

# 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: 33/23**

**Date to Members: 18/08/2023**

**Member's Deadline: 24/08/2023 (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](mailto: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](mailto: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](mailto:MemberReferral@southglos.gov.uk)

# CIRCULATED SCHEDULE 18 August 2023

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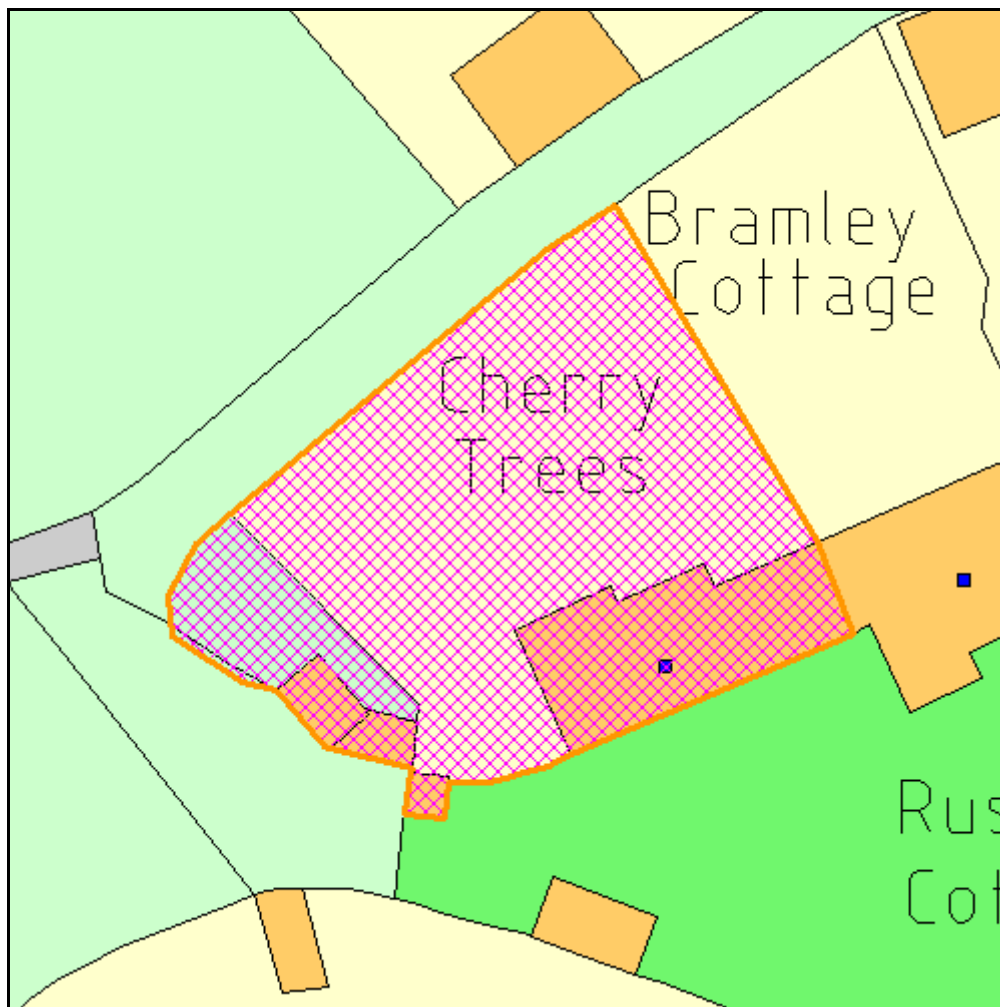
ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	<b>P23/01115/HH</b>	Approve with Conditions	The Green Greenhill Alveston South Gloucestershire BS35 3QZ	Severn Vale	Alveston Parish Council
2	<b>P23/01490/F</b>	Approve with Conditions	Land Adjacent To Willis House 27 Gloucester Road Rudgey South Gloucestershire BS35 3SF	Severn Vale	Alveston Parish Council
3	<b>P23/01646/F</b>	Approve with Conditions	Land Between Rag Lane And Eastfield Drive Yate South Gloucestershire GL12 8BD	Frampton Cotterell	Rangeworthy Parish Council
4	<b>P23/01742/F</b>	Approve with Conditions	The Old Dairy Stoke Lane Patchway South Gloucestershire	Bradley Stoke North	Stoke Lodge And The Common
5	<b>P23/01885/F</b>	Approve with Conditions	6 Mackie Avenue Filton South Gloucestershire BS34 7ND	Filton	Filton Town Council

Schedule Number	Officers Deadline reports to support	Date to Members	Members deadline	Decisions issued from
34	Tuesday 22 August 23 5pm	Thursday 24 August 2023 9am	Thursday 31 August 2023	1 September 2023

Dates and officer deadlines for Circulated Schedule August Bank Holidays 2023

**CIRCULATED SCHEDULE NO. 33/23 -18th August 2023**

<b>App No.:</b>	P23/01115/HH	<b>Applicant:</b>	Mr Grant Sage
<b>Site:</b>	The Green Greenhill Alveston South Gloucestershire BS35 3QZ	<b>Date Reg:</b>	27th March 2023
<b>Proposal:</b>	Demolition of existing front porch. Erection of first floor front extension and two storey front extension and single storey side extension to form additional living accommodation. Installation of 3 no. chimneys.	<b>Parish:</b>	Alveston Parish Council
<b>Map Ref:</b>	363251 187755	<b>Ward:</b>	Severn Vale
<b>Application Category:</b>	Householder	<b>Target Date:</b>	22nd May 2023



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P23/01115/HH

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

## **INTRODUCTION**

This application appears on the Circulated Schedule as there have been 3 objections to the proposals, contrary to Officer recommendation.

### **1. THE PROPOSAL**

- 1.1 The application is for the demolition of an existing front porch, erection of first floor front extension and two storey front extension and single storey side extension to form additional living accommodation and the installation of 3 no. chimneys.
- 1.2 The property is an end of terrace dwelling, located at the end of a small access track off of Greenhill in Alveston. The site is located within the Green Belt.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

National Planning Policy Framework  
National Planning Policy Guidance

#### 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013  
CS1 High Quality Design  
CS8 Access/Transport  
CS5 Location of Development (Inc. Green Belt)

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

PSP8 Residential Amenity  
PSP38 Development Within Existing Residential Curtilages  
PSP7 Development in the Green Belt

#### 2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007.  
South Gloucestershire Parking Standards SPD  
South Gloucestershire Householder Design Guidance SPD 2021

### **3. RELEVANT PLANNING HISTORY**

- 3.1 N1590 - Erection of single storey extension to lounge. Approved 10/7/75

### **4. CONSULTATION RESPONSES**



#### 4.1 Alveston Parish Council

The Parish Council Planning Committee have no objections to the application although the parish council notes the volume of development within such a small area in such a short space of time within what is one of the busiest parts of Alveston for traffic and pedestrian use.

#### Sustainable Transportation

No objections

#### Public Rights Of Way

PROW has no objection as this application is unlikely to affect the right of way OAN/12/10 which runs along the lane to the north of the site.

#### Office for Nuclear Regulation

No comment

### **Other Representations**

#### 4.2 Local Residents

Three letters of objection has been received, summarised as follows:

- two-storey front extensions are considered largely unacceptable in South Gloucestershire Council's planning guidance
- the proposed new frontage is a dominating addition to the host dwelling and not in keeping with the surrounding area which is made up of open countryside, bungalows, single-storey extensions or detached garages of a maximum of 5.5m in roof height, low-rise boundary walls and terraced houses set back from the bridleway
- the second-storey front extension creates unacceptable levels of overshadowing for neighbouring property on the neighbouring property
- this is demonstrated in sunlight and shadow calculations provided
- the applicant's use of a 45 degree rule is not considered an acceptable evaluation of light impact when applied vertically
- The proposal opposes a number of planning guidelines and policies set out by South Gloucestershire Council.
- a more sympathetic design would allow for additional living space within planning policy recommendations and its impact upon the landscape.
  
- no objections to the extension but concerns regarding its construction.
- there is a lot of other development approved and pending
- we have already endured weeks of pavement parking and road obstructions from contractors vans delivery lorries and various plant hire vehicles, plus weekend working from early morning until 5pm on a Sunday
- over development of the site, not only that but also overdevelopment of the area with several developments having been given planning in such a small area.
- traffic and parking on Greenhill road has become a nightmare and danger
- .how are all the building materials going to get down the bridle path?

### **5. ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Extensions to dwellings within residential curtilages are acceptable in principle subject to detailed development control considerations in respect of local amenity, design and transportation; as set out in policy PSP38. The issues for consideration in this respect therefore are whether the proposals have an adverse impact on the amenities of nearby occupiers and whether the design of the proposal is sufficiently in keeping with the site and surroundings. In this instance the site is also located within the Green Belt, so detailed consideration would also need to be given in respect of whether the proposals are an appropriate form of development within it.

5.2 Green Belt

The principle of residential extensions within the Green Belt is acceptable provided that they are not disproportionate or impact upon the openness of the Green Belt. A disproportionate test (outlined in Policy PSP7 of the Policies, Sites and Places Plan and the South Gloucestershire Supplementary Planning Document: Development in the Green Belt (Adopted) 2007) is used as a means of assessing whether or not an addition to a dwelling can be considered proportionate to the original dwelling. Generally, additions resulting in a volume increase of less than 30% above the volume of the original building are likely to be considered acceptable. Those resulting in a volume increase of 30%-50% are to be carefully assessed against further criteria. Those resulting in a volume increase of more than 50% are likely to be considered in excess of any reasonable definition of 'limited extension'; and therefore may be disproportionate in nature. There is a small single storey extension (see history section above) to take into account. Similarly the proposals will also result in the demolition of structures.

5.3 The main part of the proposal consists of the first floor front and two storey front extensions. The other parts of the proposal include a relatively small single storey side extension and chimneys.

5.4 It is considered that taking into account the combined area of the existing ground and first floors and the combined area of the proposed ground and first floors there would be an increase of 65.52 sqm which amounts to around a 44% increase of the original dwelling.

5.5 Notwithstanding this and looking at the individual merits of the site and proposals, the proposals would in part be over existing built footprint of the current dwelling, including the existing porch which will be removed and the ground floor front lean-to element. The proposed two storey extension would meet the forward most part of the front building line of the existing dwelling. The extension will therefore be closely associated with and incorporated close to the confines of the existing dwelling. The design would incorporate a gable finish, on the inside of the existing one which would match and integrate with the current perception of the façade.

5.6 On the basis of the assessment set out above, it is not considered that the proposal, as designed and integrated with the existing dwelling, would appear as a disproportionate addition over and above the size of the original building. The proposals would not impact upon the openness of the Green Belt at this

location as designed and integrated with the existing dwelling. The proposal would therefore fall in to the predefined exception category for development in the Green Belt, and would not be inappropriate.

#### 5.7 Residential Amenity

The comment and concerns above are noted. The two storey front extension would be approximately 6 metres in length, with a gable end roof design that would match the main original roofline and the existing single gable design. The two storey extension would be set approximately 5 metres of the shared boundary with the property to the east and around 7.2 metres away from the nearest windows of the adjoining property in this direction. It is therefore considered that the proposals can be integrated adequately without any material residential amenity issues. It is considered that this relationship and distance provides adequate distance to avoid overbearing impact and material impacts upon light in line with policy requirements and guidance provided in the Householder Design Guide. The proposals are on the north elevation which would reduce potential shadowing impact. It is not considered that the proposal is of an unreasonable scale that could be considered to, given its orientation, relationship and design, give rise to material overbearing impact. The single storey side extension and chimneys are also considered acceptable in their own right. Given therefore the distance, orientation and relationship with surrounding properties and the length of the extension, set off the boundaries, it is not considered that the extension could be considered an unreasonable addition to the property and in this instance it is not considered that it would give rise to unreasonable, significant or material residential amenity impact by way of overbearing impact, such as to warrant objection and sustain refusal of the application on this basis.

#### 5.8 Design / Visual Amenity

The comments above are noted. Whilst the proposal is for a front extension the dwellings are set well back within their own plot and are set well off any prevalent streetscene being at the end of the track/bridleway and off any main street and essentially face onto the curtilage of the plot. As such any assessment should take into account the individual merits of the plot. In this respect any impact upon the wider streetscene is limited. Notwithstanding this, whilst a relatively large addition, this in its own right is not unacceptable. The walls and roofline of the two storey extension follow and match the existing roofline and front facing gable design, and the depth/building lines reflect the forward most part of the existing dwelling but do not protrude beyond it, whilst leaving space within the plot around the dwelling in all directions. In accordance with design guidance, the proposals would not dominate or be incongruous or introduce a discordant or inharmonious element. The proposals would reflect and match the existing single storey front facing gable design. The proposals would not span the width of the front elevation or be of a scale that unbalances an existing façade where symmetry is defined as a characteristic, the proposals could be said to add an element of symmetry. The proposals do not project beyond the front plane of any existing features and are set considerably back from the front boundary and a significant distance from any prevalent streetscene. Materials would match the existing dwelling and sufficient private amenity space would remain within the property. It is therefore considered that the proposals can be integrated adequately without any material visual amenity

issues such as to warrant objection and sustain refusal of the application on this basis. The scale and design of the proposals is considered to adequately integrate with the existing dwelling and surrounding area, and is therefore not considered to give rise to material or significant impact upon the area. Materials would match the existing dwelling and sufficient private amenity space would remain within the property.

#### 5.9 Transportation

Sufficient access and parking will remain to serve the property. The comments above are noted. Other approved developments and extensions in the area would not be a reason to refuse further separate planning proposals. However planning permission does not grant rights to access or use land not within the applicants control or unlawfully park or block public rights of way.

#### 5.10 Equalities

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

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

### 6. CONCLUSION

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

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

### 7. RECOMMENDATION

7.1 That planning permission is granted, subject to the conditions recommended.

#### **CONDITIONS**

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

Reason

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

2. The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below:  
Location Plan, Block Plan, Proposed Block Plan and Existing Plans and Elevations (Refs 23-199-001 Rev 0, 002 Rev 0, Rev 006 Rev 0, 007 Rev 0 and 008 Rev 0), received by the Council on the 21st March 2023 and Proposed Plans and Elevations (Refs 23-199-003 Rev 0 and 004 Rev 0), received by the Council on the 27th March 2023.

Reason:

To define the terms and extent of the permission.

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

Reason

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

4. No windows shall be inserted at any time in the north-east elevation of the property.

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with PSP38 of the South Gloucestershire Policies Sites and Places Plan ; and the National Planning Policy Framework.

**Case Officer: Simon Ford**

**Authorising Officer: Suzanne D'Arcy**

**CIRCULATED SCHEDULE NO. 33/23 -18th August 2023**

<b>App No.:</b>	P23/01490/F	<b>Applicant:</b>	Mr and Mrs Wilmot
<b>Site:</b>	Land Adjacent To Willis House 27 Gloucester Road Rudgeway South Gloucestershire BS35 3SF	<b>Date Reg:</b>	3rd May 2023
<b>Proposal:</b>	Erection of 1no. detached dwelling with parking and associated works (resubmission of P20/03241/F)	<b>Parish:</b>	Alveston Parish Council
<b>Map Ref:</b>	362529 186599	<b>Ward:</b>	Severn Vale
<b>Application Category:</b>	Minor	<b>Target Date:</b>	25th August 2023



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P23/01490/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 is referred to the circulated schedule due to objections received from the Parish Council which are contrary to the Officer's recommendation.

### **1 THE PROPOSAL**

- 1.1 The application seeks full planning permission for the erection of a new dwelling with associated works. The application is a resubmission of previously approved application P20/03241/F.
- 1.2 Following approval of P20/03241/F, a Non-Material Amendment was made to list the plans as a condition, subsequently a variation of condition application was submitted and approved (P22/05067/RVC) to alter the red line boundary on the western side of the plot. The only material impact of this boundary alteration was that two bird boxes were repositioned from trees now outside the red line boundary to a new location in the north-east corner of the site.
- 1.3 Permission is sought to preserve the approved scheme as P20/03241/F is due to expire on 25<sup>th</sup> September 2023.
- 1.4 The application site relates to land adjacent to Willis House, 27 Gloucester Road, Rudgeway. The application site is located outside of any identified settlement boundary and is washed over by the Bristol and Bath Green Belt.

### **2 POLICY CONTEXT**

#### 2.1 National Guidance

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

#### 2.2 Development Plans

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

CS1 High Quality Design  
CS2 Green infrastructure  
CS4a Presumption in Favour of Sustainable Development  
CS5 Location of Development  
CS8 Improving Accessibility  
CS9 Managing the Environment and Heritage  
CS15 Distribution of Housing  
CS16 Housing Density  
CS17 Housing Diversity

## CS34 Rural Areas

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP7	Development in the Green Belt
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water and Watercourse Management
PSP38	Development within Existing Residential Curtilages
PSP40	Residential Development in the Countryside
PSP43	Private Amenity Standards

#### 2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007  
Residential Parking Standards SPD (Adopted) 2013  
Waste Collection SPD (Adopted) 2015 (Updated 2017)  
Development in the Green Belt SPD (Adopted) 2007

### **3 RELEVANT PLANNING HISTORY**

#### 3.1 **P22/05067/RVC**

Variation of conditions no. 5 and 7 attached to P20/03241/F to reposition bird boxes and variation of condition no. 9 to amend red line boundary as amended by application P22/03659/NMA

Approved with conditions: 07/11/2022

#### 3.2 **P22/03659/NMA**

Non material amendment to permission P20/03241/F to add the plans as a condition.

Approved: 04/08/2022

#### 3.3 **P20/03241/F**

Erection of 1no. detached dwelling with parking and associated works (resubmission of PT18/2416/F)

Approved with conditions: 25/09/2020

#### 3.4 **PT18/2416/F**

Erection of 1no. dwelling and associated works.



Refusal: 29/08/2018  
Allowed at Appeal: 13/12/2019

#### **4 CONSULTATION RESPONSES**

##### **4.1 Parish Council**

**Objection-** significant overdevelopment in the Green Belt. Also concerned regarding removal of natural habitat and trees covered by TPOs.

##### **4.2 Tree Officer**

Proposal is supported by a Arboricultural report. No objection subject to conditions.

##### **4.3 Ecology**

Previous application was supported by an ecology assessment, now three years old and considered out of date. New ecological appraisal required.

*Updated ecological assessment submitted 12/06/23*

##### **4.4 Transportation**

No objection

##### **4.5 Lead Local Flood Authority**

Application form states method of surface water disposal is via 'mains'. However this appears unachievable.

*Applicant subsequently confirmed this was an error, it will be disposed of via soakaway and SUDS as per the approved application.*

##### **4.6 Highway Structures**

No comment.

#### **Other Representations**

4.7 None received.

#### **5 ANALYSIS OF PROPOSAL**

##### **5.1 Principle of Development**

The principal of development has been established in the previously approved application.

##### **Location of development**

Willis House adjoins the eastern edge of Rudgeway defined settlement, and the application site sits immediately to the west of Willis House. Although a relatively short in length, the access road serving Willis House and Willis Brake Cottage falls half within and half outside of the settlement boundary and, as

such, is considered to demonstrate good links to the settlement. Furthermore, the furthest points of the village would be within a modest 10 minute walk. Within the appeal decision for PT18/2416/F the Inspector noted that the proposal would not result in the expansion of Rudgeway beyond the existing built form and went on to say there was no substantive evidence that there would be a fundamental conflict with the overall aims of the development plan.

## 5.2 **Green Belt**

It is noted the parish council have objected on the grounds of the proposal being 'overdevelopment in the Green Belt'. However, this was addressed in the previous applications. Taking into account the appeal decision for P18/2416/F, the proposal is considered to represent 'limited infilling in a village'. This is in compliance with paragraph 149 of the NPPF and is therefore deemed acceptable in Green Belt terms.

## 5.3 **Design and Visual Amenity**

The design, appearance and site layout of the proposed development is identical to that previously approved under applications P20/03241/F and P22/05067/RVC. The proposal is therefore not considered to be overdevelopment and is deemed acceptable in regard to the impact on the character and appearance of the area. That said, to ensure a high-quality finish in accordance with policy CS1 of the Core Strategy, a condition will be included on the decision for the external facing materials to be agreed in writing by the council.

## 5.4 **Residential Amenity**

Given the design of the proposed dwelling would be identical to that previously approved, the previous assessment of the impact on residential amenity would not materially change. As such, there are no objections in regard to residential amenity impact.

## 5.5 **Transportation**

The proposed access and off-street parking arrangements are unchanged from the previous application. As such, there would be no severe impact to highway safety and no objections are raised in terms of transport.

## 5.6 **Ecology**

The previous application (P20/03241/F) was supported by an ecological report that identified that the site offers a potential habitat for bats, birds and hedgehogs. Suitable mitigation was proposed within the report. However, the council's ecologist stated that this report is now considered out-of-date. An amendment to the proposed mitigation measures was submitted and approved as part of the variation of condition application (P22/05067/RVC).

5.7 Subsequently, an update to the previous ecological assessments has been provided for the new application. An 'ecological walkover' of the site was carried out to update the previous surveys which, considering the history of the

site, is deemed acceptable by the case officer. The habitats were found to be broadly unchanged from those described in the 2020 report, the areas where there have been changes hold low and moderate ecological values. The habitat of highest ecological value remains the broadleaved woodland on the northern edge of the site and this is to be retained as part of the proposals. The recommendations made for mitigation of protected species within the 2020 report are still valid, these have been listed within the updated ecological assessment (Ethos, July 2023). A lighting strategy has also been submitted which suitably reduces light spill on the western and northern elevations to avoid impact on foraging/commuting bats. As such, there is no objection in regard to ecology impact, subject to suitably worded conditions.

#### 5.8 **Trees**

The council's tree officer has requested that the excavation and installation of the stilt holes are subject of a watching brief, however the 'stilts' referred to in the report were part of the original 2019 design which was altered in the approved 2020 scheme. The agent confirmed this report was submitted in error.

- 5.9 An arboricultural report and tree protection plan were submitted, agreed and conditioned as part of applications P20/03241/F and P22/05067/RVC. The agent has subsequently re-submitted the conditioned arboricultural report to supersede the initially submitted document. Given the proposal is unchanged from the previous submission, the report is still deemed valid and can be appropriately conditioned.

#### 5.10 **Archaeology**

The application site lies within the boundary of the medieval settlement of Rudgeway. The same archaeological report has been submitted to support this application and it should therefore be assumed that it is also acceptable. Therefore, subject to a condition for the approved programme of mitigation measures and measures for outreach and publication to be implemented in all respects, no objection is raised.

#### 5.11 **Equalities**

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

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

## **6 CONCLUSION**

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

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

## **7 RECOMMENDATION**

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

## **CONDITIONS**

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

### Reason

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

2. Prior to the commencement of the relevant works, details of the external facing materials proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

### Reason

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

3. The submitted written scheme for investigation for archaeological monitoring (compiled by RKD Archaeological Solutions on 23rd August 2019) shall be implemented in all respects, unless the Local Planning Authority agrees in writing to any variation.

### Reason

In the interest of archaeological investigation or recording, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

4. Works shall be carried out in accordance with the approved Arboricultural Report and Tree Protection Plan compiled by Silverback Arboricultural Consultancy Ltd (April 2020), received by the council on 15th August 2023.

Reason

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

5. The development shall proceed in strict accordance with the Mitigation Measures provided in the Ecological Assessment (Ethos Environmental Planning, November 2020) and Updated Ecological Assessment (Ethos Environmental Planning, July 2023). This will include the clearance of vegetation outside bird nesting season, prevention of injuries to hedgehogs and badgers, and provision of small gaps in any boundary fencing. The proposed bird boxes shall be installed in accordance with the ecological report update (Ethos Environmental, April 2022).

Reason

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

6. The development shall proceed in accordance with the submitted Lighting Strategy (Designs for Lighting, April 2020). All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason

In the interests of conserving the local biodiversity, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the National Planning Policy Framework.

7. The development hereby permitted shall not be occupied until bird and bat boxes have been installed in accordance with details shown on Figure 3 of the Ecological Report Update (Ethos Environmental Planning, April 2022).

Reason

In the interests of conserving the local biodiversity, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the National Planning Policy Framework.

8. Prior to the first occupation of the development, the off-street parking facilities for vehicles and cycles must be implemented in accordance with the approved Site Plan (received by the council on 28th April 2023) and shall be retained for such purpose thereafter.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; and Policy PSP16 of the South Gloucestershire Local Plan; Policies, Sites and Places Plan (Adopted) November 2017.

9. The development hereby permitted shall take place in strict accordance with the following plans:

Received by the Council on 28th April 2023:

Existing Site Location Plan

Floor Plans

North & West Elevation

South & East Elevation

Site Plan

Landscape Proposals

Reason

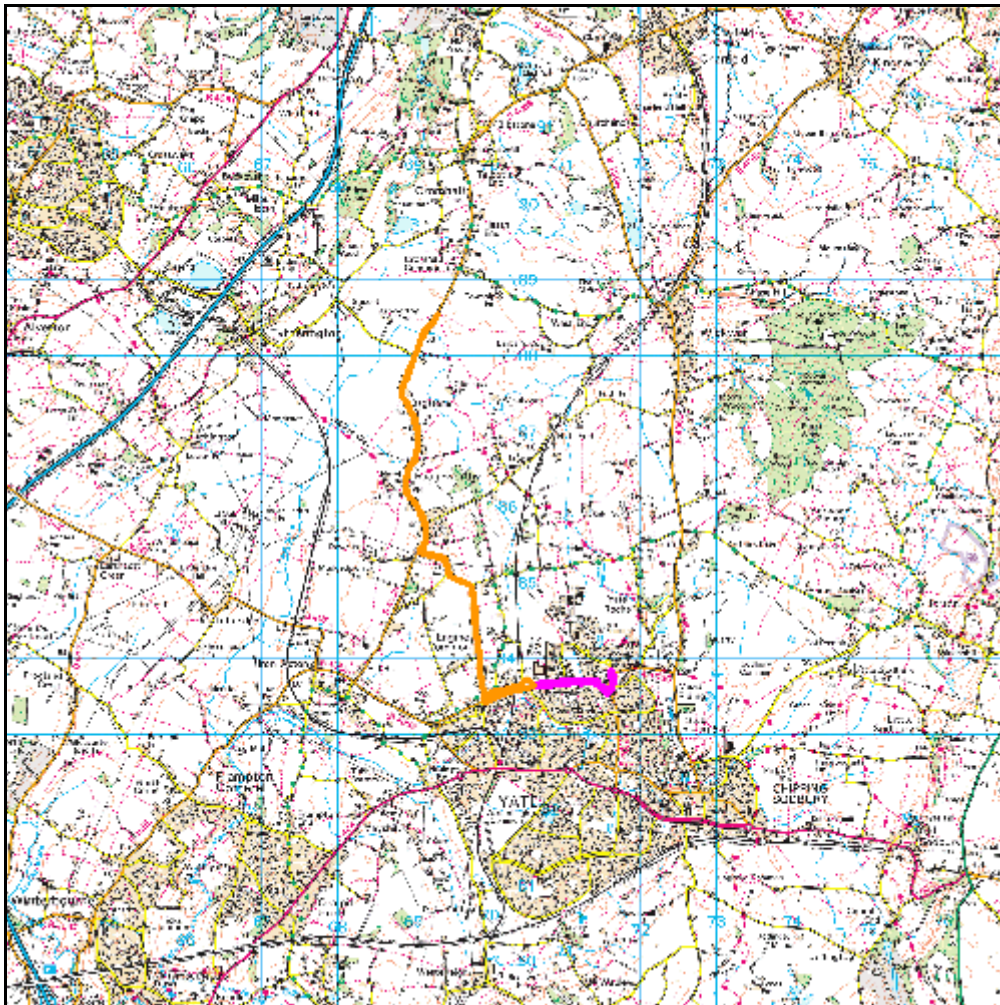
To define the terms and extent of the permission

**Case Officer: James Reynolds**

**Authorising Officer: Suzanne D'Arcy**

**CIRCULATED SCHEDULE NO. 33/23 -18th August 2023**

<b>App No.:</b>	P23/01646/F	<b>Applicant:</b>	Rag Lane Solar Ltd
<b>Site:</b>	Land Between Rag Lane And Eastfield Drive Yate South Gloucestershire GL12 8BD	<b>Date Reg:</b>	26th May 2023
<b>Proposal:</b>	Installation of underground grid connection between Rag Lane Solar Farm and Chipping Sodbury Substation and associated works.	<b>Parish:</b>	Rangeworthy Parish Council
<b>Map Ref:</b>	368917 186503	<b>Ward:</b>	Frampton Cotterell
<b>Application Category:</b>	Major	<b>Target Date:</b>	24th August 2023



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100023410, 2008.

N.T.S.

P23/01646/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 that are contrary to the findings of this report and the officer recommendation.

Three responses have been received marked as objections. Two have been received from the same party which counts as one response (objection) and an additional objection received. A further response has been received which whilst not explicitly objecting, could be construed as such.

The report is circulated with one outstanding matter relating to ecology following a query from the Council's ecology officer. It is anticipated that that this will be addressed before the end of the report being on the schedule. But if this is not the case, the report is circulated now for expediency to allow the decision to then be held and then issued once the query has been addressed to the satisfaction of the Council's ecology officer. If there are any other material changes or it is proposed to depart from the Ecology officer's recommendation, the application is to be re-circulated.

### **1. THE PROPOSAL**

- 1.1 Planning permission is sought for the installation of underground grid connection between the Rag Lane solar farm and Chipping Sodbury substation.
- 1.2 Usually, such works would be permitted development in planning terms as the works would be carried out by a statutory undertaker. However, in this case, the developer has opted to undertake the works themselves and so they do not benefit from permitted development rights as these are only available to statutory undertakers. It should be noted that this report will consider the planning issues only, and the actual installation in the highway will be subject to consent from the highway authority under the necessary section 50 license.
- 1.3 The application site boundary is unusual in that follows the public highway from the Rag Lane solar farm (approved by virtue of P20/24180/F) to the Substation in Chipping Sodbury (off Eastfield Drive). The route follows the B4058 South through Bagstone and Rangeworthy, before turning onto Manor Road, then North Road through Engine Common (Southwards). The route then follows Goose Green Way Eastwards, where it eventually adjoins Peg Hill heading North, over the roundabout and onto Eastfield Drive.
- 1.4 The site boundary by reason if its length is within both the open countryside and designated settlements (Rangeworthy, Engine Common and Yate/Chipping Sodbury). A very short leg of the route between the Southern end of Rangeworthy and Engine Common where the route passes along Manor Road is in the Green Belt. The site location can therefore be summarised as open countryside, settlement boundary and Green Belt.



- 1.5 Once the development has been carried out (i.e., the cable laid in the highway), there would be no above ground changes, structures, or buildings proposed and so this application is in effect for an engineering operation. It is envisaged that works would take between 25-45 weeks with three teams working across the route.

## **2. POLICY CONTEXT**

### **2.1 National Guidance**

National Planning Policy Framework February 2021

National Planning Practice Guidance

### **2.2 Development Plans**

#### **South Gloucestershire Local Plan Core Strategy Adopted December 2013**

CS1	High Quality Design
CS2	Green Infrastructure
CS3	Renewable and Low Carbon Energy Generation
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS30	Yate and Chipping Sodbury
CS34	Rural Areas

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP7	Development in the Green Belt
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP17	Heritage Assets and the Historic Environment
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water, and Watercourse Management
PSP21	Environmental Pollution and Impacts

### **2.3 Supplementary Planning Guidance**

Development in the Green Belt SPD (Adopted) June 2007

Design Checklist SPD (Adopted) August 2007

Renewables SPD (Adopted) November 2014

Landscape Character Assessment SPD (Adopted) November 2014

## **3. RELEVANT PLANNING HISTORY**

- 3.1 The scale of the red line is such that a significant number of planning records would be returned which would not be relevant to this application to install a grid connection cable.

(Solar Farm)

- 3.2 P20/24180/F (approved 02/12/2021):  
Installation of a 49.99mw solar farm and associated infrastructure including substation, transformer stations, internal access road, perimeter security fence and access gates and internal access tracks.

#### **4. CONSULTATION RESPONSES**

- 4.1 Rangeworthy Parish Council  
No comments.
- 4.2 Cromhall Parish Council  
No comments have been received.
- 4.3 Iron Acton Parish Council  
No comments have been received.
- 4.4 Wickwar Parish Council  
No objection however when digging trenches in roads they must be properly filled to avoid subsidence.
- 4.5 Yate Town Council  
No comments have been received.
- 4.6 Sodbury Town Council  
No comments have been received.
- 4.7 Transport  
No objections. Informative recommended.
- 4.8 Highway Structures  
Informative recommended.
- 4.9 Conservation Officer  
No above ground assets along the proposed route that would be directly affected. Defer to Archaeology Officer in respect of below ground assets/remains of interest.
- 4.10 Archaeology Officer  
No objection but conditions will be required should permission be granted.
- 4.11 Coal Authority  
No objection. Informative provided.
- 4.12 PROW  
No objection. PROW would expect to be consulted in advance of any likely problems and temporary closures.
- 4.13 Landscape Officer

Initial comments: Confirmation is required regarding vegetation removal (is any required?); will there be works within the verge? Clarification also needed on location of site compound/working arrangements.

Updated comments: conditions required.

4.14 Ecology Officer

Initial comments: A PEA is required prior to determination and a CEMP: biodiversity will be required.

Updated comments: conditions recommended but further clarification required regarding tree works and/or removal.

4.15 Tree Officer

No objection.

4.16 Drainage (LLFA)

No objection. Informative recommended.

4.17 Wessex Water

No comments have been received.

4.18 Avon Fire and Rescue

No comments have been received.

4.19 Police DOCO

No objection or comment.

4.20 Arts and Development

No comment.

4.21 Env Policy and CC Team

Support the application.

4.22 Housing Enabling

No comments have been received.

4.23 NHS

No comments have been received.

4.24 Local Residents

3no. objection responses have been received (2no. from the same individual) and 1no. general responses has been received. These are summarised as follows:

General comments

- Why is the cable making such a circuitous route at the end?
- Surly if an existing access is used it would reduce installation time by weeks if not months and reduce the considerable disturbance to local residents

#### Objection comments

- Goose Green Way is not a quiet road
- Goose Green Way is exceptionally busy and temporary lights will cause traffic to back up
- Will cause traffic disruption
- How long will works last?
- Goose Green Way should be avoided
- Route should be shorter
- Concern about subsidence
- Two symbols on plan outside our property which are not detailed and require clarification
- Notification arrived after the closure of the consultation
- Object to roadworks affecting ability to leave our property
- Clarification required as to the protections in place to assure our safety
- Wotton Road is not a lightly used road
- Clarification sought on the impacts to water drainage

## 5. **ANALYSIS OF PROPOSAL**

- 5.1 Planning permission is sought for the installation of underground grid connection between the Rag Lane solar farm and chipping Sodbury substation.
- 5.2 As alluded to above but for the avoidance of doubt, the only reason this planning application is required is due to the works being undertaken by an 'independent connection provider' and not the DNO (a statutory undertaker). As the works are an engineering operation and the PD rights do not apply in this instance, planning permission is required as the works are development under s.55 of the TCPA 1990 (engineering operations). The developer would then, assuming planning permission is granted, need to seek separate consent from the highway authority under a s.50 license (as would a DNO using their PD rights).

#### Principle of Development

- 5.3 The application relates to an engineering operation which will take place within the confines of the adopted highway. It is noted that the applicant has been in liaison with the Council's Streetcare team to determine the most appropriate route which includes consideration of existing features/apparatus under the road surface. It is noted that comments are made querying the necessity of the route selected, however the consideration of this application must be whether what is presented is acceptable in planning terms. The cable would be a 33Kv cable laid within a trench with a minimum cover of 750mm. The cable trench would be dug in sections along the route and backfilled as the cable/ducting is laid.
- 5.4 In terms of principle, there is no policy directly relevant to what is proposed. The development would support the solar farm approved under P20/24180/F, and logically speaking, said development would not be viable if it were not able to be connected to the grid. In effect, this proposed development is ancillary works in associated with P20/24180/F, which has been deemed to be acceptable in planning terms.

- 5.5 The site boundary does cross through the Green Belt where the route heads East on Manor Road, and so this needs to be considered. The Green Belt is an area within the district where development is strictly controlled. As set out in the NPPF (para. 137), the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Local plan policy CS34 instructs that the designated Green Belt should be protected from inappropriate development. CS5 sets out that other proposals for development in the Green Belt will need to accord with the provisions of the NPPF or relevant local plan policies. As noted by the NPPF, Inappropriate development is, by definition, harmful to the Green Belt, and should be approved unless very special circumstances can be demonstrated.
- 5.6 Paragraph 149 of the NPPF sets out that new buildings should be regarded as inappropriate in the Green Belt, save for in a limited number of exceptions. Para. 149 sets out a closed list of development that is appropriate, some of which are qualified exceptions, and some are unqualified. Paragraph 150 outlines certain other forms of appropriate development, on the proviso that they preserve the openness and do not conflict with the purposes of including the land within the Green Belt. The development does not fall within any of the forms of development listed in para. 149. Para. 150 however lists engineering operations as of the additional forms of appropriate development. This development is an engineering operation and so is appropriate provided it meets the caveats of 150 (preserving openness and not conflicting with the purposes of including the land within the Green Belt).
- 5.7 The development consists of excavating the highway and burying a cable, which once implemented will leave the land in the same state as it was before, with no above grounds works or changes proposed. On that basis, there would be no reduction in openness and the development would not conflict with the purposes of including the land within the Green Belt.
- 5.8 Further to the above, there are no 'in principle' issues and so the remainder of the consideration relates to matters of highways, amenity, landscape, drainage, heritage and design.
- 5.9 Highways Consideration  
The development would take place within the highway boundary. Once complete, the development would not have any material highways or transportation impacts as it would not generate any travel demand in and of itself.
- 5.10 The implementation of the development would require consent from the local highway authority (SGC Streetcare) under a Section 50 license, as the works relate to breaking the surface of a road (this includes footways and verges). The precise location of the cable within the carriageway or otherwise would be decided between the developer and the highway authority taking into account factors such as minimising disruption. This is a separate process that the developer would need to go through and so need not be assessed here also. The highways officers raise no objections to the planning application for the

works, and on that basis per the above discussion, the development is acceptable in highway and transportation terms.

5.11 Landscape / Arboriculture

The development does not pass through any particular landscape designation; however, some works may be required within verges. The applicant has clarified that this should be avoided. However, it is possible that the section 50 license may determine that it is appropriate to install within the verge at some points. This may then require some vegetation clearance and re-instatement of the verge. Should this occur, it would be prudent to ensure that this is to an appropriate standard, and so should permission be granted, a condition will be required to secure landscaping details for any works within the highway verge (to include re-instatement).

5.12 Having reviewed the proposals, the Council's tree officer is satisfied that based on the submitted information, the development will not affect trees along the cable route.

5.13 Ecology Considerations

No designated sites are located within the site. However, the cabling will be installed along three SNCIs, Fields at Mission Road/North Road, Goose Green Way and Broad Lane Council Depot. Fields at Mission Road/ North Road SNCI is designated for its semi improved neutral grassland/ species rich neutral grassland and diverse hedgerows.

Goose Green Way SNCI is designated for its neutral grassland, marshy grassland and scrub. Water vole, nightingale, grass snake and slow worm have been noted. Broad Lane Council Depot is designated for its unimproved neutral grassland, semi- improved neutral grassland and hedgerows. A Preliminary Ecological Appraisal (The Landmark Practice, July 2023) has been submitted in support of the application.

5.14 It is understood that the proposals where possible will be restricted to areas of highway however habitats within and directly adjacent include: woodland, neutral grassland, modified grassland, hedgerows, scrub, rivers/streams, agricultural crop, and development land/sealed surface. There are a number of large trees along the east of the route. Works will be undertaken to NJUG Guidelines to avoid impacts on these trees Japanese knotweed was recorded adjacent to the cable route.

5.15 As the works are mainly contained within the highways, the main ecological concerns are around the construction phase and impacting (either directly or indirectly) adjacent habitats and protected species. The majority of the proposed cable route will be laid on or near habitats of low ecological value. However, some habitats directly adjacent to the proposed cable route maybe affected and although impacts on protected species are low precautionary measures should be followed. While some precautionary measures have been detailed other still need further consideration therefore a full CEMP: Biodiversity report should be submitted for approval. This can be dealt with by suitably worded condition, should permission be granted. A further condition should be applied to ensure works proceed in accordance with the submitted mitigation measures, which have been assessed and are considered acceptable.

- 5.16 There is however an outstanding query with regards to the removal of trees, as it is not entirely clear whether there will be any tree removal. If there is to be tree removal or tree works, then further information would be required in the form of a roost assessment for bats. This would not be the case however if no tree works or removal are proposed. This is an outstanding matter of clarification, and if the latter, it is envisaged that there would be no further ecological issues. However, this would change if tree works or removal are proposed, in which case, further information would be required.
- 5.17 In terms of procedure, due to timescales, it is considered appropriate by the case officer to move the application forward on the Circulated Schedule whilst this clarification is pending. If it is satisfactorily clarified that no works or removals are required then once this is the case, the application can be determined, and decision issued. However, if further information is required then the application would not be able to be determined until the PRA is received.
- 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.
- 5.19 The end result of the development will not have any material residential amenity impacts.
- 5.20 There will invariably be some disruption caused during construction, however this is not a reason to resist development as any such disruption will be temporary in nature.
- 5.21 Heritage (and Archaeology)  
It has been confirmed by the conservation officer that the development would not directly affect any above ground heritage assets along the cable connection route. As such, there would be no above ground heritage harm resulting from the development proposals.
- 5.22 The development comprises below ground works and so there may however be impacts caused to archaeological remains which could be present. As pointed out by the archaeology officer, there are three potential areas of concern where the new cabling may go beneath the existing road surface to a level not previously disturbed. These are the settlements of Bagstone (recorded in AD 1255), the settlement of Rangeworthy (recorded in AD 1175) and Yate Colliery 1. Rangeworthy and Bagstone likely had a small road running through them and this almost certainly is the alignment of the current road. However, this road was probably much smaller than the current road and settlement would have encroached closed to it. As such, there is the potential for either the historic road or settlement activity beneath the current road surface.

- 5.23 Yate Colliery 1 may have been larger than is depicted on the SGC Historic Environment Record ('HER'). The Council recognises that it's information about mining heritage is potentially not as thorough as that held by the South Glos Mines Research Group and so officers cannot exclude the potential that Yate Colliery went further south than it is depicted and is therefore, in part, beneath the road surface.
- 5.24 Because of this and the fact that the proposals involve a depth of at least 750mm with a 300mm wide cut, a watching brief should take place on cable installation in these areas. Although the route passes through or adjacent to other assets, it is far less likely that they survive beneath the road surface. Further to the above, should permission be granted, conditions should be applied to secure a watching brief in the first instance. Then, the results of the programme and post investigation assessment will need to be completed in accordance with the agreed details and the results suitably deposited/archived which will need to be confirmed to the satisfaction of the LPA, again by condition. Subject to this, there are no archaeological objections to the proposed development.
- 5.25 Drainage  
Comments are noted regarding drainage. It has been clarified that any existing drainage ditches will be left as existing and so the council's drainage officers do not have any objections to the proposed development. Should permission be granted, informative(s) should be added to the decision notice to remind the applicant that they may need to seek ordinary watercourse consent (OWC), which would be in the event that works occur within the channel of any ordinary watercourse. Consultation will also be required with the EA to determine whether consent from them will be needed where works take place in proximity to a main river (Ladden Brook).
- 5.26 Coal Mining Legacy  
Most of the site is within the low risk area. However, some of the site area is within the defined development high risk area. However, the Coal Authority note that the trench would be relatively shallow and so on that basis due to the earthworks being limited, a risk assessment is not requested in this case. The Coal Authority therefore do not object to the application. However, suitably worded informative(s) as recommended by the CA should be applied, should permission be granted.
- 5.27 Design and Appearance  
As the works relate to below ground works only, there are no visual or design issues with the proposed development.

### **Impact on Equalities**

- 5.28 The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between



people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

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

### **Other Matters**

- 5.30 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.

- 5.31 Comments are noted regarding subsistence. It is the developers responsibility to ensure that excavations are suitably backfilled and the Council as the highway authority will be able to monitor works where appropriate. Any potential impact on neighbouring property in the form of damage is a civil matter and not material to the determination of this planning application.

## **6. CONCLUSION**

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

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

## **7. RECOMMENDATION**

- 7.1 It is recommended that permission is **GRANTED** subject to the following conditions AND subject to the outstanding ecological query being addressed to the satisfaction of the Council's ecologist before the decision is issued.

### **CONDITIONS**

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

#### Reason

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

2. Prior to the commencement of development, a programme of archaeological investigation and recording shall be submitted to and approved by the Local Planning Authority. Thereafter, the approved programme shall be implemented in all respects,

unless the Local Planning Authority agrees in writing to any variation. For the avoidance of doubt, the programme of archaeological investigation and recording should relate to a watching brief during groundworks at Bagstone, Rangeworthy (northern settlement) and Yate Colliery 1, extents to be agreed with the Local Planning Authority.

Reason

In the interest of archaeological investigation or recording, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

3. Prior to any works taking place within any highway verge on the cable route (including vegetation clearance), landscaping details shall be submitted to cover the method of excavation, extent of vegetation removal and the proposed re-instatement (where appropriate) of the verge and any vegetation. Works shall then proceed in strict accordance with the agreed details.

Reason

To ensure that development does not have an adverse impact on existing landscaping and vegetation in accordance with PSP2 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017.

4. Prior to installation of any temporary site compound, details of the location shall be submitted to the local planning authority for approval in writing, to include details of any re-instatement works required following removal. Works shall proceed in accordance with the agreed details.

Reason

To ensure that development does not have an adverse impact on existing landscaping and vegetation in accordance with PSP2 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017.

5. The development shall proceed in strict accordance with the Mitigation Measures provided in the Preliminary Ecological Appraisal (The Landmark Practice, July 2023)

Reason

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

6. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall be written in accordance with BS42020, including mitigation details on badgers, bats, birds, dormouse, great crested newt, reptiles, hedgehog, as well as any pollution prevention measures and working methods to deal with the Japanese knotweed. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason

In the interest of preventing adverse impacts on biodiversity and to accord with PSP19 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017.

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

Reason

In the interest of archaeological investigation or recording, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

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

RLE10.v2 - proposed cable route planning boundary - overview

RLE9.v3 - proposed cable route planning boundary - detailed location plan

As received 19th May 2023

Reason

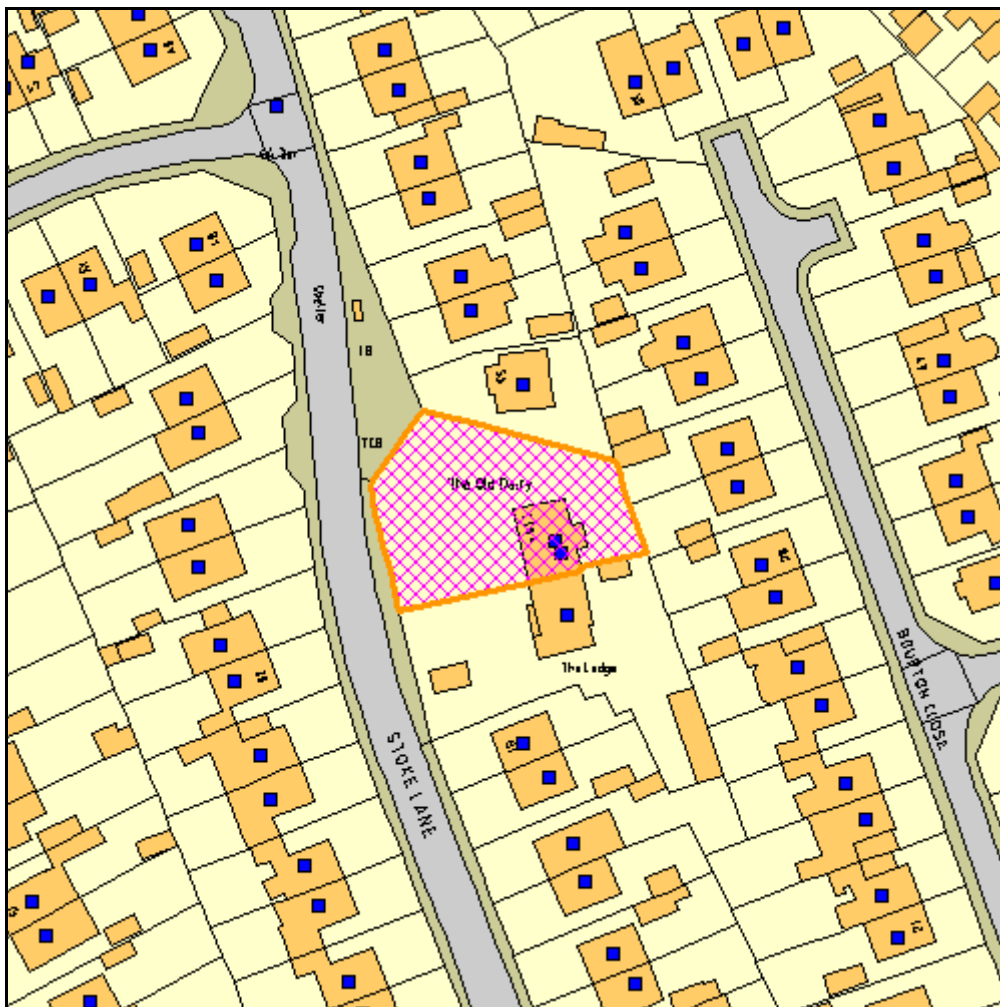
To define the exact terms of the permission.

**Case Officer: Alex Hemming**

**Authorising Officer: Suzanne D'Arcy**

**CIRCULATED SCHEDULE NO. 33/23 -18th August 2023**

<b>App No.:</b>	P23/01742/F	<b>Applicant:</b>	Mr And Mrs Smith
<b>Site:</b>	The Old Dairy Stoke Lane Patchway South Gloucestershire	<b>Date Reg:</b>	31st May 2023
<b>Proposal:</b>	Erection of two storey extension to form 1no. residential dwelling with access and associated works (Resubmission of permission P19/16541/F).	<b>Parish:</b>	Stoke Lodge And The Common
<b>Map Ref:</b>	361109 181865	<b>Ward:</b>	Bradley Stoke North
<b>Application Category:</b>	Minor	<b>Target Date:</b>	25th July 2023



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P23/01742/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**

This application appears on the circulated schedule due to the receipt of an objection comment from the Parish Council, contrary to the officer recommendation.

### **1. THE PROPOSAL**

- 1.1 This application seeks full planning permission for the erection of a two-storey extension to form 1no. residential dwelling with access and associated works (resubmission) at The Old Dairy, Stoke Lane, Patchway.
- 1.2 The applicant site comprises a large residential plot (approx. 1000m<sup>2</sup>) with the host property itself forming a two-storey building of late 19<sup>th</sup> century origin (which is neither locally nor nationally listed) and has been sub-divided into 5no. 1-bedroom flats. It is likewise noted there are no planning policies that restrict development at the site.
- 1.3 Planning permission was granted in May 2015 (PT15/0326/F) for the erection of a two-storey side extension to form a new 2-bed dwelling at the site and was subsequently re-assessed and renewed under P19/16541/F. It is understood the previous approval has since lapsed with this application seeking to re-instate permission for identical works.

### **2. POLICY CONTEXT**

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

- 2.2 Development Plans

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

CS1	High Quality Design
CS4a	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity

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

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

- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (*Adopted 2007*)  
Residential Parking Standards SPD (*Adopted 2013*)  
Householder Design Guide SPD (*Adopted 2021*)

**3. RELEVANT PLANNING HISTORY**

- 3.1 Ref: P19/16541/F. Approve with Conditions, 20.02.2020.  
Proposal: Erection of two storey extension to form 1no. residential dwelling with access and associated works (Resubmission of PT15/0326/F).
- 3.2 Ref: P19/16540/F. Approve with Conditions, 19.02.2020.  
Proposal: Conversion of existing basement area to form 1 No. flat with access and associated works.
- 3.3 Ref: PT15/0326/F. Approve with Conditions, 06.05.2015.  
Proposal: Erection of two storey extension to form 1no. residential dwelling with access and associated works. (Resubmission of PT14/3208/F).
- 3.4 Ref: PT14/3208/F. Refuse, 13.10.2014.  
Proposal: Erection of two storey extension to form 2no. self-contained flats with access and associated works.
- 3.5 Ref: PT14/3041/F. Approve with Conditions, 26.09.2014.  
Proposal: Conversion of existing basement area to form 1no new dwelling with associated works. (Resubmission of PT14/0820/F).
- 3.6 Ref: PT14/0820/F. Withdrawn, 02.05.2014.  
Proposal: Conversion of existing basement area to form 1no new dwelling with associated works.

**4. CONSULTATION RESPONSES**

- 4.1 Stoke Lodge and The Common Parish Council  
An objection is raised as the proposed access arrangements would impact on an existing traffic island and result in danger to road users and pedestrians.
- 4.2 Highway Structures Officer  
No comment to make.

- 4.3 Flood and Water Management Officer  
No objections but recommend informatives relating to surface water run-off from vehicular access routes as well as requiring consent for access arrangements from the Council's Highways Department.
- 4.4 Sustainable Transport Officer  
As there are no material changes in circumstances from the previous approval of P19/16541/F, no objections are raised subject to a condition relating to electric vehicle charging points.
- 4.5 Archaeology Officer  
No comments to make.
- 4.6 Local Residents  
One letter of objection has been received from a local resident with key points as follows:
- The proposed development would reduce safe crossing for pedestrians due the removing of existing traffic island immediately adjacent the site.

## 5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development  
The principle of development has been established under P19/16541/F through the use policy CS5, which outlined the locations in which development was considered appropriate. CS5 provides a context for locational consideration to which the applicant site is noted to sit within the formerly adopted settlement boundary of the Bristol North fringe and is therefore a sustainable areas i.e., where development should be directed.
- 5.3 On this basis, there is a presumption in favour of approving this application, but it is necessary to consider the benefit of 1no. dwelling against any adverse impacts and weigh these factors in balance.
- 5.4 Design and Visual Amenity  
Policy CS1 seeks to ensure that development proposals are of the highest possible standards of design in which they respond to the context of their environment. This means that developments should demonstrate a clear understanding of both the site and local history to ensure the character, distinctiveness and amenity is well assessed and incorporated into the proposal.
- 5.5 The proposed development is an exact replica of the previous approval which attracts substantial weight. However, the Householder Design Guide SPD has been adopted since the time of the previous assessment and confirms that a successful extension is one that is subservient in both scale and character to the host dwelling as to retain its prominence within the street scene. Whilst this has indeed been achieved – the development would be set down and back – this proposal is for the creation of 1no. dwelling and should display some quality of independence. Unfortunately, this design principle has not been

followed and raises some concern that the proposal may appear at odds within the immediate vicinity.

- 5.6 Notwithstanding the above, the application site and host dwelling are not in conformity with the rest of the street scene as a result of its age, form, scale and use of materials. Due to this, the addition of a well-designed extension, although not appearing as a separate dwellinghouse, is not as obvious as it would be in a uniform street scene. As a result, no design objections are raised.
- 5.7 Residential Amenity  
Policy PSP8 explains that development proposals will be permitted provided they do not create unacceptable living conditions or result in unacceptable impacts on residential amenities. These are outlined as follows but are not restricted to: loss of privacy, overlooking, overbearing, loss of light and noise disturbance.
- 5.8 The Householder SPD sets out how to consider residential amenity and has been adopted since the previous application. The proposed works comply with the SPD as well as policy PSP8.
- 5.9 Private Amenity Space  
Policy PSP43 provides the Council's minimum standards for private amenity space and informs new developments are expected to have access to private amenity space that is of sufficient size and functional to meet the needs of the likely number of occupants. As the development proposal would also have the effect of reducing the total amount of available amenity space for the existing property, an assessment of the host's private amenity space should likewise be conducted.
- 5.10 The proposed dwelling would support capacity for 2no. bedrooms and means a requirement of at least 50m<sup>2</sup> of functional private amenity space is needed to satisfy the parameters of PSP43. Submitted evidence confirms this standard can easily be achieved.
- 5.11 In terms of the existing property, section 1 of this report has identified the building was subdivided overtime into 5no. 1-bedroom flats, with PSP43 confirming that a 1-bedroom flat should have access to a minimum of 5m<sup>2</sup> external amenity space. Whilst the rear garden would be shared between the 5 flats, it does represent an area in excess of 100m<sup>2</sup> and confirms that the purposes of PSP43 – to provide access to functional private amenity space – would broadly be complied with. No objections are therefore raised.
- 5.12 Transport  
Policy PSP11 states that development proposals that generate a demand for travel will be acceptable provided that access is appropriate, safe, convenient and attractive for all modes of travel arising to and from the site. It also outlines that access should not contribute to serve congestion or impact on local travel routes.
- 5.13 The objections from a local resident and the Parish Council are noted, specifically, that the development would result in highway safety issues as a



result of removing the existing traffic island (located immediately adjacent to proposed vehicular crossover). In response to this, it is first acknowledged that the Transport Officer has not raised any objection to the proposed access arrangements (these were assessed in full under P19/16541/F, which is a material consideration). Likewise, there is formalised pedestrian crossing 60m to the North of the existing traffic island. Hence pedestrian safety on Stoke Lane would not be compromised or result in prejudice to footpath users. In addition, and given the development would only result in a modest intensification of road use, officers are satisfied the works comply with PSP11.

- 5.14 In terms of parking, policy PSP16 sets out the Council's criteria for parking specifications and states that parking space provision per dwellinghouse is proportionate to bedroom number. In this particular circumstance, the existing 5no. 1-bedroom flats and proposed 2-bedroom house would share the same parking area, meaning a minimum of 6no. parking spaces is needed to satisfy PSP16. Submitted evidence demonstrates 10no. parking spaces would be provided for the site and satisfies the requirements of PSP16. Further to this, cycle storage is also proposed and demonstrates an improvement on the existing parking arrangements.

5.15 Conditions

As this application is a resubmission of a previously approved scheme, a review of the conditions attached to P19/16541/F should take place to determine if they are still necessary and appropriate.

<i>No.</i>	<i>Brief Description</i>	<i>Discussion</i>	<i>Action</i>
1	Time implementation	Works have not yet begun, meaning this condition remains necessary.	Retain
2	Matching materials	There has been no change in design from the previous approval with the supporting reason (policy CS1) still valid.	Retain
3	Large Scale Details	As above.	Retain
4	Working Hours	The site and surrounding environment has not changed since the previous approval – it remains a highly residential area – and is still valid.	Retain
5	Access and car parking	Works to the site have not yet begun, so it is	Retain

<i>No.</i>	<i>Brief Description</i>	<i>Discussion</i>	<i>Action</i>
		necessary to retain this condition.	
6	Landscaping	Works to the site have not yet begun, so it is necessary to retain this condition.	Retain
NEW	Plans	A plans condition should be applied to this application as to ensure works are carried with approved details.	Apply

5.16 Planning Balance

As set out in paragraph 5.3, the provision of 1no. dwelling must be afforded weight and balanced against any harm that would arise as a result of approving the development. This report has not found any sufficient reason for refusal. In addition, the previous application (P19/16541/F) must also be afforded material weight.

5.17 In consideration of the above, the provision of 1no. dwelling towards the Council's 5 Year Housing Land Supply is of modest benefit with no demonstrable harm to outweigh this benefit. Due to this, the development proposal for 1no. dwelling is recommended for approval subject to conditions (as discussed).

5.18 Consideration of likely impact on Equalities

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

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

**6. CONCLUSION**

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

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

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

## 7. **RECOMMENDATION**

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

### **CONDITIONS**

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

Reason

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

2. The materials to be used in the construction of the external surfaces of the extension, including the tiles, render and fascia board, hereby permitted shall match those used in the existing building in terms of colour, finish, appearance and detailed execution.

Reason:

To ensure the quality of materials and finishes are high and to maintain the architectural and historic character of the original building as well as to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

3. Prior to the commencement of the relevant part of the development, large scale details (scale of 1:5) of the following items shall be submitted and approved in writing by the local planning authority:

- a. All new stone surrounds;
- b. All new cills, quoins and parapets;
- c. All new windows (to be sliding sash windows)

The works shall be completed strictly in accordance with the agreed details.

Reason:

To ensure the quality of materials and finishes are high and to maintain the architectural and historic character of the original building as well as to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

4. The hours of working on site during the period of construction shall be restricted to 0730 - 1800 on Mondays to Fridays and 0800 - 1300 on Saturdays; and no working shall take place on Sundays or Public Holidays.

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

Reason:

To protect the amenities of the occupiers of nearby dwelling houses and to accord with Policies PSP8 and PSP38 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

5. Prior to the first occupation of the dwelling hereby approved, the proposed access and parking arrangements shall be implemented in full and in accordance with the details shown on plan CA14066/100 Rev D (received on 30th May 2023).

Once completed, the access and parking arrangements shall thereafter be retained as such.

Reason:

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

6. Prior to the commencement of development a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of any to be retained; proposed planting (and times of planting); boundary treatments and areas of hardsurfacing shall be submitted to the Local Planning Authority for written approval.

Development shall be carried out strictly in accordance with the agreed details no later than the first planting season following occupation of the development hereby approved.

Reason:

In the interests of preserving the character and appearance of the site and surrounding area, and to accord with Policy CS1 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; and Policy PSP2 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

These details are required to be agreed prior to the commencement of development to avoid causing harm to existing vegetation during initial ground works.

7. The development hereby approved must be implemented in strict accordance with the following plans:
  - Site Location
  - Proposed Plans and Elevations (CA14066/100 Rev D)

Reason:

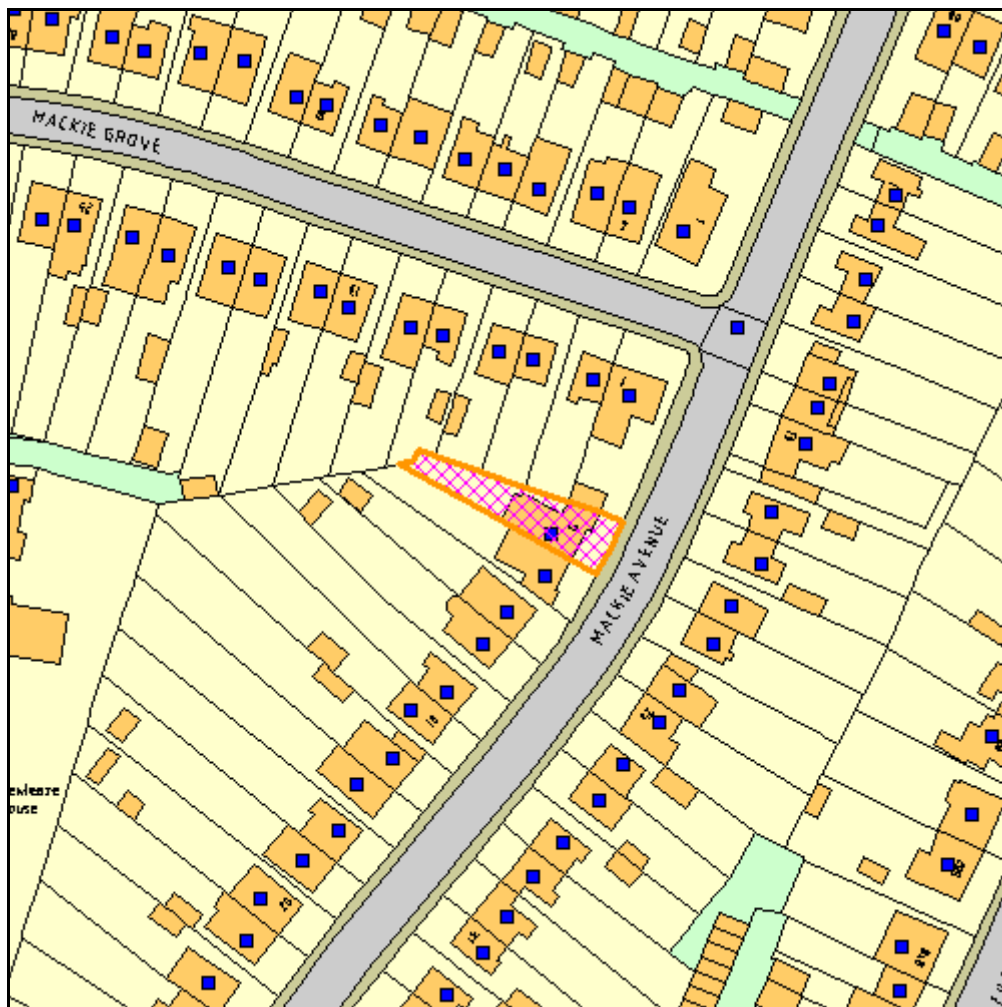
To define the extent and terms of the permission.

**Case Officer: Ben France**

**Authorising Officer: Helen Ainsley**

**CIRCULATED SCHEDULE NO. 33/23 -18th August 2023**

<b>App No.:</b>	P23/01885/F	<b>Applicant:</b>	B Colwill Innova Property
<b>Site:</b>	6 Mackie Avenue Filton South Gloucestershire BS34 7ND	<b>Date Reg:</b>	21st June 2023
<b>Proposal:</b>	Change of use from a dwelling house (C3a) to a large dwelling house in multiple occupation (sui generis) for up to seven people, including the erection of a hip-to-gable and rear dormer roof extension.	<b>Parish:</b>	Filton Town Council
<b>Map Ref:</b>	360746 178797	<b>Ward:</b>	Filton
<b>Application Category:</b>	Minor	<b>Target Date:</b>	25th August 2023



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P23/01885/F

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

## **REASON FOR APPEARING ON CIRCULATED SCHEDULE**

This application appears on the Council's Circulated Schedule procedure following an objection by the Parish Council and over 3 local resident objections, contrary of the officer recommendation detailed below.

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### **1. THE PROPOSAL**

- 1.1 Full planning permission is sought for the change of use from a dwelling house (C3a) to a large dwelling house in multiple occupation (sui generis) for up to seven people, including the erection of a hip-to-gable and rear dormer roof extension at 6 Mackie Avenue, Filton.
- 1.2 The application site is not covered by any restrictive designations. The proposed hip-to-gable and box dormer benefits from permitted development rights and has lawful confirmation by virtue of application ref. P23/01860/CLP.
- 1.3 Since the point of submission, the proposed location of the bike store has been relocated to the front of the site.

### **2. POLICY CONTEXT**

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4a	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS25	Communities of the North Fringe of Bristol Urban Area

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

PSP1	Local Distinctiveness
PSP8	Residential Amenity
PSP11	Transport
PSP16	Parking Standards

PSP38	Development within Existing Residential Curtilages
PSP39	Residential Conversions, Subdivision, and HMOs
PSP43	Private Amenity Standards

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

### 3. **RELEVANT PLANNING HISTORY**

- 3.1 P23/01860/CLP. Certificate Granted, 28/7/2023  
*Erection of hip to gable roof extension and rear dormer to facilitate loft conversion. Conversion of existing garage with replacement of garage door with a window to provide additional living accommodation. Change of use from C3 dwellinghouse to HMO (3-6 people) C4.*

### 4. **CONSULTATION RESPONSES**

- 4.1 Filton Town Council – Objection  
*“Insufficient parking facilities for C4 use.”*
- 4.2 Cllr Adam Monk – Objection  
*“There is plenty of HMO's in the area and we would hope that this would fall within the criteria of the HMO SPD. This is yet another Application through the back door.”*

#### **Other Representations**

- 4.3 Local Residents  
 11 no objections have been received, the key points are summarised below:
- Too many HMO's in local area;
  - Harm to local character;
  - Harm to parking;
  - Harm to privacy and excessive noise;
  - Harm to security;
  - Harm to local and residential amenities;
  - Increased litter; and
  - Swifts nesting in roof.

### 5. **ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development  
 Policy PSP39 within the adopted Policies, Sites and Places Plan (2017) states that where planning permission for an HMO is required, this will be acceptable, provided that this will not prejudice the amenity of neighbours. Supporting text states that the term “neighbours” should be taken to mean properties adjacent



- to, and surrounding, the application site which have a reasonable potential to be directly affected by harmful impacts arising from the proposal(s).
- 5.2 In addition, Policy PSP8 maintains that development proposals will only be acceptable provided that they do not 'have unacceptable impacts on residential amenity of occupiers of the development or of nearby properties'. Unacceptable impacts could result from noise or disturbance, amongst other factors, which could arise from HMOs functioning less like traditional single households on a day-to-day basis.
- 5.3 Prejudicing the amenity of neighbours can arise at a localised level when developments of such HMO uses are inappropriately located, or become concentrated, particularly at an individual street level. Additional Explanatory Guidance 1 of the Houses in Multiple Occupation SPD (adopted 2021), sets out that the following factors should be taken into account when determining if the proposal would prejudice the amenity of adjacent neighbours:
- Whether any dwelling house would be 'sandwiched' between two licensed HMOS; or
  - Result in three or more adjacent licensed HMO properties.
- 5.4 For the purposes of the SPD, an 'adjacent property' is any property that shares one or more boundaries with the application boundary. For example, in any streets, this would include the immediate neighbouring property or those where the rear garden is adjoining. 'Sandwiching' situations can occur even where there are limited breaks in the building line, including across private or unadopted adjacent access tracks within the curtilage of properties. 'Sandwiching' is unlikely to occur across separating roads.
- 5.5 **In the case of this application, no licenced HMOs are located either side of the site, and none share any direct boundary. This test is therefore passed.**
- 5.6 As set out in Policy CS17, providing a wide variety of housing type and sizes to accommodate a range of different households, will be essential to supporting mixed communities in all localities. Sub-division of existing dwellings and non-residential properties to form flats or HMOs can make a valuable contribution suitable for smaller households and single people as part of these mixed communities.
- 5.7 Policy CS17 does not define what is meant by 'mixed communities' in all localities. Instead, it acknowledges that implementation of this policy, and PSP39, will be made on a case basis through the development management process. Therefore, the HMO SPD aims to acknowledge that some intensification, if carried out sensitively, and where it would not adversely affect the character of an area, can contribute to the local mix and affordability of housing, viability of local services, vitality of local areas and contribute to the Council's housing delivery targets.
- 5.8 As there are localities which are already experiencing concentrations of HMOs, the SPD requires consideration of existing localities that are already

experiencing levels of HMOs which harm the ability to support mixed communities and preventing impact on character and amenities, and applications which would result in a level of HMOs that could contribute towards harmful impacts.

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

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

5.10 For the purposes of this assessment, a 'locality' is defined by a statistical boundary known as a Census Output Area.

5.11 In the case of 6 Mackie Avenue, licenced HMO properties currently represent:

- **3.6 Percent of households in the Census Output Area; and**
- **2.1% of properties within a 100m radius**

5.12 The principle of change of use to an HMO is therefore complies with policies PSP39, PSP8 and CS17 and the SPD.

#### Residential Amenity

5.13 With regards to the amenity levels for the future residents, concerns are raised with relation to the outlook from room no. 7 due to the absence of any windows which provide direct forms of outlook. However, the room would benefit from 3no skylight windows, for which would extend from below 1.5m at finished floor level to almost 2m. As such future residents would have some form of outlook, albeit diminished in quality. Nonetheless, with 3no lights provided, the room would benefit from high levels of natural light. Taking a balanced judgement, the quality of living accommodation from this room is acceptable. All other room are provided with windows, which would deliver acceptable levels of outlook and access to natural light.

5.14 In terms of outdoor amenity space, policy PSP43 sets out minimum standards for private amenity space, however there is no set standards for HMOs. Using this policy as a reference, a 1no. bed flat should have access to a minimum for 5m<sup>2</sup> amenity space. Using this standard, 7 x 1bed. flats would require 35m<sup>2</sup> amenity space. The rear garden would be able to accommodate this, and as such is considered that sufficient private amenity space would be provided for future occupants.

5.15 With regards to the impacts on the neighbouring residents, as already set out, the principle of the change of use is not considered to significantly impact upon residential amenity. Whilst consultation comments note harm to privacy, there would be no increased change from existing levels. Whilst the new dormer

could result in an additional point of outlook, it has been considered lawful under permitted development in any regards and thus outside control of the local development plan. With regards to noise, there is no reason why the proposed slight intensification of the residential use of the property would lead to unacceptable levels of noise and disturbance. Nonetheless, should neighbours find the harm unacceptable, action can be implemented by the Council's environmental protection team. In terms of litter, there is no evidence to suggest the use of a property as a HMO results in increased litter. Nonetheless, bin and recycling stores are being provided, thus providing appropriate means for external waste storage. A condition can be attached to the decision to ensure these are fully installed prior to first occupation. The application is therefore acceptable in terms of residential amenity.

#### Parking

- 5.16 There is currently no policy-compliant parking spaces on site. The existing garage measures 5.3m deep and is less than 3m width, other than the first metre (due to the angled wall) falling short of the minimum policy requirement of 6m x 3m. With regard to the driveway, at 3.9m in length it also falls short of the minimum requirement of 4.8m.
- 5.17 As the existing garage can be converted to a habitable room and the house converted to a small HMO for up to 6 people under PD rights, the conversion to a 7 bed HMO would therefore require 1 extra off-street parking space.
- 5.18 Looking at Mackie Avenue and the surrounding area within a 200m walking distance, the majority of houses have off-street parking and there are significant sections of road where there are no driveways to prevent on-street parking, therefore it is not considered a survey is necessary to find 1 additional on-street parking space and that 1 additional vehicle being parked on the highway would not result in any unreasonable harm to highway safety. It should also be noted that the site is in a very sustainable location and within a short walking / cycling distance of UWE where future residents are likely to be studying. Taking a balanced review, no objections are raised with the shortfall of 1 parking space given the highly sustainable area and availability of parking in the locality.
- 5.19 With regards to the provision of cycle storage, following discussions with the applicant, this has been moved to the front section of the property thus providing a much more suitable arrangement in terms of accessibility. The storage provisions would provide 1 space per room (7 total), and would be secure and covered. A condition can be attached to the decision to ensure these are fully installed prior to first occupation. As such, no objections are raised with regards to parking.

#### 5.20 Design

With regards to design, the external works are covered by virtue of permitted development rights. This forms a significant material consideration in the development of a fall-back position, as such, no objections are raised. The relocation of the bike store to the front would not result in a level of unreasonable harm to the host property or street scene.

### 5.21 Ecology

With regards to the comments regarding the swallows nesting in the roof space, no evidence has been presented to demonstrate that this is the case. Nonetheless, this does not form a material consideration as the dormer extension would be development by virtue of permitted development rights.

### 5.22 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 is considered to have a neutral impact on equality.

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

7.1 That planning permission be **GRANTED**.

### CONDITIONS

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

#### Reason

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

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

Received by the council on 15th June 2023: The Location Plan, Elevations Proposed, and Proposed Floor Plan. Received by the council on 14th August 2023: Existing and Proposed Block Plans (Rev C).

#### Reason

To define the terms and extent of the permission.

3. The development hereby permitted shall not be occupied until the waste and recycling stores have been completed in accordance with the approved plans. Thereafter, all refuse and recyclable materials associated with the development shall either be stored within this dedicated store/area as shown on the approved plans, or internally within the building. No refuse or recycling material shall be stored or placed for collection on the public highway or pavement, except on the day of collection.

Reason: In the interests of public health, highway safety, visual amenity, to comply with policies PSP1 and PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) 2017, policies CS1 and CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013, and the provisions of the NPPF.

4. The development hereby permitted shall not be occupied until the cycle parking provision shown on the approved plans has been completed. The cycle provision shall be available for the parking of cycles thereafter.

Reason: To ensure sufficient levels of cycle parking is provided and to comply with policies PSP11 and PSP16 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) 2017, policies CS1 and CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013, and the provisions of the NPPF.

**Case Officer: Thomas Smith**  
**Authorising Officer: Helen Ainsley**