BS34 7RD	Date Reg:	19th December 2022
Proposal:	Erection of bike store, formation of enlarged vehicular parking area and alterations to access onto Southmead Road (a Class B highway) to facilitate the change of use of 1 no. Class C3 dwelling to an 8 bedroom, 8 occupant house in multiple occupation (sui generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).	Parish:	Filton Town Council
Map Ref:	359678 178738	Ward:	Filton
Application Category:	Minor	Target Date:	10th February 2023



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

REASON FOR REFERRING TO CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule due to 3no. objections being received from local residents, which are contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 This application seeks full planning permission for the change of use from a dwelling house (C3) to an 8bed, 8 person HMO (Sui Generis), the erection of a bike store, and the formation of an enlarged parking area to access Southmead Road.
- 1.2 The application relates to a semi-detached property within an existing urban area.
- 1.3 The property has been extended prior to submission, with consent for the extensions gained under P21/01042/F and P21/06525/PNH. No external changes to the building itself are required to facilitate the conversion.

2. POLICY CONTEXT

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4a	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
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 Development
PSP11	Transport
PSP16	Parking Standards
PSP38	Development within Existing Residential Curtilages
PSP39	Residential Conversions, Subdivision, and HMOs
PSP43	Private Amenity Standards

- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007
Residential Parking Standards SPD (Adopted) 2013
Waste Collection: Guidance for new developments SPD (Adopted) 2015
Houses in Multiple Occupation SPD (Adopted) 2021

3. RELEVANT PLANNING HISTORY

- 3.1 P21/01042/F - Erection of two storey side/rear extension to provide additional living accommodation. – Approved 27.04.2021
- 3.2 P21/03851/F - Demolition of existing garage/store room. Erection of 1 no. dwelling with parking, access and associated works. – Refused 05.08.2021
- 3.3 P21/06525/PNH - Erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 6m, for which the maximum height would be 3m, and for which the height of the eaves would be 2.7m. – Prior Approval not Required 01.11.2021
- 3.4 P21/06556/NMA - Non material amendment to P21/01042/F to alter the internal layout and to insert additional windows on front elevation and 1 no. door on the side elevation. – Refused 26.10.2021
- 3.5 P22/00894/CLP - Installation of rear dormer and two rooflights to front roof slope to facilitate loft conversion. – Refused 05.04.2022

4. CONSULTATION RESPONSES

- 4.1 Filton Town Council – No response
- 4.2 Ecology – Preliminary Ecological Appraisal required prior to determination
- 4.3 Archaeology – No comment
- 4.4 Drainage – No objection
- 4.5 Transport – No objection subject to conditions relating to parking, cycle and bin storage, and installation of an EVCP.

Other Representations

- 4.6 Local Residents

Objection comments have been received from 3no. residents, summarised as:

- Previous submissions stated they were for a family home
- Family home lost
- Proposal will result in other families leaving the area
- Noise and disturbance from existing tenants
- Construction works undertaken at unsociable hours

- Existing waste issues
- Civil consent not gained to carry out works
- Use will have a detrimental impact on amenity
- Loss of on-street parking
- Loss of characteristic front wall
- Loss of green space/biodiversity
- Impact on drainage
- Inconsistencies in application
- Cycles and bins will need to be taken to front of property
- Couples sharing would increase occupancy

5. **ANALYSIS OF PROPOSAL**

Principle of Development

- 5.1 The applicant seeks full planning permission for the change of use from a dwelling (C3) to an eight bedroom house in multiple occupation (Sui Generis) for up to eight people, the erection of a bike store, and the formation of an enlarged parking area to access Southmead Road.
- 5.2 The determination of whether the change of use of a dwelling in C3 use to a large HMO use will have an unacceptable impact upon the surrounding area is primarily assessed via the criteria outlined within the Houses in Multiple Occupation SPD (Adopted) 2021. The SPD provides a way of using available data (licensed HMOs) to provide tangible and substantiated evidence regarding the concentration of HMOs and overall housing mix within the locality of the proposal.
- 5.3 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 this will not prejudice the amenity of neighbours. 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).
- 5.4 In addition, Policy PSP8 maintains that development proposals will only be acceptable provided that they do not ‘have unacceptable impacts on residential amenity of occupiers of the development or of nearby properties’. Unacceptable impacts could result from noise or disturbance, amongst other factors, which could arise from HMOs functioning less like traditional single households on a day-to-day basis.
- 5.5 Prejudicing the amenity of neighbours can arise at a localised level when developments of such HMO uses are inappropriately located, or become concentrated, particularly at an individual street level.
- 5.6 Additional Explanatory Guidance 1 sets out that the following factors should be taken into account when determining if the proposal would prejudice the amenity of adjacent neighbours:
- Whether any dwelling house would be ‘sandwiched’ between two licensed HMOS, or,

- Result in three or more adjacent licensed HMO properties.
- 5.7 In the case of the current application site, the proposal would not result in a dwelling being sandwiched between two licensed HMOs, or result in three or more adjacent licensed HMO properties.
- 5.8 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.
- 5.9 Policy CS17 does not define what is meant by 'mixed communities' in all Localities, instead, it acknowledges that implementation of this policy, and PSP39, will be made on a case basis through the development management process. Therefore, the HMO SPD aims to acknowledge that some intensification, if carried out sensitively, and where it would not adversely affect the character of an area, can contribute to the local mix and affordability of housing, viability of local services, vitality of local areas and contribute to the Council's housing delivery targets.
- 5.10 As there are localities which are already experiencing concentrations of HMOs, the SPD requires consideration of existing localities that are already experiencing levels of HMOs which harm the ability to support mixed communities and preventing impact on character and amenities, and applications which would result in a level of HMOs that could contribute towards harmful impacts.
- 5.11 Additional Explanatory Guidance 2 sets out that the following factors should be taken into account when determining if the proposal would contribute to harmful impacts in respect of a mixed community and the character and amenity of an area:
- An additional HMO in localities where licensed HMO properties already represent more than 10% of households, or,
 - More than 20% of households within a 100m radius of the application property.
- 5.12 For the purposes of this assessment, a 'locality' is defined by a statistical boundary known as a Census Output Area.
- 5.13 In the case of this property, licensed HMO properties currently represent 1.5% of households within the locality. Within 100m there are 63 properties, 4 of which are HMOs, representing 6.4% of households.
- 5.14 The principle of change of use to an HMO is therefore considered to comply with policies PSP39, PSP8 and CS17 and the SPD.

Design and visual amenity

- 5.15 The NPPF and local adopted policy under CS1 places great emphasis on the importance of design. Good quality design respects both the character of existing properties and the character of an area in general. The NPPF suggests good design should respond to and be sensitive to local character, should aim to raise standards of design and enhance the immediate setting. The updated guidance emphasises high quality design, that takes into account local design standards, continues to be important, and poor design that fails to take opportunities to improve the quality of an area or to take this into account, should be resisted.
- 5.16 The proposal includes the removal of a front boundary wall and replacement of a garden area with parking. It should be noted that whilst the access from the road requires planning permission, the wall removal and hardstanding do not.
- 5.17 A number of properties in the locality have provided hardstanding to the front of their properties, but these largely retain the existing boundary wall. The stone wall is a common feature in the area but not particularly worthy of note, and many householders have made alterations such as minor removal, rendering etc. The removal of a small portion of wall within the context of the wider streetscene would not be visually harmful, and the hardstanding is in character with the local area.
- 5.18 The proposed bike store is located within the rear garden and has the appearance of a domestic outbuilding, which is acceptable in this location.

Residential amenity

- 5.19 With regards to the amenity of future occupiers, plans indicate the property would have an open plan kitchen-diner, utility room, 8no. bedrooms of which 5no. have en-suites, 2no. shared bathrooms, and an office space. It is the responsibility of the landlord to ensure the rooms accord with internal national space standards for future occupiers (part of the licence process).
- 5.20 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 5m² amenity space. Using this standard, 8 x 1bed. flats would require 40m² amenity space. The rear garden retains around 166m² of usable space, well above the minimum standard.

Transport

- 5.21 Policy PSP39 considers the conversion or sub-division of existing residential properties into smaller units of self-contained residential accommodation specifically with regard to this form of development the policy states:

Where planning permission is required for Houses in Multiple Occupation (HMOs) these will be acceptable provided that they would among other criteriaprovide parking in accordance with the Council's parking standards.

- 5.22 With regard to the above, Policy PSP16 states *“where planning permission is required for a House in Multiple Occupation (HMO), the minimum number of 0.5 car parking spaces, (rounded up to the nearest whole number of spaces), per bedroom should be provided”*.
- 5.23 The purpose of the policy is to ensure that car ownership levels can be accommodated and do not result in indiscriminate parking that may harm the urban environment and create highway safety and accessibility concerns.
- 5.24 In this case therefore there is a requirement for four parking spaces to be provided. In addition secure cycle parking is required at a rate of one space per occupant.
- 5.25 4 spaces have been provided to the front of the property, and a bike store is proposed in the rear garden which is of sufficient size to accommodate 8no. bicycles. Use of the side access is required to access both bin and cycle stores, however this is not an unusual arrangement. One proposed space measures 5.2m in length due to the existing bay window, however it abuts a wide footway and is unlikely to result in any obstruction to pedestrians.
- 5.26 The proposed widened access is not considered to have any significant impact on highway safety. It is noted that the widened access would reduce on-street parking, however this is not the primary means of parking in the locality given all properties have off-street parking.
- 5.27 There is no objection in transport terms, providing conditions are attached for the provision of parking, cycle store, refuse store and EVCP.

Ecology

- 5.28 The ecology team have been consulted and have requested a Preliminary Ecological Appraisal is carried out. Given the loft conversion is entirely internal and could be carried out with no permission required, and the external alterations are limited to small domestic outbuildings and the installation of parking spaces on lawned areas, within an existing urban area, this is considered excessive. The property has also undergone intensive renovation work recently. The applicant is reminded of the legal implications of disturbing protected species, but no further consideration under the planning process is considered necessary.

Other matters

- 5.29 Concerns have been raised in regards to boundary disputes and unsuitable behaviour from tenants, neither of which can be controlled via the planning process.

Consideration of likely impact on Equalities

- 5.30 The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. As a result of that Act the public sector Equality

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

6. CONCLUSION

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

CONDITIONS

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

Reason

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

2. Prior to the commencement of use the car, cycle parking and bin store arrangements shall be installed in accordance with the submitted Proposed Block Plan (P02), alongside one Electric Vehicle Charging Point.

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:

08 Dec 2022	676 - 1101	P02	SITE LOCATION PLAN
08 Dec 2022	676 - 1152	P02	EXISTING BLOCK PLAN

08 Dec 2022	676 - 1153	P02	PROPOSED BLOCK PLAN
08 Dec 2022	676 - 1430	P02	EXISTING FLOOR PLANS
08 Dec 2022	676 - 1431	P02	EXISTING ROOF PLAN
08 Dec 2022	676 - 1432	P02	PROPOSED FLOOR PLANS
08 Dec 2022	676 - 1433	P01	PROPOSED LOFT AND ROOF PLANS
08 Dec 2022	676 - 1434	P01	PROPOSED BIKE STORE DETAILS

Reason

To define the terms and extent of the permission.

Case Officer: Rae Mepham

Authorising Officer: David Stockdale