

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: 19/23

Date to Members: 12/05/2023

Member's Deadline: 18/05/2023 (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 12 May 2023

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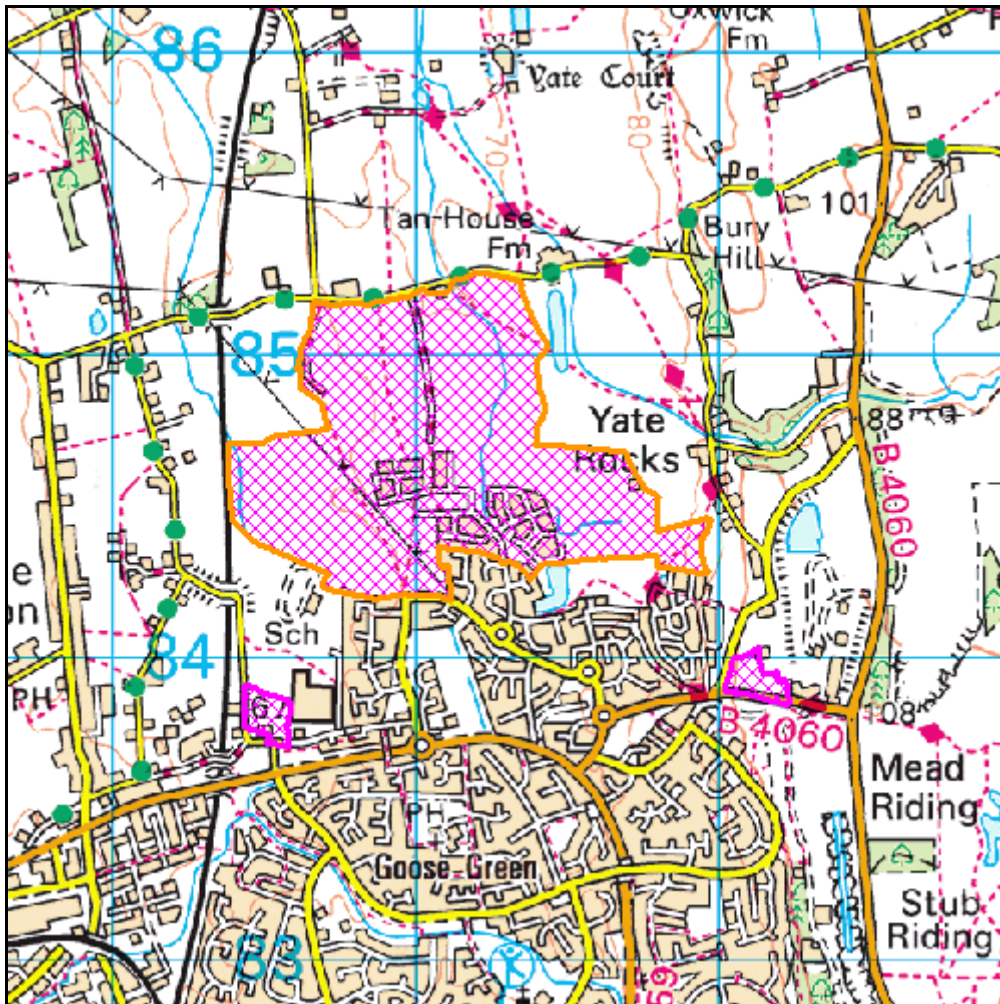
ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	P22/05330/RVC	Approve with Conditions	Land North Of Brimsham Park Yate	Yate North	Yate Town Council
2	P22/05833/F	Approve with Conditions	44 And Fair View Court Hill Street Kingswood South Gloucestershire BS15 4ES	Woodstock	
3	P23/00659/RVC	Approve with Conditions	Frenchay Park House Old Frenchay Hospital Beckspool Road Frenchay South Gloucestershire BS16 1YB	Frenchay And Downend	Winterbourne Parish Council
4	P23/00664/HH	Approve with Conditions	41 Ashgrove Thornbury South Gloucestershire BS35 2LH	Thornbury	Thornbury Town Council
5	P23/00901/F	Approve with Conditions	798 Filton Avenue Filton South Gloucestershire BS34 7HB	Filton	Filton Town Council
6	P23/00977/HH	Approve with Conditions	798 Filton Avenue Filton South Gloucestershire BS34 7HB	Filton	Filton Town Council
7	P23/00979/F	Approve with Conditions	Orchard View Old Gloucester Road Winterbourne South Gloucestershire BS36 1RZ	Winterbourne	Winterbourne Parish Council
8	P23/00982/HH	Approve with Conditions	Crispin Lodge 8 Crispin Lane Thornbury South Gloucestershire BS35 2AY	Thornbury	Thornbury Town Council
9	P23/01077/TRE	Approve with Conditions	Elmcroft 8 Prospect Close Winterbourne Down South Gloucestershire BS36 1BD	Winterbourne	Winterbourne Parish Council

Schedule Number	Officers Deadline reports to support	Date to Members	Members deadline	Decisions issued from
17/23	12 O'Clock Tuesday 25 April	9am Thursday 27 April	5pm Thursday 4 May	Friday 5 May
18/22	No Circulated due to elections.			
19/22	Normal			
20/22	Normal			
21/22	12 o'clock Tuesday 23 May	9am Thursday 25 May	5pm Thursday 1 June	Friday 2nd June

Dates and officer deadlines for Circulated Schedule May Bank Holiday and Kings Coronation

CIRCULATED SCHEDULE NO. 19/23 -12th May 2023

App No.:	P22/05330/RVC	Applicant:	BDW Trading Ltd
Site:	Land North Of Brimsham Park Yate	Date Reg:	6th September 2022
Proposal:	Variation of Condition 39 of P/19/6296/RVC to amend the Land Use Parameter Plan to allow a mix of B1/B2 to come forward on the northern parcel of employment land (2.4ha) in respect to consented outline application PK12/1913/O (as amended under applications PK15/5230/RVC, PK16/2449/RVC, PK17/0039/NMA, PK17/4826/RVC and 19/6296/RVC) for Mixed use development across 100.76 hectares of land comprising up to 2,450 new dwellings (Use Class C3), residential care home or 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.	Parish:	Yate Town Council
Map Ref:	371101 184152	Ward:	Yate North
Application Category:	Major	Target Date:	5th December 2022



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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.

INTRODUCTION

This application appears on the circulated schedule because objections have been received from Yate Town Council and 34 interested parties contrary to the officer recommendation.

THE PROPOSAL

- 1.1 This application is made under section 73 of the Town and Country Planning Act 1990 (as amended). Applications made under this section seek to develop land without compliance with conditions previously attached to planning permissions. In this instance, the applicant seeks permission to vary conditions to allow a change to the employment uses allowed in the northern parcel of employment land.
- 1.2 The condition to be amended is condition 39 which is as follows:

“Applications for the approval of the reserved matters shall be in accordance with the approved parameter plans and principles and parameters contained in the Land at North Yate Design and Access Statement June 2015 and Parameter Plans July 2015 and with the approved Design Code (Rev D-March 2017) approved by the Local Planning Authority on 12th May 2017 and Masterplan 4739-LDA-OO-XX-DR-L-0013 approved by the Local Planning Authority on 20th January 2017 for the geographical phase as shown in the approved phasing plan to which the reserved matters application relates. A statement shall be submitted with each reserved matters application, which describes how the application proposals are in compliance with the Land at North Yate Design and Access Statement June 2015 and Parameter Plans July 2015 and with the relevant detailed master plan and design code, or (where relevant) explaining why they are not.”
- 1.3 The plan to be amended is the Land Use Parameter plan July 2015 which specifies B1 use for the northern employment parcel. The replacement plan indicates that the northern employment parcel could be occupied by both B1 and B2 uses.
- 1.4 The original outline planning application was considered EIA development and supported by an Environmental Statement.
- 1.5 Additional information was received during the course of this application to provide an addendum to the Environmental Statement to set out the transport impacts of the development. This application is considered to be EIA development and was advertised accordingly following the receipt of additional and updated information.

POLICY CONTEXT

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

2.2 Development Plans

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.

The development plan for South Gloucestershire comprises of the following documents:

- Local Plan: Core Strategy (2013)
- Local Plan: Policies, Sites and Places (PSP) Plan (2017)
- West of England Joint Waste Core Strategy (2011)

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS2 Green Infrastructure

CS4a Presumption in Favour of Sustainable Development

CS5 Location of Development

CS8 Improving Accessibility

CS9 Managing the Environment and Heritage

CS11 Distribution of Economic Development Land

CS12 Safeguarded Area for Economic Development

CS13 Non Safeguarded Economic Development Sites

CS16 Housing Density

CS17 Housing Diversity

CS18 Affordable Housing

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

PSP2 Landscape

PSP3 Trees and Woodland

PSP6 Onsite Renewable and Low Carbon Energy

PSP8 Residential Amenity

PSP10 Active Travel Routes

PSP11 Transport Impact Management

PSP16 Parking Standards

PSP17 Heritage Assets and the Historic Environment

PSP19 Wider Biodiversity

PSP20 Flood Risk, Surface Water and Watercourse Management

PSP21 Environmental Pollution and Impacts

PSP37 Internal Space and Accessibility Standards for Affordable Dwellings

PSP43 Private Amenity Space Standards

Emerging planning policy (New Local Plan)

The Local Plan is at an early (Regulation 18) stage in its preparation, and therefore carries little and limited weight (in line with NPPF para 48b).

RELEVANT PLANNING HISTORY

- 3.1 PK10/042/SCO, Scoping Opinion for a proposed mixed-use site approximately 104ha in North Yate.
- 3.2 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 on 17th July 2015.
- 3.3 PK15/5230/RVC, Variation of condition 41 of Planning Permission PK12/1913/O to change the proposed wording which related to the need for an Energy Statement and energy targets. Approved on 6th May 2016.
- 3.4 PK16/2449/RVC, Variation of condition 12 attached to planning permission PK12/1913/O to allow for a programme for archaeological investigations across the site. Approved on 15th August 2016.
- 3.5 PK17/0039/NMA, Non-material amendment to Condition 19 of PK16/2449/RVC (Outline planning permission for the North Yate New Neighbourhood) to reflect the updated phasing plan submitted pursuant to Condition 4. Approved on 23rd February 2017.
- 3.6 PK17/4826/RVC Variation of conditions 12, 19 and 41 attached to outline planning permission PK12/1913/O to rationalise and validate amendments to conditions previously granted under application reference numbers PK15/5230/RVC, PK16/2449/RVC, and PK17/0039/NMA. Approved 27th November 2017
- 3.7 P19/6296/RVC, Variation of condition 19 attached to outline planning permission PK12/1913/O (as amended under applications PK15/5230/RVC, PK16/2449/RVC, PK17/0039/NMA and PK17/4826/RVC) to amend the wording of the condition (19) to "There shall be no commencement of Phase 5 of the development as shown on the Phasing Plan submitted pursuant to condition 4, until such time as the internal link road linking Randolph Avenue, Leechpool Way and the access from the Peg Hill development (as approved by planning permission PK12/0429/O) has been implemented and is operational. Construction use and residential use are deemed operational". Approved on 13th September 2019.
- 3.8 P21/02991/NMA, Non material amendment to P19/6296/RVC to change the description of development as stated in outline planning permission reference PK12/1913/O and subsumed into outline planning permissions reference PK15/5230/RVC, PK/16/2449/RVC, PK17/4826/RVC and P19/6296/RVC to Mixed use development across 100.76 hectares of land comprising up to 2,450 new dwellings (Use Class C3), residential care home or 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. Approved 02nd July 2021.

- 3.9 The allocation is now at an advanced stage of implementation with Reserved Matters approval for the infrastructure such as roads and drainage, the majority of residential parcels), part of the local centre, a care home and a nursery.

4. **CONSULTATION RESPONSES**

External consultations:

4.1 Yate Town Council - Object on the following summarised grounds:

Access – The site is accessed via a series of residential roads and concern is raised as to the impact on occupants of houses facing the road and users of the roads including school children.

Randolph Avenue – Concerned that this will not be adopted for some time resulting in traffic using Leechpool Way which is not suitable to accommodate the traffic generated by a B2 use. Suggest that occupation of the development should not take place till access from Randolph Avenue is open and 20MPH zone is in place. Lack of pedestrian crossing points.

Lack of demand for offices – Consider it unacceptable and premature to justify the change of use based on an argument for lack of offices with marketing undertaken in Spring 2022 when a high percentage of the office population was still working at home. Consider the marketing not as wide as it should have been. Consider vacancies outside Yate not relevant. Lack of office space in Yate creates a lack of demand for office space in Yate. Allocated office use needs to be retained to meet future demand. Office space lost through Permitted Development Rights. The original application only contained 4.63 hectares of employment land in part justified by home working patterns. Considerable vacancies for B2 uses on local trading estates.

Parking demand – Unclear where the parking demand for the proposed uses will be met.

Unrestricted B2 use – Concerned that this could result in unacceptable uses.

- 4.2 Sport England – Response set out that the proposed development does not fall within either the statutory remit (Statutory Instrument 2015/595), or non-statutory remit (National Planning Policy Guidance (PPG) Par. 003 Ref. ID: 37-003-20140306) of Sport England, therefore Sport England has not provided a detailed response in this case, but provided general advice to aid the assessment of this application.

- 4.3 Natural England – General Advice provided.

- 4.4 National Highways - The application seeks a variation of condition 39 attached to the previously approved permission P19/6296/RVC. We are satisfied that the proposals are unlikely to result in a material or adverse impact on the safe and efficient operation of the strategic road network, and therefore recommend no objections to this application.

- 4.5 Network Rail – No objection to the variation of condition 39
- 4.6 Coal Authority - the Coal Authority's Planning & Development Team wishes to raise no objection to this variation of condition application subject to the reimposition on any new permission granted of Condition 29 of the existing consent.

4.7 Historic England – No objection

Internal consultations:

4.8 Transport - The consultation response concludes that the development proposal represents a negligible impact to the transport network, resulting in a decrease in total two-way vehicle and HGV movements, when compared to its consented operation under Application PK12/1913/O and as such transportation development control have no objection to this application.

4.9 Ecology – No objection

4.10 Crime Prevention Officer – No objection

4.11 Environmental Protection – No objection

4.12 Tree Officer – No objection

4.13 Public Open Space – No objection

4.14 Archaeology – No objection

4.15 Public Right of Way Team - No objection

4.16 Community Infrastructure – No comment

4.17 Economic Development – No objection as no loss in quantum of employment land

Neighbour representations:

4.18 34 letters were received from neighbouring occupiers objecting on the following summarised grounds:

- o Proximity of development to existing industrial uses
- o Change of use premature and short-sighted
- o Data collected during world wide pandemic
- o Cost of energy may drive home workers back to the office
- o No evidence of additional need for B2
- o Insufficient infrastructure
- o Developers have no consideration for neighbouring residents
- o Increasing the less neighbourly B2 uses is harmful to amenity
- o Profits over people
- o Council is not listening to views of residents
- o Misleading residents with original proposals
- o Erosion of plans and building blocks of a balanced community ignored

- o Category B1 is a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. B2 is any industrial development which does not fit into this category, so, by definition, will be of detriment to the residential amenity
- o Added pollution
- o Reducing house prices
- o Impact on Wildlife
- o Reduced quality of life for residents of Ladden Garden Village
- o Increased traffic
- o Increased noise
- o Reduction in Air Quality
- o Road Safety
- o Residents unable to make small changes to their properties but developers able to make big changes to their plans
- o Notifications should be written in plain English
- o Yate has an abundance of industrial units, another use should be considered if offices not viable.
- o Changed profile of vehicles
- o object to development on the field that is adjacent to the railway line and abutting Tanhouse Lane
- o B2 not compatible with residential use
- o Lots of vacant B2 units in Yate
- o Poor Road connections
- o B2 uses could include 24 hour working, 7 days a week
- o Lorries from construction traffic already have an adverse impact on residential amenity which will be continued by the HGV's serving B2 uses.
- o Misleading to refer to construction traffic
- o Conflicting statements from applicant regarding the need for B1 and B2 floorspace
- o Agree with Yate Town Council comments
- o Leisure uses to serve the community would be a better use of the land
- o At present promised cycle ways and open space have not been delivered
- o Question the validity of the data submitted in the "Net Impact Assessment"

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.
- 5.2 Planning permission has already been granted and construction at an advanced stage. Therefore, the principle of development is considered acceptable and this report concentrates on the changes sought through the variation of conditions.
- 5.3 It also considers the other conditions attached to the original planning consent and whether they should be retained or amended in any way.
- 5.4 A S106 agreement is attached to the original permission PK12/1913/O. Future permissions are also bound by the terms of the s106 agreement if they are substantially similar. This scheme is considered to be substantially similar.

Analysis of Variation

- 5.5 The application to vary the nature of employment use has arisen as the applicants have sought to find occupants for the employment land. They have advised that they have offers for the B2 employment land but no offers for the B1 employment land.
- 5.6 The original permission made provision for B1 and B2 employment floor space in separate parcels. The use of the employment areas is secured via the Land Use Parameter Plan identifying the southern parcel for B2 uses and the northern parcel for B1 uses. There are no further plans or conditions restricting the employment uses on site.
- 5.7 Since the outline application was approved there has been a change to the Use Classes Order and B1 has effectively been replaced by E(g) Uses which are uses that can be carried out in a residential area without detriment to its amenity:
- E(g)(i) Offices to carry out any operational or administrative functions,
 - E(g)(ii) Research and development of products or processes
 - E(g)(iii) Industrial processes
- 5.8 B2 uses are defined as General industrial - Use for industrial process other than one falling within class E(g) (previously class B1) (excluding incineration purposes, chemical treatment or landfill or hazardous waste).
- 5.9 The Core Strategy seeks to protect B class employment uses on existing safeguarded sites but does not seek to restrict a change from one B class use to another. Core Policy 30: Yate and Chipping Sodbury sets out that development plan documents and development proposals should diversify the range of jobs available and make more efficient uses of existing and planned new employment land. Core Policy 31: North Yate New Neighbourhood requires up to 9Ha of employment land but the policy and supporting text are not specific about the nature of employment uses to be provided. Therefore, the acceptability of the proposal is dependent on whether the proposed mix of uses (considered alongside the development as a whole) offers diversity in the range of jobs available and whether the change of use complies with other policy provisions such as highway safety and residential amenity. It is noted that a number of objections have been received from the Town Council relating to the loss of office use, traffic impacts of the proposal and amenity impacts from more industrial uses.
- 5.10 The applicants have provided a marketing report in support of the change of use which sets out that there has been no interest in the site for B1 uses on their own. Whilst a marketing exercise was not required by policy it is considered to be a material consideration.
- 5.11 The marketing undertaken has resulted in no interest for B1 office uses only but the applicants have had interest in mixed B1/B2 uses.
- 5.12 Overall, it is considered that the proposed change from B2 to a mix of B1 and B2 is consistent with the policies in the development plan and it is noted that there can be diversity in the range of jobs available within a single uses class. It is also noted that across the allocation site a greater diversity of jobs will be available for example within

the approved care home, approved nurse, approved local shop and within the remaining planned uses such as schools.

- 5.13 With regards the highways impacts of the proposal the council's highways officer has considered the information submitted by the applicant and advised: "To assess the traffic impact of the proposal, the applicant has submitted 'Technical Note' (TN) that outlines the residual impact of this change to the transport network. For the purposes of assessing the impact of this change of land use, the applicant has considered two scenarios - first scenario being with all of the employment area on site being as 100% B1 (office) and secondly, with the whole of the employment area of the site being as 100% B2 use (general industry), therefore establishing the range within which any future mix of land uses would fall. The assessment is carried out using TRICS database, which is the industry's norm (tool) for traffic impact assessment. Having checked the methodology used and data submitted, the officer agrees with the findings of the TN report. Based on the same floor area of a development, the assessment shows that B2 use would generate less traffic both during the peak hour as well as throughout the day compared to that anticipated traffic from a B1 (office use) . And, in both cases of B1 and B2 uses, the officer is satisfied that that the level of HGV traffic would be small (assessment shows 13 HGVs or less). The assessment concludes and the officer agrees that if parts of the site were to operate as B2 instead of B1, those parts will generate fewer vehicles throughout the day including HGVs movements. Overall, therefore, the officer considers the data as presented within the TN to be robust and could not be challenged in an appeal situation".
- 5.14 It is considered that the information provided is sufficient to demonstrate that the traffic impacts of the development would reduce the traffic impacts associated with the employment land including noise, disturbance and air quality impacts to residents.
- 5.15 The proposal does not alter the access to the development or proposed route to the employment land nor necessitate any changes to it. Condition 19 of the current permission states "There shall be no commencement of Phase 5 of the development as shown on the Phasing Plan submitted pursuant to condition 4, until such time as the internal link road linking Randolph Avenue, Leechpool Way and the access from the Peg Hill development (as approved by planning permission PK12/0429/O) has been implemented and is operational. For the purposes of this condition, construction use and residential use are deemed operational." The trigger for this condition has been met and development has commenced on one of the Phase 5 residential parcels.
- 5.16 Condition 10 requires a Travel Plan Framework to be submitted prior to commencement of B1 and B2 uses. The request from Yate Town Council for an additional condition is noted. However, it is considered that it is not necessary to impose such a condition given the effect of change from the application.
- 5.17 The employment uses are grouped together separated from the residential uses by areas of Green Infrastructure. The Land Use Framework has previously considered the relationship between the Employment and Residential uses and it is considered that the proposed change to include additional B2 use is compatible with the neighbouring residential uses under construction. Residential amenity will be further assessed as part of the Reserved Matters applications for these parcels when the

layout, scale, landscaping and appearance of employment buildings within the employment areas will be considered.

- 5.18 There are currently no Reserved Matters approvals for the employment parcels. The approved masterplan and Design Code indicates one to two storey development for B2 uses and up to three stories for office development and sets out a series of principles against which the Reserved Matters applications will be considered. Reserved matters applications will be considered major applications and will be required to provide relevant information in accordance with the council's validation checklist such as noise assessments.
- 5.19 It is considered that the proposed increase in B2 uses is compatible with existing and proposed residential uses and impacts such as noise and traffic can be adequately dealt with through the Reserved Matters applications and existing conditions on the Outline Permission such as the requirement for a Framework Travel Plan for B1 and B2 uses.

Other Considerations

5.20 EIA Development

The original application was considered to be EIA development and supported by an Environmental Statement. The applicants have updated the sections on Transport and it is considered that the proposal continues to have no significant impacts.

5.21 S106 Legal Agreement

The original permission (PK12/1913) was granted subject to a s106 legal agreement which has been subject to a Deed of Variation. The s106 agreement includes a clause to bind subsequent applications as long as they are substantially similar. The owners of the site have confirmed by letter that they consider this to be the case. Officers are in agreement that the application is substantially similar and as such the application can be determined without securing a new agreement.

5.22 Conditions

As any permission granted under this application would stand as a planning permission in its own right, all other conditions should be reviewed. The conditions should only be reapplied where it is necessary to do so. A total of 42 conditions are attached to P19/6296/RVC. These have been reviewed and can be reinstated without change with the exception of Condition 39.

- 5.23 *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 it is considered to have a neutral impact on equality.

6. **CONCLUSION**

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

CONDITIONS

1. Details of the layout, scale and appearance of the buildings to be erected, and the landscaping of the site (hereinafter called the reserved matters) shall be submitted to and approved in writing by the Local Planning Authority before development on land to which the reserved matters relate commences. Development thereafter shall be carried out in accordance with the approved details.

Reason

To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).

2. Applications for the approval of the reserved matters shall be made to the Local Planning Authority before 17th July 2027.

Reason

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

3. The development hereby permitted shall be begun either before the 17th July 2020, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason

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

4. Unless otherwise agreed in writing with the local planning authority, no reserved matters applications shall be submitted until there has been submitted to and approved in writing by the local planning authority a detailed phasing plan that is in accordance with the principles contained in the Land at North Yate Design and Access Statement June 2015. Such a phasing plan shall indicate geographical phases, and relationship to the delivery of infrastructure and facilities. It should further include the subdivision of each geographical phase into development parcels to provide a basis for reserved matters submissions. Applications for the approval of the

reserved matters shall be in accordance with the phasing plan as approved, unless otherwise agreed in writing by the Local Planning Authority and the phasing plan as agreed shall be fully adhered to.

Reason

To ensure that the development is comprehensively planned, designed and phased to ensure maximum practical integration between different land uses within and beyond the site is achieved.

5. Prior to the submission of any reserved matters applications (excluding applications relating to infrastructure works) a site wide affordable housing plan and an accompanying schedule shall be submitted to and approved in writing by the local planning authority showing the distribution of 35 % of the total dwelling number across the site in the residential land parcels shown in the approved phasing plan submitted pursuant to condition 4 above. For each development parcel, the plan and the accompanying schedule shall show:
 - a) the number of affordable dwellings to be provided;
 - b) the mix of dwellings (in terms of the number of bedrooms and the proportion of houses and flats, broken down between social rented affordable housing units and intermediate units in that parcel.)

The subsequent reserved matters applications that show the proposed layout of the development shall show the proposed locations of the affordable dwellings. Development shall thereafter be carried out in accordance with the site wide affordable housing plan, accompanying schedule and reserved matters approvals, unless otherwise agreed in writing by the local planning authority.

Reason

To ensure that the distribution of affordable houses assists the creation of an inclusive mixed community.

6. No development shall take place on land to which the reserved matter relates until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details shall include: proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines, manholes); retained historic landscape features and proposals for restoration where relevant. Soft landscape works shall include: planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and an implementation programme.

Reason

To protect and enhance the character and appearance of the area and the amenities of future occupiers.

7. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out within the first planting season prior

to occupation of the final dwelling on land to which the reserved matter relates or in accordance with the programme agreed in writing with the Local Planning Authority.

Reason

To protect and enhance the character and appearance of the area and the amenities of future occupiers.

8. The plans and particulars submitted in accordance with condition 1 and 6 shall include:
- a) a plan showing the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level exceeding 75mm, showing which trees are to be retained and the crown spread of each retained tree;
 - b) details of the species, diameter (measured in accordance with paragraph (a) above) and the approximate height, and an assessment of the general of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (c) and (d) below apply;
 - c) details of any proposed tree works to any retained tree or of any tree on land adjacent to the site;
 - d) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation within the RPA (root protection area) as defined in BS5837 2012 of any retained tree or of any tree on land adjacent to the site; and
 - e) details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development.
 - f) details of street trees shall include specification of root protection measures, and details of street tree management to encourage high level growth and maintain a clear zone directly above sewers.
- In this condition retained tree means an existing tree which is to be retained in accordance with the plan referred to in paragraph (a) above.
All fencing to be in accordance with BS5837 2012 Trees in Relation to Construction and retained and maintained for the duration of the construction period.

Reason

To protect and enhance the character and appearance of the area, the amenities of future occupiers, and to protect adopted sewers.

9. No development shall take place on land to which the reserved matter relates until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved scheme.

Reason

To protect and enhance the character and appearance of the area and the amenities of future occupiers.

10. No development comprising any of the B1 and B2 floorspace hereby approved shall commence until an overall Travel Plan Framework covering all the B1 and, B2 floorspace hereby approved has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan Framework shall set out:

- the aims and objectives of the Framework, including reducing the need to travel by car, encouraging healthy commuting and work related journeys;
- a monitoring strategy and targets for the reduction of single occupancy car related journeys over the first five years of the development;
- measures for achieving the approved aims, objectives and targets in the event that monitoring reveals that those targets are not being achieved.

The B1 and B2 development shall proceed in accordance with the approved details.

Reason

To encourage means of transportation other than the private car.

11. No more than 4882 sq m gross floor areas shall be constructed and occupied at the local centre as part of this permission of which no single retail unit (Use Class A1, A2, A3, A4, A5) shall exceed 500 square metres gross floor area.

Reason

To protect the vitality and viability of existing local centres, and to ensure that a mix of small scale local shops and services are provided in the interests of providing a variety of units, in the interests of vitality, and to minimize the need to travel by private car.

12. The development shall be carried out in accordance with the archaeological report by Cotswold Archaeology received by the Council on 17th February 2017 and approved by the Council on 22nd March 2017.

Reason

In the interest of archaeological investigation or recording.

13. Construction Waste Management Audit

No development shall take place on land to which the reserved matter relates until a Waste Management Audit has been submitted to and approved by the Local Planning Authority in writing. The Waste Management Audit shall include details of:

- i. The volume and nature of the waste which will be generated through the demolition and/or excavation process;
- ii. The volume of that waste which will be utilised within the site in establishing pre-construction levels, landscaping features, noise attenuation mounds etc;
- iii. Proposals for recycling/recovering materials of value from the waste not used in schemes identified in (b), including as appropriate proposals for the production of secondary aggregates on the site using mobile screen plant;
- iv. The volume of additional fill material which may be required to achieve, for example, permitted ground contours or the surcharging of land prior to construction; and
- v. The probable destination of that waste which needs to be removed from the site and the steps that have been taken to identify a productive use for it in order to reduce the amount of waste sent to landfill.

Development shall be carried out in accordance with the agreed details, unless otherwise agreed in writing by the Local Planning Authority.

Reason

In order to reduce the amount of waste from the site going to landfill.

14. Prior to the commencement of development, details of the construction management plan shall be submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason

This is a pre-commencement condition to avoid any unnecessary remedial action in the future.

Reason

To protect the amenities of existing local residents, and to ensure highway safety during construction.

15. The hours of working on site during the period of construction shall be restricted to 8am-6pm Mondays to Fridays; and 8am-1.00pm on Saturdays and no working shall take place on Sundays or Public Holidays. The term working shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the site. Any working outside these hours shall have the prior written consent of the Local Planning Authority.

Reason

To minimise disturbance to neighbouring occupiers.

16. No development shall take place on land to which the reserved matter relates, until details of wheel-washing facilities to be provided on site have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided prior to development commencing on land to which this reserved matter relates and maintained during the period of construction. All commercial vehicles shall have their wheels washed before entering the public highway.

Reason

To safeguard the amenities of the locality and in the interests of highway safety.

17. The Reserved Matters submissions shall include detailed plans showing the provision of car and cycle parking facilities in accordance with the standards set out in the adopted Development Plan and the South Gloucestershire Residential Parking SPD. The development shall proceed in accordance with the agreed scheme, with the parking facilities provided prior to the first occupation of the associated buildings; and thereafter retained for that purpose.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area.

18. Works considered as exempt infrastructure include only those details submitted on 11th November 2015 and agreed in writing by the Local Planning Authority on 23rd December 2015.

Reason

To ensure that development can proceed in a timely fashion

19. There shall be no commencement of Phase 5 of the development as shown on the Phasing Plan submitted pursuant to condition 4, until such time as the internal link road linking Randolph Avenue, Leechpool Way and the access from the Peg Hill development (as approved by planning permission PK12/0429/O) has been implemented and is operational. For the purposes of this condition, construction use and residential use are deemed operational.

Reason

To ensure there are appropriate transport linkages within the site and to ensure availability of alternative travel modes to the private car.

20. Not to develop more than 750 dwellings until such time as the appropriate strategic sewerage infrastructure has been completed and is operational.

Reason

To ensure that there is adequate foul drainage to serve the development and to prevent pollution of the water environment.

21. The development shall be carried out in accordance with the North Yate New Neighbourhood Surface Water Drainage Strategy to Discharge Condition 21, Issue 4, December 2016 by PFA Consulting approved by the Local Planning Authority on 20th January 2017.

Reason

To prevent the risk of flooding.

22. No development shall take place on land to which reserved matters relate until the detailed drainage design for each plot, phase or parcel of land, incorporating sustainable drainage principles, have been submitted to and approved by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the plot or parcel first occupied

Reason

To prevent the risk of flooding.

23. No development shall take place until the detailed design of the Flood Alleviation Scheme referred as Pond P4C has been submitted to and approved in writing by the local planning authority. All works undertaken must be in accordance with the agreed design and timetable.

Reason

This is a pre-commencement condition to avoid any unnecessary remedial action in the future.

Reason To prevent the risk of flooding.

24. No development shall take place on land within the Tanhouse Stream catchment to which reserved matters relate until detailed hydraulic modelling of the watercourse has been undertaken and submitted to and approved by the local planning authority.

Reason

To prevent the risk of flooding.

25. Ground finished floor levels of all uses approved shall be set 300mm above the 1 in 100 year with climate change modelled flood level.

Reason

To prevent the risk of flooding.

26. Prior to the commencement of the flood alleviation scheme and surface water attenuation features shown in the Hyder's Flood Risk Assessment dated 30 April 2012, a full operation and maintenance manual shall be submitted to and approved in writing by the local planning authority. The strategy shall identify all future land use limitations, identify the ownership, operational and maintenance arrangements for the works over the lifetime of the scheme and development shall accord with the details so agreed.

Reason

To prevent the risk of flooding.

27. A strip of land 15m wide adjacent to the Tanhouse Stream must be provided and kept clear of all new buildings and structures (including gates, walls and fences). Ground levels must not be raised within such a strip of land.

Reason

To prevent the risk of flooding.

28. The development shall be carried out in accordance with the details approved by the Local Planning Authority on 5th August 2016. If unexpected contamination is found after the development is begun, development shall immediately cease upon the part of the site affected. The Local Planning Authority must be informed immediately in writing. A further investigation and risk assessment should be undertaken and where necessary an additional remediation scheme prepared. The findings and report should be submitted to and agreed in writing to the Local Planning Authority prior to works recommencing. Thereafter the works shall be implemented in accordance with any further mitigation measures so agreed.

Reason

To ensure that there is any contamination is mitigated and to prevent environmental pollution.

29. Prior to the submission of the relevant reserved matters application further intrusive site investigation works shall be undertaken with regard to historic coal mining on site. In the event that the site investigations confirm the need for remedial works to treat the mine entries and/or areas of shallow mine workings, details of any remedial works identified by the site investigation shall be submitted to and approved in writing by the

local planning authority and subsequently undertaken prior to the commencement of the relevant reserved matters permission.

Reason

To ensure that the site is or can be made safe and stable for the proposed development and to prevent environmental pollution.

30. Development shall be carried out in accordance with the letter from LFAcoustic dated 16th December 2015 in relation to application PK12/1913/O.

Reason

To protect the amenities of future residents and commercial occupiers from noise disturbance.

31. The particulars submitted as part of condition 1 for the relevant reserved matters shall include details in respect of the allotments including design specification, boundary treatments, servicing and implementation. The development shall thereafter accord with the approved details.

Reason

To ensure an appropriate standard of allotments are provided in the interests of the amenity of the future residents.

32. The details for submission of condition 6 shall include details of substantive tree planting in the woodland zone, the buffer zone with Tanhouse Lane and details of the landscaping to the allotments at Rockwood House. The buffer zone to Tanhouse Lane shall include mixed leave (broadleaved) woodland planting and species rich grassland. The details so approved shall be implemented prior to the first occupation of the relevant reserved matters permission.

Reason

To protect and enhance the character and appearance of the area and the amenities of future occupiers, and to enhance habitats of protected species found on site.

33. All development is subject to the following:
- Outline Great Crested Newt Mitigation Strategy dated June 2015 by BSG Ecology and Figure 3.4.2 Typical Section of Wildlife Corridor Crossing
 - Mitigation measures for dormouse contained within paragraphs 7.5.40 and 7.5.45 of Section 7 Volume 1 of the Environmental Statement dated June 2012 by LDA Design and Figure 3.4.2 Typical Section of Wildlife Corridor Crossing
 - Mitigation Measures for lesser horseshoe bats (night feeding perches) detailed within the Environmental Addendum dated June 2015 by LDA Design

All works to be carried out in accordance with these measures.

Reason

To protect protected species and their habitats on site.

34. All works must to be carried out exactly in accordance with the Ecological Mitigation Plan 3514_341, Ecology Strategy (Parts 1 and 2), Dormouse and Reptile Survey Report, Great Crested Newt Mitigation Strategy and associated ecological maps all received by the Council on 13th April 2016 in relation to application PK12/1913/O.

Reason

To protect protected species and their habitats on site.

35. The development shall be carried out in accordance with the Landscape and Ecological Management Plan details received by the Local Planning Authority on 13th April 2016 and approved by the Local Planning Authority on 28th April 2016.

Reason

To protect protected species and their habitats on site.

36. A suitably-experienced and/or qualified and licensed ecological 'clerk of works' shall be appointed to oversee all works relating to ecology, to include ensuring the all works accord with the provisions of the relevant or appropriate Conditions, strategies or undertakings and to act as liaison with the Council and external agencies such as Natural England

Reason

To protect protected species and their habitats on site.

37. Prior to the commencement of development, including exempt infrastructure works, that for each respective phase of development be re-surveyed for badgers immediately ahead of development commencing and a report provided to the local planning authority for approval in writing. The report should provide details of all works subject to the licensing provisions of the Protection of Badgers Act 1992 and timetabling of such works. All works are to be carried out in accordance with said report.

Reason

This is a pre-commencement condition to avoid any unnecessary remedial action in the future.

Reason

To protect protected species and their habitats on site.

38. Particulars submitted in relation to condition 1 for each relevant reserved matters shall include a lighting strategy shall be submitted to and approved in writing by the local planning authority that shall include measures to control light spillage. Development shall be carried out in accordance with the approved details prior to the first occupation of the relevant reserved matters.

Reason

In the interests of visual amenity and security and to protect the habitats of protected species.

39. Applications for the approval of the reserved matters shall be in accordance with the approved parameter plans and principles and parameters contained in the Land at

North Yate Design and Access Statement June 2015 and Parameter Plans July 2015 revised by Land Use Plan 7728_1000-Rev 01 dated 30th June 2022 and with the approved Design Code (Rev D-March 2017) approved by the Local Planning Authority on 12th May 2017 and Masterplan 4739-LDA-OO-XX-DR-L-0013 approved by the Local Planning Authority on 20th January 2017 for the geographical phase as shown in the approved phasing plan to which the reserved matters application relates. A statement shall be submitted with each reserved matters application, which describes how the application proposals are in compliance with the Land at North Yate Design and Access Statement June 2015 and Parameter Plans July 2015 revised by Land Use Plan 7728_1000-Rev 01 dated 30th June 2022 and with the relevant detailed master plan and design code, or (where relevant) explaining why they are not.

Reason

To ensure that high standards of urban design and comprehensively planned development, designed and phased to ensure maximum practical integration between different land uses within and beyond the site is achieved.

40. Applications for approval of Reserved Matters that incorporate proposed buildings within each geographical phase identified in the approved phasing plan submitted pursuant to Condition 4 above shall be accompanied by an Energy Statement which shall set out:-

How the layout, three dimensional building envelope and landscape proposals have been designed to maximise passive solar gains and cooling as well as natural ventilation of buildings.

Measure to improve the insulation of the building envelope to reduce energy demand.

Calculation of energy demand.

The Energy Statement shall require Reserved Matters to achieve a minimum "very good" rating under the relevant Building Research Establishment Environmental Assessment Method (BREEAM) for all building types other than dwellings.

Reason

To achieve improved energy conservation, and protect environmental resources.

41. The particulars submitted as part of condition 1 for the relevant reserved matters shall include details in respect of the provision of internet connection infrastructure to serve the future residents of the development, including a timetable for implementation. The development shall be implemented in accordance with the agreed timetable.

Reason

To ensure an appropriate standard of internet connection is provided, in the interests of the amenity of future residents.

42. No residential development shall take place within the development parcels shown on the phasing plan submitted pursuant to condition 4 above, within which the proposed underground cable corridor runs, as shown on the approved Land Use Parameter Plan, until a scheme, including timetabling for undergrounding the 132Kv overhead power lines and removal of pylons has been implemented or unless otherwise agreed in writing by the LPA or an amendment (to accommodate the retention of the power lines in whole or in part) to the approved Land Use

Parameter Plan and detailed masterplan has been submitted to and approved in writing by the Local Planning Authority.

Reason

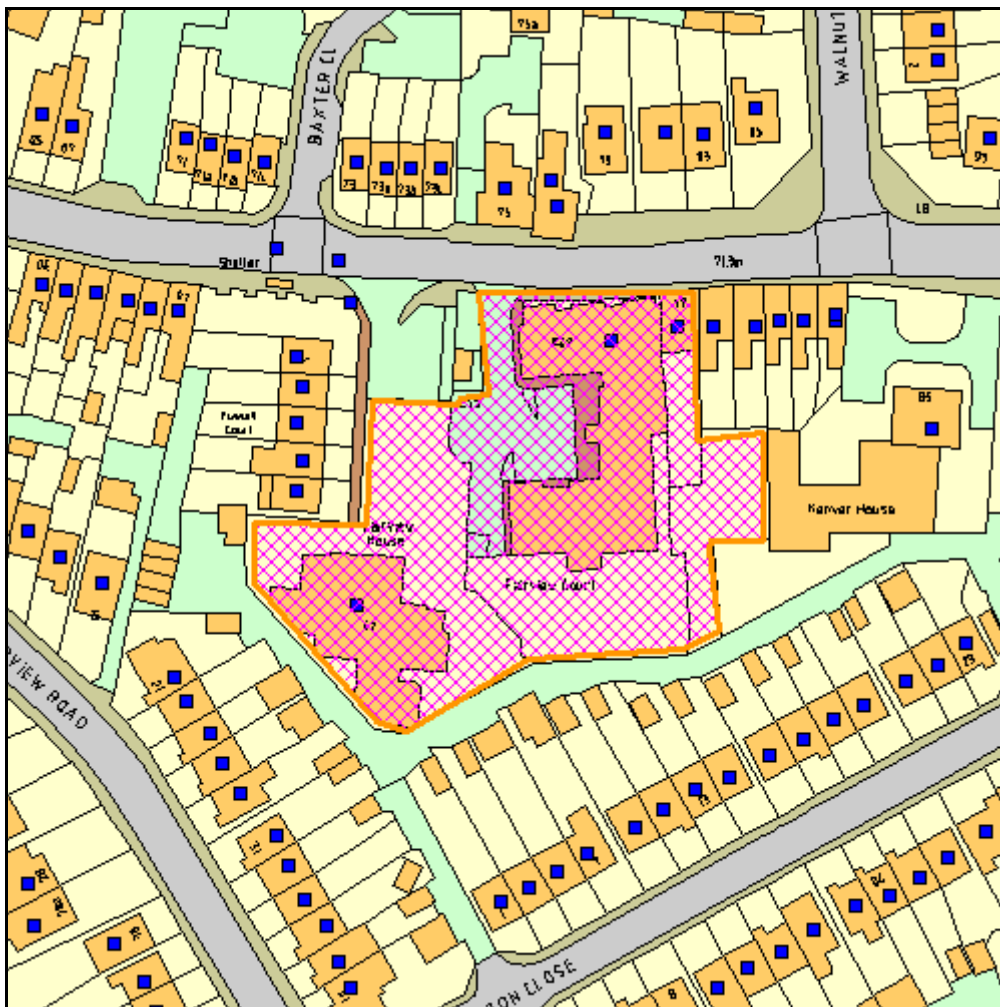
The approved Land Use Parameter Plan is based on the assumption that the 132Kv overhead power lines will be undergrounded. In the event that this does not happen, or only happens in part, an amended Land Use Parameter Plan and detailed masterplan which takes into account the presence of the 132Kv overhead power lines, will need to be approved before development can take place within the development parcels shown on the approved phasing plan pursuant to condition 4 above, through which runs the proposed underground cable corridor shown on the Land Use Parameter Plan.

Case Officer: Eileen Medlin

Authorising Officer: Charmian Eyre-Walker

CIRCULATED SCHEDULE NO. 19/23 - 12th May 2023

App No.:	P22/05833/F	Applicant:	Linksmax Limited
Site:	44 And Fair View Court Hill Street Kingswood South Gloucestershire BS15 4ES	Date Reg:	4th November 2022
Proposal:	Change of use of no. 44 Hill Street from C3 (dwellinghouse) to C2 (residential institution) for ancillary staff accommodation to Fairview House Care Home and erection of three storey side extension to the existing care home to create 12 no. additional bedrooms. Extension of plantroom and installation of an enclosed air source heat pump.	Parish:	
Map Ref:	366004 173671	Ward:	Woodstock
Application Category:	Minor	Target Date:	22nd May 2023



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N.T.S.

P22/05833/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 APPLICATION APPEARING ON CIRCULATED SCHEDULE

This application appears on the Council's Circulated Schedule Procedure due to receiving more than 3no. objection comments from local residents contrary to the officer recommendation below.

1. THE PROPOSAL

- 1.1 This application is for the change of use of no. 44 Hill Street from C3 (dwellinghouse) to C2 (residential institution) for ancillary staff accommodation to Fairview House Care Home and erection of three storey side extension to the existing care home to create 12 no. additional bedrooms. Extension of plantroom and installation of an enclosed air source heat pump.
- 1.2 Fairview House and Fairview Court are located within the urban area of Kingswood. Fairview House is a locally listed building and there are protected Yew trees and Cedar trees within the wider site.
- 1.3 Revised plans and information have been submitted throughout the process to alter the design of the proposed extension, to add the proposed plantroom and heat pump, and for additional information relating to transport and highways. Re-consultations have been carried out on these revisions.
- 1.4 Postal strikes impacted on residents receiving letters, a re-consultation was undertaken to compensate.

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
CS20	Extra Care Housing
CS23	Community Infrastructure

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland

PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP19	Wider Biodiversity
PSP17	Heritage Assets and the Historic Environment
PSP38	Development within Existing Residential Curtilages
PSP43	Private Amenity Space

- 2.3 Supplementary Planning Guidance
 South Gloucestershire Design Checklist SPD (Adopted) August 2007
 Trees and Development Sites SPD
 Affordable Housing and ExtraCare Housing SPD April 2021
 Assessing Residential Amenity TAN 2016

3. **RELEVANT PLANNING HISTORY**

- 3.1 PK15/1082/F - Erection of a single storey side extension to form office with associated works. – Approved 27.05.2015
- 3.2 PK16/4837/F - Partial demolition of existing care home and erection of two storey and single storey extensions to create six additional bedrooms. – Approved 06.12.2016
- 3.3 P19/17018/F - Partial demolition of single storey side extensions to Fairview House and Fairview Court and erection of 2 and 3 storey extensions to link the existing properties and form additional bedrooms and accommodation. – Approved 07.05.2020

4. **CONSULTATION RESPONSES**

- 4.1 This area is not Parished
- 4.2 Transport – No objection subject to the provision of cycle parking.
- 4.3 Coal Authority – No objection subject to the proposal carried out as per the report.
- 4.4 Ecology – No objection subject to conditions relating to mitigation, external lighting and ecological enhancements.
- 4.5 Listed buildings and conservation – No comment.
- 4.6 Landscape – No objection subject to conditions relating to tree protection, planting plan and hard landscaping plan.
- 4.7 Drainage – No objection.
- 4.8 Tree Team – No objection subject to tree protection.
- 4.9 Urban Design – Alterations to materials recommended.

4.10 Archaeology – Programme of archaeological work condition recommended.

Other Representations

4.11 Local Residents

30no. objection comments have been received, summarised as:

- Access lane is in private ownership
- Access will not be given for construction
- Repeat attempts for access are causing distress
- Parking already difficult around care home
- Existing drainage issues
- Overlooking
- Loss of trees
- Light and noise pollution
- Disruption to wildlife
- Further extension to nursing home with three other nursing homes in close proximity
- Loss of natural light
- Loss of view
- No details of boundary treatment
- Previous works only just completed
- Area should be kept as garden
- Postal strikes have left limited time to comment
- Historic ground movement
- Existing boundaries in need of repair
- Building encroaching on residential properties
- Structure for heat pump excessive
- Character and streetview impacted
- Brompton Close sited on lower topography increasing impact of building

5. ANALYSIS OF PROPOSAL

Principle of Development

5.1 This pre-application is for the extension of a care home within an existing urban area. Policy CS23 of the South Gloucestershire Core Strategy (Adopted December 2013) supports extended or enhanced community infrastructure, with the proposal for the provision of 12no. bedrooms and additional staff areas. The principle of the proposal is acceptable, subject to other material considerations.

Design and visual amenity

5.2 The proposed extension is three storey, located on the east elevation of Fairview Court. The eaves and ridgeline are set at the level of the existing building at 7.6m and 9.1m respectively. The extension measures 7.8m wide, and 14.2m deep, and is set back from the southern elevation by around 1.1m.

5.3 Given the substantial size of the existing building, the proposed extension is considered to represent a subservient addition, and design cues such as materials, roof type and fenestration have been replicated as per the suggestions by the Urban Design Officer.

- 5.4 Fairview House is a Locally Listed building, however this is separated from the proposal by existing development and the Conservation Officer has offered no comments on the application. The proposal is therefore considered to conserve the setting of the Heritage Asset.
- 5.5 The proposed Heat Pump will be located in a single storey structure located in the existing yard to the west side of the property. This would be constructed to match the materials of the existing building, and is small scale.
- 5.6 Although 44 Hill Street is being converted to provide additional staff areas, there are no physical alterations to the property that required consideration.
- 5.7 Overall, the proposals are considered to be acceptable in terms of design and visual amenity, and comply with CS1.

Residential amenity

- 5.8 44 Hill Street is currently within residential use and is proposed to change use into ancillary use as a staff area. The building will not be linked internally to the care home, and will provide 4no. staff bedrooms on the first floor, and a lounge, dining and kitchen area on the ground floor. The change of use to C2 is not considered to impact upon residential amenity of neighbouring occupiers.
- 5.9 The proposed three storey extension is located in the current garden area of 44 Hill Street, which is inset between the care home, residential properties to the north and a neighbouring care home to the east.
- 5.10 No windows are proposed in the first or second floor elevation facing 46 Hill Street. The extension is located approximately 19m from the rear elevation of the property and approximately 3m from the south-western corner of the boundary of the property. Although the extension will be visible from the property and garden, due to the offset location it is not considered that the extension would cause significant harm due to overlooking, an overbearing impact, or loss of light.
- 5.11 The care home situated to the east has no windows within the elevation facing the eastern elevation of the extension. There is approximately 11m between the proposal and the existing carehome, providing future occupants with a suitable outlook.
- 5.12 The front elevation of the proposed is sited approximately 34m from the rear elevations of the properties on Brompton Close, normally considered a suitable distance however the lower level of the dwellings on Brompton Close must be taken into consideration.
- 5.13 Windows on the south elevation are limited, with two on each floor, one of which would be for a bathroom with obscure glazing. The separation distance between the existing property and the dwellings is similar, with the extension replicating the existing eaves and ridge height but with a 1m set back from the south elevation. Mature vegetation sited between the proposal is to be retained. Taking the above factors into consideration, it is not considered that the

proposed extension would cause significant harm to residential amenity due to overlooking or an overbearing impact.

- 5.14 The proposed building for the air source heat pump is located approximately 2.4m from the nearest residential building 5 Fussell Court, with the nearest window being around 4.6m from the equipment. A noise report has not been submitted. Noise generated from air source heat pump do not generate constant noise, only when hot water is required. The noise is generally similar to that generated by a small extractor fan, around 50-60dBA. The WHO outdoor criterion is 50-55dBA. With the proposed enclosure the noise generated is likely to be inaudible, and as such unlikely to cause significant impact to residential amenity.
- 5.15 Concerns relating to noise and light impact from increased residency is noted, however an additional 12 bedrooms is unlikely to cause any further impact than the existing Care Home.
- 5.16 Concerns have also been raised regarding the loss of available garden space for residents due to the extension, however due to incorporating the garden of 44 Hill Street into the wider site this would in fact increase slightly. There is no set standard of amenity space for residential homes, however using the requirements for single flats of 5sqm, 93no. x 5m² would be 465m². The rear garden alone is in excess of 500m², therefore sufficient space is provided.
- 5.17 Overall, it is not considered that the proposal would cause significant harm to residential amenity.

Transport and highways

- 5.18 The application has been submitted with a Transport Assessment, Technical Note and Parking Survey.
- 5.19 The existing care home has 81, with the proposal extending this by 12 to 93. A TRICS assessment was submitted, however Transport DC requested that this be checked against two separate day surveys at the existing site. Building work is however being carried out at the site, with the existing car park not in use. A further TRICS review was therefore carried out.
- 5.20 The forecast traffic generation of the proposed development was calculated using the 'Health-Care Home' category of the TRICS database. All sites in England, except for Greater London, were selected. Sites in the edge of town centre location were also selected along with suburban areas and edge of town locations to increase the number of sites reviewed. All weekend surveys were deselected, which left 10 sites. Each site was reviewed and a site in Ipswich was deselected as this did not seem comparable as this only had 17 beds and the trips at the site did not start until 1000hrs. Average trip rates for the nine remaining sites were obtained.
- 5.21 In the peak AM hour, the average trip rate is one car arriving and one departing. In the peak PM hour, the average trip rate is one car departing. Staff work in shifts and tend to travel to and from the site outside of peak hours.

Traffic movements are therefore unlikely to have a significant impact on the wider highway network.

- 5.22 A car parking accumulation assessment has also been made. Eight cars are likely to be parked overnight for overnight staff, with the day shift arriving between 6AM and 7AM. For the existing care home, there would be a maximum demands for 21 vehicles per hour. An additional 12 beds would increase this to 23 within the 1PM – 2PM period, requiring an additional two car parking spaces. There is therefore a shortfall of 2no. spaces.
- 5.23 A Parking Survey has been submitted in compliance with the Parking Survey TAN, undertaken on Tuesday 21st March, within the identified peak parking hours of 1PM – 2PM. 24 vacant spaces were identified within 200m of the site, sufficient to accommodate the shortfall.
- 5.24 Within the site, cycle parking will be relocated with a new cycle shelter provided for 8 cycle spaces. Two additional cycle spaces will be provided in the eastern parking area.
- 5.25 The proposal is located within a sustainable urban area, and will not cause significant impact to the highway network due to traffic movements or parking. It is considered reasonable for a Construction Management Plan to be submitted to reduce the impact on neighbouring residents during construction.
- 5.26 The concerns regarding the private rear lane are noted. This is a civil matter, and an application cannot be refused on this basis. The applicant is however required to ensure they have consent from the landowner to access any land that is not public highway.

Ecology

- 5.27 An Ecological Impact Assessment report has been submitted (Abricon, September 2022). The site is not covered by any ecological designations.
- 5.28 The Ecological Impact Assessment (EIA) report included the results of an Extended Phase 1 Habitat Survey undertaken in July 2022. The report confirmed there were no protected habitats within the proposed development site boundary. The habitats within the survey site boundary comprised of a residential building, amenity garden, scattered trees, a pond, and areas of hardstanding/built structures including walls/fences.
- 5.29 The EIA report included an assessment of the east elevation of the existing care home building, which is subject to proposed extension works and an assessment of the outbuildings which are due to be demolished, and trees within the survey site boundary. The report concluded that the east elevation of the care home, the outbuildings and the trees had negligible potential to support roosting bats. As such, no further surveys were recommended. The site was assessed as offering limited commuting/foraging habitat for bats due to limited suitable habitats on site, and the surrounding lighting in the urban area which the proposed development site is located in. Appropriate mitigation measures have been provided in the EIA report to avoid potential harm to bats.

- The EIA report includes ecological enhancement recommendations comprising installation of bat boxes or bat tubes, which is welcomed.
- 5.30 The pond on site was assessed as being unsuitable for great crested newts (GCN) and there was limited suitable terrestrial habitat on site for GCN/other amphibians. The EIA report concluded that due to the site being surrounded by a built up/residential area, and the lack of other waterbodies within 250m of the site, it was considered highly unlikely that GCN would be present on site. The site is also within a green risk zone for GCN. No further surveys were recommended for this species. Appropriate mitigation measures have been provided in the EIA report to avoid potential harm to amphibians.
- 5.31 The care home building and trees within the survey site boundary were assessed as offering potential nesting habitat for birds. No direct evidence of nesting birds was recorded during the survey. Appropriate mitigation measures have been provided in the EIA report to avoid potential harm to nesting birds. The EIA report includes ecological enhancement recommendations comprising installation of bird boxes, which is welcomed.
- 5.32 The site was assessed as having limited suitability for reptiles. Appropriate mitigation measures have been provided in the form of a Method Statement within the EIA report.
- 5.33 The grassland on site was assessed as offering negligible commuting/foraging habitat for badgers. No evidence of badger setts or badger presence were recorded. Appropriate mitigation measures have been provided in the EIA report to avoid potential harm to badgers.
- 5.34 The site offered some suitable foraging and sheltering habitat for hedgehogs. However, due to boundary fencing around the site which would prevent access for hedgehogs, no further surveys/mitigation measures were provided in the EIA report. Appropriate mitigation measures have been provided in the EIA report to avoid potential harm to hedgehogs.
- 5.35 There are no ecological objections, subject to conditions relating to mitigation and enhancements. A condition has been requested by the Ecologist relating to external lighting, however given that this is an extension to an existing site within an urban area this is considered to be unreasonable.

Landscape and trees

- 5.36 An Arboricultural Impact Assessment, Method Statement and Tree Protection Plan have been submitted relating to the retained trees on site, including protective fencing and ground protection. These are considered to be acceptable providing the development is carried out in accordance with the submitted details.
- 5.37 7no. garden trees will be lost to the development, which are mostly Category C, with T4 being a Category U Willow and a shrub group. The submission does not show replacement planting, however the site is of sufficient size for this to be accommodated. There is therefore no objection to the proposal on tree or

landscaping grounds, subject to the submission of hard and soft landscaping plans.

Coal Mining

- 5.38 Coal Authority records indicate that the site is in an area of likely historic unrecorded coal workings at shallow depth. A Coal Mining Risk Assessment has been undertaken, noting that rockhead is likely to be present within 5m of the surface and that the shallowest coal seam is surmised to be circa beql and recorded to be 0.6m thick. Even if the seam were worked to its full extent, there is sufficient rock cover to prevent any ground stability at the surface from collapsed mine workings.
- 5.39 The risk from un-recorded coal workings is negligible. A visual inspection of the ground where development is proposed is recommended as per the Coal Mining Risk Assessment.
- 5.40 It should be noted that where SUDs are proposed as part of the development scheme consideration will need to be given to the implications of this in relation to the stability and public safety risks posed by coal mining legacy. The developer should seek their own advice from a technically competent person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site

Drainage

- 5.41 It is noted that concerns have been raised regarding drainage, however the Council's drainage team have made no objection to the proposal.

Archaeology

- 5.42 There is some archaeological interest to this site as it is the location of a post-medieval settlement that was largely demolished for an early 20th century factory. Evidence relating to this may have survived on site, and as such a condition relating to a programme of archaeological work to include a watching brief is considered to be necessary.

Consideration of likely impact on Equalities

- 5.43 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 permission is granted.

CONDITIONS

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

Reason:

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

2. A site specific Construction Environmental Management Plan (CEMP), shall be submitted to and agreed in writing by the Local Planning Authority prior to commencement of work. The CEMP as approved by the Council shall be fully complied with at all times.

The CEMP shall include but not necessarily be limited to:

- (i) Measures to control the tracking of mud off-site from vehicles.
- (ii) Measures to control dust from the demolition and construction works approved.
- (iii) Adequate provision for the delivery and storage of materials.
- (iv) Adequate provision for contractor parking.
- (v) Temporary access arrangements for construction traffic including use of a banksman for all reversing manoeuvres, signage and measures to protect pedestrians using the footway.
- (vi) Details of Main Contractor including membership of Considerate Constructors scheme or similar.
- (vii) Site Manager contact details.
- (viii) Processes for keeping local residents and businesses informed of works being carried out and dealing with complaints.

Reason:

In the interests highway safety and to accord with Policies PSP11 of the adopted South Gloucestershire Policies, Sites and Places DPD. This is a pre-commencement condition as details must be agreed prior to works commencing on site.

3. Prior to occupation of the development the proposed cycle parking shall be installed in accordance with the approved details.

Reason:

In the interest of highway safety and to accord with SGC Policies PSP11 and 16.

4. The proposal shall be carried out in full compliance with the Coal Mining Risk Assessment (Bristol Coalmining Archives Ltd January 2020).

Reason:

To ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.

5. The development shall proceed in strict accordance with the Mitigation Measures provided in the Ecological Impact Assessment (Abricon, September 2022) which includes, but is not limited to sensitive timings to nesting bird season.

Reason:

To protect against harm to protected species and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP19 of the Policies Sites and Places DPD (Adopted) November 2017; and the National Planning Policy Framework.

6. Prior to occupation, the ecological enhancements detailed within the Ecological Impact Assessment (Abricon, September 2022) shall be installed. This includes, but is not limited to a bird box and bat box. Any proposed fencing should include provision to allow hedgehogs passage through the site.

Reason:

To provide ecological enhancements in accordance with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP19 of the Policies Sites and Places DPD (Adopted) November 2017; and the National Planning Policy Framework.

7. Prior to occupation a detailed hard and soft landscape scheme shall be submitted to and approved in writing by the LPA, including detailed planting plans specifying the location, species, stock size, planting centres and quantities of all proposed tree and structure planting and details of all proposed boundary and hard landscape surface treatments, including proposed levels and any soil retention/retaining walls that may be required. The landscaping shall be installed prior to occupation in accordance with the approved details.

Reason:

To ensure the provision of an appropriate landscape setting to the development in accordance with PSP2.

8. The development shall be carried out in strict accordance with the submitted Arboricultural Report (Silverback September 2022).

Reason:

To ensure that trees and vegetation to be retained are not adversely affected by the development proposals in accordance with PSP3 and PSP19.

9. 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:

In order to ensure the adequate protection of archaeological remains, 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 as suitable protection must be in place prior to works starting on site.

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

05 Oct 2022	2646(02)202	A	EXISTING LAYOUT - LEVEL 01
05 Oct 2022	2646(02)203	A	EXISTING LAYOUT - LEVEL 02
05 Oct 2022	2646(02)204	A	EXISTING LAYOUT - LEVEL 03 (ROOF)
05 Oct 2022	2646(02)L02	C	SITE LOCATION PLAN
05 Oct 2022	2646(08)021	B	PROPOSED FIRST FLOOR PLAN
05 Oct 2022	2646(08)022	A	PROPOSED SECOND FLOOR FLOOR PLAN
05 Oct 2022	2646(08)023	A	PROPOSED ROOF PLAN
05 Oct 2022	2646(08)B02	A	PROPOSED BLOCK PLAN
05 Oct 2022	MG2275_E1	-	EXISTING REAR ELEVATION - 44 HILL STREET
23 Nov 2022	2646(02)E02	B	EXISTING ELEVATIONS
28 Nov 2022	2646(08)E02	B	PHASE 2 EXTENSION ELEVATIONS
06 Feb 2023	2646(02)201	B	EXISTING LEVEL 00
06 Feb 2023	2646(08)012	B	EXISTING AND PROPOSED REAR YARD
06 Feb 2023	2646(08)020	E	PHASE 2 EXTENSION GROUND FLOOR PLAN

Reason:

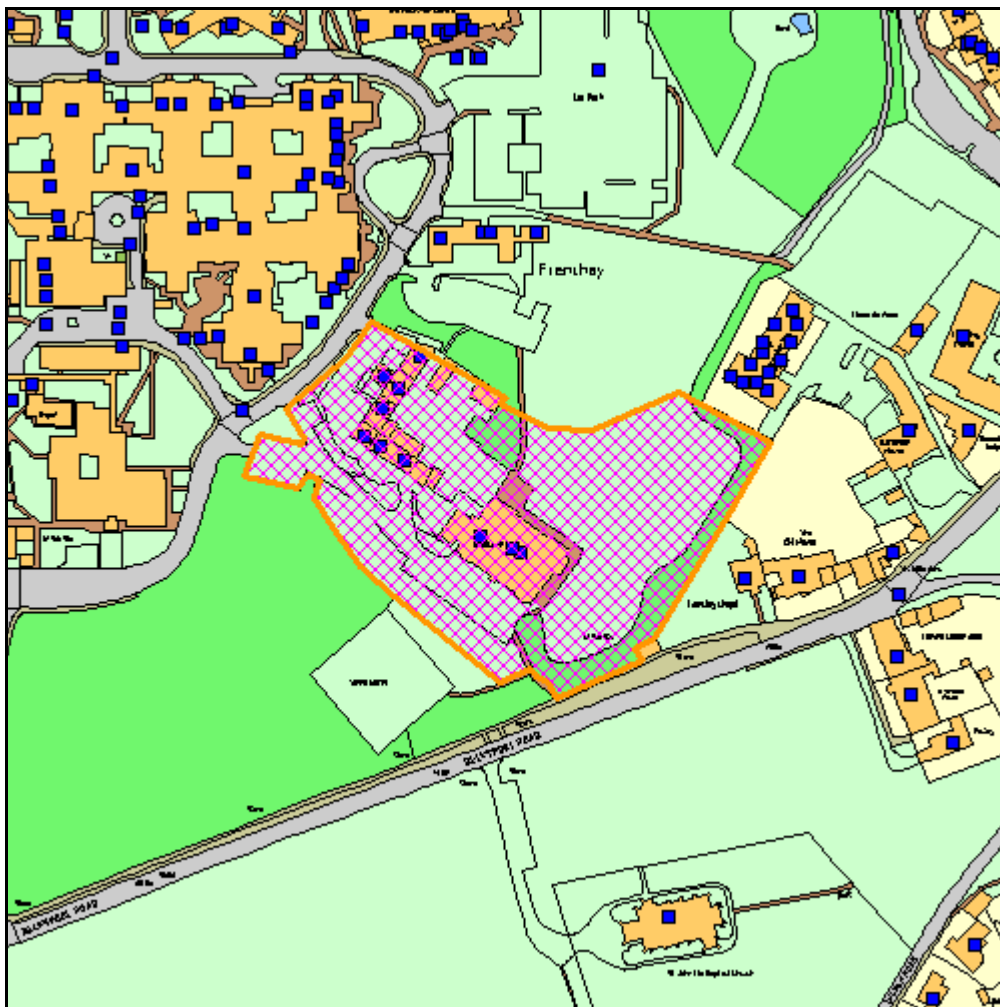
To define the terms and extent of the permission.

Case Officer: Rae Mepham

Authorising Officer: Suzanne D'Arcy

CIRCULATED SCHEDULE NO. 19/23 -12th May 2023

App No.:	P23/00659/RVC	Applicant:	Mrs Charlotte Alsop
Site:	Frenchay Park House Old Frenchay Hospital Beckspool Road Frenchay South Gloucestershire BS16 1YB	Date Reg:	22nd February 2023
Proposal:	Removal of condition 1 attached to permission P21/02403/F to allow the retention of the detached outbuilding. Erection of a detached outbuilding with raised decking area. Installation of a free standing swimming pool. (retrospective).	Parish:	Winterbourne Parish Council
Map Ref:	363896 177600	Ward:	Frenchay And Downend
Application Category:	Householder	Target Date:	19th May 2023



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N.T.S.

P23/00659/RVC

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

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is referred to the Circulated Schedule as representation has been received from the Parish Council which is contrary to the Officer's recommendation.

1 THE PROPOSAL

- 1.1 The application is made under Section 73 of the Town and Country Planning Act 1990 (as amended). Applications under this section of the Act seek to develop land without compliance with conditions previously attached to the relevant planning permission.
- 1.2 The previous application sought permission for the erection of a detached outbuilding with raised decking area and installation of a free standing swimming pool. (retrospective).
- 1.3 The application was determined by split decision, partly refusing the detached outbuilding. Condition 1 attached to P21/02403/F states '*Within 3 months of this decision, the existing outbuilding shall be removed from the site entirely.*'
- 1.4 In this instance, the applicant seeks to remove condition 1 attached to permission P21/02403/F.
- 1.5 Following the issuing of the above decision, a Certificate of Lawfulness has been approved at the site. Evidence has been provided to show that, on the balance of probabilities, the existing outbuilding has been in situ for a period exceeding 4 years. It is therefore immune from enforcement action under the terms of section 171B(1) of the Town and Country Planning Act 1990.

2 POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework (NPPF)
National Planning Policy Guidance (NPPG)
National Design Guide

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

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP2	Trees and Woodland
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP20	Flood Risk, Surface Water and Watercourse Management
PSP38	Development within Existing Residential Curtilages
PSP43	Private Amenity Standards

2.3 Supplementary Planning Guidance

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

3 RELEVANT PLANNING HISTORY

3.1 **P23/00653/CLE**

Certificate of lawfulness for an existing outbuilding (10m by 6.15m by 3.15m high) in rear garden.

Approved: 14/04/2023

3.2 **P21/02403/F**

Erection of a detached outbuilding with raised decking area. Installation of a free-standing swimming pool. (retrospective)

Split decision:

Part Refusal- erection of detached outbuilding (retrospective).

By reason of its appearance, siting and scale, the proposed structure would result in a harmful impact to the setting and in turn the significance of the Grade II listed Frenchay Park House. Furthermore, the visually intrusive and discordant structure would neither preserve or enhance the character or appearance of locally listed Frenchay Park and Garden. The proposed structure is therefore considered 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 National Planning Policy Framework.

Conditions:

Condition 1:

Within 3 months of this decision, the existing outbuilding shall be removed from the site entirely.

Condition 2:

The free standing swimming pool and raised decking shall be implemented in accordance with the following plans:

Received by the Council on 14th April 2021:

Site Location Plan

Plans and Elevations

Block Plan

4 CONSULTATION RESPONSES

4.1 Winterbourne Parish Council

Concur with the conservation officer advice to allow the swimming pool but reject the outbuilding.

4.2 Conservation Officer

Refer back to comments of P21/02403/F. Issues relating to appearance and impact remain applicable.

Other Representations

4.3 None received.

5 ANALYSIS OF PROPOSAL

5.1 Principle of Development

Applications made under section 73 of the Town and Country Planning Act 1990 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 Assessment

The application seeks to remove condition 1 attached to P21/02403/F to allow the retention of the existing outbuilding.

5.3 As discussed in the previous application, the overall aesthetic of the building is not deemed an appropriate quality for the setting of Grade II listed Frenchay Park House. The outbuilding is also seen as an intrusive feature within its immediate surroundings and as such, harmful to the character of the locally

listed Frenchay Park and Garden. Subsequently, the previous application was part refused and implementation of condition 1 was thought necessary.

- 5.4 However, Section 171B of the Planning Act 1990 (as amended) sets out the relevant timescale in respect of when enforcement action can be taken. For operational development, 171B(1) states that no enforcement action may be taken after the end of the period of four years beginning on the date that the operations were substantially completed.
- 5.5 Following the decision of P21//02403/F, a Certificate of Lawfulness was submitted to the Local Planning Authority seeking to demonstrate that the existing outbuilding has been in situ for more than 4 years and is therefore immune from enforcement action. In the absence of any evidence to the contrary, the Certificate of Lawfulness was approved.
- 5.6 Paragraph 56 of the NPPF states that '*planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted enforceable, precise and reasonable in all other respects.*'
- 5.7 Given that condition 1 is no longer enforceable due to the approved Certificate of Lawfulness, it would not meet the tests stated above and would therefore be unreasonable not to remove said condition.
- 5.8 **Conditions**
A Section 73 application provides an opportunity to revise/amend or even add conditions as appropriate. These are addressed below:
- 5.9 **Condition 1- Removal of outbuilding**
As stated above, this condition is no longer enforceable and is therefore removed.
- 5.10 **Condition 2- List of plans**
The free-standing swimming pool and raised decking shall be implemented in accordance with the following plans:

Received by the Council on 14th April 2021:
Site Location Plan
Plans and Elevations
Block Plan

This condition is re-applied.

6 CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in

accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

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

7 RECOMMENDATION

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

CONDITIONS

1. The free standing swimming pool and raised decking shall be implemented in accordance with the following plans:

Received by the Council on 14th April 2021:

Site Location Plan
Plans and Elevations
Block Plan

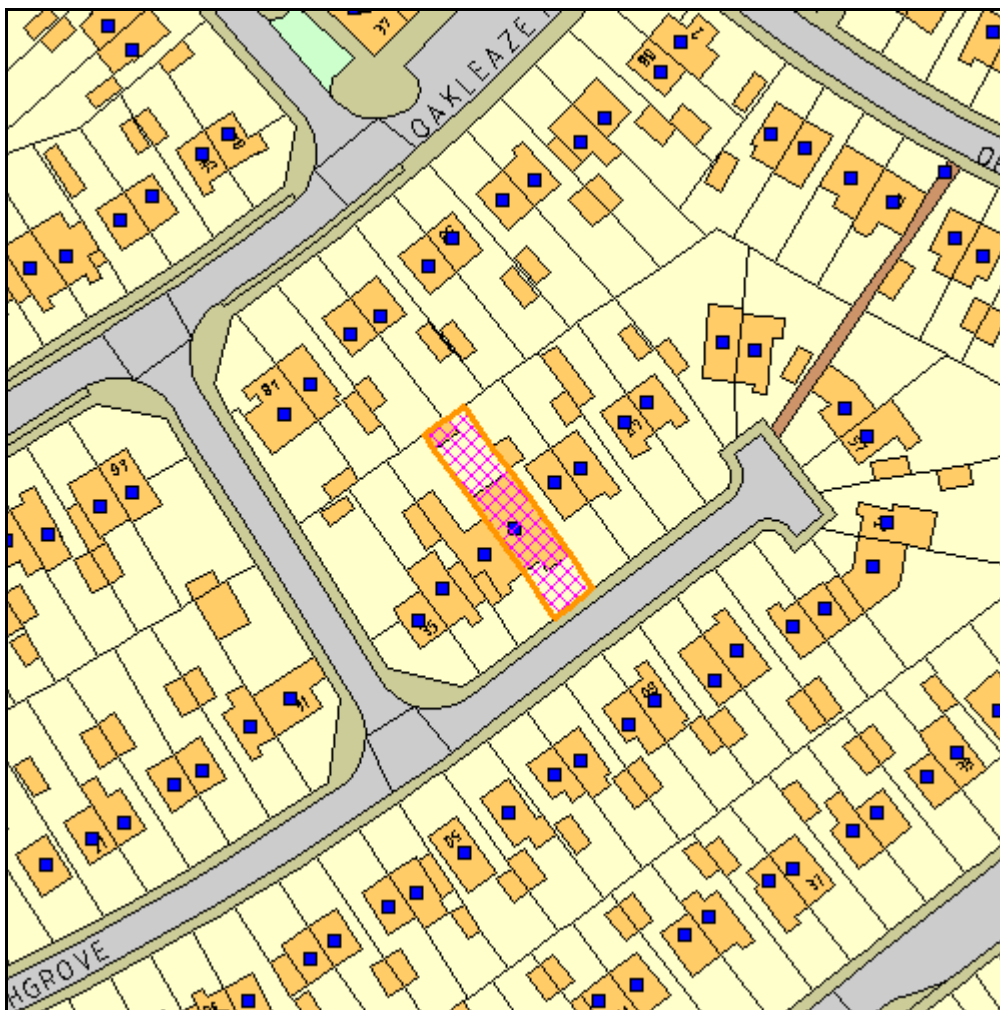
Reason

To define the exact terms and extent of the permission.

Case Officer: James Reynolds
Authorising Officer: Marie Bath

CIRCULATED SCHEDULE NO. 19/23 -12th May 2023

App No.:	P23/00664/HH	Applicant:	Ian Martin
Site:	41 Ashgrove Thornbury South Gloucestershire BS35 2LH	Date Reg:	20th February 2023
Proposal:	Erection of a first floor rear extension to form additional living accommodation (Resubmission of P22/04454/HH).	Parish:	Thornbury Town Council
Map Ref:	364425 190115	Ward:	Thornbury
Application Category:	Householder	Target Date:	19th May 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.

INTRODUCTION

This application appears on the Circulated Schedule as a result of comments received, from the Town Council, contrary to Officer recommendation.

1. THE PROPOSAL

1.1 The application seeks full planning permission for the erection of a first floor rear extension to form additional living accommodation. The proposal follows a recent refusal (see details below), and has reduced the depth of the extension by 4 metres, reduced the ridge height and removed side facing windows. The proposals have also reduced the width of the extension.

1.2 The application property is a semi-detached dwelling, located within the residential area of Thornbury.

1.3 Of note, this application is essentially a resubmission of P22/04454/HH. This was refused on the following grounds:

'The proposals, by reason of their overall form, scale, proportions and roofline would result in the property having an ungainly appearance, would not integrate with the existing dwelling and would, due to the visual incompatibility of the structure result in a discordant and incongruous addition to the host property and streetscene. The proposal is therefore not considered to exhibit the highest standards of design and site planning and is therefore contrary to Policies CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and; PSP1 and PSP38 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017 and the provisions of the South Gloucestershire Household Design Guide SPD (Adopted 2021).'

1.4 During the consideration of the application, further revised plans were received reducing the width of the rear extension to match the existing single storey rear extension.

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 Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP8	Residential Amenity
PSP16	Parking Standards
PSP38	Development within Existing Residential Curtilages
PSP43	Private Amenity Space Standards

- 2.3 Supplementary Planning Guidance
South Gloucestershire Parking Standards
South Gloucestershire Design Checklist
South Gloucestershire Householder Design Guide (Adopted 2021)

3. RELEVANT PLANNING HISTORY

- 3.1 P22/04454/HH - Erection of a first floor rear extension to form additional living accommodation. Refused 01.12.2022
- PT01/1945/F - Erection of two storey side extension. Approved 24.08.2001
- P86/1159 - Erection of single storey side and rear extension to form garage.
Erection of front porch. Approved 12/3/86

4. CONSULTATION RESPONSES

- 4.1 Thornbury Parish Council
Object: overdevelopment of site and overbearing effect on neighbour.
- Sustainable Transportation
No highways objections

Other Representations

- 4.2 Local Residents
No comments received

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development

Policy CS1 'High Quality Design' of South Gloucestershire Core Strategy (adopted December 2013) states that development proposals will only be permitted where the highest possible standards of design and site planning are achieved. Proposals should demonstrate that they: enhance and respect the character, distinctiveness and amenity of both the site and its context; have an appropriate density and its overall layout is well integrated with the existing development. PSP38 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan is supportive in principle of development within the residential curtilage of existing dwellings. This support is subject to the proposal

respecting the existing design of the dwelling and that it does not prejudice the residential and visual amenity; adequate parking provision; and has no negative effects on transportation. The Householder Design Guide Supplementary Planning Document (SPD) seeks to further clarify and expand on the design guidance and policy requirements set out under policy. Whilst the proposal is within the residential curtilage of the property, the development will require to be subject to the relevant design considerations, highlighted below.

5.2 Of note, and material consideration is the recent refusal. The main issue therefore is whether the new proposal addresses the concerns and refusal reason of the previous application.

5.3 Design and Visual Amenity

Policy CS1 of the Core Strategy and policy PSP38 of the Policies, Sites and Places Plan seek to ensure that development proposals are of the highest possible standards of design. This means that developments should be informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context. The also provides more detailed guidance on design standards and requirements.

5.4 Policy and design guidance seeks to ensure good standards of design and would generally expect the existing characteristics of the host building to be incorporated to aid integration, whilst demonstrating subservient character to the main dwelling where applicable. The proposed extension has been reduced in depth by approximately 4 metres, meaning a much less elongated and dominating form. The width has also been reduced, consistent with that of the existing single storey extension, reducing the scale and bulk of the extension. The roof has been amended from a full gable to a hipped design, further reducing the bulk and scale. The proposed extension would also now be set down from the ridge of the roof from the main dwelling and this would also serve to help achieve a form of subservience from the host dwelling. The proposals satisfactorily address the previous concerns by this reduction in height, depth and bulk.

5.5 Residential Amenity

The comments of the Parish Council, above, are noted. The design merits are discussed above. The reduction in scale and form would further reduce any potential amenity impact. Notwithstanding this, it would be set away from the side wall of the detached property to the north east, and bordering the adjacent driveway area, and the proposed development would be set away from the attached property to the south west. The building lines of the property on the detached side are also set back from the application site. In this respect, this would contribute to limiting the impact upon the adjacent property. Side windows that were on the previous application have been removed, and there are no side windows proposed, only higher level rooflights. Given the relationship and orientation between the two properties, it is unlikely that outlook issues, overbearing impact or significant enclosure would occur.

5.6 Access and Transport

The applicant seeks to erect a first floor rear extension. No increase to the existing number of bedrooms is proposed. Nonetheless 3 off street parking

spaces are illustrated to the front. Adequate off street parking is therefore provided to the front of the dwelling. There are no transportation objections.

5.7 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 is approved, subject to the recommended 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:

Existing and Proposed Plans and Elevations (Refs 954 E1, E2 and E3), received by the Council on the 17th February 2023 and Location Plan, Block Plan and Proposed Plans and Elevations (Refs 954 P1 RevB, P2 RevB, P3 RevB and P4 RevB), received by the Council on the 3rd May 2023.

Reason:

To define the terms and extent of the permission.

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

Reason

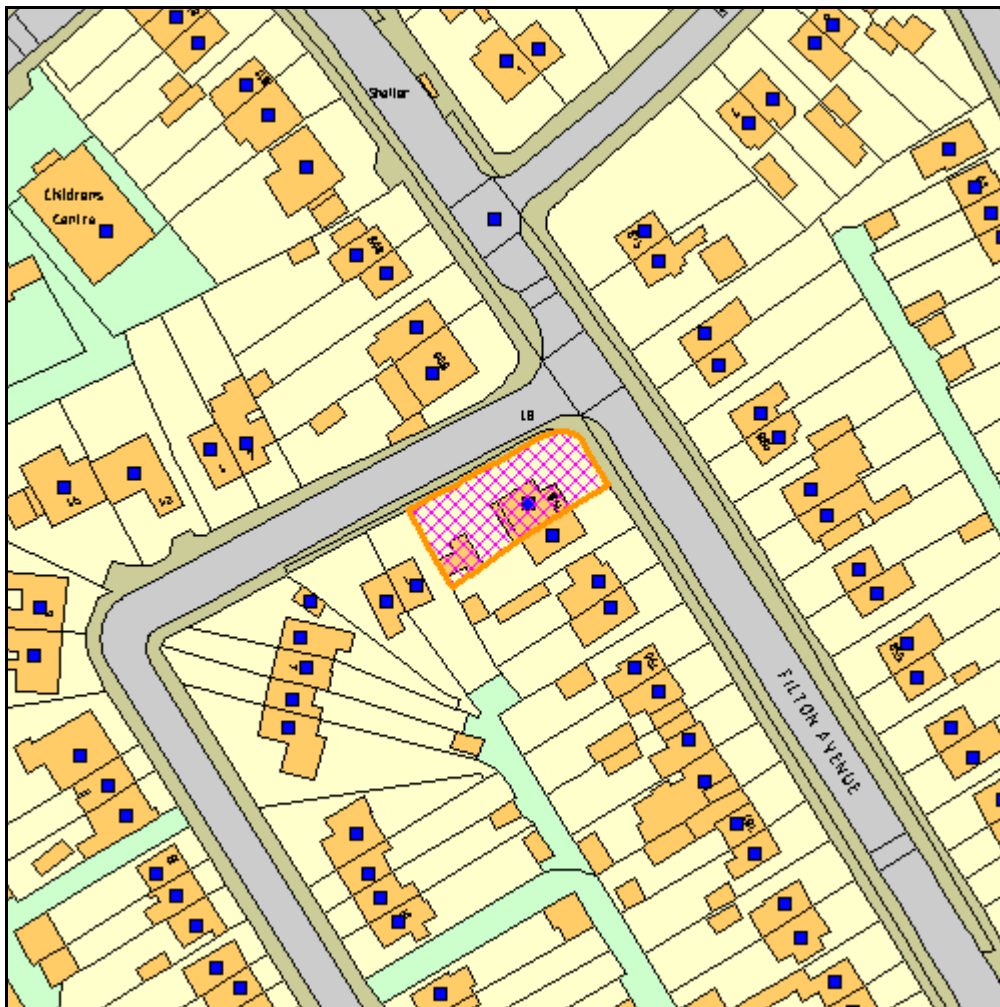
To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

Case Officer: Simon Ford

Authorising Officer: Suzanne D'Arcy

CIRCULATED SCHEDULE NO. 19/23 -12th May 2023

App No.:	P23/00901/F	Applicant:	M T H Development Ltd
Site:	798 Filton Avenue Filton South Gloucestershire BS34 7HB	Date Reg:	8th March 2023
Proposal:	Erection of two storey rear extension to form additional living accommodation. Erection of 1no. attached dwelling with access and associated works (resubmission of P22/03665/F).	Parish:	Filton Town Council
Map Ref:	360849 179370	Ward:	Filton
Application Category:	Minor	Target Date:	1st May 2023



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100023410, 2008.

N.T.S.

P23/00901/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 an objection from Filton Town Council contrary to the officer recommendation below.

1. THE PROPOSAL

- 1.1 This application seeks full planning permission for the erection of a two storey rear extension to 798 to form additional living accommodation and the erection of 1no. attached dwelling with accessed and associated works.
- 1.2 The application site relates to 798 Filton Avenue, Filton. The existing property is a two-storey semi-detached property, located on the corner of Filton Avenue and Charles Road.
- 1.3 This proposal is a resubmission of P22/03665/F, which granted consent for the erection of two storey rear extension to 798 to form additional living accommodation and erection of a two storey side extension to form 2no flats with access and associated works. In terms of massing and design the proposal is identical to P22/03665/F, with the exception of the front porch and doorway being removed from the front elevation.

2. POLICY CONTEXT

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS2	Green infrastructure
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
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PSP2	Landscape
PSP3	Trees and Woodland
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP20	Flood Risk, Surface Water and Watercourse Management
PSP38	Development within Existing Residential Curtilages
PSP43	Private Amenity Standards

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007
 Residential Parking Standards SPD (Adopted) 2013
 Waste Collection SPD (Adopted) 2015 (Updated 2017)
 Householder Design Guide SPD (adopted) March 2021

3. RELEVANT PLANNING HISTORY

- 3.1 P22/03665/F - Erection of two storey rear extension to 798 to form additional living accommodation and erection of a two storey side extension to form 2no flats with access and associated works. – Approved 03.02.2023
- 3.2 P23/00977/HH - Erection of annexe ancillary to the main dwelling. – Pending decision

4. CONSULTATION RESPONSES

- 4.1 Filton Town Council – *OBJECTION - with planning application P23/00977/HH being submitted alongside this application. Causing Over development and exceeding the 50% of the original footprint of the house. The parking is inadequate due to the current parking restriction consultation from South Gloucestershire Council and yellow lines restriction being brought to majority of Filton. Concerns raised on overcapacity on the drainage and sewer systems.*
- 4.2 Conservation – No comment
- 4.3 Drainage – No objection in principle, informative required relating to public sewer.

Other Representations

4.4 Local Residents

One general comment has been received from a local resident, raising concerns regarding the stability of the boundary wall and the potential for the property to be used as an HMO.

5. ANALYSIS OF PROPOSAL

Principle of Development

- 5.1 The site is located wholly within the Settlement Boundary. Following the appeal decisions for PT18/6450/O and P21/03344/F, it can be demonstrated that the Council does have a 5YLS, however the Settlement Boundaries are out of date and the Council does not have a plan led approach to housing development that accounts for the wider housing market area. Policies CS5 and CS34 and therefore out of date.
- 5.2 Although Policies CS5 and CS34 are out of date, it is acknowledged that the site is within one of the sustainable areas identified as where development should be directed towards. Although para 11 is not engaged in this instance, the provision of 1no. dwelling towards the 5YLS, given that the locational policies CS5 and CS34 are out of date, should be given weight.
- 5.3 On this basis, there is a presumption in favour of approving this application. However, it is necessary to consider the benefit of this proposal against any adverse impact and weigh these factors in the balance with the benefits.
- 5.4 Furthermore, Policy PSP38 of the PSP Plan (November 2017) allows the Principle of development within residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety. The proposal accords with the principle of development subject to the consideration below.

Design and visual amenity

- 5.5 The application is proposing a two-storey rear extension to no.798 to provide additional living accommodation. The attached property, no.796, already benefits from an identical rear extension to that proposed. The proposed development would project no further from the rear elevation than the neighbouring extension, it would also consist of a hipped roof design with an eaves and ridge height consistent with the existing. Furthermore, the ridge height of the proposal would be set significantly lower than the main dwelling, resulting in an acceptably subservient appearance. All materials would match those of the existing property. Given all of the above, there are no design concerns with the proposed two-storey rear extension to no.798.
- 5.6 The proposed dwelling would be formed by extending to the side of no.798, continuing the building line of the existing semi-detached pair, matching the eaves and ridge height. The size and scale of the proposed building would be broadly consistent with the rest of the resulting terrace and is considered to sit comfortably within the large plot. This includes a similar two-storey rear extension element. All proposed materials would match the existing dwelling.
- 5.7 The proposal would also include a two-storey element to the side of the main bulk of the building. This would be significantly set back from the principal elevation and have a lower ridge height, giving the appearance of a small, subservient side extension. This is not considered to cause any material harm to the overall design or character of the surrounding area.

- 5.8 Also under consideration is P23/00977/HH for the erection of an annexe ancillary to the main dwelling, sited to the rear of 798. The annexe replaces an existing garage and store. In the event that both proposals were granted consent, it is not considered that the site would be overdeveloped.

Residential amenity

- 5.9 Policies PSP8 and PSP38 of the PSP Plan (November 2017) set out that development within existing residential curtilages should not prejudice residential amenity through overbearing; loss of light; and loss of privacy of neighbouring occupiers.
- 5.10 Considering the siting and existing adjacent built form, there would be no materially adverse impacts on the residential amenity currently afforded to of any of the surrounding neighbours
- 5.11 In terms of noise, the site would continue to be under residential use and it would be unreasonable to assume that any occupants of the dwelling would create excessive noise over and above what is expected in a residential setting.
- 5.12 In terms of amenity space, Policy PSP43 states that two bedroom dwellings should have access to 50m² and three bedroom dwellings should have access to 60m². With 60m² and 62m² provided to both existing and proposed dwelling, it is considered that the outside amenity space is sufficient.

Landscape

- 5.13 The proposed site plan indicates the intended boundary treatments. On the perimeter of the site, the existing block wall would be retained, which is welcomed; to subdivide the garden space 1.8m high close boarded fencing would be used which is also deemed appropriate for its purpose.

Transport

- 5.14 Policy PSP16 requires 2no. off-street parking spaces for a three bed dwelling, and 1no. off-street parking space for a 2no. bed dwelling. The proposed site plan indicates that two off-street parking spaces would be provided to the rear for use by the new dwelling. An existing access/driveway off Charles Road will be widened to accommodate this parking area. The existing parking to the front of the property will be retained for use by the host dwelling. Therefore, there is not expected to be any material increase in on-street parking, nor are there any highway safety concerns. There is no transport objection.

Consideration of likely 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. With regards to the above this planning application is considered to have a neutral impact on equality as it does not impact on any protected characteristics.

Other matters

- 5.16 Concerns have been raised regarding the number of HMOs in the area, however this application is not proposing an HMO.
- 5.17 Concerns have also been raised regarding potential damage to the boundary wall during construction. This would be a civil matter, and cannot be controlled via planning legislation.

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 permission is granted.

CONDITIONS

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

Reason

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

2. The off-street parking facilities (for all vehicles, including cycles) shown on the proposed site plan hereby approved (20232_P1B) shall be provided before the first occupation of the dwelling hereby approved, and thereafter retained for that purpose.

Reason:

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

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

3. The development hereby approved shall be carried out in accordance with the following documents:

Existing and proposed Plans and Elevations (20232_P1B) received 18th April 2023

Reason:

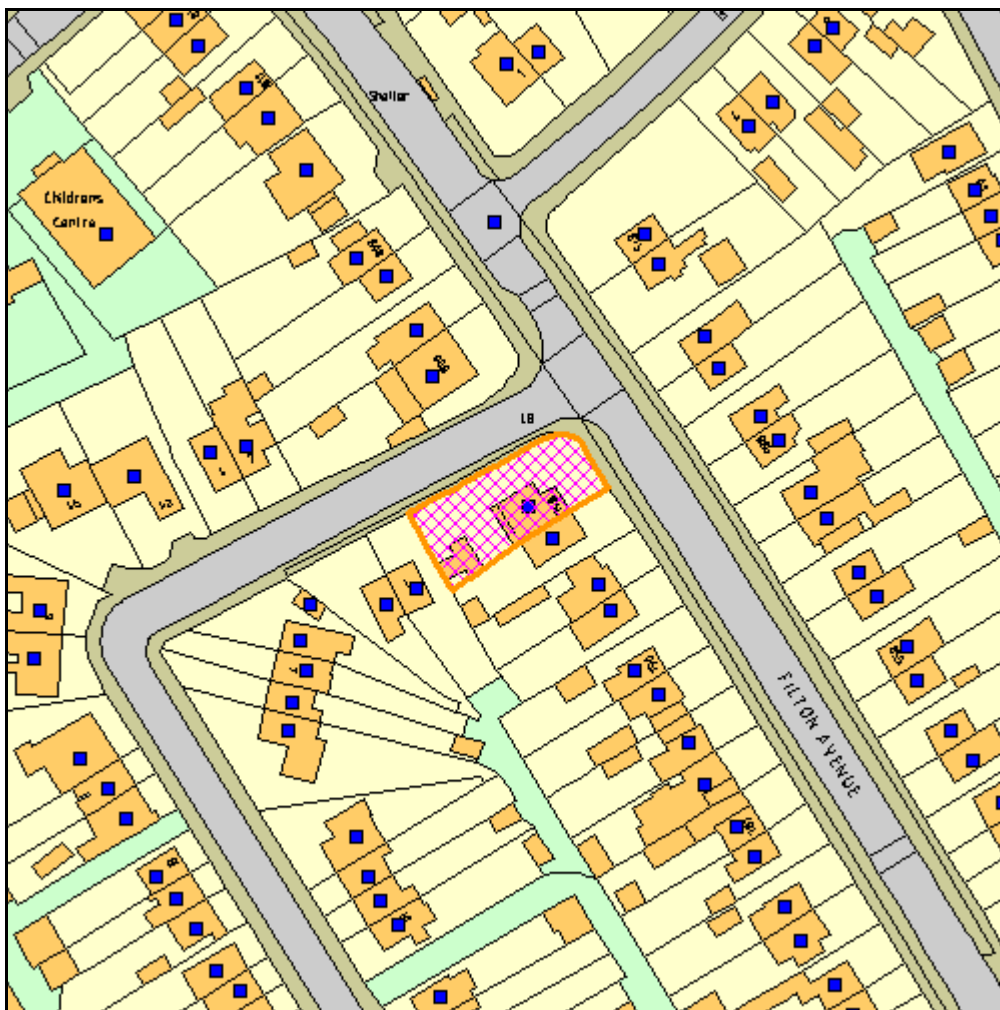
To define the terms and extent of the permission.

Case Officer: Rae Mepham

Authorising Officer: Marie Bath

CIRCULATED SCHEDULE NO. 19/23 -12th May 2023

App No.:	P23/00977/HH	Applicant:	Mr. Hems M T H Development Ltd
Site:	798 Filton Avenue Filton South Gloucestershire BS34 7HB	Date Reg:	15th March 2023
Proposal:	Erection of annexe ancillary to the main dwelling.	Parish:	Filton Town Council
Map Ref:	360849 179370	Ward:	Filton
Application Category:	Householder	Target Date:	9th May 2023



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

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

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of annexe ancillary to the main dwellinghouse, as detailed on the application form and illustrated on the accompanying drawings. This application also includes the demolition of an existing garage and store.
- 1.2 The proposed annexe can be found within the garden of 798 Filton Avenue and is set within a good sized rear amenity space. The host dwellinghouse is an existing two storey semi-detached property, within the settlement boundary of Filton and is located on the corner of Filton Avenue and Charles Road.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework July 2021
National Planning Policy Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

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

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

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted 2007)
Residential Parking Standards SPS (Adopted 2013)
Household Design Guide SPD (Adopted 2021)
Annexes and Residential Outbuildings – Guidance for new developments SPD (Adopted 2021)

3. RELEVANT PLANNING HISTORY

- 3.1 P23/00901/F. Erection of two storey rear extension to 798 to form additional living accommodation. Erection of 1No. attached dwelling with access and associated works. Pending Consideration.
- 3.2 P22/03665/F. Erection of two storey rear extension to 798 to form additional living accommodation and erection of a two storey side extension to form 2No flats with access and associated works. Approved. 02.03.2023.

4. CONSULTATION RESPONSES

4.1 Filton Town Council

1No letter of Objection comments received –

- *Concern over relationship with subsequent application submitted (ref P23/00901/HH);*
- *Concern over potential over-development to the application site;*
- *Concern over inadequate parking provision; and*
- *Concerns over potential overcapacity to the drainage and sewerage systems.*

4.2 Other Consultees

Sustainable Transport – Transportation DC

No Objections.

Other Representations

4.3 Local Residents

1No letter of Objection comments received –

- *Concern over the proposal causing overdevelopment, particularly given the close proximity to neighbouring residential dwellinghouses; and*
- *Concern over the potential use of the ancillary annexe and any future use as a HMO property.*

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy PSP38 of the PSP Plan (November 2017) allows the principle of development within residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety. It states that new dwellings and extensions within existing residential curtilages are acceptable in principle but should respect the overall design and character of the street and surrounding area. They should not prejudice the amenities of neighbours, or that of highway safety and the parking provision should be of an acceptable level for any new and existing buildings. The adequate provision of private amenity space should also not be sacrificed for any new development that forms part of a settlement pattern that also contributes to local character.

- 5.2 Policy CS1 of the Core Strategy seeks that the siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance

the character, distinctiveness and amenity of both the application site and its context.

5.3 Annexe Test

By definition an annexe must be ancillary to the main dwelling house and should have some form of physical and functional reliance upon it. Ultimately, the resultant development should be one planning unit i.e. one household rather than two separate dwellings. In this instance, the proposal has some of the elements of principal living accommodation (a lounge, bedroom and a bathroom) that could enable it to be used as an independent unit of residential accommodation.

5.4 The case officer notes that the proposed annexe would need to share the existing kitchen, dining area, garden, and main access with the host dwellinghouse, and as such, it does show physical reliance on the host dwellinghouse. As such, officers are satisfied that the annexe would be used ancillary to the main house. A condition will be attached to the decision notice to ensure that the annex can never be a unit separate of the host property and will remain ancillary to it.

5.5 Design and Visual Amenity

Policy CS1 of the Core Strategy and policy PSP38 of the Policies, Sites and Places Plan seek to ensure that development proposals are of the highest possible standards of design. This means that developments should be informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context.

5.6 This annexe, ancillary to the main dwellinghouse, is proposed as a single storey annexe, and will extend to a total width of 5.5 meters and to a depth of 5.2 meters. In general it will feature a mono pitched style flat roof and extend to a maximum height of 2.4 meters at the rear and 2.7 metres in maximum height to the front elevation, and will overlook the existing private amenity space of the host dwellinghouse.

5.7 The proposed single storey annexe has been proposed through its design to complement the existing dwelling in the choice of materials, details and components, ensuring that the aesthetical appearance of the outbuilding continues to compliment neighbouring properties, match materials and components where possible, and therefore the scale and form of the proposal does respect the proportions and character of the host dwellinghouse and its surrounding context.

5.8 Overall, the proposed scale, form and height of the annexe does respect the existing proportions and characteristics of the host dwellinghouse and its surrounding character and context, and therefore, by virtue of the above the overall development does meet the requirements of policy PSP38, CS1 and the Household Design Guide SPD.

5.9 Residential Amenity

Policy PSP38 of the Policies, Sites and Places Plan explains that development will be permitted provided that it would not detrimentally impact the residential

amenities of nearby occupiers and would not prejudice the retention of adequate private amenity space. Policy PSP8 specifically relates to impacts on residential amenity and outlines that unacceptable impacts could result from (but are not restricted to); loss of privacy and overlooking; overbearing and dominant impact; loss of light; noise or disturbance; and odours, fumes or vibration.

- 5.10 The impact on residential amenity has been assessed in terms of the surrounding neighbouring properties. An assessment of the potential impacts of the proposal being potentially overbearing and any impacts from loss of light or privacy have also been made and although the proposed development may result in some impacts as it will introduce new development within the rear private amenity space to the rear of the host dwellinghouse, it is appropriate to consider the level of the impact having regards to the nature and scale of the development proposed.
- 5.11 In terms of any overbearing and loss of light effects, the proposed ancillary annexe will extend by 5.5 meters in width and 5.2 meters in depth, and be sited a minimum of just over 0.5 meters from the existing boundaries with the adjacent neighbouring properties, particularly No 1 Charles Road.
- 5.12 However, and given that the ancillary annexe is proposed with a mono pitched flat roof, and the rear elevation (immediately adjacent with the boundary of No 1 Charles Road) extends to a maximum height of 2.4 meters (7ft), and which is also west facing, the case officer notes that although there may be some interruption to natural light and overshadowing to No 1 Charles Road, it is not sufficient to apply a refusal.
- 5.13 With the Council's recently adopted *Household Design Guide SPD*, the ancillary annexe has also been considered in terms of the 45 degree test which seeks to test whether there would be likely to be an overbearing effect, loss of light or outlook. For the majority of the daytime hours, the rear façade of the adjacent neighbouring property of No 1 Charles Road, including its associated private amenity space, face a southerly direction, and therefore any such overbearing, loss of light or outlook impacts will be minimal and a good amount of natural light and outlook will still be achieved.
- 5.14 The presence and siting of this proposed ancillary annexe in terms of its scale and mass has been assessed and officers are satisfied that this mono pitched flat roofed ancillary annexe will not result in unacceptable impacts upon the occupants of the adjacent or surrounding neighbouring dwellings, and that the proposal does not result in any significant impacts to the occupants of any neighbouring properties and does not have a detrimental impact on residential amenity and is deemed to comply with policies PSP8, PSP38 and the Householder Design Guide SPD.
- 5.15 Transport
Policy PSP16 of the Policies, Sites and Places Plan sets out the Council's parking standards. The proposed annexe would create a new building to the rear of the site and therefore increase it to a 3No bedroom property. However, as 2No parking spaces are provided to the front of the host dwellinghouse and

are fully accessed from Filton Avenue, the application is considered acceptable in sustainable transport terms.

5.16 Private Amenity Space

The host dwelling currently benefits from an amount of existing private amenity space. PSP43 sets out standards which are based on the number of bedrooms at a property. Although 1No additional bedroom is proposed, no concern is raised on the level of amenity space being proposed.

5.17 Other Matters

Objection comments have been raised by Filton Town Council in respect of the existing drainage and sewerage capacity to the application site and the surrounding area. Concerns have also been raised in respect of the ancillary annexe becoming an HMO (House of Multiple Occupation) currently or indeed in future years. Although these comments have been noted, they do not form a material consideration of this planning application.

5.18 Consideration of likely impact on Equalities

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

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

CONDITIONS

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

Reason

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

2. The ancillary annexe hereby permitted shall not be occupied at any other time other than for ancillary purposes as part of the main residential use of the dwelling known as 798 Filton Avenue, Filton, BS34 7HB.

Reason

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

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

20233_P1 Combined Plan (Date all received 07/03/23)
Design and Access Statement

Reason

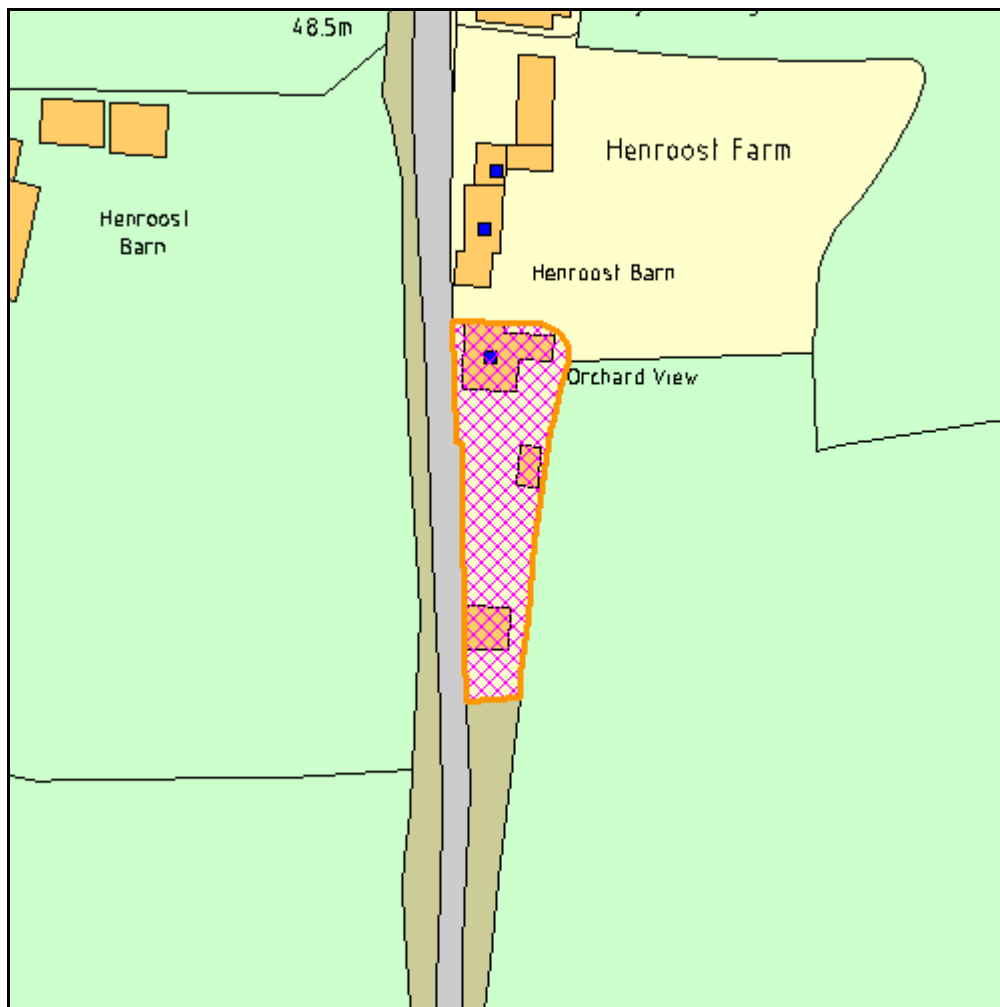
To define the terms and extent of the permission.

Case Officer: Helen Turner

Authorising Officer: Suzanne D'Arcy

CIRCULATED SCHEDULE NO. 19/23 -12th May 2023

App No.:	P23/00979/F	Applicant:	Mat and Jane Parsons
Site:	Orchard View Old Gloucester Road Winterbourne South Gloucestershire BS36 1RZ	Date Reg:	9th March 2023
Proposal:	Installation of pitched roof and conversion of existing detached garage to annex ancillary to main dwelling (resubmission of lapsed permission PT08/0222/F)	Parish:	Winterbourne Parish Council
Map Ref:	363683 181435	Ward:	Winterbourne
Application Category:	Householder	Target Date:	2nd May 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

The application appears on the schedule because a response has been received from the Parish Council that is contrary to the findings of this report and officer recommendation.

1. THE PROPOSAL

- 1.1 Planning permission is sought for installation of a pitched roof and conversion of existing detached garage to annexe ancillary to the main dwelling. This application is a re-submission of previously approved but now lapsed permission PT08/0222/F.
- 1.2 The application site is a detached dwelling located on the Eastern side of Old Gloucester Road. The site is located within the open countryside and Green Belt. The proposal relates to the detached garage, situated to the South of the site.
- 1.3 It appears that there are no material changes between the scheme that has lapsed and the scheme presented for assessment, which appears to use the same plans. That said, the lapsed consent was granted under different policy and is pre-NPPF and so it needs to be determined whether the scheme is acceptable in the current policy environment.

2. POLICY CONTEXT

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
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
PSP7	Development in the Green Belt
PSP8	Residential Amenity

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

2.3 Supplementary Planning Guidance

Development in the Green Belt SPD (Adopted) June 2007

Design Checklist SPD (Adopted) August 2007

Householder Design Guide SPD (Adopted) March 2021

Residential Parking Standard SPD (Adopted) December 2013

Landscape Character Assessment SPD (Adopted) November 2014

Annexes and Outbuildings SPD (Adopted) October 2021

3. RELEVANT PLANNING HISTORY

3.1 PT08/0222/F (approved 14/03/2008):

Conversion of existing garage to facilitate erection of single storey residential annexe with pitched roof.

3.2 P91/1698 (approved 08/07/1991):

Erection of a single storey side extension to form porch and study. Erection of garage (in accordance with amended plans received by the council on 2ND July 1991)

4. CONSULTATION RESPONSES

4.1 Winterbourne Parish Council

Objection. Site is in the Green Belt and there is little detail regarding the fabric of the building and no evidence of consideration of sustainability, biodiversity and environmental impact.

4.2 Sustainable Transport

Initial comments: red line needs to include access. Query no. of bedrooms in main dwelling. Turning area required and possibly 3no. spaces needed. Site and block plans should be to the correct scale.

Updated comments (following clarification of adopted highway extent): No objection.

4.3 Drainage (LLFA)

Drainage layout required.

4.4 Residents

No comments have been received.

5. ANALYSIS OF PROPOSAL

- 5.1 Planning permission is sought for installation of a pitched roof and conversion of existing detached garage to annexe ancillary to the main dwelling. This application is a re-submission of previously approved but now lapsed permission PT08/0222/F.
- 5.2 Principle Of Development
PSP38 of the South Gloucestershire Council Policies, Sites and Places Plan (adopted November 2017) permits development within existing residential curtilages (including extensions) in principle where they do not harm the design, visual amenity and residential amenity of the locality or prejudice highway safety or the provision of adequate private amenity space. PSP38 is achieved through CS1 of the South Gloucestershire Council Core Strategy (adopted December 2013), which requires development to demonstrate the highest standards of design and site planning by demonstrating that siting, form, scale, height, massing, detailing colour and materials are informed by respect and enhance the character, distinctiveness and amenity of both the site and its context. Additional guidance on achieving good design for householder developments is set out in the Household Design Guide supplementary planning document (SPD), which was formally adopted in March 2021. The development is acceptable in principle, subject to the following detailed consideration.
- 5.3 Green Belt
Development in the Green Belt is strictly controlled, and only limited forms of development are 'appropriate' in the Green Belt. Para. 149 of the NPPF advises that LPAs should regard new buildings in the Green Belt as inappropriate, unless they fall into one of a limited number of exceptions. One exception under para. 149 is extensions and alterations to existing buildings, provided they are not disproportionate. PSP7 stipulates volume limits in the context of extensions in the Green Belt. PSP7 advocates that extensions resulting in a volume increase of up to 30% over and above the original volume will be likely to be acceptable. Additions above 30% but below 50% stand to be carefully considered, and additions over 50% are likely to be unacceptable by reason of being disproportionate. Volume increase must be considered cumulatively, and so any previous non-original additions need to be included. Original building means the building as it stood on 1st July 1948, or as it was originally built, if built after that point in time. Para. 150 of the NPPF sets out additional forms of development that are not inappropriate, provided they preserve the openness and do not conflict with the purposes of including the land within the Green Belt. Relevant to this proposal is the re-use of buildings, provided they are of permanent and substantial construction.
- 5.4 In terms of extensions, the garage would remain of the same footprint but would be increased in height by 1 metre to the ridge, as the flat roof would be replaced with a pitched roof. This would represent a very modest addition to the overall volume on the site which appears to have been increased in the past by virtue of the subject garage being built and a single storey side extension. Given the very minor increase in built volume, the proposed alteration to the garage would not result in a disproportionate addition overall to the site.

- 5.5 In regard to re-use of existing buildings, the previous consent found the building to be of permanent and substantial construction following consultation with building control. Whilst some time has lapsed, no evidence is before officers to suggest that this has changed. The re-use of the building for ancillary residential purposes would result in some small changes to the external appearance of the building by reason of the addition of the pitched roof (which is proportionate) and addition of glazing in place of the existing garage door. None of these matters would harm the openness of the Green Belt or conflict with the purposes of including the land within it.
- 5.6 The use would intensify from current incidental residential use. However, the use is still residential within an established residential curtilage and so the overall character of the site would not change in Green Belt terms. There would therefore be no harm to the openness caused by the ancillary use, and the use would not harm the purposes of including the land within the Green Belt. The development is therefore appropriate in the Green Belt.
- 5.7 Annexe Consideration
For an annexe to be an annexe, it should have physical and functional reliance on the host dwelling. In context, it is noted that the annexe would have a kitchen, living area, bedroom and bathroom. It would therefore possess all elements of living accommodation to function independently. That said, this does not automatically mean that what is proposed is not an annexe. Indeed, it is possible and not uncommon for larger rural dwellings to possess an annexe which may, for convenience, offer kitchen, WC and bathroom facilities.
- 5.8 The annexe would be located within the same curtilage of the host dwelling and would share access/parking, and there is no subdivision of the garden proposed which suggests that it would utilise the same amenity space. On that basis and on balance, officers are satisfied that the development could technically be considered an annexe, however, it would be prudent to attach a condition limiting the use to ancillary only. As previously, a condition limiting extension should also be applied, to ensure the use remains ancillary.
- 5.9 Design and Visual Amenity
The existing garage is of flat roof construction, and is of poor visual appearance in context, given that it is quite prominent in views from the road. The changes would see a more 'in keeping' pitched roof added, which would result in a visual improvement. The insertion of doors and windows in place of the existing garage doors are not changes that would result in any harm. On that basis, the development would be acceptable in terms of design and visual impacts.
- 5.10 Residential Amenity
PSP8 permits development where it does not prejudice the residential amenity of both occupiers of the development and of neighbouring dwellings through the creation of unacceptable impacts. Such unacceptable impacts include loss of privacy, overlooking, loss of light, loss of outlook and overbearing/dominant impacts.

- 5.11 By reason of siting, scale and lack of immediate neighbours, there would be no residential amenity issues with the proposed development, should permission be granted. The host dwelling would retain a PSP43 compliant level of private amenity space, should permission be granted.
- 5.12 Parking and Transportation
PSP16 requires developments to provide levels of parking based upon the number of bedrooms at a dwelling. Where an increase is proposed, proposals should demonstrate that adequate off-street parking can be provided to accommodate increase in demand.
- 5.13 It is unclear how many bedrooms are in the host dwelling, and the development would add a further bedroom. However, it is clear that the site has parking for at least 3 vehicles (if not more), which would accord with the PSP16 standard for 5+ bedroom dwellings. No changes are proposed to the access, which makes use of an adopted access spur off the Old Gloucester Road. On that basis, there are no highways issues with the proposed development.
- 5.14 Other Issues
Drainage comments are noted. Given the scale of the development, surface water dispersal would be appropriately addressed through building control
- 5.15 The comments of the Parish Council are noted. The development has been found to be acceptable in Green Belt terms. Detail is not required on the fabric of the building and any conversion would be subject to building control. Given the flat roof, the building provides limited if any ecological/biodiversity value and the works are not liable to have any appreciable impact on surrounding habitat or the biodiversity of the site, particularly given that the building is surrounded on two sides by hardstand and maintained grass (garden) on the other. The conversion would need to accord with the building regulations in terms of efficiency and sustainability.

Impact on Equalities

- 5.16 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.
- 5.17 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 permission is **GRANTED** 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 annexe hereby approved shall be used only for purposes ancillary to the main dwelling known as Orchard View, BS36 1RZ. At no time shall the annexe be used as an independent dwelling.

Reason

The development has been found to be acceptable on that basis and any other use would require detailed consideration against the relevant policies of the development plan.

3. 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, B, D and E), other than such development or operations indicated on the plans hereby approved, shall be carried out to the annexe hereby approved 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 in view of the prominent position of the building within the Green Belt, all to accord with Planning Policies CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and PSP1, PSP7 and PSP38 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017.

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

0270/1 - existing combined plans
01 P1 - the location plan
As received 7th March 2023

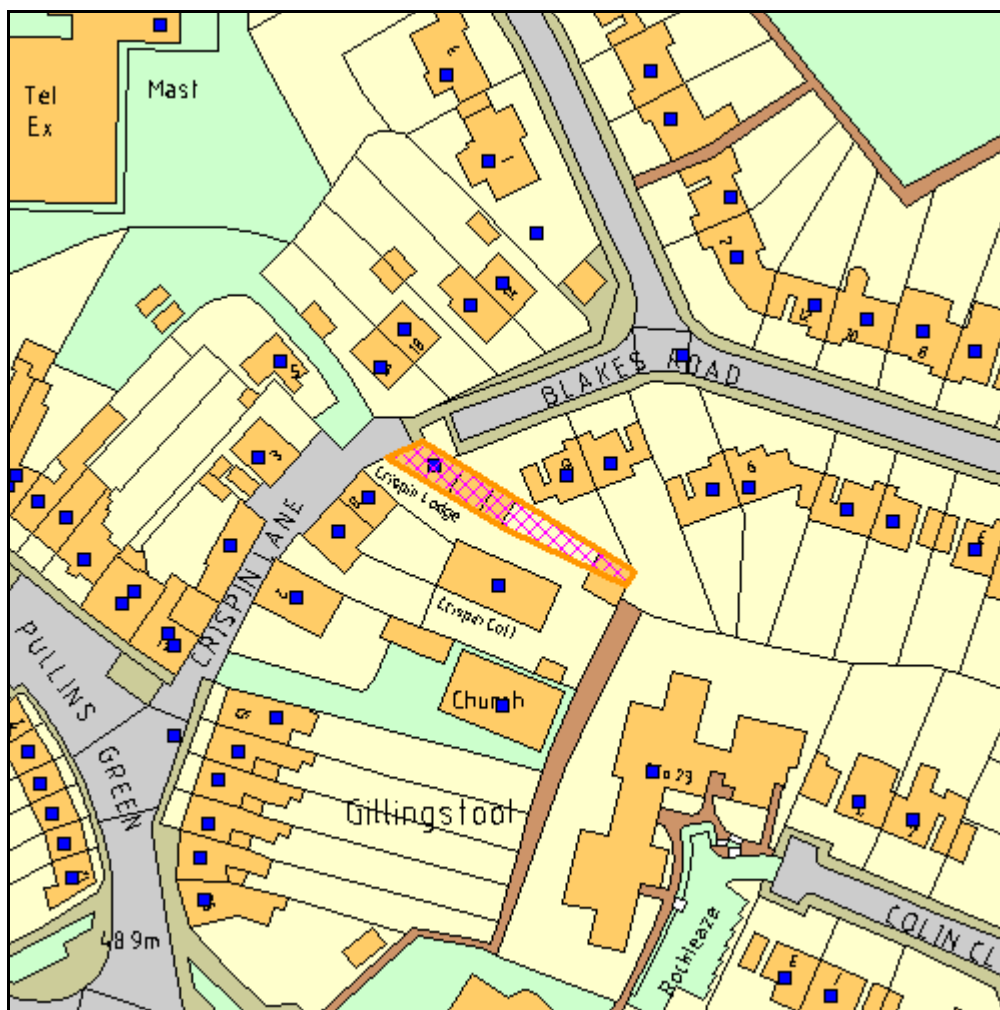
2307-03-P2 - combined proposed plan
As received 3rd May 2023

Reason
To define the exact terms of the permission.

Case Officer: Alex Hemming
Authorising Officer: Marie Bath

CIRCULATED SCHEDULE NO. 19/22 -12th May 2023

App No.:	P23/00982/HH	Applicant:	Mr Alan Purssord
Site:	Crispin Lodge 8 Crispin Lane Thornbury South Gloucestershire BS35 2AY	Date Reg:	10th March 2023
Proposal:	Installation of 1No. rear dormer.	Parish:	Thornbury Town Council
Map Ref:	363927 190116	Ward:	Thornbury
Application Category:	Householder	Target Date:	26th May 2023



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

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

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the installation of 1No. rear dormer, as detailed on the application form and illustrated on the accompanying drawings.
- 1.2 The application site can be found at Crispin Lodge, 8 Crispin Lane and is an existing detached property within the residential area of Thornbury and is within the settlement boundary. The dwellinghouse is also 'washed over' by the Thornbury conservation area and is located within 'the back lane area' of the conservation area.
- 1.3 Initial design comments were made in respect of the proposed design and size of this dormer window. As such, a slightly repositioned, reduced sized dormer, with an alternative roof form has now been proposed and assessed accordingly. Furthermore, additional information has also be provided by the applicant to assist in the assessment of this application.

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

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

PSP1	Local Distinctiveness
PSP8	Residential Development
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP38	Development within Existing Residential Curtilages
PSP43	Private Amenity Space Standards

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007
Residential Parking Standards SPS (Adopted) 2013
Householder Design Guide SPD (Adopted) 2021
Thornbury Conservation Area, (Approved) 2004

3. **RELEVANT PLANNING HISTORY**

- 3.1 P22/05725/HH. Installation of 2No. Front dormers and lowering of first-floor (side) window. Refusal. 14.12.2022.
Refusal reasons:
- *The proposed development, due to the introduction of 2No. first-floor dormers, would result in a loss of privacy to the rear external amenity space of No.6 Crispin Lane and therefore compromise access to an outdoor space that contributes to physical and mental wellbeing. Due to this, the development is contrary to policies PSP8 & PSP38 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted 2017), and, the South Gloucestershire Householder Design Guide (Adopted 2021).*
- 3.2 PT12/2283/CLE. Application for Certificate of Lawfulness for an existing use of self-contained annexe as a separate dwelling house. Approved. 07.09.2012.
- 3.3 PT03/3699/F. Installation of external metal flue, conversion of store for residential purposes and erection of wall to enclose patio area. Approved. 14.01.2004.
- 3.4 P93/2243. Conversion of store to Dwellinghouse. Conversion of office to self-contained annexe. Approved. 10.11.1993
- 3.5 P89/3057. Change of use of existing building to form dwelling and erection of one pair of semi-detached bungalows at the rear together with the provision of associated vehicular parking facilities. Approved. 10.10.1990.

4. **CONSULTATION RESPONSES**

- 4.1 Thornbury Town Council
1No letter of Objection received – comments made
- *Concern that the installation of such a dormer window, and to the rear elevation, would be out of character with the existing dwellinghouse and the Thornbury Conservation Area.*
- 4.2 Other Consultees
Listed Building and Conservation Officer
Comments received –
- *Although it does break the plain lines of the barn, it is not something that warrants refusal on heritage/conservation grounds;*
 - *Concern that the original submitted dormer proposal is quite large;*

Other Representations

4.3 Local Residents

1 No letter of Objection comments received –

- *Concerns raised over the impacts that the proposed dormer would have upon the north facing elevation to the dwellinghouse within the Conservation Area;*
- *Concern that the proposal is out of character and not in keeping within this location.*

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

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

5.2 PSP17 states development proposals should demonstrate that size, form and use of materials have taken regard to the distinct character of the conservation area, and any architectural features which contribute to the appearance of the conservation area must be retained and protected.

5.3 PSP38 is achieved through CS1 of the South Gloucestershire Council Core Strategy (adopted December 2013), which requires development to demonstrate the highest standards of design and site planning by demonstrating that siting, form, scale, height, massing, detailing colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the site and its context. Additional guidance on achieving good design for householder developments is also set out in the Householder Design Guide SPD (Adopted 2021).

5.4 Design, Heritage and Visual Amenity

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

5.5 Although the application site is located to the periphery of Thornbury's Conservation area, it is still important to preserve and reinforce this part of the conservation area. However, it is now noted that, although this dormer window would project from the north east-facing roof plane (the rear elevation), that following comments received by specialist officers, that it is now proposed to an overall size of 0.9 meters in width, and to a depth of 0.9 meters, and that it will now feature a more subtle and simple style 'catslide roof'.

5.6 With the roofscape of the surrounding street scene being varied in nature, it is noted that this proposed dormer will leave the main 'barn style' gable end pitched roof intact. This proposal therefore appears respectful of the scale and proportions of the existing dwellinghouse, particularly through the use of the 'catslide' roof.

- 5.7 The dormer to the north-east blank wall of the old stable, does comply with the relevant SPD design principles, and does not cause such a design concern to warrant a refusal, however some concern is raised regarding the extent to which the proposed dormer may not be appropriate in this location.
- 5.8 It is noted that the proposed dormer does break the plain lines of the former barn, and as any potential harm to the conservation area would be negligible; given the minor scale of the works, it is highly unlikely that excessive harm would be caused to the host dwellinghouse. Therefore the development is acceptable in design terms and is deemed to comply with policies CS1 and PSP38, and the guidance within the adopted Householder Design Guide SPD.
- 5.9 Residential Amenity
Policy PSP38 of the Policies, Sites and Places Plan explains that development will be permitted provided that it would not detrimentally impact the residential amenities of nearby occupiers and would not prejudice the retention of adequate private amenity space. Policy PSP8 specifically relates to impacts on residential amenity and outlines that unacceptable impacts could result from (but are not restricted to); loss of privacy and overlooking; overbearing and dominant impact; loss of light; noise or disturbance, and odours, fumes or vibration.
- 5.10 When considering the impact of the proposed dormer, potential opportunities for overlooking and loss of privacy, particularly into the adjacent dwellinghouse and amenity space of No.15 Blakes Road has been considered. It is noted that this proposed dormer window would be located immediately adjacent to the end of the existing garden wall of No 15 Blakes Road, where it meets the rear wall of the host dwellinghouse.
- 5.11 Therefore it is considered that any overlooking would potentially be directed towards Blakes Road. In addition, there are no existing first floor windows in the side elevation of No.15, and so with the potential outlook, and no compromise an amenity space to an unsatisfactory level, this proposal does not create any unnecessary overlooking or loss of privacy impacts. Therefore, this proposal is compliant with policy PSP8, PSP38 and the Householder Design Guide SPD.
- 5.12 Transport
Policy PSP16 of the Policies, Sites and Places Plan sets out the Councils parking standards. The application is acceptable in transportation terms.
- 5.13 Private Amenity Space
The dwelling benefits from a good amount of existing private amenity space to both the front and rear of the property. PSP43 sets out standards which are based on the number of bedrooms at a property. No concern is raised on the level of amenity space being proposed.
- 5.14 Consideration of likely impact on Equalities
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is

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

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

6. **CONCLUSION**

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

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

7. **RECOMMENDATION**

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

CONDITIONS

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

Reason

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

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

CL/01 Site Plan (Date received 08/03/23)

CL/02 Block Plan (Date received 08/03/23)

CL/03 Existing Floor Plan (Date received 08/03/23)

CL/04 Rev A Existing Elevations (Date received 21/03/23)

CL/05 Rev A Existing Ground Floor and Proposed First Floor Plan (Date received 24/03/23)

CL/06 Rev A Existing Elevations and Proposed North East Elevation (Date received 24/03/23)

CL/08 Rev A Dormer Window Position Plan (Date received 24/03/23)

Reason

To define the terms and extent of the permission.

Case Officer: Helen Turner

Authorising Officer: David Stockdale

CIRCULATED SCHEDULE NO. 19/23 -12th May 2023

App No.:	P23/01077/TRE	Applicant:	Mr Peter Brimble
Site:	Elmcroft 8 Prospect Close Winterbourne Down South Gloucestershire BS36 1BD	Date Reg:	29th March 2023
Proposal:	Works to fell 1no. Holm Oak covered by Tree Preservation Order 0055 dated 31/12/1973.	Parish:	Winterbourne Parish Council
Map Ref:	365103 179756	Ward:	Winterbourne
Application Category:		Target Date:	24th May 2023



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P23/01077/TRE

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.

1. THE PROPOSAL

1.1 Works to fell 1no. Holm Oak

2. POLICY CONTEXT

2.1 National Guidance

- i. The Town and Country Planning Act 1990
- ii. The Town and Country Planning (Tree Preservation) (England) Regulations 2012.

3. RELEVANT PLANNING HISTORY

3.1 No relevant planning history

4. CONSULTATION RESPONSES

4.1 Winterbourne Parish Council

The comments of the Parish Council are Objection.

The Parish Council question whether alternative structural efforts are available which could save the tree. The Parish Council await the tree officer's comments.

Other Representations

4.3 Local Residents

None received

5. ANALYSIS OF PROPOSAL

5.1 Works to fell 1no. Holm Oak

5.2 Principle of Development

The only issues to consider are whether the proposed works would have an adverse impact on the health, appearance, or visual amenity offered by the tree to the locality and whether the works would prejudice the long-term retention of the specimen.

5.3 Consideration of Proposal

The Holm Oak is growing in the front garden of the property. The boundary of the garden is adjacent to Down Road and is at a higher level than the highway. There is a Stone retaining wall (The Wall). The Oak is in close proximity to the Wall.

5.4 The Wall is showing damage and the applicant wishes to repair the wall prior to its collapse which would affect the highway. The damage can be clearly seen

on this google image taken in March 21. The damage has increased since then.



- 5.5 The issue with retaining the tree to repair the Wall is that it would require the roots of the tree up to the trunk of the tree to be removed, this would be detrimental to the health of the tree and its structural safety. Further to discussion with the Councils structural engineer, he has confirmed that because the slope of the ground drops away more sharply at this point this has put added pressure on this section of the wall. The only possible safe way to retain the tree and repair the wall would be to use a system called king pinning. This would require large piles to be driven into the ground and the wall built on a beam supported by the piles. The issues with this are that it would cost somewhere in the region of 250,000, it would require Down road to be closed for a period of time and there are further issues with services within the public highway. The proposed cost outweighs the value of the tree and still does not address the health and structural issues caused by retaining the tree. The applicant has submitted a structural engineer's report that they had commissioned to support their application proposal.

5.6 For the reasons above, it has been decided that the most sensible and safe way to proceed would be to remove the tree to enable the repair of the Wall in the most efficient way possible. Discussions with the applicant have been taking place over a couple of years whilst solutions were being discussed. The applicant is reluctantly applying to remove the tree but understands that the safety of the highway is important.

5.7 It is acknowledged that there will be a loss of amenity. The applicant will be replanting a tree to mitigate for the loss of this tree further away from the retaining wall so that in future the same issue does not occur.

6. **RECOMMENDATION**

6.1 That consent is GRANTED subject to the conditions within the decision notice.

CONDITIONS

1. The works hereby authorised shall comply with British Standard 3998: 2010 - Recommendations for Tree Work.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the tree, and to accord with The Town and Country Planning (Tree Preservation) (England) Regulations 2012

2. The works hereby authorised shall be carried out within two years of the date on which consent is granted.

Reason

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

Case Officer: Lea Bending

Authorising Officer: David Stockdale