

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: 02/23

Date to Members: 13/01/2023

Member's Deadline: 19/01/2023 (5.00pm)

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

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

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

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

NOTES FOR COUNCILLORS

– formal arrangements for referral to committee

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

c. All applications for non-material amendments

d. All applications to discharge planning conditions

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

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

Additional guidance for Members

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

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

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

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

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

A template for referral is set out below:

Referral from Circulated Schedule to Development Management Committee

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

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

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

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

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

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

Date:

To be emailed to MemberReferral@southglos.gov.uk

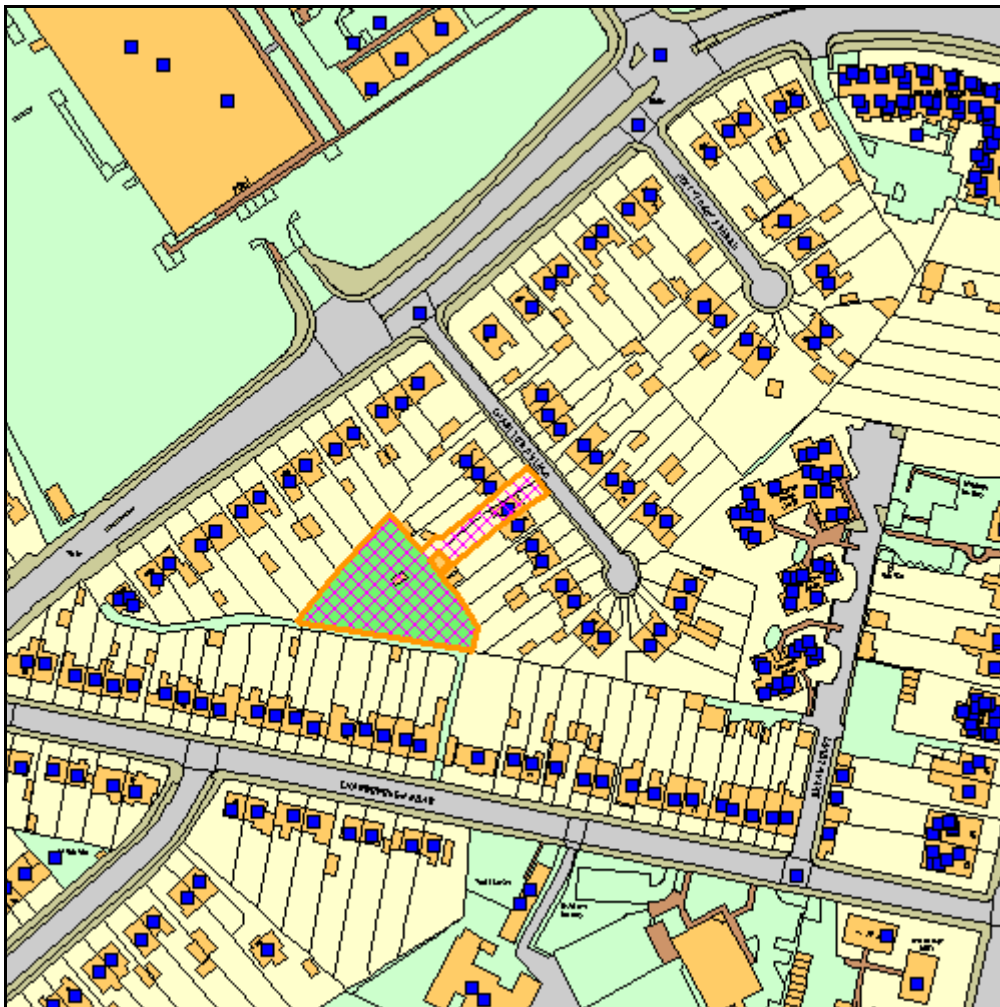
CIRCULATED SCHEDULE 13 January 2023

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ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	P22/03056/F	Approve with Conditions	8 Charlton Avenue Filton South Gloucestershire BS34 7QX	Filton	Filton Town Council
2	P22/03897/F	Approve with Conditions	Land To The Rear Of 31 Orchard Road Kingswood South Gloucestershire BS15 9TH	Kingswood	
3	P22/06168/F	Approve with Conditions	37 School Road Frampton Cotterell South Gloucestershire BS36 2BU	Frampton Cotterell	Frampton Cotterell Parish Council

CIRCULATED SCHEDULE NO. 02/23 -13th January 2023

App No.:	P22/03056/F	Applicant:	Mr Nicholas Morley Lillian's Orchard Ltd
Site:	8 Charlton Avenue Filton South Gloucestershire BS34 7QX	Date Reg:	31st May 2022
Proposal:	Erection of 5 no. detached dwellings with new access and associated works	Parish:	Filton Town Council
Map Ref:	359885 178840	Ward:	Filton
Application Category:	Minor	Target Date:	24th January 2023



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 100023410, 2008. N.T.S. P22/03056/F

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

Reason for Referring to the Circulated Schedule

This application has been referred to the Circulated Schedule following the receipt of objections from Filton Town Council and 24no. local residents; the concerns raised being contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 This application relates to a 0.18 hectare, triangular shaped area of undeveloped, open land to the rear of no.8 Charlton Avenue, Filton. The site is entirely enclosed by residential properties along Charlton Avenue, Southmead Road (B4056) and Charborough Road. Access to the site is gained via a narrow driveway between nos. 6 & 8 Charlton Avenue.
- 1.2 The site has previously been an orchard both prior to and since the purchase by the current owners parents in 1960. They had a greenhouse on the site and occasionally sold fruit and veg locally. A pony was occasionally kept on the site. The site has more recently become overgrown and unused save for some casual storage of builders' materials in small ramshackle outbuildings.
- 1.3 It is proposed to demolish the existing single-storey outbuildings and erect 5no. 4-bedroom dwelling houses with associated parking, amenity space and external works.
- 1.4 It is proposed to improve the existing access from Charlton Avenue to provide access to the new houses.
- 1.5 The application is supported by the following documents:
 - Transport Statement by Apex May 2022 & Transport Note Sept 2022
 - Design and Access Statement
 - Arboricultural Impact Assessment and Method Statement by Assured Trees August 2022.
 - Preliminary Ecological Appraisal and Bat & Protected Species Survey by Ecologic July 2022

2. POLICY CONTEXT

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 - High Quality Design
CS4A - Presumption in Favour of Sustainable Development

CS5 - Location of Development
CS8 - Improving Accessibility
CS9 - Managing the Environment and Heritage
CS15 - Distribution of Housing
CS16 - Housing Density
CS17 - Housing Diversity
CS18 - Affordable Housing
CS23 - Community Infrastructure and Cultural Activity
CS24 - Green Infrastructure, Sport and Recreation Standards
CS25 - Communities of the North Fringe of Bristol Urban Area

South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted 8th November 2017

PSP1 Local Distinctiveness
PSP2 Landscape
PSP3 Trees and Woodland
PSP5 Undesignated Open Space within Urban Areas and Settlements
PSP6 - Onsite Renewable & Low Carbon Energy
PSP8 Residential Amenity
PSP10 Active Travel Routes
PSP11 Development Related Transport Impact Management
PSP16 Parking Standards
PSP17 Heritage Assets and the Historical Environment
PSP19 Wider Biodiversity
PSP20 - Flood Risk, Surface Water and Watercourses
PSP21 Environmental Pollution and Impacts
PSP22 Unstable Land
PSP38 Development within Existing Residential Curtilages including Extensions and New Dwellings.
PSP43 Private Amenity Space Standards

2.3 Supplementary Planning Guidance

Residential Parking Standard SPD (Adopted) December 2013
South Gloucestershire Design Checklist SPD (Adopted) August 2007
South Gloucestershire Landscape Character Assessment SPD (Revised and Proposed for Adoption (Nov 2014) - Site lies within LCA 15: Patchway & Filton and the Stokes
Green Infrastructure: Guidance for New Development SPD (adopted April 2021)
Trees and Development Sites: Guidance for New Development SPD (adopted April 2021)
Affordable Housing and Extra Care Housing SPD (Adopted) April 2021.
Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide SPD – (Adopted) March 2021
Renewables SPD (Adopted) November 2014
South Gloucestershire Council Waste Collection: guidance for new developments SPD (Adopted) Jan 2015
Householder Design Guide SPD (Adopted) March 2021

3. **RELEVANT PLANNING HISTORY**

3.1 None

4. **CONSULTATION RESPONSES**

4.1 Filton Town Council

Object :

Massive ecological impact.

Not in-keeping with neighbouring housing.

Drainage report needed.

All the following need adhering to:

NPPF Para 174 182 (Conserving and Enhancing the Natural Environment, Habitats and Biodiversity), National Planning Policy Framework.

PSP18 (Statutory Wildlife Sites: European Sites and Sites of Special Scientific Interest (SSSIs)) - South Gloucestershire Local Plan (PSP Plan)

PSP21 (Wider Biodiversity) - South Gloucestershire Local Plan (PSP Plan)

CS9 (Managing the Environment and Heritage) - Core Strategy

CS2 (Green Infrastructure) - Core Strategy

PSP3 (Trees and Woodland) - South Gloucestershire Local Plan (PSP Plan)

4.2 Other Consultees

Highway Structures

No response

Lead Local Flood Authority

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

Sustainable Transport - Transportation DC

No objection to revised plans subject to conditions.

Archaeology Officer

No comment

Children and Young People

No response

Housing Enabling

The application is for 5 homes on a site measuring .18ha and as such falls below the threshold for an affordable housing contribution.

The Ecology Officer

No objection subject to standard conditions.

Landscape Officer

No objection subject to conditions.

The Tree Team

No objection subject to conditions.

Other Representations

4.3 Local Residents

24no letters/e-mails of objection were received from local residents. The concerns raised are summarised as follows:

- Disruption during construction phase.
- Increased noise and disturbance.
- Adverse impact on wildlife.
- Adverse impact and loss of trees.
- Loss of privacy due to overlooking of neighbouring property.
- Dispute of land ownership.
- Trees and vegetation have already been removed.
- The materials are not in-keeping.
- Charborough lane should be fenced off.
- Increased light pollution.
- Hedge rear of Charborough Rd. should be retained.
- There are bats on the site.
- Driveway too narrow for 2 cars to pass.
- Left turn only onto Southmead Rd from Charlton Av.
- Not clear how many bedrooms in the houses.
- Increased traffic on narrow cul-de-sac.
- Loss of light.
- Overdevelopment.
- Tree and Ecological Surveys should be carried out.
- Brick wall to front of no.6.
- Adverse impact on property values.
- What are the boundary treatments?
- Insufficient parking provision.
- How will the site be drained?

Two other responses were received making neutral observations only as follows:

- The site has been overgrown since 1978
- There is a large evergreen tree in the garden of 33 Charborough Rd.
- The driveway is shared with nos. 6 & 4 Charlton Av.
- Can the development phase be controlled?
- Can a fire tender access the site?
- The fence should be retained enclosing the rear access to houses on Charborough Rd.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The site lies within the Urban Area. The development plan supports residential development within the established settlement boundaries. Policy CS5 of the

- Core Strategy encourages new residential development within settlement boundaries and urban areas.
- 5.2 Para. 119 of the NPPF states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 5.3 It is noted that the NPPF puts considerable emphasis on delivering sustainable development and not acting as an impediment to sustainable growth, whilst also seeking to ensure a high quality of design and good standard of amenity for all existing and future occupants of land and buildings. The NPPF encourages efficient use of land and requires (para.60) the need to boost significantly the supply of homes.
- 5.4 Core Strategy Policy CS16 seeks efficient use of land for housing. It states that: Housing development is required to make efficient use of land, to conserve resources and maximise the amount of housing supplied, particularly in and around town centres and other locations where there is good pedestrian access to frequent public transport services.
- 5.5 The site is an undesignated open space within the Urban Area. Policy PSP5 relates to undesignated open spaces within the urban areas and settlements. Development proposals on undesignated open space within the urban areas will be acceptable if it does not adversely affect the quality, character, biodiversity, sustainable water management, recreation opportunities, heritage value, amenity or distinctiveness of the locality.
- 5.6 The principle of residential development on this site, within the urban area, is acceptable. Detailed matters relevant to this application will be assessed below.
- Scale, Design and Visual Amenity**
- 5.7 Core Strategy Policy CS1 reflects the NPPF in seeking to secure the highest possible standards of design and site planning; development proposals are required to demonstrate *inter alia*, 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. Furthermore, Policy PSP1 of the South Gloucestershire Local Plan : Policies, Sites and Places Plan, seeks to ensure that development demonstrates an overall understanding of, and responds constructively to, the buildings and characteristics that make a particularly positive contribution to the distinctiveness of the locality.
- 5.8 The location is characterised by a fairly consistent, if unremarkable, 1930's style architectural vernacular. Typically dwellings are semi-detached in arrangement, two-storeys in height and set back from the street with front gardens separating the road from the dwelling frontages. Many dwellings have since been extended in a range of ways, including vertical extensions into the loft space (sometimes with dormer windows), side extensions and rear

extensions. Front gardens are often still present, although many of these have been converted into off-street parking.

- 5.9 The existing dwellings are typically finished in white or cream render, with some dwellings also finished in red brickwork or pebbledash, although these are less common. Roofs are generally finished in dark brown double roman tiles or grey concrete tiles, and external fenestration typically consists of Upvc frames. Common architectural features in the locality include; - Projecting bay windows over two storeys with gable roofs - Arch detailing around entrance doors - Brickwork chimney stacks - Large windows - Hipped roofs - Render external wall finish; as demonstrated by the photographs within the Design & Access Statement.
- 5.10 Given the need to retain vegetation and provide vehicle manoeuvring areas in the centre of the site, the scheme is considered to be of an appropriate density (28dph). This would make the most efficient use of a site in a highly sustainable location and is not considered to be an overdevelopment of the site.
- 5.11 The form of the respective houses is positive and responds well to the existing forms, particularly focussing on the 2.5 storey style, which effectively uses the top floor, set into the roof space. This allows a better and more efficient use of space which is a key requirement of the NPPF.
- 5.12 For Plots 1 & 2, externally the walls are finished in white render and roofs finished in grey concrete tiles. For Plots 3 & 5 the walls are finished in white render at ground floor and grey eternit cladding at first floor, roofs are finished in grey concrete tiles. For Plot 4 the walls are finished in a mixture of white render and dark grey brickwork, the roof comprises grey concrete tiles.
- 5.13 Whilst it is acknowledged that the design of the proposed houses departs somewhat from that of the existing 1930's housing, those properties are of their time. The design of the proposed dwellings takes on a more modern contemporary approach. Given that the dwellings would be in a back-land location, they would not be particularly visible from the surrounding streets, so local character would be retained. There are therefore no objections on design grounds.

Residential Amenity

- 5.14 In line with Policy PSP8 and the recently adopted Householder Design Guide SPD, development proposals will only be acceptable where they do not create unacceptable living conditions or have an unacceptable impact on the residential amenity of occupiers of the development or of nearby properties.

Matters to consider are:

- a) Loss of privacy and overlooking;
- b) Overbearing and dominant impact;
- c) Loss of light (daylight/sunlight)
- d) Noise or disturbance; and
- e) Odours, fumes or vibration.

- 5.15 Some concerns have been raised about loss of privacy due to overlooking from first/second floor windows, in particular from Plot 5. The application site is however within a densely populated, built up, residential area, close to Filton Town Centre, and as such, a degree of overlooking, including the perception of it, is to be reasonably expected, especially if the most efficient use of land within the Urban Area is to be achieved, as required by the NPPF. Nevertheless, given the location of the proposed windows, an assessment of this issue is required.
- 5.16 Whilst the proposed dwellings are arranged around the periphery of the site, it is noted that the dwellings themselves would be located a sufficient distance from the neighbouring houses, each of which are served by rear gardens in excess of at least 20m long. It is also noted that the houses on Charborough Road are bounded to the rear by a private access track. Any overshadowing, such as it is, would not be significant and only affect the far ends/least used parts of neighbouring gardens.
- 5.17 The proposed houses have been designed to reduce overlooking with Plots 4 & 5 being set at a slight angle. It is noted that save for very high windows in the top of the gables, all of the plots have blank end/side elevations. The future insertion of additional windows in these elevations can be prevented by condition.
- 5.18 Furthermore, many of the windows in the roof slopes are set at such a high level as to not afford overlooking of neighbouring property; whilst the remainder are strategically placed to minimise overlooking. A further condition could prevent the future insertion of additional roof-lights or dormer windows in the roof slopes. Boundary treatments could be secured by condition.
- 5.19 In conclusion on this matter, any additional overlooking of neighbouring properties would be from a sufficient distance and angle as to result in only a minimum loss of privacy; this is not considered to warrant a refusal of planning permission on these grounds.
- 5.20 As regards increased noise and disturbance during the development phase, this would be short-term only and the hours of working on the site could be controlled by condition. Increased noise or anti-social behaviour from future residents is not a planning issue and falls to be controlled by the appropriate enforcement agencies. It is considered that housing would be a compatible use for the site.
- 5.21 Moving to the issue of amenity space provision; Policy PSP43 requires all new residential units, to have access to private amenity space. The space should *inter alia* be easily accessible from living areas and of a sufficient size and functional shape to meet the needs of the likely number of occupiers. The Policy sets minimum space standards; the requirement for a 4-bedroom house is 70sq.m. Adequate private amenity space, to meet these standards, would be provided for each of the proposed dwellings and also retained for the existing dwellings nos. 6 & 8 Charlton Avenue as indicated on the Proposed Site Plan.

Transportation Issues

- 5.22 Chapter 9 of the NPPF promotes sustainable transport and states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be 'severe' (para. 111).
- 5.23 In travel sustainability terms, this is considered to be a sustainable location both in terms of its proximity to the many facilities available within the town of Filton and along Gloucester Rd. North and Southmead Rd. (B4056). There is access to outdoor green space at Monks Park and numerous bus stops providing connections to Bristol City Centre. There is also access to Filton Abbey Wood for rail connections to Bristol Temple Meads and beyond. Each dwelling would be provided with a cycle store and together with the recently installed cycle infrastructure along Southmead Road this will help to encourage that mode of travel. In this respect the application therefore accords with policy PSP11 of the Policy Sites and Places Local Plan.
- 5.24 The Transportation Officer raised objections to the access as originally proposed, on the grounds that "...it is contrived with poor geometry at the junction with Charlton Avenue, where there is sub-standard visibility, limited width and access to the development compromised by the prevalence of cars parking on Charlton Avenue, which is only 4.5m wide".
- 5.25 Over the course of the application, there has been a good deal of negotiation with regard the access, egress and traffic generation. In addition to the initial Transport Statement, an additional Transport Note has been submitted along with revised plans.
- 5.26 Charlton Avenue is a cul-de-sac so all access and egress is from Southmead Rd. from/to the west. As shown in Table 2-1 of the Transport Statement, the 85th percentile speeds are low along Charlton Avenue at 16.5mph in both directions. Average speeds were between 12.8mph and 12.9mph. The visibility splays at the access have been revised to take account of these speeds. . It should be noted that the site has an existing access at this location so movements are already made to and from the site in this location with no evidence of a highway safety issue.
- 5.27 The revised proposals comprise a shared private driveway arrangement which utilises the existing footway crossover arrangement currently serving 8 Charlton Avenue. Access would be shared with the existing property, which would have one parking space accessed directly from Charlton Avenue adjacent to the site access. A refuse collection point would also be provided adjacent to Charlton Avenue.
- 5.28 The access has been designed to accommodate cars and larger vehicles such as emergency vehicles and delivery vans. Larger vehicles such as refuse vehicles will serve the site from Charlton Avenue as per the current arrangement.
- 5.29 The shared private driveway measures 6m in width, which is sufficient to allow two large cars to pass at the access and ensures vehicles can access the site

- safely without delay and/or resulting in any vehicles stopping on the Charlton Avenue. This then reduces to a minimum of 2.7m along the access road before this widens to 4.9m at a further passing place. As such, the arrangements are appropriate for passing vehicles without resulting in vehicles reversing to or from the highway. There is full visibility between passing places at each end of the narrow section and vehicles can stop and wait appropriately, enabling suitable passing on entry and exit.
- 5.30 In terms of traffic flows, a summary of the survey results, in terms of the maximum traffic flows recorded on any of the weekday peak hours, the worst case hour on any day, and the highest flows across a daily period, is set out in Table 2-2. The analysis in Table 2-2 shows the traffic flows are low along Charlton Avenue, with less than 20 movements per hour, during the busiest hour across the entire week of the survey. This is just one vehicle every 3 minutes, on average in the worst case hour.
- 5.31 During the network AM or PM peak periods there were a maximum of 15 vehicle movements in the AM peak hour and 12 vehicle movements in the PM peak hour. This equates to one vehicle every c.4 minutes, on average in the busiest network peak hour. This is a minimal level of vehicle movements, as expected in a residential cul-de-sac road such as this.
- 5.32 In relation to Charlton Avenue, this measures approximately 4.5m in width and follows a straight alignment for approximately 100m from Southmead Road (B4056) to a turning circle which marks the south-eastern extent of the cul-de-sac. A carriageway width of 4.5m is suitable to allow two cars to pass safely, in accordance with MfS guidance (Figure 7.1) and is considered appropriate for a residential cul-de-sac such as this.
- 5.33 The carriageway width is reduced in places by intermittent on-street parking. However, the majority of properties along Charlton Avenue have off-street parking available and as such on-street parking does not occur along the length of the street. The proposed arrangements will not have a material impact on the ability for vehicles to park along the street and the on-street parking would not impact on vehicles turning into and out of the access. The proposals will also offer a benefit by improving visibility at the access for all movements and ensuring appropriate visibility to pedestrians on the footway.
- 5.34 The scheme provides adequate parking provision and visitor parking to meet the minimum standards set out in Policy PSP16. Electric vehicle charging points can be secured by condition.
- 5.35 Elements of the design layout have been amended, to the extent that the Council's Transportation Officer now raises no objection to the scheme as shown on the revised plans.
- Landscape & Tree Issues**
- 5.36 It is acknowledged that the site was previously more vegetated than is now the case, however the trees/shrubs that have been removed were not protected in any way and the applicant had every right to remove them. It is noted however

- that the main trees in and around the site have been retained and additional tree planting can be secured through this application.
- 5.37 At officer request an Arboricultural Impact Assessment (AIA) and Method Statement has now been submitted. An updated version was subsequently submitted in accordance with requests from the Council's Landscape and Tree Officers.
- 5.38 The report clearly sets out the constraints of the site and the proposed tree protection for the retained trees.
- 5.39 The following trees and hedge are proposed for removal to facilitate the development. H01, T05, T07, T08, T09, T16, T20. All these trees except for T05 (cat b) are c category or lower quality trees. The loss of T05 (Sycamore heavily reduced in the past and major deadwood in canopy) and T08 (Sycamore Large crown but decay established in pruning wounds) are significant in terms of amenity to the local area. Whilst the loss of T05 will reduce the amenity of the site the heavy reduction will mean that if kept, this tree will require a management regime going forward.
- 5.40 The majority of the root protection areas are protected by fencing in accordance with BS:5837:2012. There are areas of exposed root protection areas which require alternative solutions, both temporary and permanent. Permanent cellular confinement systems are required on the driveway access to the site and within approximately 2/3rds of the RPA for T06. Temporary ground protection is required for the RPA's of T14 and T11 and T17 & 18. Further to this an engineered foundation is required for part of the RPA of T11.
- 5.41 For the development to take place the specified solutions show that this can be achieved however this does give a reduced amount of working area and everything will need to go according to the plan (DWG:8CA-TPP-02) so that the trees are not damaged. For this reason the table below shows the operations that require a full Arboricultural watching brief.
- 5.42 A certificate of compliance for each of the 4 items below will be required through condition. So will full compliance with the Assured Trees Arboricultural Report re: 8 Charlton Av_AMS_092022, dated 23rd September 2022. And Tree protection Plan (DWG:8CA-TPP-02).
- 5.43
1. Erection of tree protection barriers in the position shown on the Tree Protection Plan.
 2. Installation of permanent and temporary ground protection in the position shown on the Tree Protection Plan.
 3. Supervision of excavations for service run within the RPA of T06
 4. Compliance with the Arboricultural Method Statement post construction.
- 5.44 Also to be secured by condition are:
- Detailed planting plan specifying the location, species, stock size, planting centres and quantities of all proposed tree and structure

planting (to be implemented in the first season following completion of construction works), including tree pit details.

- Details of all proposed boundary and hard landscape surface treatments, including proposed levels and any soil retention/retaining walls that may be required.

5.45 Subject to the above conditions there are no objections on tree or landscape grounds.

Ecology

5.46 The site is not covered by any ecological designations but does offer scope for ecological habitat. A Preliminary Ecological Appraisal and Bat & Protected Species Survey by Ecologic (June 2022) has now been submitted. An updated version was subsequently submitted (July 2022) to meet officer requirements.

Bats

5.47 None of the trees supported potential bat roost features. The small buildings were assessed and found no evidence of bat roosts.

Birds

The trees and hedgerows will provide nesting opportunities for birds. Suitable mitigation has been recommended.

Badgers

Badgers may forage and pass through the site.

Hedgehog

The habitats present are suitable for hedgehogs, Suitable mitigation has been recommended.

5.48 Appropriate survey effort has been undertaken which has been supported by suitable mitigation and enhancements. Subject to standard conditions to secure mitigation measures and Ecological enhancements, there are no objections on ecological grounds.

Environmental Issues

5.49 The site does not lie within a Coal referral area. The site is not the subject of excessive noise, dust or vibration. The site lies in flood zone 1 and the Council's Drainage Engineer raises no objection subject to a standard condition to secure a SUDS Drainage Scheme. The Council's EHO raises no objection subject to a standard informative relating to construction sites.

Sustainability

5.50 A full Sustainable Energy Statement is only a requirement for major schemes, which this is not, being only 5no. houses.

5.51 The scheme would be assessed under the latest Building Regulations incorporating recent amendments, which came into force in June 2022. The updated regulations include amendments to existing Approved Documents as well as additional parts, aimed at reducing operational carbon and providing steps on the roadmap towards 'Net Zero' by 2050. These are as follows:

- Part F – Ventilation

- Part L - Conservation of fuel and power
- Part O - Overheating
- Part S - Infrastructure for charging electric vehicles

5.52 The scheme is considered to be a sustainable one.

CIL Matters and S106 Obligations

5.53 The South Gloucestershire Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide SPD was first adopted March 2015. CIL charging commenced on 1st August 2015 and this development, if approved, would be liable to CIL charging. The scheme is not of a scale that would generate contributions to affordable housing or POS

5.54 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. This planning application it is considered to have a neutral impact on equality.

Other Matters

5.55 The impact of development on property values is not in fact a material consideration in the determination of planning applications. Furthermore, disputes of land ownership are civil matters to be resolved between the individual parties.

Overall Planning Balance

5.56 At the heart of the NPPF is a presumption in favour of sustainable development. In determining whether the proposal would be a sustainable form of development, there are three dimensions to consider, these being an economic objective, a social objective, and an environmental objective.

5.57 The proposal would provide 5no. open-market, residential units. This would make a positive, if small contribution to housing stock within the County, at a time when there is a national housing shortage; this can be given moderate weight in favour of the scheme.

5.58 The land is in a highly sustainable location, within the settlement boundary, close to Filton Town centre and within easy reach of shops, leisure facilities and a variety of sustainable travel options. This carries significant weight in favour of the proposal. With the mitigation measures proposed, the transportation and parking issue is considered to be neutral.

5.59 The proposed new dwellings would provide work for local construction workers and suppliers. The proposed density and overall design of the scheme are considered appropriate for the site. The proposal would enhance the vitality

and viability of the Town Centre due to increased footfall, which weighs in favour of the scheme.

- 5.60 There would be a net increase in trees on the site, as it currently is and ecological enhancements.
- 5.61 The proposal would be well designed to provide suitable living conditions for future occupiers, especially given the highly sustainable location of the site. The proposal would not be harmful to the character and appearance of the area.
- 5.62 The only real harm identified would be some minor loss of privacy due to overlooking of neighbouring property and some loss of ecological habitat.
- 5.63 Any identified harm is outweighed by the public benefits of the scheme. Any other potential harms are mitigated by condition and are therefore neutral in the planning balance.
- 5.64 Officers are satisfied that the scheme represents sustainable development, that should be approved without delay.

6. CONCLUSION

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

7. RECOMMENDATION

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

CONDITIONS

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

Reason
To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).
2. The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below.

Site/Block Plan Existing Drawing No. ST01 received 30th May 2022

PLOT 1 Proposed Plans and Elevations Drawing No. PL01 received 30th May 2022

PLOT 2 Proposed Plans and Elevations Drawing No. PL02 received 30th May 2022
PLOT 3 Proposed Plans and Elevations Drawing No. PL03 Rev A received 06th Sept. 2022
PLOT 4 Proposed Plans and Elevations Drawing No. PL04 received 30th May 2022
PLOT 5 Proposed Plans and Elevations Drawing No. PL05 received 30th May 2022

Proposed Drainage and Site Plan 1:100 Drawing No. ST02 Rev A received 06th Sept. 2022

Proposed Site Plan 1:100 Drawing No. ST03 Rev B received 06th Sept. 2022

Proposed Site and Location Plans Drawing 1:200 Drawing No. ST03 Rev B received 06th Sept. 2022

Reason:

To define the terms and extent of the permission.

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

Reason

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

4. Prior to the first occupation of the dwellings hereby approved, the car parking spaces, access, cycle parking facilities and bin storage & pick up facilities shall be provided in accordance with the approved Proposed Site Plan Drawing No. ST03 Rev B received 6th Sept. 2022 (the visitor parking space and parking space for no. 8 Charlton Avenue shall be clearly designated and marked out as such) and thereafter retained as such for the purposes intended.

Reason

To ensure the satisfactory provision of car & cycle parking, access and bin storage/pick up facilities; in the interest of highway safety and the amenity of the area, and to accord with Policies PSP11 and PSP16 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) 8th Nov. 2017 and Policy CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 and the Waste Collection: Guidance for New Development SPD (Adopted) January 2015.

5. The dwelling houses hereby approved, shall not be occupied until each has been provided with one active 7Kw 32 Amp Electric Vehicle Charging Point and one passive (ducting) charging facility for the respective parking spaces shown on the approved Proposed Site Plan Drawing No. ST03 Rev B received 6th Sept. 2022 and thereafter retained as such for the purposes intended.

Reason

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

6. The development hereby approved shall proceed in strict accordance with the Mitigation Measures detailed in the Preliminary Ecological Appraisal by Ecologic (July 2022).

Reason

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

7. Prior to the first occupation of the dwellings hereby approved, a plan detailing the location and specifications of ecological enhancements detailed within the Preliminary Ecological Appraisal by Ecologic (July 2022), is to be submitted to and approved in writing by, the Local Planning Authority. This includes, but not limited to invertebrate provision, habitat piles, hedgehog holes, native planting, bat and bird boxes. Thereafter the ecological enhancements so approved shall be implemented in full also prior to the first occupation of the dwellings and maintained as such thereafter.

Reason

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

8. No development shall commence until surface water and foul sewage drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection have been submitted to and approved by the Local Planning Authority.
A detailed development layout showing surface water and SUDS proposals is required along with results of percolation tests and infiltration calculations to demonstrate that the proposal is suitable for this site.
No public surface water sewer is available.

For the avoidance of doubt we would expect to see the following details when discharging the above condition:

- A clearly labelled drainage layout plan showing the exact location of any soakaways.
- Evidence is required to confirm that the ground is suitable for soakaways. Percolation / Soakage test results in accordance with BRE Digest 365 and as described in Building Regs H - Drainage and Waste Disposal.
- The submitted infiltration rate/s must be expressed in m/s (meters per second).
- Evidence that the soakaway is appropriately sized in accordance with BRE Digest 365 Soakaway Design.

- Sp. Note; - Soakaways must be located 5 Metres from any structure including the Public Highway

- Sp. Note: - No surface water discharge will be permitted to an existing foul sewer without the expressed approval of the sewage undertaker.

Reason

To comply with Policy PSP20 of the South Gloucestershire Local Plan: Policies, Sites and Plans Plan (Adopted) November 2017; Policy CS1 and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and National Planning Policy Framework July 2021.

This is a pre-commencement condition to ensure that the site can be appropriately drained.

9. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no windows/dormer windows or rooflights [other than those expressly authorised by this permission] shall be constructed at first/second floor level or within the roof slopes of the buildings hereby approved.

Reason

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

10. Prior to the commencement of above ground development a scheme of landscaping, specifying the species, stock sizes, planting centres and quantities of all proposed tree and structure planting (to be implemented in the first season following completion of construction works); shall be submitted to and approved in writing by, the Local Planning Authority. Thereafter the landscaping shall be carried out in accordance with the agreed details.

Reason

To protect the character and appearance of the area to accord with Policy PSP2 of The South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) Nov. 2017 and Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

11. The development hereby approved shall be carried out in full compliance with the Assured trees Arboricultural report re: 8 Charlton Av_AMS_092022, dated 23rd September 2022 and Tree protection Plan (DWG:8CA-TPP-02). A certificate of compliance (issued by Secure Trees Ltd.) for each of the 4 items below will be required to be submitted to and agreed in writing by, the Local Planning Authority.

1. Erection of tree protection barriers in the position shown on the Tree Protection Plan.
2. Installation of permanent and temporary ground protection in the position shown on the Tree Protection Plan.
3. Supervision of excavations for service run within the RPA of T06
4. Compliance with the Arboricultural Method Statement post construction.

Reason

To ensure the retention of trees on and off the site in the interests of visual amenity, and to accord with Policy PSP3 of The South Gloucestershire Local Plan, Policies, Sites and Places Plan (Adopted) November 2017.

12. Prior to the first occupation of the dwellings hereby approved, a plan indicating the positions, design, materials and type of boundary treatment(s) to be erected/retained shall be submitted to and approved in writing by, the Local Planning Authority. The boundary treatments as approved shall thereafter be completed before the buildings are first occupied or in accordance with a timetable agreed in writing with the Local Planning Authority.

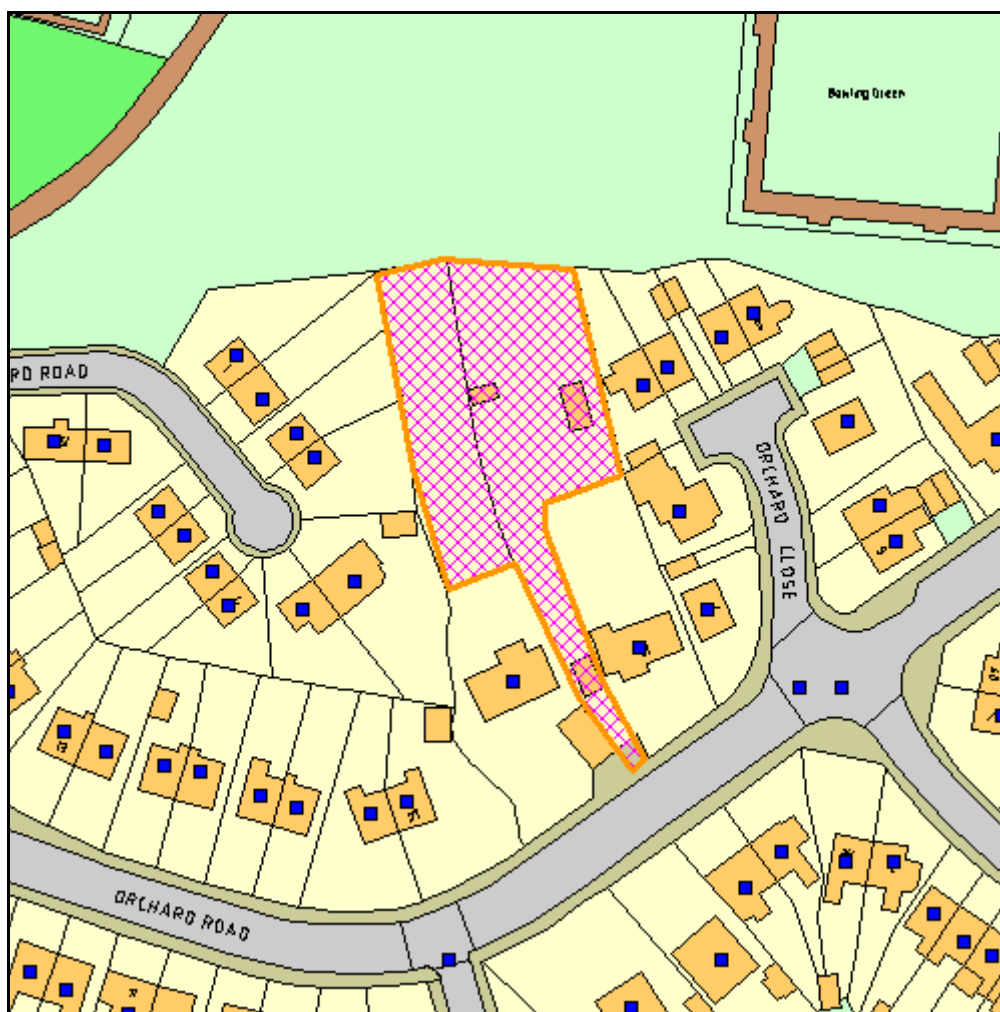
Reason

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

Case Officer: Roger Hemming
Authorising Officer: Marie Bath

CIRCULATED SCHEDULE NO. 02/23 -13th January 2023

App No.:	P22/03897/F	Applicant:	EHomes Ltd
Site:	Land To The Rear Of 31 Orchard Road Kingswood South Gloucestershire BS15 9TH	Date Reg:	19th July 2022
Proposal:	Creation of access road (Retrospective). Erection of 5 no. dwellings with associated works.	Parish:	
Map Ref:	365223 173507	Ward:	Kingswood
Application Category:	Minor	Target Date:	12th September 2022



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N.T.S.

P22/03897/F

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

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

The application appears on the circulated schedule because more than 3no. responses have been received from interested parties that are contrary to the findings of this report and officer recommendation.

1. THE PROPOSAL

- 1.1 Planning permission is sought for the creation of an access road (retrospective), and erection of 5no. dwellings with associated works.
- 1.2 The application site is land to the rear of 31 Orchard Road, a detached bungalow that occupies a raised position in relation to Orchard Road, along with its detached neighbour, no.29. On the East, South and Western side, the site is bounded by residential development, whilst Kingswood Park borders the site to the North. The site is within the East Fringe of Bristol urban area and is not subject to any other planning constraints.
- 1.3 Part of the site has been granted consent for 3no. dwellings previously by virtue of PK18/2624/F. The current proposals are made because the applicant has acquired more land and so is able to pursue a bigger scheme (5no. units). The existing works comprising an access road were undertaken as part of PK18/2624/F. However, PK18/2624/F has lapsed, as established by s.73 application P21/07419/RVC, which sought to vary a landscaping condition. Whilst some works had commenced under PK18/2624/F, the pre-commencement conditions were not discharged in time (within 3 years), and so whilst physical works have been undertaken, PK18/2624/F is not deemed to have been lawfully implemented as the pre commencement conditions were 'conditions precedent'.
- 1.4 Pre application advice has been provided in relation to this scheme under PRE21/0777, which sought advice for 6no. dwellings. However, this application has responded positively to that advice by reducing the no. of dwellings to 5.

2. POLICY CONTEXT

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

- 2.2 Development Plans

<u>South Gloucestershire Local Plan Core Strategy Adopted December 2013</u>	
CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility

CS9	Managing the Environment and Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS18	Affordable Housing
CS29	Communities of the East Fringe of Bristol

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
PSP20	Flood Risk, Surface Water, and Watercourse Management
PSP21	Environmental Pollution and Impacts
PSP38	Development within Existing Residential Curtilages
PSP43	Private Amenity Space Standards

- 2.3 Supplementary Planning Guidance
 Design Checklist SPD (Adopted) August 2007
 Residential Parking Standard SPD (Adopted) December 2013
 CIL and S106 SPD (Adopted) March 2015
 Waste Collection SPD (Adopted) January 2015 (updated March 2017)
 Trees and Development Sites SPD (Adopted) April 2021

3. RELEVANT PLANNING HISTORY

- 3.1 P21/07419/RVC (refused 07/01/2022):
 Variation of condition 5 (landscaping scheme) attached to planning permission PK18/2624/F to vary the wording of condition 5 to allow for the access road (only) to commence - Erection of 3 no. dwellings and associated works.
- Refusal reason:*
 This application does not comply with Section 73 of The Town and Country Planning Act 1990, as the previous planning permission was granted subject to a condition as to the time within which the development to which it related was to begin and that time has expired without the development having been begun.
- 3.2 DOC21/00300 (discharge of conditions decided 11/11/2021):
 Discharge of conditions 3 (Construction Management Plan), Condition 4 (SUDS) and Condition 5 (Landscaping scheme) attached to planning permission PK18/2624/F. Erection of 3 no. dwellings and associated works.
- 3.3 PK18/2624/F (approved 05/11/2018):
 Erection of 3 no. dwellings and associated works.
- 3.4 P98/4541 (approved 25/09/1998):

Erection of side extension. Creation of front and rear dormer extensions.

4. **CONSULTATION RESPONSES**

4.1 Parish Council
The area is unparished.

4.2 Transport

Initial comments:

Further information required. Adjustments needed to parking layouts.

Updated comments:

No objection, subject to conditions.

4.3 Highway Structures
No comments have been received.

4.4 Drainage (LLFA)
No objection. Condition required.

4.5 Tree Officer
Further information is required.

Following further consultation with the Tree Officer and the applicant's tree consultant, the Tree Officer has advised that the submitted information is sufficient.

4.6 Landscape Officer
No objection. Conditions required.

4.7 Ecology Officer

Initial comments

A preliminary ecological appraisal is required.

Updated comments

No objection. Conditions required.

4.8 Environmental Protection
Contamination condition required.

4.9 Children and Young People
No comments have been received.

4.10 Local Residents
9no. responses have been received objecting to the development, summarised as follows:

- Do not understand what is planned
- Do not want to be overlooked
- Object to the access road as it is dangerous

- Need someone to explain what is proposed
- How are the houses going to be built on the plot and how will it affect my house?
- Concern about the trees in the park which act as a wildlife corridor
- Access is dangerous in regards to school drop off and pick up. Only a matter of time before a fatality happens.
- Plot is not big enough for 5 houses
- Council has declared a climate emergency and is still granting planning permissions on garden land
- No social housing
- Cannot be justified in terms of housing need
- Overdevelopment
- Will destroy habitat
- Will present a flood risk
- Parking will increase air pollution
- Potential increased risk of accidents
- Ancient hedgerow between site and Edward Close will harm wildlife and biodiversity
- Noise and disturbance
- Building should be moved away from the boundary as it will impact our property
- Policy is against development in gardens
- Will result in overshadowing
- No sunlight analysis has been submitted
- Excavations will impact boundary hedge
- Road gets very busy already
- Impact from increased traffic
- Parking will take place on the access which would not allow two vehicles to pass
- Greedy and will change the character of the area
- Unacceptable impact on privacy of neighbouring occupiers and occupiers of the development.
- Council should consider the Human Rights Act
- Loss of trees
- Development does not respect local context or visual amenity
- Arboricultural assessment is not sufficient
- Appearance is not in keeping
- Unsafe access
- Impact on bats
- Insufficient parking
- Invasion of privacy
- Impact on property values
- Consider putting speed bumps on Orchard Road
- Can restriction be put on working hours?
- The person who has 'bought this development' is named Hemming which is the same name as the planning officer. Is this a conflict of interest?
- Light pollution from car headlights
- Parking on Orchard Road will obscure view from the access
- Disturbance during construction
- Original application was for three dwellings, not five.

5. ANALYSIS OF PROPOSAL

- 5.1 Planning permission is sought for the creation of an access road (retrospective), and erection of 5no. dwellings with associated works.

Principle of Development

- 5.2 The site is located within a designated settlement boundary. CS5 directs new development to the urban fringes of Bristol and to within settlement boundaries as designated by the policies map. The site being within a settlement boundary (East Fringe of Bristol) means that residential development on this site is acceptable in principle in purely locational terms. Moreover, PSP38 permits development within existing residential curtilages (which this site once was), including new dwellings in urban areas and settlements, subject to considerations of design, amenity, and transportation.
- 5.3 Policy CS1 is the Council's principal design policy. CS1 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. PSP1 requires development to have regard for local distinctiveness, and permits development provided they demonstrate an understanding of, and respond constructively to the buildings and characteristics that make a particularly positive contribution to the distinctiveness of the area / locality.
- 5.4 In addition to the above, some material weight can be given to PK18/2624/F. Whilst this consent has lapsed and so cannot be afforded as much weight as if it were extant, it is important to bear in mind that this consent was granted under broadly the same local plan policy as this application will be considered under. Therefore, unless the 'on the ground' situation has materially changed, it would be quite unreasonable to contend that development of this site is now unacceptable in principle.
- 5.5 Further to the above, the development is acceptable in principle, subject to the below detailed consideration.

5.6 Design and Layout

Orchard Road is within a mature residential area comprising two-storey detached and semi-detached housing, terraced housing and a smaller number of bungalows (including no.29 and 31 to the front of the site). Development to the South and West of the site is generally older early 20th century stock, whilst properties on Orchard Close to the East appear to be later mid/late 20th century stock. There is a mixture of hipped and pitched roofs, and a mixture of materials including render, cladding, brick (to a lesser extent) and re-constituted stone in the locality. The approved scheme on the site (now lapsed) was for a staggered terrace of 3no. units, however in the current application, more land had become available to the West, and so a different layout is proposed. The broad layout arrangement would be 2no. pairs of semi-detached

- properties to the rear of the site, and 1no. detached property towards the front of the site behind 29 Orchard Road. Access would run between 29 and 31 Orchard Road to the South where it adjoins Orchard Road. All dwellings proposed would be two storeys. In reference to the plans, house no.2,3,4 and 5 are the ones to rear of the site, whilst house no.1 is the detached unit to the front of the site. Concern is noted to be raised during consultation in regard to impacts of the development in visual terms.
- 5.7 The development would result in something of a backland layout. Building on gardens (backland development) is not unacceptable in principle, however careful consideration is needed as to the impact on the character of the area and, as always, impacts on the amenity of neighbours (to be discussed later in this report). The starting point is that backland development has already been found to be acceptable in this location, and it is not alien to the area. Moreover, the development proposed is of a sufficient scale as to result in its own character, as opposed to one isolated backland dwelling. The development layout would appear somewhat similar to Orchard Close to the East, or Greenbank Orchard to the South, in the context of the local area. In the context of the site, the garden is substantially larger than surrounding neighbouring gardens, and so its loss would not be out of character with the area, and the new dwellings would be afforded with reasonable gardens, and the no. 29 and 31 would also retain generous gardens. The development of the site would be residential within a residential area and would not be out of keeping with the general pattern or grain of development in the area.
- 5.8 The layout is logical in that it keeps the two semi-detached pairs to the rear in line with the semi-detached properties to the East on Orchard Close. The layout of the development is such that when one moves along the access into the development, it opens out and there is a dogleg to the right where parking can be found, with additional parking spaces next to each dwelling, with landscaped sections. The arrangement is welcomed in that it avoids a sterile parking area to the front of each dwelling, by locating some of the parking away from the dwellings in the shared space.
- 5.9 The proposed semi-detached dwellings would be c.8.75 to the ridge and c.6 metres to the eaves (max, due to levels). The roofs would be pitched, with brick and render elevations broken up brick patterned details, and aluminium entrance canopies to the front. The left-hand dwelling in each pair (dwelling's 2 and 4 respectively) would have undercroft parking space to the front, with a c.2 metre deep two storey projection to the rear with flat roof. Openings would vary but can be characterised by Juliet balconies to the rear and some larger 'picture windows'. The detached dwelling (no.1) would be c.9 metres to the ridge and c.6.4 metres to the eaves (max), and would be of similar design to the semi-detached dwellings, with flat roofed section to the South side.
- 5.10 The design of the new dwellings is modern, albeit with features that replicate the design characteristics of the local area, such as pitched roofs. The new dwellings would sit comfortably within their surroundings and whilst more modern elements would depart from older housing stock surrounding the site, the development would as referred to above create its own character, reading as a modern development that is 'of its time'. The use of bricks is something of

- a departure from the prevailing materials in the area, however their use would not be harmful in this context, and materials such as render are also used which is reflective of the more common materials in the locality. Details of tiles and bricks are proposed in the DAS, however other materials such as the proposed render and proposed window materials are absent, and so a suitably worded materials condition should be applied, should permission be granted, in the interest of securing a satisfactory standard of external appearance.
- 5.11 In terms of levels, the site is higher than Orchard Road, and there are some level differences across the site, however the application is furnished with three long section plans showing how the development will relate to surrounding development, and how the site will be levelled, with details including the existing levels and proposed levels provided. Plan 820.220D (long sections 1 and 2) shows that units 2 and 3 will be set lower than the properties on Edward Road to the West, whilst units 4 and 5 will be lower than 2 and 3. Unit's 4 and 5 would be higher than 3 Orchard Close to the East, however as viewed from the South of the site across to Kingswood Park, this creates something of a natural step down from Edward Road to Orchard Close. Plan 820.221D (long sections 3 and 4) illustrates that house no.1 to the front would be below the ridge level of the properties on Edward Close. House 1 would sit above 29 Orchard Road in terms of ridge and eaves, as illustrated by 820.220D, however there is sufficient separation as to avoid house 1 appearing visually overbearing on no.29 to the front of the site.
- 5.12 Further to the above and subject to appropriately worded conditions as discussed, there are no design objections to the proposed development which is in accordance with CS1, PSP38 and PSP1.
- 5.13 Landscaping
The application is provided with some landscape and planting details. Front gardens are to be planted, whilst it is noted that rear gardens will be left to the individual occupier's taste, and so will simply be laid to lawn with some additional boundary planting to the North where appropriate. Hard landscape features will comprise permeable tarmac in different colours with soft landscape features within the communal areas, to include a central 'focal' tree. Trees will also be planted down the access road at several points. It is understood that the shared/communal areas will be managed by a management company.
- 5.14 Having reviewed the proposals, whilst some queries are made in respect of specific details of the landscaping proposed, the landscape officer does not raise any objection subject to hard and soft landscape conditions. The case officer would on one hand consider it beneficial to have some more detail 'up front', however upon discussing the with the applicant's agent, it is considered that conditions would be the preferred approach and as all the details required can be secured by condition, the case officer has no objection to this approach and there would be no grounds to resist the development. Consequently, there are no landscape objections to the proposed development, subject to hard and soft landscaping conditions as discussed.

5.15 Trees

PSP3 instructs that development proposals should, where appropriate, include the protection of trees and ensure their replacement where loss is essential to allow development to take place. The site was characterised by several garden type trees, however some clearance has now taken place. Nevertheless, the application is furnished with an arboricultural report (Tim Pursey, May 2022). The report assessed that trees growing within the site were low quality, and mostly conifers and fruit trees. As established by the report, most are to be removed to facilitate development. None are subject to TPO or are protected by conservation area designation and so could be removed at any time. No trees were assessed as being above C category (low quality per BS:5837:2012).

5.16 A small number of trees are to be retained towards the rear of the site, and suitable protection measures are provided for in the report. The Western boundary hedge is a private hedge that is not to be removed and will where appropriate be reinforced during development. This hedge would be set behind a retaining wall away from dwellings 1 and 2. Initially the Tree Officer requested further information, but having further reviewed the proposals, they consider the level of detail to be sufficient, subject to suitably worded compliance conditions to ensure works proceed in accordance with the report.

5.17 Replacement tree planting is also proposed to mitigate the loss of trees (suggested 24no. replacements in the submitted report). This will be captured by the landscaping condition discussed in the landscaping section of this report. There are therefore no arboricultural issues with the proposed development.

5.18 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. PSP43 sets out private amenity space requirements, which are based upon the no. of bedrooms within a dwelling. Concerns are noted in regards to residential amenity impacts.

Future occupants

5.19 In terms of occupiers of the development, all dwellings would accord with the Nationally Described Space Standards for the respective dwelling sizes. All dwellings would also benefit from acceptable levels of light and outlook. It is noted that the rear ground floor (West window) of house no.1 to the front of the site would benefit from a relatively poor outlook when considering levels and the proximity to the site boundary, however, the South facing window on house 1 to the ground floor would make up for this deficiency as it serves the same area of the dwelling and would provide sufficient light and outlook. All dwellings would also provide private amenity space in excess of the PSP43 requirements. In this context, dwelling no's 1, 2 and 4 would have four bedrooms, whilst dwelling's 3 and 5 would have three bedrooms. All 5 dwellings would have over 70sqm private amenity space, which is the PSP43 requirement for 4+ bed dwellings. When considering the development layout,

character of the area and separation distances from neighbouring dwellings, all private amenity space would be sufficiently private, and would be sufficiently useable. No.29 and 31 Orchard Road would also continue to benefit from sufficient levels of private amenity space.

- 5.20 In terms of intervisibility, the only opportunity for this is between dwelling no.1 and dwelling no's 2 and 3. However, the only side (North elevation) window to dwelling no.1 is a first-floor landing window, which would not result in any intervisibility issues. Similarly, front elevation windows of dwelling no's 2 and 3 are over 12 metres from the side elevation of dwelling 1, and so there would be no unacceptable impacts on outlook received by dwelling's 2 and 3.

Neighbours

- 5.21 In terms of neighbours, the properties to the West on Edward Road, East on Orchard Close, and no.29 and 31 Orchard Rd to the South stand to be most affected by the development. Impacts will be considered below in the context of the respective neighbouring dwellings.

No.29 and 31 Orchard Road

- 5.22 There would be 20 metre separation between the rear dormer window of no.29, and the Southern first floor window of dwelling no.1. The first-floor window of dwelling no.1 would also be more than 7 metres from the facing Southern boundary, which accords with the '7 metre rule' as expressed in the Householder Design Guide SPD, which aims to preserve garden amenity by preventing overlooking. Whilst dwelling no.1 would be taller than no.29 (a bungalow), the levels of separation are such that there would be no overbearing or overshadowing issues.
- 5.23 The front first floor windows of dwellings 4 and 5 opposite the rear boundary of no.31 would be some 13.6 metres from the rear garden boundary of no.31, and so the garden of no.31 would not be unacceptably overlooked. Again no.31 is a bungalow compared to houses 4 and 5 (two storey), but with a separation between first floor windows on houses 4 and 5 and the rear of no.31 (which does not have a rear dormer window) of more than 35 metres, there would be no intervisibility concerns, and no concerns of overbearing. The first-floor windows to house 1 look towards the garden of no.31, however the level of separation accords with the 7 metre test, and the level of overlooking would not be beyond what is already possible from the side elevation windows of no.2 Orchard Close to the East.

Edward Road

- 5.24 Number's 1 to 5 Edward Road to the West all border the Western boundary of the site. Starting at dwelling no. 1 which would border 4 and 5 Edward Road, there are no first-floor non-obscured windows proposed facing towards this property. There is 1no. proposed first floor bathroom window facing the West, however this is annotated as being obscure glazed. There are 2no. ground floor windows facing West on dwelling no.1. However, one would be high level and one would be obscured. However, given the levels and the intervening

boundary treatment, these windows would pose no concerns in the event both were clear glazed. That said, a suitably worded condition will be required to ensure that dwelling no.1 has no new first floor windows to the West, and that the proposed window is obscure glazed. There would be 1no. West elevation roof light, but this would serve a first floor atrium and so would not result in any overlooking. The case officer is mindful that as the West elevation would be the rear of dwelling no.1, then permitted development rights relating to roof alterations should be restricted by condition, to avoid any undue overlooking being created by dormers being inserted by future occupants.

- 5.25 Dwelling no.1 would cause some overbearing in respect of no's 4 and 5 Edward road, however both of these dwellings have large gardens and the overbearing would only affect a small area of each, and would not have any unacceptable impacts. For the same reasons, there would also be no unacceptable losses of light or outlook. Dwelling no.1 would have no unacceptable impacts on the other properties on Edward Road.
- 5.26 No's 3 and 4 Edward Road would be most affected by dwelling no.2. The only first floor window facing these dwellings serves a bathroom, and so this can be appropriately obscured by condition and will therefore have no impact on privacy. Ground floor openings (1no. door and 1no. small window) on dwelling no.2 would have no impact by reason of the levels and boundary treatment. The flank elevation of dwelling no.2 would be sufficiently sited as to not result in any garden overbearing or overshadowing of the dwellings on Edward Road (3 and 4 in particular), and the separation between rear windows on 3 and 4 Edward Road accords with the 12 meter 'window to wall' distance advocated by the Householder Design Guide SPD which aims to avoid creating an oppressive or overbearing outlook. Front and rear openings on dwelling no.2 would not result in any privacy impacts, by reason of their relationship to the site boundaries.
- 5.27 Further to the above and subject to conditions, there are no amenity issues with regards to the development's impact on the dwellings on Edward Road to the West.

Orchard Close

- 5.28 No.3 Orchard Close to the East and to a lesser extent no.2 Orchard Close stand to be most affected. Dwelling no.5 is the closest dwelling to the Eastern boundary. First floor windows on dwelling no.1 would face towards Orchard Close, but sufficient separation means there would be no privacy issues. The only first floor opening facing no.3 Orchard Close on dwelling no.5 serves a bathroom, and so could be suitably obscured by condition which would be necessary to prevent overlooking. Conditions should also ensure there are no further side elevation windows, to ensure amenity continues to be protected. Sufficient separation is available to avoid overlooking the amenity space of no.2 Orchard Close, beyond the existing levels of overlooking.
- 5.29 Dwelling no.5 would be set c.3.5 metres back from the rear corner of no.3 Orchard Close. However, separation from the Eastern boundary of dwelling no.5 is sufficient to prevent any unacceptable overbearing or overshadowing,

- and the placement of dwelling no.5 would not result in any unacceptable outlook impacts, either, in respect of 3 Orchard Close.
- 5.30 It is noted that noise and disturbance is cited as an issue. The use of the new dwellings would be residential within a residential area, and so whilst there would be some increase in noise from the occupation of the dwellings, this would not be to any unacceptable level. The development is sufficiently scaled to avoid any noise issues in relation to vehicle movements, which would be similar to that of Orchard Close.
- 5.31 Further to the above and subject to conditions, there are no unacceptable amenity issues with regards to impacts on the dwellings on Orchard Close. Considering the above, the development would not result in any unacceptable impacts on the amenity of neighbours and so is acceptable in that regard.
- 5.32 The above said, as the site is located in a dense residential area, conditions should also be applied to limit working hours on the site, in the interest of protecting amenity during the construction phase.
- 5.33 Transportation
The site is located within an urban area, and so accords with the locational requirements of PSP11 in terms of distance to key services and facilities and access to them by means other than the private motor car. The key issues to consider therefore are access and parking provision. It is noted that access and parking are raised as a concern during the consultation.
- 5.34 Access would be via an existing access that has largely been completed, by virtue of PK18/2624/F. As noted previously within that application, sufficient visibility is available when regard is had for the posted speed limit (30mph). The highways officers have not raised any objection to the access on this occasion, either. Given the residential nature of the area and the low-speed limit, officers have no reason to believe that the access would be dangerous. Concern is noted in respect of parking around school pick up/drop off, however there is no reason to believe that the access would result in a dangerous situation with regards to pedestrian safety.
- 5.35 The access is sufficiently wide as to allow vehicles to pass one another without having to reverse out onto Orchard Road, and as the access road would be private, it would be less likely that public ad-hoc parking would occur along it. Within the site, detail has been provided to demonstrate turning of vehicles and delivery vans, to ensure that egress is possible in a forward gear. Each dwelling has space for storage of waste receptacles, and an enclosed pick-up point is provided adjacent to Orchard Road for collection days, which has not raised any concerns from the highways officer, and is similar to the situation approved previously.
- 5.36 Each dwelling would require 2no. spaces as that is the PSP16 for 3 and 4 bed dwellings. As 5no. dwellings are provided, 1no. visitor space is also required as visitor parking is required on a basis of 0.2 spaces per dwelling. 11no. spaces are required in total, including 1no. visitor space. Dwelling no.1 would be provided with 2no. spaces adjacent, whilst dwellings 2-5 would be provided

with 1 space each adjacent, and 1no. additional space each adjacent to the boundary with no.31. As such, each dwelling is correctly provided with 2no. spaces, and 1no visitor space is also available. Visitor cycle parking is also proposed, which is welcomed. The level of parking on site accords with policy and is therefore acceptable and should be covered by a suitably worded provision prior to occupation condition, should permission be granted. An additional condition to require the provision of EVCPs for each dwelling should be applied also, in the interests of ensuring sustainable travel provision. Further to the above and subject to conditions, the development is acceptable in highways terms.

5.37 Ecology

The site is not within any specific ecological designation; however, the development could still have an impact on biodiversity. Policy CS9 requires the preservation/enhancement of the natural environment, and the minimisation of impacts on biodiversity. The application has therefore been duly provided with a preliminary ecological appraisal (Arbtech Consulting, November 2022). This report assesses impacts of the development on biodiversity on the site and proposes mitigation where necessary.

Bats

5.38 The PEA report confirmed the habitats on the proposed development site as comprising a building, scattered scrub, species-poor semi-improved grassland, scattered trees, species-poor hedgerow, hardstanding, and bare ground. The hedgerow on site was assessed as not meeting the criteria to comply with characteristics of an 'Important Hedgerow' under the Hedgerow Regulations Act 1997, and therefore no further surveys were recommended. The PEA report recommended existing trees to be retained or replaced with native species planting.

5.39 The PEA report confirmed that the proposed works will not impact roosting bats. The building on site was assessed as having negligible potential to support roosting bats. All trees within the site boundary were also assessed as having negligible potential to support roosting bats. The PEA report concluded a small amount of vegetation will be removed under proposed plans and noted that the increase of artificial lighting from the proposed development would likely impact commuting/foraging bats utilising nearby suitable habitat. The PEA report recommended a low impact lighting strategy to be implemented to prevent light spill into adjacent suitable habitats for commuting/foraging bats and provided ecological enhancement recommendations including installation of bat boxes/bricks, which is welcomed (Table 9 of PEA report).

Badgers

5.40 The PEA report noted a low possibility of badgers commuting/foraging across the proposed development site, and a precautionary approach to works was recommended.

Hedgehog

5.41 The PEA report noted the possibility of hedgehogs commuting/foraging across the proposed development site, and a precautionary approach to works was

recommended. Table 9 of the PEA report included recommendations to enhance the site for hedgehogs, which is welcomed.

Birds

5.42 The PEA report concluded that removal of trees which provided nesting opportunities for birds, could harm nesting birds if present. The building within the site boundary was assessed as being unsuitable for nesting birds. Appropriate recommendations were provided to avoid harm to nesting birds including undertaking tree removal outside the nesting bird season, where possible. The PEA report provided ecological enhancement recommendations including installation of bird boxes, which is welcomed (Table 9 of PEA report).

5.43 Further to the above, the Council's ecologist is satisfied with the submitted PEA and considers the proposed mitigation as detailed within the report to be sufficient. Accordingly, there are no ecological objections to the development, subject to conditions to ensure works proceed in accordance with the submitted mitigation, to secure lighting details, and to secure locations and specifications of ecological enhancements.

5.44 Contamination

The historic use of land within 250m of the site as a landfill may have caused contamination which could give rise to unacceptable risks to the proposed development. In order to ensure that the site is suitable for its proposed use and in accordance with the National Planning Policy Framework and local plan policy (PSP21), a suitably worded contamination should be applied, should permission be granted.

5.45 Drainage

The development site is within flood zone 1, an area with the lowest risk of flooding. Having reviewed the proposals, the Council's drainage engineers do not have any objections, however a suitably worded condition will be required to secure details of sustainable urban drainage systems (SuDS) for flood prevention, pollution control and environmental protection. Subject to this condition, there are no reasons to resist the development on drainage grounds.

Impact on Equalities

5.46 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.

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

Other Matters

- 5.48 A number of matters raised from the consultation responses have not been addressed in the main body of this report. These will be considered below.
- 5.49 Impacts on property value and other private matters are not material planning considerations.
- 5.50 The case officer is not aware of the landowner's surname; however the case officer can confirm that they are not related to anyone else with the surname 'Hemming' intending to undertake development in Kingswood. There is therefore no conflict of interest.
- 5.51 Officers do not consider the development to be in conflict with human rights legislation, and have considered fully the impacts on neighbouring residents amenity, and have found the development to accord with planning policy in that respect.
- 5.52 The granting of planning permission on this site is not considered to be contrary to the Council's wider climate emergency objectives, and the new development would incorporate porous surface materials to prevent run-off, and the new dwellings would be required to accord with the building regulations in respect of efficiency and sustainability.
- 5.53 There is no requirement to provide affordable housing on a site of 5no. units (the threshold at which it can be sought is 10 or more units).
- 5.54 It is noted that a suggestion has been made to provide speed bumps on Orchard Road. However, this is a matter for the local highway authority and there is no evidence to suggest that the addition of 5no. dwellings should trigger the need for a planning obligation to secure off site highway improvements.
- 5.55 The site is not within an AQMA and there is no reason to believe that the development would have an unacceptable impact on air quality. Residents of the development would have access to means of transport other than private cars, and provision would be made for electric vehicle charging so residents could opt for vehicles that are zero or ultra-low emission at the tailpipe.

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. Standard Time Limit

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. Contamination (Pre-commencement)

A) Desk Study - Previous historic uses(s) of the site [and/or land within 250m of the site]* may have given rise to contamination. No development shall commence until an assessment of the risks posed by any contamination has been carried out and submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175 Investigation of potentially contaminated sites and the Environment Agency's guidance - Land Contamination Risk Management (LCRM)*, and shall assess any contamination on the site, whether or not it originates on the site.

B) Intrusive Investigation/Remediation Strategy - Where following the risk assessment referred to in (A), land affected by contamination is found which could pose unacceptable risks, no development shall take place until detailed site investigations of the areas affected have been carried out. The investigation shall include surveys/sampling and/or monitoring, to identify the extent, scale and nature of contamination. A report shall be submitted for the written approval of the local planning authority and include a conceptual model of the potential risks to human health; property/buildings and service pipes; adjoining land; ground waters and surface waters; and ecological systems.

Where unacceptable risks are identified, the report submitted shall include an appraisal of available remediation options; the proposed remediation objectives or criteria and identification of the preferred remediation option(s). The programme of the works to be undertaken should be described in detail and the methodology that will be applied to verify the works have been satisfactorily completed.

The approved remediation scheme shall be carried out before the development (or relevant phase of development) is occupied.

C) Verification Report - Prior to first occupation, where works have been required to mitigate contaminants (under condition B) a report providing details of the verification undertaken, demonstrating that all necessary remediation works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.

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

Reason

To ensure that the development is not compromised by contamination and to ensure that the site is suitable for the development and will remain so in accordance with PSP21 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017, and the relevant parts of the National Planning Policy Framework.

3. SuDS Condition

No development above ground shall commence until surface water drainage details including SUDS (Sustainable Drainage Systems e.g., soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection have been submitted and approved by the Local Planning Authority. Development shall proceed in strict accordance with the agreed details.

Full planning application - A detailed development layout showing the location of surface water proposals is required along with results of percolation tests and infiltration calculations to demonstrate that the proposal is suitable for this site. No public surface water sewer is available.

Reason

To comply with South Gloucestershire Local Plan: Policies, Sites and Plans Plan (Adopted) November 2017 Policy PSP20; South Gloucestershire Local Plan: South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 Policy CS1 and Policy CS9; and National Planning Policy Framework.

4. Materials

Prior to the commencement of the relevant part of the development, details/samples of the roofing and external facing materials proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. This shall include all materials, including the proposed fenestration materials. Development shall be carried out in accordance with the approved details.

Reason

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

5. Soft Landscaping Plan

Prior to commencement of development above DPC level and notwithstanding the submitted plans, an updated detailed planting (soft landscaping) plan shall be submitted to the local planning authority for approval in writing. The plan shall specify the location, species, stock size, planting centres and quantities of all proposed tree and structure planting; demonstrating that the required number of replacement trees can be accommodated within the scheme; and supported by tree pit details for all trees within or confined by hard landscape surfaces and boundary/retaining structures.

The approved landscaping scheme shall be implemented in full in the first available planting season following completion of construction works.

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.

6. Hard Landscaping Details

Prior to commencement of development above DPC level and notwithstanding the submitted plans, a detailed hard landscape plan shall be submitted to the local planning authority for approval in writing. The plan shall include details, samples (where appropriate) and specifications of all hard surface finishes, retaining structures, boundary treatments and their proposed levels to be used within the development. The approved hard landscape plan shall be implemented in full prior to first occupation of any dwellings.

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.

7. Ecology - Lighting

Prior to installation, details of all proposed external lighting are to be submitted to the local authority for approval in writing. Details are to include the location and specification of all lighting. All external lighting shall be installed in accordance with the specifications and locations set out in the agreed details, and these shall be maintained thereafter in accordance with the strategy.

Reason

To ensure that any external lighting as part of the development does not have impacts upon biodiversity and to accord with PSP19 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017.

8. Ecology - Enhancements

Prior to occupation of any of the dwellings, a plan detailing the locations and specifications of ecological enhancements detailed within the Preliminary Ecological Appraisal and Preliminary Roost Assessment Report (Arbtech, November 2022) is to be submitted to the local authority for approval in writing. This includes, but is not limited to bat boxes, bird boxes and soft landscaping. Enhancements shall be installed in accordance with the agreed details prior to occupation of the dwellings.

Reason

To ensure that appropriate ecological enhancements are made and to accord with PSP19 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017.

9. Ecology - Mitigation

The development shall proceed in strict accordance with the Mitigation Measures provided in the Preliminary Ecological Appraisal and Preliminary Roost Assessment Report (Arbtech, November 2022).

Reason

To ensure that appropriate ecological mitigation is in place during development and to accord with PSP19 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017.

10. Arboricultural Report

Development shall proceed in strict accordance with the submitted arboricultural report (Tim Pursey, May 2022), to include protection of retained trees for the duration of the development in accordance with said report.

Reason

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

11. Parking and Access

Prior to occupation of any dwelling, the parking (vehicle and cycle) and access arrangements, to include the widening of dropped kerb onto Orchard Road, shall be provided in accordance the approved plans (820.230 - highways info - as received 28th July 2022). The access and parking arrangements shall be retained and maintained in good order thereafter.

Reason

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

12. EVCP Provision

Each dwelling shall be provided with at least 1no. electric vehicle charging point each, to be rated at 7kw minimum, prior to first occupation. Charging points shall be installed to an operational standard and shall be retained thereafter.

Reason

To ensure provision is made for sustainable travel and to accord with CS8 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017.

13. Permitted Development Rights - House 1

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 B or C), other than such development or operations indicated on the plans hereby approved, shall be carried out in relation to house 1 (as indicated on plan 820.223A, Block plan/roof plan, as received 18th July 2022) without the prior written consent of the Local Planning Authority.

Reason

Due to the siting of house 1 in relation to the site boundary, this condition is necessary to ensure the amenities of neighbouring occupiers are preserved by allowing the LPA to retain control over the development specified above.

14. No New Windows

No windows other than those shown on the plans hereby approved shall be inserted at any time in the following elevations:

In relation to house no. 2,3,4 and 5: in the side (East and West) elevations above ground floor level.

In relation to house no.1: in the rear (West) elevation and above ground floor level on the (North) side elevation.

House numbers as detailed on plan 820.223A (block/roof plan - as received 18th July 2022).

Reason

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

15. Obscure Glazing

Prior to the use or occupation of the dwellings hereby permitted, and at all times thereafter, the following windows shall be glazed with obscure glass to level 3

standard or above with any opening part of the window being above 1.7m above the floor of the room in which it is installed':

In relation to house no.2,3,4 and 5: the proposed side (East and West) elevation windows.

In relation to house no.1: the rear (West) elevation first floor window.

House numbers as detailed on plan 820.223A (block/roof plan - as received 18th July 2022).

Reason

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

16. Hours of Working

The hours of working on site during the period of construction shall be restricted to

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

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

No working shall take place on Sundays or Public Holidays.

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

Reason

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

17. Plans Condition

Development shall be implemented in accordance with the following plans:

820.100A - existing site and location plans

820.201C - proposed first floor

820.080 - phase 1 as built

820.210A - proposed house type detached

820.211A - proposed house type-semis

820.220D - proposed long section 1 and 2

820.221D - proposed long sections 3 and 4

820.222 - proposed long sections 5 and 6

As received 14th July 2022

820.223A - block plan/roof

EJLD-L201C - Planting plan - sheet 1

EJLD-L202C - Planting plan - sheet 2

As received 18th July 2022

820.230 - highways info

820.200G - proposed ground floor plan
As received 28th July 2022

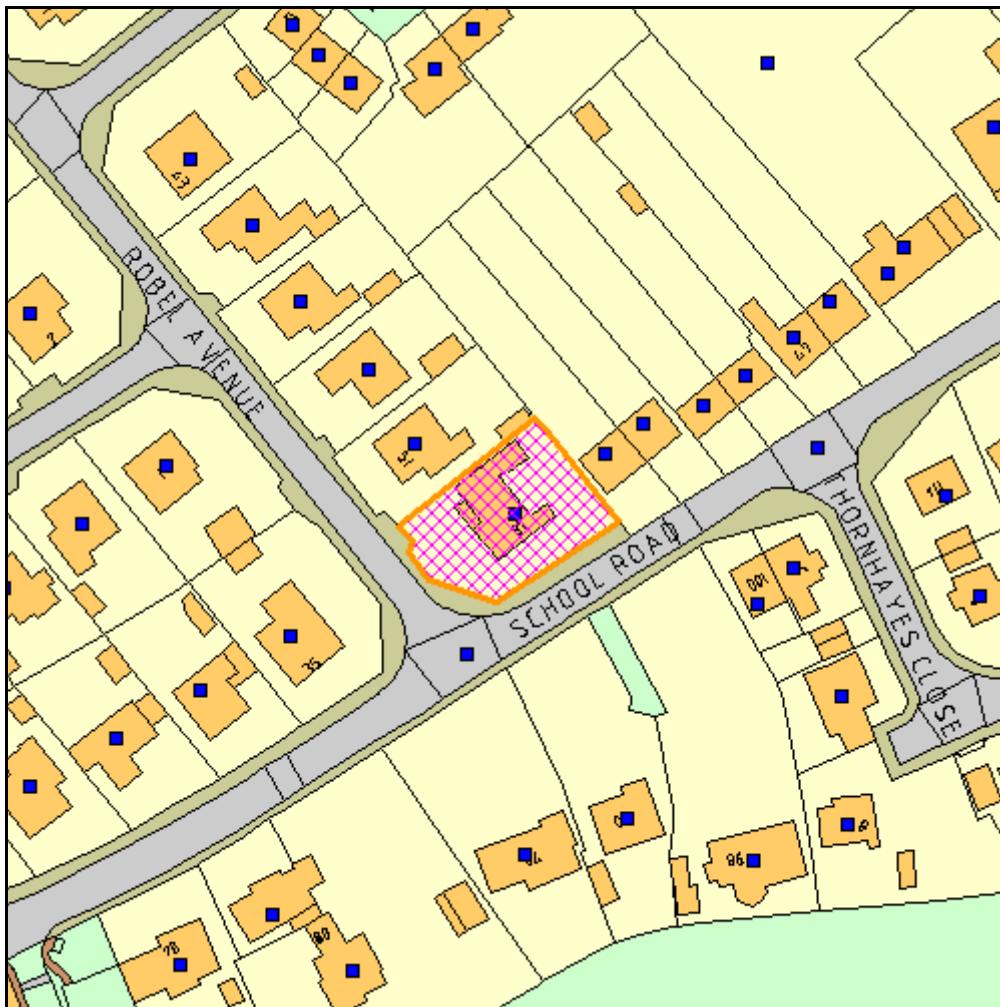
Reason

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

Case Officer: Alex Hemming
Authorising Officer: Marie Bath

CIRCULATED SCHEDULE NO. 02/23 -13th January 2023

App No.:	P22/06168/F	Applicant:	Mr & Mrs Adam & Naomi Goodwin
Site:	37 School Road Frampton Cotterell South Gloucestershire BS36 2BU	Date Reg:	29th October 2022
Proposal:	Demolition of existing dwelling. Erection of 1 no. dwelling with new access and other associated works (Amendment to previously approved scheme P22/02617/F).	Parish:	Frampton Cotterell Parish Council
Map Ref:	366108 181920	Ward:	Frampton Cotterell
Application Category:	Minor	Target Date:	21st December 2022



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N.T.S.

P22/06168/F

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

REASON FOR REFERRING TO THE CIRCULATED SCHEDULE

The application appears on the circulated 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 the demolition of an existing dwelling and the erection of 1no. dwelling with access and other associated works.
- 1.2 The application site is a detached bungalow situated on a corner plot where Robel Avenue joins School Road. The site is located within the Frampton Cotterell settlement boundary and is not subject to any restrictive or sensitive planning constraints.
- 1.3 This application is an amendment to approved scheme P22/02617/F. The proposed development in this instance seeks to make some adjustments to the approved scheme involving an alteration to the roofline to the rear and insertion of an additional rear window. Both changes relate to bedroom 3.

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
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS34	Rural Areas

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

PSP1	Local Distinctiveness
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP20	Flood Risk, Surface Water, and Watercourse Management

PSP38 Development within Existing Residential Curtilages
PSP43 Private Amenity Space Standards

- 2.3 Supplementary Planning Guidance
Design Checklist SPD (Adopted) August 2007
Residential Parking Standard SPD (Adopted) December 2013
CIL and S106 SPD (Adopted) March 2015
Waste Collection SPD (Adopted) January 2015 (updated March 2017)

3. RELEVANT PLANNING HISTORY

- 3.1 P22/02617/F (approved 04/07/2022):
Demolition of existing dwelling. Erection of 1 no. dwelling with new access and other associated works (Amendment to previously approved scheme P21/06168/F).
- 3.2 DOC22/00111 (discharge of conditions refused 15/06/2022):
Discharge of condition 4 (Sample Panels) attached to planning permission P21/06168/F. Demolition of existing dwelling. Erection of 1 no. new dwelling with new access and other associated works.
- 3.3 P21/06168/F (approved 04/03/2022):
Demolition of existing dwelling. Erection of 1 no. new dwelling with new access and other associated works.

4. CONSULTATION RESPONSES

4.1 Frampton Cotterell Parish Council

Objection, Proposals do not accord with PSP8 and PSP38. The proposed dormer would overlook no.51 Robel Avenue. A condition requiring obscure glazing should be applied.

4.2 Sustainable Transport

Current development remains the same as the approved scheme in transportation terms. Previous conditions should be carried over.

4.3 Highway Structures

No comment.

4.4 Drainage (LLFA)

Informative recommended.

4.5 The Coal Authority

Incorrect consultation. The site does not fall within the defined development high risk area. Standing advice is recommended to be included on any decision.

4.6 Archaeology Officer

No objection.

4.7 Local Residents

1no. representation has been received objecting to the proposed development, summarised as follows:

- Dormer would overlook our garden and seems excessively large
- Would prefer a smaller window with frosted glass as it would overlook our garden.

5. ANALYSIS OF PROPOSAL

- 5.1 The proposal seeks to demolish the existing dwelling and erect 1no. dwelling with new access and other associated works.

Principle of Development

- 5.2 The principle of a replacement dwelling has already been found to be acceptable by virtue of consent P21/06168/F and later by virtue of P22/02617/F. Policy CS5 directs new development to the urban fringes of Bristol and to settlement boundaries as designated by the policies map. Accordingly, the development is acceptable in principle on a purely locational basis. Moreover, PSP38 permits development within existing residential curtilages, including new dwellings in urban areas and settlement boundaries, subject to consideration of design, residential amenity, private amenity space provision and the provision of satisfactory parking and access. As such, the proposed development is acceptable in principle, subject to the following consideration.

- 5.3 For the sake of brevity and considering the extant position, the following report will consider only the amendments proposed, which relate to the rear elevation which as approved is characterised by a catslide roof above the ground floor projection, which extends up to bedroom 3 at first floor. The proposed change would alter the roofline to the rear, adding a hipped roof at first floor, flat roof at ground floor, and a new window serving bedroom 3.

- 5.4 It is noted that objection has been raised referring to a dormer. The plans outline a dormer that could be added under permitted development once the dwelling is built, and additional indicative elevations have been submitted to illustrate what it would look like. This is presented as a fall-back position by the applicant's agent, however for the avoidance of doubt the scheme does not include a dormer and the below assessment is not made on the basis of a dormer.

5.5 Design and Visual Amenity

Policy CS1 is the Council's principal design policy. CS1 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.

- 5.6 The general design characteristics and form of the replacement dwelling do not differ between the plans submitted with this application and the approved plans, as considered under P22/02617/F. The changes relate to the rear of the dwelling, and do not fundamentally alter the design of the dwelling, and the proposed hipped roof at first floor would be in keeping with existing roof structures in the vicinity. It is noted that materials will be the same as approved bar the tiles, which would be the same colour but slightly thinner, which for the avoidance of doubt is also acceptable.
- 5.7 Further to the above, the proposed amendments are acceptable in visual terms, in the context of PSP1, PSP38 and CS1. It is noted that the extant consent is subject to a condition to ensure that the boundary walls are no more than a metre high and constructed of materials to match existing. This condition should be carried over in the interest of visual amenity and ensuring a satisfactory standard of external appearance.
- 5.8 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.
- 5.9 The properties that stand to be affected by the change is no.51 Robel Avenue to the North, and 39 School Road to the East. In terms of no.39, there are no new openings proposed facing this dwelling. An approved bathroom window would become slightly bigger, but this would not present any concern, subject to being obscure glazed which can be addressed via condition. There would be a slight increase in massing caused by the change to the roof structure. However, the separation, which is increased by the step in, means that this would not be to an unacceptable degree.
- 5.10 In terms of no.51 Robel Avenue, the main issue to consider is the new facing window at FFL. This window would not directly look towards any other windows and so there is no inter-visibility concern. The window would be some 4.8 metres from the boundary with no.51, and then there is the garage and driveway for no.51 before the garden for no.51 starts. The case officer is mindful that the extant consent requires the approved windows facing 51 to be obscured, and so it would be entirely logical that this condition would need to apply to the new bedroom 3 window, as otherwise officers would be concerned that it would directly overlook the garden of no.51, which would compromise the privacy of that amenity space. As such, whilst there is no objection to the placement of this new window, the condition requiring obscure glazing should be carried over and also applicable to the new window. In terms of future occupiers, bedroom 3 would continue to benefit from a further window facing West towards Robel Avenue, which need not be obscure glazed.
- 5.11 Subject to the above conditions, there are no amenity concerns, and the development remains acceptable also in terms of private amenity space provision.

5.12 Transportation

The dwelling would be located within a settlement boundary and can therefore be considered to be broadly in accordance with the sustainability requirements of PSP11. In terms of parking, as a 4-bed dwelling, at least 2no. parking spaces will be required.

5.13 The amendment does not change the parking or access arrangements as approved, however previous conditions relating to parking, access and EVCP provision should be carried over.

Impact on Equalities

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

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

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 It is recommended that 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. Prior to the use or occupation of the replacement dwelling hereby permitted, and at all times thereafter, the proposed first floor windows on the West elevation (as shown on plan 004 A (proposed elevations, received 26th October 2022)) serving the master bedroom, en-suite and bedroom 3, and the proposed first floor window on the North elevation, shall all be glazed with obscure glass to level 3 standard or above with any opening part of the window being above 1.7m above the floor of the room in which it is installed'.

Reason

To protect the amenities of the neighbouring occupier and to accord with PSP8 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017.

3. Prior to the use or occupation of the replacement dwelling hereby permitted and at all times thereafter, the external boundary wall (as marked on proposed site plan - drawing No. 002 Rev A, as received 26th October 2022) shall be no higher than 1m and the bricks used in construction to match those of neighbouring properties (No.51 Robel Avenue and No.35 School Rd).

Reason

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

4. Prior to first occupation, the parking and access arrangements as shown on plan 002 rev. A (proposed site plan, as received 26th October 2022) shall be provided and retained thereafter for their intended purpose.

Reason

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

5. Prior to use or occupation, the parking area for the dwelling hereby approved shall be provided with at least 1no. electric vehicle charging socket rated at 7kw, 32amp minimum, installed to an operational standard and retained thereafter.

Reason

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

6. The development shall be carried out in strict accordance with the following plans and documents:

Materials Schedule

As received 26th October 2022

001 - Site location and existing block plans
003 A - Proposed floor plans
004 A - Proposed elevation plans
005 - Existing floor plans
006 - Existing elevation plans
007 A - Block plan
002 A - Proposed site plan
As received 26th October 2022

Reason

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

Case Officer: Alex Hemming
Authorising Officer: Marie Bath